

# HIGH COURT OF JAMMU AND KASHMIR

## CIRCULAR

No.: 21

Dated: 28-05-2020

### Re: FUNCTIONING OF DISTRICT COURTS

1. All the courts shall publish and issue a weekly Cause List on last working day of the week, which shall displayed on the website of the court.
2. For the time being only urgent matters shall be heard in the manner provided herein.
3. The Advocates/Litigants shall mention their matter(s) for hearing giving the following details:
  - a) *Details of court*
  - b) *Date of hearing*
  - c) *Title, Number and Stage of the matter(s)*
  - d) *Mobile Number (associated with whatsapp) of the litigants/advocate from which he intends to appear through video call.*
  - e) *Grounds of urgency before the concerned court be mentioned through e-Mail/whatsapp message/SMS by 3:30 pm on the last day of the preceding week. Upon satisfaction about the urgency, the Court may hear such matter(s) through Video Conferencing/Video Call.*
4. The following cases shall be treated as **urgent matters**:
  - i) **Bail**
  - ii) **Domestic Violence Act.**
  - iii) **Cases of Maintenance.**
  - iv) **Custody of children.**
  - v) **Matters involving Injunctions.**
  - vi) **Cases/applications fixed for final hearing.**

5. *The urgent cases shall not be adjourned. All courts shall ensure that the above category of cases are heard and effective proceedings take place.*
6. *It is further provided that in no case criminal cases shall be heard, adjourned, unless the court finds the adjournment of the same beyond following day to be necessary for special reasons to be recorded.*
7. All the courts shall make an endeavor to hear the cases through Video Conferencing, observing the protocol of '**Social Distancing**'.
8. Court complex shall be accessible only to advocates/litigants in person with actual scheduled hearings.
9. The concerned Presiding Officer shall arrange for the court rooms to be divided by the clear '**Plastic Sheets/Glass/acrylic Partitioning**' ensuring separation of the Presiding Officers and staff from lawyers/litigants.
10. In the event a lawyer/litigant in person is unable to establish e-contact with the court, the court shall make arrangements for such lawyers/litigant in person to make his submissions using e-facilities within the court complex(s). It shall be the responsibility of the Presiding Officer(s) to make appropriate arrangements in this regard so that cases can be conducted seamlessly. Wherever need arises the Principal District Judge (s) shall facilitate the necessary arrangements.
11. In case lawyers are unable to reach the courts, they would stand permitted to make their submissions from their residences/offices.
12. In all cases for hearing, written arguments shall be submitted by emails by Advocates/litigants in person, subject to permission for oral submissions, if the lawyers/litigants so request.
13. *Every member of Bar shall provide mobile numbers/landline phone number and emails to the office of the Principal District Judge within day of issuance of this Circular. These shall be displayed on the court website.*
14. To the extent possible the Courts/Magistrates shall use Video Conferencing in all cases especially those relating to remand.
15. In cases of exceptional urgency when Video Conferencing is not available, remote hearing may be done by Video Call.
16. The concerned Judicial Officer shall arrange mobile handsets enabled with whatsapp mobile app for his/her Court and shall also notify the mobile

numbers to be used for Video calling on the official website of the concerned District Court.

17. To ensure identification, all requests for Video Calls must include a photograph of party and the lawyer. Courts would save the request and whensoever possible, download the same and keep it in the concerned file.
18. The court concerned shall ensure that physical record of the full case/application, proceedings filed on e-mode and orders is prepared and maintained.
19. Video Calling shall be initiated, terminated and controlled at the Court end only and its recording shall be maintained by the Court concerned for its internal use.
20. Hearing through video calling shall commence during court hours on the date notified and video call shall be initiated from the Court end only on the whatsapp number provided by the Advocate/litigant.
21. *The Bar Associations and their members may also explore any alternative possible methodologies and inform the same in writing to the Registrar Judicial. The suggestion received which would be considered for implementation, if deemed appropriate. The guiding principle shall be to maximise expeditious justice dispensation while ensuring health and safety of all concerned and compliance with the prescribed Government Guidelines on COVID-19 issues and SOPs.*
22. *All the Judges may also examine and suggest any appropriate alternatives/local alternatives.* The same may be communicated to the Registrar General for obtaining appropriate order.
23. The advocate/litigant allowed to be heard through Video Conferencing/Calling has to be available and ready at least 30 minutes before the scheduled time and Advocate/Litigants shall ensure that robust internet connectivity, sufficient power back, adequate lightening, proper acoustics etc., are available at remote end.
24. *All Bar rooms, lawyers chambers, canteens etc shall remain closed.* However, Principal District Judge(s) at headquarters and the Presiding Officer(s) in the Taluka Courts may notify timing when the lawyers chambers could be accessed by the lawyers only for the purpose of taking out

briefs/books. No litigant or any other person shall be permitted entry into the chambers.

25. *These instructions shall take effect from 1<sup>st</sup> June 2020 conditional upon removal of restrictions on movement by the Government and be subject to alteration/modification/addition as the situation may demand from time to time.*
26. *Directions made in all prior Circulars, to the extent that they are not contrary to anything contained herein, shall continue to be strictly applied.*

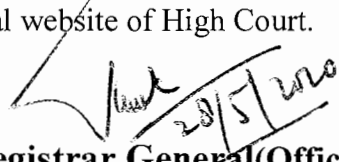
Sd/-  
**(GITA MITTAL)**  
**CHIEF JUSTICE**

No.: 45250-60/RG

Dated : 28.05.2020

**Copy of the above forwarded to the:-**

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, Jammu;
2. Secretary to Hon'ble Mr./Mrs. Justice \_\_\_\_\_  
.....for information of their Lordships.
3. Registrar Vigilance, High Court of J&K, Jammu;
4. Registrar Rules, High Court of J&K, Jammu;
5. Registrar Computers, High Court of J&K, Jammu;
6. Registrar Judicial, High Court of J&K, Jammu/Srinagar;  
.....for information.
7. All Principal District Judges of the Union Territories of Jammu & Kashmir and Ladakh with the request to circulate the same among the Judicial Officers under their jurisdiction.
8. Secretary, Jammu and Kashmir High Court Bar Association, Jammu/Srinagar for information.
9. Secretaries of all District Bar Associations of Union Territories of Jammu & Kashmir and Ladakh.
10. Director Information, Government of Union Territories of Jammu & Kashmir with request to give wide publicity to the Circular in print and electronic media.
11. Incharge NIC for uploading the same on the official website of High Court.

  
**Registrar General(Officiating)**