

From,

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District & Sessions Judges, State of Uttarakhand.
2. Principal Judge/Judges, Family Courts, State of Uttarakhand.
3. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Principal Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, House of Doctor Poonam Gambhir, Vaidik Kaya Ayurvedic Center, I st Floor, House No. 85/1, Laxmi Road, (Near Favvara Chauk), Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, House No.23/16, Circular Road, Dalanwala, Dehradun, 248001.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Uttarakhand Public Service Commission, Haridwar.

C.L.No. 14/Inspection/2023

Dated: July 10th, 2023

Subject: Regarding Court and Case Management.

Madam/Sir,

In continuation of various Circular Letters dealing with subject mentioned above and other issues affecting the administration of justice, Hon'ble Court issues following directions for compliance in letter and spirit: -

Control on the judicial work of his/her own Court:-

1. The Presiding Officers should have data of the cases pending in their Courts handy, so as to have a complete picture of cases of their

Court. It may be kept in individualistic manner by each Presiding Officer viz. pendency category wise cases, like Section 25 of the Arms Act, 1959, other Acts cases, Injunction Suits, Suits for Cancellation of deeds, etc.

2. The Presiding Officers should have an estimate of cases pending at different stages, i.e. as to how many cases are fixed for argument, framing of issues/charges, at evidence stage, etc.
3. JustIS App available to all the judicial officers should invariably be used for this purpose. This App contains dash board, cause list, year-wise breakup, case type, stage of cases, etc. A list of important cases, which are to be prioritize for various reasons, can also be maintained in this App.

Presiding Officer Diary:-

4. For better Court & Case management, it is advisable that Court/Presiding Officer Diary be maintained by the Presiding Officer in his/ her own handwriting.

Estimation of time that may be taken up:-

5. The Presiding Officers while posting a case for a future date, should have a stock of approximate time that may be taken on a future date vis-á-vis cases already posted on that day, so that, a case may not be adjourned for want of time and there may be full utilization of working hours.

Arrangement of cases:-

6. The Presiding Officers are directed that arrangement of cases in the cause list/P.O. Diary should be in a manner that cases at the same stage be clubbed at one place, such as, cases at the stage of appearance at one place, for framing of charges at one place & so on.

Control on case proceedings:-

7. At each stage of the suit/case, the Presiding Officers should peruse the file thoroughly and see what is to be done. He/she should either record the order-sheet on his own or should dictate it without leaving it to the Court Reader or other official.

Control of Presiding Officer:-

8. Presiding Officer is the master of his/her Court. Reader and other officials in his/her Court should act only under his/her instructions. Fixing of dates is the domain exercised by the Presiding Officer. This work cannot and should not be left to the Reader or other official. Cases in the Court should be called on the instructions of the Presiding Officers.

Duty of Presiding Officer on receiving of pleadings/charge sheet:-

9. There should be proper application of mind at these stages. The Presiding Officer should examine the pleadings of the parties so as to frame proper issues. Presiding Officer should undertake the task of framing of issues seriously as framing of proper issues is the foundation on which evidence would be led by the parties. Examination of parties as provided u/o 10 C.P.C. should be taken recourse to. Like-wise, before taking the cognizance and framing of charges, charge-sheet should be scrupulously examined. This work should not be left to the Stenographer/ Reader.

Ensure integrity of proceedings in a criminal trial:-

10. There is a set procedure provided in Code of Criminal Procedure, how a criminal trial would proceed. There are various steps which are required to be complete before adverting to next stage of trial. At each stage of trial, the Presiding Officers should ensure that all

steps required to be completed and complied upto that stage, have been completed. It should also be reflected in the order-sheet.

Framing of charges & statement u/s 313 Cr.P.C.:-

11. In a criminal trial, framing of charges & recording of statement u/s 313 Cr.P.C. are important stages. The task of framing of charges should not be left with Stenographer/prosecutor. It should be dictated by the Presiding Officer himself/herself. Likewise, for preparing statement u/s 313 Cr.P.C., relevant questions to be put to accused should be framed by the Presiding Officer himself/herself and answers given by the accused should either be recorded by the Presiding Officer himself/herself or after hearing the accused, should be dictated on computer. In no case, it should be left in the hand of Stenographer/Reader to record the statement. However, for framing relevant questions, the Court may take help of prosecutor and defence Counsel.

Time Management:-

12. In order to have a better time management and utilization of Court time, there should be a time-fixed for each act to be done in a Court. It would make Court and Case Management easier. For example, if charges are to be framed, there should be a particular time, for example, just after taking bail applications. Similarly, the judgments, as far as possible, should be delivered at a particular time, as may be convenient to each officer. It would be convenient for the lawyers and litigants also as to when their case would be called for judgment or other issues as per the stage of the case.

Hearing of arguments and delivery of judgment:-

13. The arguments should be heard in continuity, without much break and judgments should be delivered on the date fixed for delivery.

Rehearing of the arguments should be avoided unless there are special circumstances to re-hear on a particular point.

14. When the judgment is not pronounced and the case is fixed for rehearing of the argument, the points, which were left and on which arguments is proposed to be re-heard should also be noted in the order sheet, precisely and in clear terms.

Recording of Evidence and more than one task at one time:-

15. The recording of evidence should be guided by the Presiding Officer on his own, without any interference.
16. In no eventuality, two matters should be taken up simultaneously in the Court.

Control on the office on receiving application, wherein, record is to be summoned from the office:-

17. Application presented in the court, in which record is summoned from office, should be monitored by the Presiding Officers. Parties should not approach either the Reader or Court Clerks, for that purpose. It is the duty of the Presiding Officer to see that applications are taken in the Court within time and thereafter, if the records are to be requisitioned from the office, it is so done within time.

Bail Bonds and release orders:-

18. It is the duty of the Presiding Officer to ensure that bail bonds presented are taken up the same day and release order reaches the Jail same day. It should not be left with the Reader or the Court Clerk or Court Moharrir. It breeds corruption. The Presiding Officer should ensure that the release order is correct.

Prompt uploading of orders:-

19. It is the duty of the Presiding Officer that in Civil cases, copy of any urgent order passed has been uploaded on the website for availability under E-True Copy Module promptly. It will enhance transparency in the judicial system.

Soliciting or taking money:-

20. Illegal soliciting or taking money in any form should be stopped immediately. This is deep-rooted practice in the Courts. It brings bad name to the judicial institution. It is the duty of every judicial officer to see that no form of corruption prevails in his/her court or offices. There are many sources of corruption which an officer can easily eliminate without moving from his/her chair, but with a little care.
21. It is further directed that outside every court and office, board in English and Hindi shall be displayed, to the effect that acceptance and demand of bribe are illegal.

Taking personal service and contact with others outside official capacity:-

22. Having contact with the police except for the official capacity and personal service from any person/police/institution is not only against the Conduct Rules, but also raises a doubt upon the integrity of the officer. Thus, the police should be contacted by the Judicial Officers only for the purposes of their official work. Likewise, personal services of any kind from any person/police/institution should not be taken.

You are, therefore, requested to kindly impress upon all the judicial officers under your administrative control to comply with the above

directions issued by the Hon'ble Court pertaining to the Court and Case Management, in letter and spirit.

By the Orders of Hon'ble the Chief Justice

Sd/-
(Anuj Kumar Sangal)
Registrar General

No. 3611/Inspection/2023

Dated: July 10th, 2023

Copy forwarded for information to:-

1. P.P.S. to Hon'ble the Chief Justice with a request to place this Circular Letter before His Lordship for kind perusal.
2. PS(s)/PA(s) to Hon'ble Judge(s) with the request to place the same before His Lordship for kind perusal.
3. P.S. to Registrar General.
4. All the Registrars of the Court.
5. Secretary, High Court Legal Service Committee.
6. Officer on Special Duty (O.S.D.) of the Court.
7. Librarian of the Court.
8. Deputy Registrar (IT), High Court of Uttarakhand, Nainital to upload the Circular Letter on the official website of the Court and also to send the same to official e-mail ID of all the Judicial Officers in State Judiciary.
9. Guard File

Registrar General