

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

**WP(C) PIL no. 4/2020**  
(Through Video Conferencing  
from Srinagar Wing)

**Azra Usmail**

.....Petitioner(s)

Through:- Mr. Faisal Qadri, Adv,  
Ph. No.9419018022 (on Voice Call from his  
residence at Srinagar)

Mr. Shah Faisal, Advocate,  
(on Video Conference from residence in  
Srinagar)

Mr. Salih Pirzada, Advocate,  
(On Video Conference from residence in  
Srinagar)

Mr. Ateeb Kanth, Advocate  
(on Voice Call from Srinagar)

Mr. Taha Khalil, Advocate  
(on Video Conference from residence in  
Srinagar)

Mr. Hanan Momin, Advocate  
(on Video Conference from residence in  
Srinagar)

Mr. T. A. Lone, Advocate  
(On Voice Call from his residence in  
Srinagar)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. B. A. Dar, Sr. AAG  
(on Video Conference from his  
residence at Srinagar).

Mr. Shah Amir, AAG,  
Ph. No. 7006429903 (on Video  
Conference from his residence at  
Srinagar).

**WP(C) PIL no. 5/2020**

(Through Video Conferencing  
in Jammu)

**Court on its Own Motion**

Ms. Monika Kohli, Amicus (on Video  
Conference from her office at Jammu)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. Amit Gupta, AAG (on Video  
Conference from his residence at Jammu)  
for Govt. of UT of Jammu & Kashmir

Mr. Vishal Sharma, ASGI (on Video  
Conference from his residence at Jammu)  
for NIC

Mr. Ravinder Gupta, Advocate.  
(on Video Conference from the office of  
CGM, BSNL), for BSNL

Mr. Adarsh Sharma, Advocate  
M.No. 9419135512 (on Video Conference  
from his residence at Jammu), for Shri  
Mata Vaishno Devi Shrine Board.

Mr. K. S. Johal, Sr. Advocate  
(on Video Conference from his residence),

Mr Abhay Kumar, SIO NIC, J&K

Mr Shahzad Azim, Registrar IT (on  
Video Conference from Jammu Wing of  
High Court)

Mr Sanjeev Tyagi, Nodal Officer, BSNL  
(On Video Conference from Office of CGM, BSNL)

Ms. Shabnam Kamli, Director, ICPS  
(On Video Conference from her residence at Jammu)

**Coram:**

**HON'BLE THE CHIEF JUSTICE** (on Video Conference from residence at Jammu)

**HON'BLE MR RAJNESH OSWAL** (on Video Conference from residence at Jammu)

**ORDER**  
**16.04.2020**

1 This hearing is convened pursuant to our order dated 10<sup>th</sup> April 2020.

2. Pursuant to our last order, reports have been received on the issues which were flagged. We deal with them in seriatim.

V. **Availability of Safety Equipment to Healthcare Professionals**

3. It is pointed out by Ateeb Kanth, Advocate that in the report filed by the Health Department, only 157 technicians are available for which reason insufficient sampling is being undertaken. It is submitted by Mr. Kanth that as a result, despite the Government stand that 50,000 travellers have travelled into J&K, only 4,000 people have been tested for Covid-19.

4. Let this issue be urgently examined by the Chief Secretary, UT of J&K as well as Secretary, Health and Medical Education.

VI. **Report of the High Powered Committee (appointed in terms of the order dated 23<sup>rd</sup> March 2020 of the Supreme Court of India in Suo Motu Writ Petition (C) No. 01 of 2020) with regard to Prisoners**

*and*

IX. **Status of residents of J&K/Ladakh lodged in prisons in other parts of India**

5. Let a further report with regard to prisoners in Jammu and Kashmir who are lodged in the UT and in other parts of India before the next date of hearing placing on record steps taken after filing of the report dated 8<sup>th</sup> April 2020 by Mr. V. K. Singh, Director General of Police (Prisons), J&K. Such report be filed within ten days from today.

*VII*                    **Addressing issues of Safety, Care, Health and Violence  
against Healthcare Professionals and Clinical  
Establishments-Need for a legislative framework**

6.                    A report has been filed by Ms. Monika Kohli, learned Amicus Curiae. However, the same was received only this morning by both of us. The report requires to be examined.

7.                    We have noted in our order that 19 States and 3 Union Territories have all framed serious legislations addressing this issue. Ms. Kohli submits that the stand taken by the Ministry of Health and Family Welfare, government of India in these proceedings is most unfortunate and insensitive. Ms. Kohli points that despite the available framework and the serious pandemic issues which are being addressed by healthcare professional, these personnel are being subjected to extreme violence in a spate of incidents all over the country.

Ms. Kohli points out that valuable public property (as ambulances, police vehicles) involved in COVID-19 issues, are being stoned and damaged for which there is no compensation. It is urged that these public resources are in extreme short supply.

8.                    Ms. Kohli submits that she has come across reports from Jammu and Kashmir of an actual incident of doctors in Budgam who were held hostage by the public and of instances where doctors have been asked to vacate the hotel accommodation which they were occupying as they were engaged in undertaking Covid-19 containment and treatment measures. She submits that the issue of safety, care, health and violence against these healthcare

professionals needs to be addressed on priority in the Union Territories of Jammu and Kashmir as well as Ladakh.

9. Given the stand taken by the Ministry of Health and Family Welfare, Govt. of India which had actually drafted the Healthcare Service Personnel and Clinical Establishments (Prohibition of Violence and Damage to Property) Bill, 2019 (“Draft Bill”) and sent it for the consideration of Ministry of Home Affairs, we are of the view that before we examine the issue further, the view which was taken by the Ministry of Home Affairs needs to be placed before us.

We are informed that even public consultation on that Bill was long over.

Mr. Vishal Sharma, ASGI shall file before us the concerns and objections of the Ministry of Home Affairs on the said Bill which stood drafted by the Ministry of Health and Family Welfare.

10. In view of the above, it is necessary to have the stakeholders before us. We therefore issue notice to the following:

- (i) Indian Medical Association  
through its National President,  
IMA House, Indraprasath Marg,  
New Delhi-110002;**
- (ii) Junior Resident Doctors  
through its Secretary,  
Government Medical College, Jammu.**
- (iii) Doctors Association of Kashmir  
through its President  
Dr. Nisar-ul-Hassan, Medicine Department  
SMHS Hospital,**

**Karan Nagar,  
Srinagar.**

11. Let the order dated 10<sup>th</sup> April 2020 as well as this order be sent to the above three associations. They may send their views and comments via e-mail to the Registrar Judicial(s) in these matters.

12. Let Ms. Monika Kohli and all the counsels examine the Bill which was propounded by the Ministry of Health and Family Welfare and compare the same with the legislations enacted by the various states and UTs and make submissions there on the next date.

***VIII. Issue of impact of pollen from poplar trees***

13. We are informed by Mr. Amit Gupta, AAG that by an order dated 14<sup>th</sup> April 2020, the Chief Secretary has constituted a Committee in terms of our last order.

Mr. Amit Gupta, learned AAG seeks ten days' time to place a report before this court regarding consideration by the Committee and the decision taken before this Court.

Let the same be so done.

***XIII. Lack of efficient internet facility in the Union Territories of Jammu and Kashmir and Ladakh***

14. We have not received any report on this issue.

Let a status report be filed by the Secretary, Home Department of the UTs of Jammu and Kashmir and Ladakh before the next date of hearing.

**XIV. Issue of the impending Darbar Move**

15. Pursuant to our order dated 10<sup>th</sup> April 2020, on the above issues we have received several compliance reports which we deal hereafter.

(i) As per the order dated 10<sup>th</sup> April 2020, following information have been sought:

*“42(ii) The Secretary, Finance Department, Union Territory of J&K to provide in a tabulation, setting out Move-wise categories/ heads, figures of the finances incurred on the four Darbar Moves for the years 2018 and 2019. The various heads on which expenses has been incurred shall be provided in the tabulation.*

*(iii) The Secretary, Finance Department, Union Territory of J&K, shall provide details of the financial benefits (as Move Allowance; Temporary Move Allowance and any other) admissible to the employees. The Move-wise total financial expenditure on these counts in the four Moves for the years 2018, 2019 be provided. The Move-wise total liability be placed before us.”*

A Report dated 15<sup>th</sup> April 2020 has been filed by Mr. Amit Gupta, learned AAG on behalf of the Financial Commissioner, Finance Department.

16. We may extract hereunder the information furnished in this report:

Statement showing Number of employees moved alongwith Expenditure incurred on Annual Darbar Move April 2019											
S.No.	Department	No. of Employees Moved				Expenditure incurred (Rs. In lacs)					
		Gaz	N. Gaz	Class-IV	Total	Moving TA	Loading/unloading	Carriage	Ref.	Other	Total
1.	Civil Secretariat	430	1059	538	2027	235.66	22.27	74.77	5.70	18.93	357.43
2.	Head of Deptt's	465	5174	823	6452	963.60	15.35	27.01	0.78	6.20	1012.94
3.	Orgs/Boards/Corps	221	578	322	1121	152.70	6.47	11.53	1.13	2.77	184.60
4.	Judiciary	24	48	51	123	18.00	0.6	1.60	0.07	1.19	21.46
5.	Legislature	39	251	89	379	56.85	0.62	1.64	0.00	0.50	59.61
	<b>Total</b>	<b>1179</b>	<b>7110</b>	<b>1823</b>	<b>10112</b>	<b>1436.81</b>	<b>45.41</b>	<b>116.55</b>	<b>7.68</b>	<b>29.59</b>	<b>1636.04</b>
<b>In addition, an expenditure of Rs.1213.44 lacs has been incurred on account of TMA @ Rs.2000 per employee for 10112 employees for six months.</b>											

Statement showing Number of employees moved alongwith Expenditure incurred on Annual Darbar Move April 2018											
S.No.	Department	No. of Employees Moved				Expenditure incurred (Rs. In lacs)					
		Gaz	N. Gaz	Class-IV	Total	Moving TA	Loading/unloading	Carriage	Ref.	Other	Total
1.	Civil Secretariat	416	1075	567	2058	308.04	24.34	19.13	3.95	15.53	370.99
2.	Head of Deptt's	451	5533	871	6855	1024.31	14.09	22.00	1.01	4.94	1066.35

3.	Orgs/Boards/ Corps	211	621	330	1162	168.52	5.34	12.72	0.44	4.73	191.75
4.	Judiciary	22	55	50	127	19.05	0.59	1.58	0.05	1.24	22.51
5.	Legislature	37	231	110	378	56.70	0.70	1.63	0.00	0.34	59.37
	<b>Total</b>	<b>1137</b>	<b>7515</b>	<b>1928</b>	<b>10580</b>	<b>1576.62</b>	<b>45.06</b>	<b>57.06</b>	<b>5.45</b>	<b>26.78</b>	<b>1710.97</b>
In addition, an expenditure of Rs.1269.60 lacs has been incurred on account of TMA @ Rs.2000 per employee for 10580 employees for six months.											

Statement showing Number of employees moved alongwith Expenditure incurred on Annual Darbar Move Oct-2019											
S.No.	Department	No. of Employees Moved				Expenditure incurred (Rs. In lacs)					
		Gaz	N. Gaz	Class-IV	Total	Moving TA	Loading/unloading	Carriage	Ref.	Other	Total
1.	Civil Secretariat	430	1113	484	2027	492.35	23.895	21.394	5.976	19.099	565.714
2.	Head of Deptt's	453	4772	671	5896	1455.25	19.294	22.83	2.10	9.66	1505.14
3.	Orgs/Boards/ Corps	227	749	334	1310	322.18	6.51	13.25	0.98	4.454	347.38
4.	Judiciary	24	49	50	123	29.10	0.52	1.60	0.07	1.08	32.37
5.	Legislature	29	245	65	339	84.50	0.39	1.01	0.00	0.00	85.90
	<b>Total</b>	<b>1163</b>	<b>6928</b>	<b>1604</b>	<b>9695</b>	<b>2386.38</b>	<b>50.607</b>	<b>60.0918</b>	<b>9.126</b>	<b>30.295</b>	<b>2536.4998</b>
In addition, an expenditure of Rs.1163.40 lacs has been incurred on account of TMA @ Rs.2000 per employee for 9695 employees for six months.											

(ii). A report dated 14<sup>th</sup> April 2020 has been submitted by the Directorate of Estates in response to the directions made in Para 42 (vi, vii and x), wherein we are informed as follows:

“The answering respondents most respectfully submit the compliance report as under:-

1. *The Hon'ble Court vide its Order dated 10.04.2020 observed as under:-*

**“42. We therefore direct as follows:-**

(vi) *.....The Secretary, Estates Department shall provide details of the accommodation belonging to it as well as that which was hired houses, hotels, guest houses etc for providing accommodation to personal involved in Darbar moves in 2018 as well as 2019. The information be provided category wise.*

(vii) *The Secretary, Estates Department of the Union territory of Jammu and Kashmir shall also provide information of the rate wise and total expenses which were incurred in hiring facilities for making available accommodation to the personnel who had to make the four moves between Jammu and Srinagar (and vice versa) in 2018 and 2019...*

(x) *The Secretary, Estates Department shall submit a report with regard to the current status of the hotel/guest houses/residential facilities which are used for housing personnel on the Darbar move.*

2. *It is respectfully submitted in so far as direction no.vi is concerned, the total no. of accommodation (category wise) belonging to Estates Department involved in darbar move at Srinagar/Jammu is provided in **Table I** and the information related to total no. of hired houses, hotels, guest houses etc. for providing accommodation to personnel involved in the darbar moves in 2018 as well as 2019 is provided in **Table II**:-*

*Table I*



SNo.	Category	Total No. of Residential units of Estates Department allotted to persons involved in darbar move at Jammu.	Total No. of Residential units of Estates Department allotted to persons involved in darbar move at Srinagar.
1.	Category-I	1011	192
2.	Category-II	822	346
3.	Category-III	75	4
4.	Category-IV	134	230
5.	Category-V	49	30
6.	Category-VI	27	18
7.	Category-VII	16	15

Table II

Nature of accommodation hired	Jammu		Srinagar	
	2018	2019	2018	2019
Private Houses	307	151	80	69
JKTDC	132	125	238	253
Hotels	1425	1457	2390	2387

3. That so far as direction No. VII is concerned the information with respect to total expenses which were incurred in hiring facilities for making available accommodation to the personnel who had to make the four moves between Jammu and Srinagar (and vice versa) in 2018 and 2019 at Jammu/Srinagar, the same is provided in table III and IV respectively:-

Table III

Expenditure On account of	2018-19		2019-20	
	Summer Srinagar (May 2018 to October 2018) Amount in lakhs.	Winter Jammu (November 2018 to April 2019) Amount in lakhs	Summer Srinagar (May 2019 to October 2019) Amount in lakhs	Winter Jammu (November 2019 to April 2020) Amount in lakhs
Hotels	2902.05	983.14	3004.00	1016.63
JKTDC	821.00	410.47	771.00	410.49
Private Houses	136.00	589.44	168.00	289.92
Transport	201.81	-	150.0	-
Maintenance Charges	56.00	215.12	52.27	232.95
Hiring of Seasonal Laborer	16.04	158.98	16.43	104
<b>Total</b>	<b>4132.9</b>	<b>2357.15</b>	<b>4161.7</b>	<b>2053.99</b>

4. That so far as direction No. X is concerned it is humbly submitted that due to COVID-19 the process/arrangements which were initiated by the Estates Department for Darbar Move from Jammu to Srinagar has also been hampered, despite such impediments the efforts are being

*made by the Department for arrangements for Darbar Move from Jammu to Srinagar (May-October). Furthermore 130 Hotel Owners have expressed their interest for allotment of their Hotels in favor of Darbar Move 2020 (may-October), however, some of the hotels have been taken by District Administration for quarantine facilities for which alternative arrangements are being explored.”*

(Emphasis supplied)

(iii) A report dated 14<sup>th</sup> April 2020 in response to para 42(i) has been filed by the Additional Secretary, General Administration Department placing before us an order dated 10<sup>th</sup> April 2020 issued by the Government.

We shall consider the impact of this order on the next date of hearing after full information has been placed before us.

(iv) In para 42 clause (iv,v) of our order dated 10<sup>th</sup> April 2020, we had directed as under:-

*(iv) The Director General of Police, J&K shall provide the details of the police personnel who were involved in providing security cover to personnel involved in the Darbar Moves in 2018 as well as 2019. This information may be provided category-wise.*

*(v) The Director General of Police shall also provide the number of police personnel who have been detailed on COVID-19 related issues and duties in Srinagar.”*

In response to these directions made by us, Director General of Police has filed a report through Mr. Bashir Ahmed Dar, Sr.AAG, giving the details of the police personnel as well Central Armed Police Force (CAPF) involved in providing security cover to personnel involved in the Durbar Moves of April 2018, October 2019 and October 2019.

With regard to the directions at point (b) above, it has been submitted and stated that a total number of 10103 Police personnel have been detailed on COVID-19 related issues and duties in Srinagar/Kashmir, details whereof have been tabulated as under:-

Zone/ Wing	SSP/ SP	Dy SP	Ins pr	SI	ASI	HC	SgCt	Foll	SPO	VHG	Total
Kashmir Zone	28	71	102	243	521	963	4934	105	2456	29	9452
Armed Zone	08	10	05	04	11	53	360	27	0	0	478
Security	0	01	01	02	0	08	42	08	0	0	62
Home Guards/ Civil Defense & UT Disaster Response Force (UTDRF )	0	09	0	0	01	31	70	0	0	0	111
Total	36	91	108	249	533	1055	5406	140	2456	29	10103

(v) A report dated 15<sup>th</sup> April 2020 has been filed by Mr. Shalendar Kumar, Principal Secretary to the Government, Social Welfare Department.

Unfortunately, despite repeated orders, the Social Welfare Department is unable to comprehend the requirement/compliance which was required to be effected. In Para 7 of our order dated 10<sup>th</sup> April 2020, we had sought a report with regard to specific category of persons (i.e. dependents/families of healthcare personnel/government personnel, official engaged in Covid-19 management). This would include dependents/families of doctors, nurses, ambulance drivers, safai karamcharis, police personnel, etc who are engaged in Covid-19 issue. A 300 page report which has been sent on e-mail relating to the general response of the department to Covid-19 issues. This had not been sought by us.

Let the Social Welfare Department address the specific information sought by us.

It also appears that this report has not been submitted through learned AAG which is incorrect.

(vi) A report dated 15<sup>th</sup> April 2020 has been forwarded by Mr. Laeeq Ahmed, CPO for the IGP, Security, J&K in sealed cover purporting to be in compliance of Para 42(ix) of our order. This court has been requested to keep the report confidential. In order to decide this issue, the report would require to be scrutinized by both of us which is not possible as a single copy has been received.

We will examine this report on the next date of hearing.

(vii) We have issued directions in Para 42(viii) of the order dated 10<sup>th</sup> April 2020 to the Secretary, Transport Department/concerned department and sought details of the transportation etc. Unfortunately these details have not been furnished.

Let the Secretary, Transport Department/concerned department comply with Para (viii) within two days from today.

(viii) Directions were issued to the IGP (Traffic) in Para 42(ix) to provide details of arrangements for the Darbar Move in 2018 and 2019.

Status report on these issues has not been received.

IGP(Traffic) to ensure that information in terms of Para 42(ix) is furnished to us positively before us within two days from today in order to enable this court to complete its consideration.

Mr. Amit Gupta, AAG shall ensure compliance with our order positively.

(ix) During the hearings before us, we have found that in respect of applications moved in Srinagar, Mr. Shah Amir, AAG would request that copy of the application be served upon the Government counsel in Jammu as he had no access to the records which were in Jammu.

This has been our experience in case of matters which came up for consideration in Jammu if the Darbar was at Srinagar as well.

We direct the Secretary, General Administration Department to inform this court as to the status and location of all records of the Government of Union Territory of Jammu and Kashmir as at present. This report shall be filed within two days from today.

(x) We have observed that the Darbar Move entails loss of several working days while the records are being packed and therefore re-arranged after the move is effected.

Let the Secretary/Commissioner, Finance Department place before us an estimation of the salary bill for one week of the staff which is involved in the Darbar Move.

17. A Report by the Officiating Registrar General of the Court dated 15<sup>th</sup> April 2020.

This report is taken on record.

The Registrar General has informed this court as follows:

1. *In the above titled matter Hon'ble Division Bench vide Order dated 10.04.2020 has been pleased to direct the undersigned to place*

a report on relevant aspects of Darbar Move concerning the Court. Pursuant to the said direction, report is submitted as under:

2. In the erstwhile State of Jammu and Kashmir, the summer capital of the State from May to October used to be at Srinagar and the winter capital from November to April at Jammu. Accordingly, with the movement of the offices of Civil Secretariat and Raj Bhawan, the office of Hon'ble the Chief Justice and first Puisne Judge of the High Court alongwith Main Wing of the High Court comprising Chief Justice's Secretariat, offices of Registrar General, Registrar Vigilance, Registrar Rules, Registrar Computers, Director, Judicial Academy, Member Secretary JKSLSA, Secretary HCLSC, Chairman, Sales Tax Appellate Tribunal, One Man Forest Authority and Labour Court and Industrial Tribunal also move for the months of May to October to Srinagar and for November to April to Jammu. This practice of Darbar Move is in place from Maharaja's time.

3. After the bifurcation of the erstwhile State of Jammu and Kashmir into the two Union Territories on 31<sup>st</sup> of October, 2019 by virtue of the Jammu and Kashmir Reorganisation Act, 2019, the Darbar Move practice in the Union Territory of Jammu and Kashmir continued.

**Impact of Darbar Move concerning the Courts :**

4. The Darbar Move has huge impact on the administrative functioning of the High Court as the whole administrative record is required to be packed, transported and then un-packed. The packing of the record takes atleast one week, transportation of the record takes another week and one week for un-packing and settling the record. Thus, atleast for three weeks administrative work on one Darbar Move gets hampered.

5. In a calendar year, Darbar Moves twice – first in the last week of April from Jammu to Srinagar and then the second time in the last week of October from Srinagar to Jammu – with the result, annually administrative work gets hampered for six weeks.

6. Officially, the administrative wing of the High Court, remains closed for one week in last week of April and for another one week in last week of October so as to allow shifting of record and movement of officers and officials from Jammu to Srinagar and vice-versa.

7. As per report of Accounts Section, move officials salary bill for one week approximately comes at Rs. 2150000/- and for the six weeks comes at Rs. 12900000/-

**Packing, transportation of record and expenses thereof:**

8. As per record maintained by Accounts Section of the Main Wing of the High Court, whole record of the Main Wing (comprising offices of Registrar General, Principal Secretary to Hon'ble the Chief Justice, Registrar Vigilance, Registrar Rules, Registrar Computers

and Director, Judicial Academy) is packed in 200 trunks and 250 gunny bags. The packed record is loaded in four trucks of the State Road Transport Corporation (SRTC). Computers and other electronic items are loaded in a mini bus provided by the SRTC. The transportation charges are paid to the SRTC by the High Court.

9. Apart from transportation charges, other miscellaneous expenses are also incurred on purchase of trunks; gunny bags; packing, un-packing, loading and un-loading of record, etc.

10. The detail of these expenses for the last two years is given as under:

**Transportation Charges:**

a) Oct. /Nov. 2019 (Srinagar to Jammu)	=	Rs. 1,30,732/-
b) April/May 2019 (Jammu to Srinagar)	=	<u>Rs. 1,29,957/-</u>
<b><u>Total</u></b>	=	<b><u>Rs. 2,60,689/-</u></b>
c) Oct. /Nov. 2018 (Srinagar to Jammu)	=	Rs. 1,29,967/-
d) April/May 2018 (Jammu to Srinagar)	=	<u>Rs. 1,29,967/-</u>
<b><u>Total</u></b>	=	<b><u>Rs. 2,59,934</u></b>

**Miscellaneous Charges:**

a) Oct. /Nov. 2019 (Srinagar to Jammu)	=	Rs. 1,54,090/-
b) April/May 2019 (Jammu to Srinagar)	=	Rs. 1,68,336/-
c) Oct. /Nov. 2018 (Srinagar to Jammu)	=	Rs. 1,69,030/-
d) April/May 2018 (Jammu to Srinagar)	=	Rs. 1,72,500/-

11. Official vehicles of Hon'ble the Chief Justice, first Puisne Judge and other officers also move from Jammu to Srinagar and vice versa.

Huge fuel expenses are incurred on their movement besides expenses incurred the wear tear.

**Movement of officers and officials connected with Darbar Move and extra allowance paid thereof:**

12. As per record, 110 to 120 officers and officials of the administrative wing of the High Court move with the Darbar from Jammu to Srinagar and vice and versa. Till first Darbar Move in April/May, 2019 on each Darbar Move every officer and official, irrespective of their ranks were being paid Rs. 15,000/- as Move Allowance. Last year this Move Allowance has been enhanced to Rs. 25,000/- which is being paid in lieu of travelling expenses.

This Move Allowance is paid to Darbar officers/officials twice in a calendar year – once at the time of moving from Jammu to Srinagar in April/May and the other at the time of moving from Srinagar to Jammu in October/November.

13. This apart, each officer/official connected with Darbar Move is paid Temporary Move Allowance (TMA) @ Rs. 2,000/- per month.

14. As a result, every officer/official connected with Darbar Move is annually paid extra Rs 74000/- on account of aforesaid allowances.

15. The details of Move Allowance and Temporary Move Allowance paid by the High Court to officers/officials connected with the Darbar Move in the last two years is given as under:

**Detail of Move Allowance:**

a) Oct. /Nov. 2019 (Srinagar to Jammu)	=	Rs. 26,60,000/-
b) April/May 2019 (Jammu to Srinagar)	=	<u>Rs. 16,35,000/-</u>
<b>Total</b>	=	<b><u>Rs. 42,95,000/-</u></b>

c) Oct. /Nov. 2018 (Srinagar to Jammu)	=	Rs. 16,50,000/-
d) April/May 2018 (Jammu to Srinagar)	=	<u>Rs. 17,10,000/-</u>
<b>Total</b>	=	<b>Rs. 33,60,000</b>

**Detail of Temporary Move Allowance:**

a) In the calendar year 2019	=	Rs. 25,20,000/-
b) In the calendar year 2018	=	Rs, 26,40,000/-

16. The Jammu based officers and officials connected with Darbar Move are provided free hotel/house accommodation at Srinagar. In hotel accommodation the officials are also provided food at minimal charges of Rs 400 per month to non-gazetted employees and Rs 1000/- per month to gazette employees. The expenses on their lodging and extra expenses on their boarding are borne by the Estates Department. The details of these expenses are not available in the High Court. Kashmir based officers and officials are also provided accommodation at Jammu.

17. At the time of each Darbar Move, huge expenses are incurred by the Government on house keeping of the Government accommodations for officers/officials at both places as all such accommodations remain shut for six months period and require complete renovation for making them habitable again after six months.

18. Report is submitted for kind perusal of the Hon'ble Court.

(Jawad Ahmed)  
Registrar General (Officiating)  
High Court of J&K

Dated:- 15.04.2020”



18. Status report on behalf of Union Territory of Ladakh dated 15<sup>th</sup> April 2020 filed by Additional Secretary, Home, Ladakh through Mr. T. M. Shamshi, ASGI, which is taken on record.

Let this report be examined by the learned Amicus Curiae and shall be considered on the next date of hearing.

XVI. **Limitation on the messaging quota of the High Courts in Jammu and Kashmir and Ladakh as is imposed by NIC**

19. No report has been placed by Mr. Shahzad Azim, Registrar (IT) on this aspect.

Let the same be placed before the next date of hearing.

XVII. **e-Connectivity of Courts**

20. A status report dated 15<sup>th</sup> April 2020 on behalf of the BSNL, J&K Circle by Mr. Ravinder Gupta, Advocate which is taken on record. Let the copy of the report be furnished to Mr. Abhay Kumar, SIO, NIC, J&K as well as Mr. Shahzad Azim, Registrar (IT) to enable them to file a response.

XVIII. **Welfare of stranded migrant/contract labour, visitors**

21. Our attention is drawn to the fact that there are large number of migrant and contract labourers, visitors to places of religious importance in Jammu and Kashmir and tourist spots in Jammu and Kashmir who, on account of the lockdown, have been stranded in different locations in the Union Territory. We are informed that these people have been given temporary

shelters in mosques etc without any formal plan for their transportation back to their homes or places of their origin.

It is also submitted that these persons are living in deplorable conditions and their essential needs are not being met.

22. These persons are stated to be located in various places in the Kashmir valley including in Shopian, Srinagar and other places.

23. Let the Divisional Commissioners of Jammu and Srinagar submit a report to this court with regard to the conditions regarding the above categories of persons. We shall be informed about the locations of such persons and the measures which are being undertaken for ensuring needs of these stranded persons and the action plan regarding these persons.

24. Let the Member Secretary, JKSLSA collaborate with the authorities to supplement the steps underway in this regard.

**EMG-CM 7 of 2020 in WP(C)PIL No. 5/2020**

25. Pursuant to our last order, the matter was reexamined by the Divisional Commissioner, Jammu who has forwarded a copy of the order dated 11<sup>th</sup> April 2020 which was passed on the request. It appears that the authorities took a considered view not to accede to the request for permission made by the applicant to travel to Dera Nangali Sahib, Poonch.

26. In view thereof, Mr. K. S. Johal, Id. Sr. Counsel submits that he has instructions not to press this application.

This application is disposed of as not pressed.

**EMG-CM \_\_\_/2020 in WP(C) PIL No. 4/2020 (filed by Mr. Hanan Momin and Mr. Taha Khahil, Advocates)**

27. A reply has been filed by Secretary to the Government, Department of Food, Civil Supplies and Consumer Affairs.

28. Time is sought by Mr. Taha Khalil, Advocate to file a rejoinder thereto.

Let the same be filed before the next date.

**EMG-CM 14/2020 (filed by Ms. Deepika Mahajan)**

29. This application seeks issuance of directions for subsidized Covid-19 tests. The same is a policy matter and is required to be considered by the authorities.

30. Let this application be treated as a representation by the Department of Health and Medical Education and a view taken thereon.

This application is disposed of in the above terms.

**EMG-CM 9/2020 in WP(C)PIL No. 5/2020 (filed by Mr. R.D.Singh Bandral, Advocate)**

31. Issue notice.

32. Mr. Amit Gupta, learned AAG accepts notice.

Let a reply, if any, be filed before the next date.

**EMG-CM 3 of 2020 in WP(C)PIL No. 4/2020** (filed by Mr. M. K. Mansoor, Advocate).

33. Issue notice. Let the notice be sent by e-mail which shall be accompanied by copy of the application.

34. Mr. B. A. Dar, Sr. AAG accepts notice.

Let the status report be filed before us.

**EMG-CM 4 of 2020 in WP(C)PIL No. 4/2020** (filed by Mr. T. A.

Lone, Advocate and Mr. Umar Mir, Advocate)

35. Issue notice in this application to the respondents.

**EMG-CM No. 2 of 2020 in WP(C)PIL No. 4/2020** (filed by Mr.

Mohammad Mubasir Gattoo-for exemption)

36. Allowed subject to just exceptions.

37. Let the deficiencies be made good as per the Circular No. 16 of 2020 dated 29<sup>th</sup> March 2020 after removal of the current lockdown.

This application is allowed.

**EMG-CM 2 of 2020 in WP(C)PIL No. 4/2020** (filed by Mr.

Mohammad Mubasir Gattoo)

38. This application seeking direction for grant of travel permission as well as return of Kashmiris stranded in Jammu.

39. Notice.

40. Let notice which shall be accompanied by copy of the application be sent by e-mail.

41. Mr. B. A. Dar, Sr. AAG accepts notice.

42. Let the status report be filed before us immediately.

43. The authorities shall ensure that all guidelines are strictly complied with.

**EMG-CM 10 & 11 of 2020**

44. These applications are concerned with, inter alia, the difficulties being faced by advocates for want of finances. These applications shall be

delinked from WP(C)PIL No.4/2020 where they have been registered and shall be treated as applications filed in Public Interest Litigation titled Lawyers Club Kashmir through Babar Jan Qadri, Advocate.

45. The issue raised is a policy matter and is required to be considered by the government.

46. Let this e-mail be forwarded to the Secretary, Department of Health and Medical Education for consideration.

**EMG-CM /2020 in WP(C)PIL no. 5/2020**

47. Issue notice.

48. Mr. Amit Gupta, AAG accepts notice.

49. Let reply, if any, be filed before the next date of hearing.

50. We find that a host of applications are filed by persons seeking personal or individual reliefs.

**E-mail dated 15<sup>th</sup> April 2020 received from Mr. Omar Salim Akhtar, DNB, Urologist, Srinagar, J&K.**

51. This e-mail seeks grant of 'temporary' registration to all previously retired private and charitable hospitals with the Union Territory and to provide them empanelment under the PMJAY until the Covid-19 pandemic issues subsides.

This issue requires a policy decision.

Let this e-mail be forwarded to the Secretary, Health and Medical Education, UT of J&K to take a view in the matter.

**EMG-CM 8 & EMG-CM 13 of 2020 in WP(C)PIL No. 5/2020**

52. An e-mail dated 13<sup>th</sup> April 2020 received from Mr. Virender Dev has been registered as EMG-CM 8 of 2020 while e-mail dated 12<sup>th</sup> April 2020

received from unnamed person identifying himself son of Lt. Zahir Hussain Keen has been registered as EMG-CM 8 & 13 of 2020 respectively.

53. Both these applications point out difficulties being faced by the Agricultural sector and farmers in J&K.

54. Notice.

55. Mr. Amit Gupta, AAG accepts notice.

56. Let a reply be filed by the Secretary, Agriculture before the next date of hearing.

**EMG-CM 12 of 2020 in WP(C)PIL No. 5/2020**

57. An e-mail dated 12<sup>th</sup> April 2020 received from Mr. Nitin Bakshi seeking directions to the Jammu Municipal Corporation regarding spraying in certain areas of Jammu has been registered as EMG-CM 12 of 2020.

58. Notice.

59. Though this application does not point out to any such matters, however, judicial notice can be taken of the fact that temperatures are rising and there may be insufficiency of the water supply in the various districts of J&K.

60. The summer months will be followed by monsoon when on account of water collection, there is increased proliferation of mosquitoes. Resultantly, vector borne diseases as malaria, dengue and chickengunia are experienced in towns all over India. The experience in J&K is no different.

61. Therefore, it is essential that the Municipal Corporations draw up an action plan to combat vector borne diseases also in anticipation of the problems which could arise in the near future.

62. It is also common knowledge that garbage and insanitary conditions encourage growth of mosquitoes and these authorities must address the garbage disposal issues as well.

63. Issue notice to the Commissioners, Jammu Municipal Corporation as well as Srinagar Municipal Corporation to examine the above problems, draw up a comprehensive action plan on the above and file a status report before this court within 10 days from today.

List on 27<sup>th</sup> April 2020.

64. The Registrar Judicial shall examine every e-mail/application if it is found that it seeks individual relief, the same shall not be registered as an application in these public interest litigations or placed before us in these PILs.

65. It is directed that all reports shall be filed at least one day before the date of hearing so that they can be numbered and paginated. Copies of the reports shall be sent to all the counsels whose e-mails are on record.

66. List Issue No. XIV for consideration on 22<sup>nd</sup> April 2020.

67. List for consideration of Issue Nos.V-IX, XIII, XVI, XVII & XVIII and EMG-CM Nos.8,9,12-14 of 2020 in WP(C)PIL No.05/2020; and EMG-CM Nos.2-4, 10&11 of 2020 in WP(C)PIL No.04/2020 on 27<sup>th</sup> April 2020.

**(RAJNESH OSWAL)**  
**JUDGE**

**(GITA MITTAL)**  
**CHIEF JUSTICE**

Jammu  
16.04.2020  
Raj Kumar