

# ANNUAL REPORT 2021







# ANNUAL REPORT 2021

### Committee for the preparation of the Annual Report

**Chairman** Justice K.R. Mohapatra **Members** Justice B.P. Routray

Justice Sashikanta Mishra

# Sub- Committee for the collection, collation and synchronization of data

Gourishankar Satapathy, Member Secretary, O.S.L.S.A Pravakar Ganthia, Registrar (Inspection) Suman Kumar Mishra, Registrar (Judicial) Sukumar Mohapatra, Additional Co-ordinator

### Sub-Committee for editing, designing and printing

Bidyut Kumar Mishra, District Judge, Cuttack Soumyak Patra, Co-ordinator, Arbitration Centre Anupam Patra, Central Project Co-ordinator Chhayakanta Dash, Special Officer (Special Cell)

#### **Pencil Sketches on the Covers**

Rabi Rath, Sculptor

Photography, layouting & printing

DIGANȚA

Bhubaneswar

For official use only

# **Contents**

	From the Desk of the Chief Justice	1
	Introduction	V
I	The High Court	
	Historical Perspective	3
	Judges	9
	Administrative Committees	13
	Registry	25
	Infrastructure	35
	ICT Initiatives	41
	Case Statistics	59
	Accounts	61
	Activities	62
II	Allied Organs	
	Odisha State Legal Services Authority	69
	Odisha Judicial Academy	80
III	Law Officers and the Bar	
	Office of the Advocate General	87
	Office of the Assistant Solicitor General of India for the High Court of Orissa	92
	High Court Bar Association	95

Angul Balangir Balasore Bhadrak Bargarh Boudh Cuttack Deogarh Dhenkanal Gajapati Ganjam Jagatsinghpur Jajpur	
Balasore  Bhadrak  Bargarh  Boudh  Cuttack  Deogarh  Dhenkanal  Gajapati  Ganjam  Jagatsinghpur	103
Bhadrak Bargarh Boudh Cuttack Deogarh Dhenkanal Gajapati Ganjam Jagatsinghpur	106
Bargarh Boudh Cuttack Deogarh Dhenkanal Gajapati Ganjam Jagatsinghpur	109
Boudh Cuttack Deogarh Dhenkanal Gajapati Ganjam Jagatsinghpur	112
Cuttack Deogarh Dhenkanal Gajapati Ganjam Jagatsinghpur	115
Deogarh  Dhenkanal  Gajapati  Ganjam  Jagatsinghpur	118
Dhenkanal Gajapati Ganjam Jagatsinghpur	121
Gajapati Ganjam Jagatsinghpur	124
Ganjam Jagatsinghpur	127
Jagatsinghpur	130
	133
Jajpur	136
	139
Jharsuguda	142
Kalahandi	145

IV

Kandhamal	148
Kendrapada	151
Keonjhar	154
Khurda	157
Koraput	160
Malkangiri	163
Mayurbhanj	166
Nabarangpur	169
Nayagarh	172
Nuapada	175
Puri	178
Rayagada	181
Sambalpur	184
Sonepur	187
Sundargarh	190

V	Significant Judgements	197

VI	Introspection and Challenges	
	Docket explosion	237
	Criminal Cases	238
	Civil Cases	239
	Loss of Working days	240
	Judge-Population Ratio	240

## Appendices

A	Committee	247
В	Table describing the Promotion of employees of various cadres by Departmental Promotion Committee	248
C	Tabular description of Cadre Strength, Working Strength & Vacancy Position of the Ministerial Officers and Staff	249
D	List of new courts established	254
E	RRDC Rules relating to preservation, scanning and destruction of disposed of records of the High Court	257
	S.O.P issued on behalf of the High Court for hybrid hearing	262
	Video Conferencing Rules, 2020 for the High Court of Orissa	265
	High Court of Orissa Live Streaming of Court Proceedings Rules, 2021	271
I	Table relating to Budgetary explanation and expenditure for Infrastructure and development of the High Court	277
	Details of separate training programs conducted by OJA during 2021	278
K	Chief Justice's letters dated 13th April and 10th October, 2021 to the District Judges	284

"The vision for the Odisha judiciary is that of a democratic, modern, dynamic and responsive institution that works to enforce the rule of law and guarantees the protection and enforcement of the rights to the people under our Constitution."



## From the desk of the Chief Justice



What you have in your hands is essentially a documentation of the working of the judiciary in Odisha in 2021, a year of both challenges and opportunities. During a large part of 2021, the functioning of the Courts in Odisha was restricted on account of the resurgence of the Covid-19 pandemic. Even as I write this, we are at the end of a 'third wave'.

While the pandemic did slow the Courts down, it did not prevent, even during the periods of total lockdown, the hearing of cases that required urgent orders. It also did not deter the filing of cases. The number of cases filed during 2021 in the District Courts and the High Court were 4,21,703 and 1,28,943 respectively, much higher than the corresponding figures of 2,84,805 and 83,506 respectively for 2020. This was possible on account of the total dedication of the judges and the staff in the High Court, the District Courts, and the lawyers.

2021 was a year of upheaval. The pandemic took away from our midst several of our relatives, close friends, members of the Bar and former colleagues. Still, there was an opportunity that presented itself for using technology to enhance the efficiency of the courts through virtual hearings. The success of these measures encouraged us to bring about several initiatives

using ICT. For the first time in Odisha, 'virtual courts' were inaugurated in Nayagarh and Angul. In Bhadrak and Malkangiri, these were expanded to function as vulnerable witness courts. Importantly, judges using these court rooms were able to schedule hearings for the virtual courts that enabled witnesses to be examined from remote locations at specified time slots.

Among the other initiatives that were launched in 2021, and about which you will read in some detail in this report, is the introduction of electronic court fees, followed by e-filing, first in the High Court and then in the district courts for which e-facilitation centers were opened. Again, for the first time, the High Court organised hands-on training for the lawyers both in the High Court as well as the District Courts. The training was imparted by judicial officers, who are certified 'Master Trainers'. Separate training sessions on the use of ICT in courts were organised for the judicial officers of the District Courts. All of these initiatives, and many more which are detailed in this report, were possible because of the hard work and support of the National Informatics Centre and the judiciary's own technical teams, led by the Central Project Coordinator.

There have been several infrastructural changes brought about in the judiciary in Odisha during 2021. Another first-of-its-kind initiative was the launch on 28th April, 2021 of the digitisation of old records of the district court at four locations - Sambalpur, Balasore, Berhampur and Cuttack. An important addition to the court infrastructure was the state-of-the-art Record Room Digitisation Centre of the High Court of Orissa, inaugurated on 11th September 2021 by Dr. Justice D.Y. Chandrachud, Judge of Supreme Court of India and Chairperson of the e-Committee of the Supreme Court. This has led to the serendipitous discovery of records of the High Court and the district courts dating back to the early 19th century which the High Court hopes to develop into a full-fledged judicial history project.

Another major infrastructure change during the year has been the shifting of Odisha Legal Services Authority as well as the Orissa High Court Legal Services Committee to a new building aptly named 'Aain Seva Bhawan', inaugurated by the Chief Justice of India, Justice N.V. Ramana, on 25th September, 2021 in the presence of Justice U.U. Lalit, Executive Chairperson NALSA and Justice Vineet Saran, Judge, Supreme Court of India and former Chief Justice of this Court. The second floor of the Aain Sewa Bhavan has a modern Mediation Centre as well as the offices of the Permanent and Continuous Lok Adalat, inaugurated by Justice A.M. Khanwilkar and Justice A.S. Bopanna of the Supreme Court of India on 20th November, 2021. On the third floor of the same building is located a state-of-the-art Arbitration Centre inaugurated on 11th December, 2021 by Justice L. Nageswara Rao, Judge, Supreme Court of India. The Aain Sewa Bhavan thus hosts a bouquet of legal services.

2021 witnessed the inauguration of seven new District court buildings at Kalahandi, Nabarangpur, Malkangiri, Koraput (Jeypore), Sonepur and Bhadrak and in the sub-divisional blocks at Anandpur in Keonjhar, Motu and Mathili in Malkangiri. It was a proud moment when, on 10th September 2021, we had Justice Vineet Saran inaugurate the civil courts complex at Odagaon in Nayagarh, where in one location spread over an area of 5 acres, the courtrooms, the bar hall, the living quarters of the judicial officers and staff have all been able to be accommodated. This was a realisation of the idea put in motion by Justice Saran when he was the Chief Justice of this High Court. The Orissa High Court website contains the videos of the live coverage of all these events.

The year has been marked by efforts to improve the general functioning and efficiency of Courts at all levels. The High Court has been de-cluttered, its entire electric cabling system replaced by a modern busbar trunking system, erected in record time. Several of the administrative sections of the High Court have been renovated and modernised.

As Chief Justice, I have had interactions in virtual mode with almost every judicial officer in the State. In 2021, I was also able to visit 26 of the 30 Districts in person, meet and interact with the judicial officers, the staff and members of the Bar. I have followed this up with letters to each of the judges on 14<sup>th</sup> April and 10<sup>th</sup> October 2021, to highlight the major areas in which we need to focus, to improve the working of our courts. On 1<sup>st</sup> October 2021, my

senior colleagues and I held a virtual interaction simultaneously with the office bearers of the Bar Associations in each of the 30 districts. This helped sort out several issues and keep the communication channels with the bar open.

The challenges before the Odisha Judiciary are many. While an observer may comment that we began with a pendency of 1.86 lakh cases and have ended the year with a higher pendency of close to 1.95 lakh cases, this may not account for the fact that with the abolition of the Odisha Administrative Tribunal, over 40,000 cases have been transferred to the High Court in 2021. Further, notwithstanding the restricted working on account of the pandemic, and the judge strength of the High Court coming down to just 13 in July 2021, the number of cases disposed of has grown from 61,335 in 2020 to 1,05,334 in 2021. Efforts are continuing to be made to increase the disposal of 'old cases' and improve the overall disposal of cases. The fact that our judge strength has grown to 18 by the end of the year, and to 21 by the time of this report, a large number of staff vacancies have been filled gives us hope that the collective output in 2022 would show a discernible improvement.

It is our constant endeavour to make the judicial institutions in Odisha more accessible, inclusive, transparent and accountable. We opened the High Court to visits by school children. This report includes an abstract of the High Court's financial accounts. It sets out many of the 'activities' concerning the staff of the High Court.

A big thank you is owed to the state and central governments that have extended financial and infrastructural support to the High Court, the police, the local administration in the districts, the print and electronic media and the public at large. Without their constant support, vigil and encouragement, the judiciary in Odisha could not have come this far.

We have a team of dedicated and committed judicial officers and staff working tirelessly to improve the functioning of the courts. We welcome constructive suggestions for improvement and will make every effort to listen to and respond to those suggestions.

The vision for the Odisha judiciary is that of a democratic, modern, dynamic and responsive institution that works to enforce the rule of law and guarantees the protection and enforcement of the rights to the people under our Constitution. The 'Preamble' of the Constitution, unveiled in every court in Odisha during 2021, will serve as a constant reminder to each one of us of this vision. We begin 2022 with the hope for a better future for the judiciary in Odisha.

Cuttack 24<sup>th</sup> February, 2022 S.Muralidhar Chief Justice "It is our constant endeavour to make the judicial institutions in Odisha more accessible, inclusive, transparent and accountable."



## Introduction



Justice B.P. Routray, Justice K.R. Mohapatra and Justice Sashikanta Mishra Committee for the preparation of the Annual Report, 2021

The Annual Report 2021 is the second such publication, after 2015, by the High Court of Orissa. It is intended to present to the reader a comprehensive statement of the functioning and the activities of the High Court. The working of the judiciary has a significant impact on the lives of the people in every section of the society and on the working of the institutions both State and non-State. It, therefore, becomes imperative, in a democracy governed by the rule of law, and under a written Constitution, that the working of the judiciary, one of the organs of the State, is made known to everyone.

This report is broadly divided into six chapters. It also has a set of Appendices at the end to explain in greater detail the information contained in the report.

Chapter I of the report is exclusively about the High Court. It begins with a brief historical account of the High Court, information about its judges, its Administrative Committees and the Registry.

During the year 2021, there has been significant augmentation of the infrastructure of the High Court and the District Courts. This includes many changes in the High Court building and the shifting of the Odisha State Legal Services Authority (OSLSA) as well as Orissa High Court Legal Services Committee to a new building named "Aain Seva Bhavan". This new building has on the second floor, a state-of-the-art Meditation Centre in one wing and the Permanent and Continuous Lok Adalat of the High Court, operating as such for the first time, in the other wing. A

modern Arbitration Centre is located on the top most floor of this building. The section on 'Infrastructure' describes all of these changes.

Information and Communication Technology (ICT) has enabled the High Court to augment the justice delivery system both in the High Court as well as in the District Courts in a major way in 2021. Many of these are first-time initiatives not tried earlier elsewhere in the country. A separate chapter titled 'ICT Initiatives' has therefore been included.

Consistent with the need for increased transparency of the working of the High Court, there are separate sub-chapters concerning 'case statistics', an abstract of the financial accounts of the High Court and all other 'activities' including the steps taken by the institution to combat the COVID-19 pandemic.

Information on allied organs such as the OSLSA and the Odisha Judicial Academy has been included in Chapter II of the report. The role played by the Advocate General's establishment, the office of the Assistant Solicitor General of India for the High Court of Orissa as well as the Orissa High Court Bar Association have been highlighted in Chapter III. Relevant information relating to all the 30 Judgeships (Districts) of the State has been presented in Chapter IV with one section being devoted to each district. Significant Judgements delivered by the High Court have been summarized in Chapter V. The

concluding Chapter discusses the challenges ahead and the need for introspection.

The year 2021 was, in more ways than one, a year of transformation for the High Court as well as the District judiciary. Several innovative ideas were implemented. Technology was used to make the judicial process more transparent and accessible to the litigant public. A substantial number of Courts in the cadres of District Judge, Senior Civil Judge and Civil Judge including Special Courts were established. New Court Complexes were made functional at many locations across the State. The existing infrastructure in the High Court as well as the District Courts was refurbished with the idea of providing a better working environment for the employees.

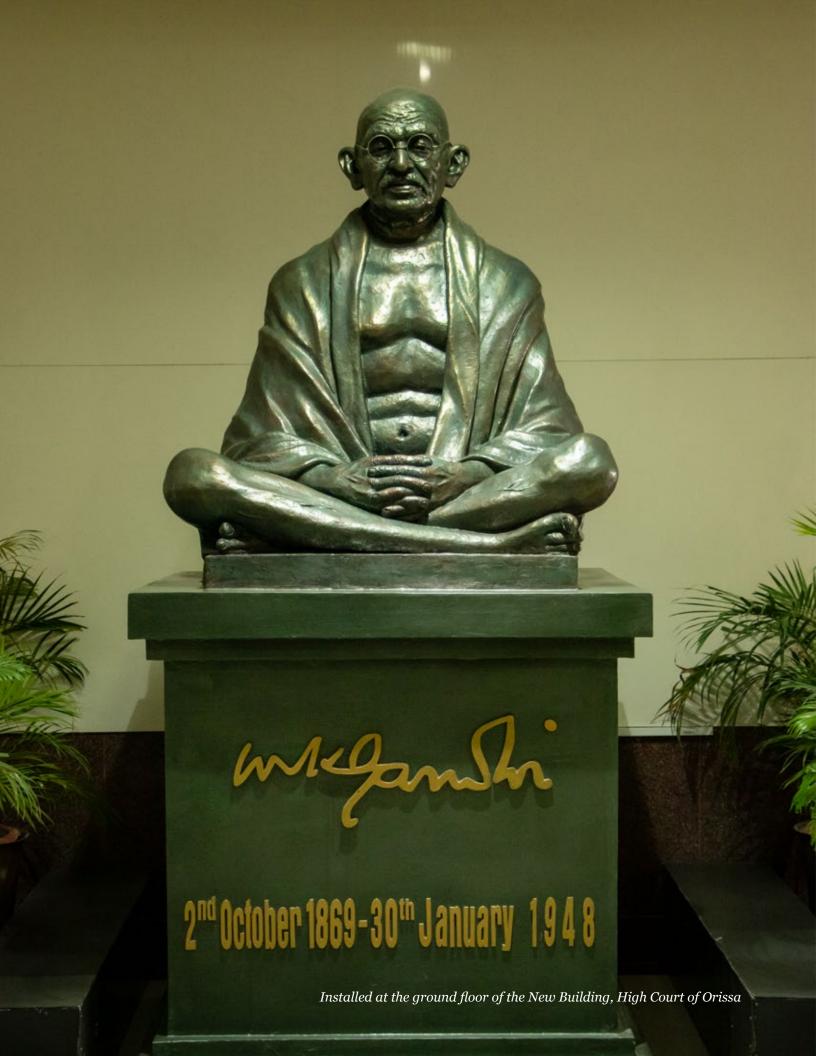
Transparency and accountability are the sine qua non for the legitimacy of the judiciary, one of the pillars of Constitutional democracy in India. The publication of the Annual Report, 2021 is intended as a step towards that end.

The Committee wishes to thank Shri Rabi Rath, Sculptor for the portrait on the cover and Dr. Manjushree Patnaik, Guest Faculty, NLUO for her assistance with the copy editing of some portions of this report. The committee also deeply appreciates the contributions of Kandi Himaja, Tiasha Mukherjee and Samyak Mohanty, Research Assistants at the High Court of Orissa.

The Chairman and the Members of the Committee

for the preparation of the Annual Report, 2021





## Historical Perspective



Insignia in the Chief Justice's Court in the old building of the High Court

#### Genesis

Odisha¹ was originally a part of the Bengal province during the colonial rule. On 22<sup>nd</sup> March 1912, a new province of Bihar and Orissa was formed. However, it was the Calcutta High Court which exercised jurisdiction over the said new province. This changed with the Patna High Court coming into existence with effect from 26<sup>th</sup> February 1916. Eleven Judgeships (Districts) in Bihar and one in Odisha were subject to the jurisdiction of the Patna High Court.

#### **Circuit Court at Cuttack**

It was ordained in the Letters Patent that one or more judges of the Patna High Court would visit Orissa by way of circuit to deal with the cases there. As a result, the Patna High Court began sitting in circuit at Cuttack from 18<sup>th</sup> May 1916. An Advocate General for Odisha was appointed. The District and Sessions Judge of Cuttack functioned as the Registrar of the Patna High Court in circuit. Welcoming the Judges at the first sitting of the Circuit Court at Cuttack, the President of the Cuttack Bar

<sup>&</sup>lt;sup>1</sup> The formal alteration of the name of the state from 'Orissa' to 'Odisha' was made effective by the Orissa (Alteration of Name) Act, 2011. The Government of Odisha on 21<sup>st</sup> March 2012, issued the Odisha Adaptation of Laws Order, 2012 making it effective from 1<sup>st</sup> November 2011. The above change was reflected by the corresponding changes in the text of the Constitution of India. However, the corresponding change in the name of the High Court awaits the change to the Orissa High Court Order, 1948.

Association, Utkala Gourav Sri Madhusudan Das, expressed the hope that a permanent bench would soon be established at Cuttack.

Four of the districts of Orissa at the relevant time, namely Cuttack, Balasore, Puri and Angul were under the jurisdiction of a single district judge. Sambalpur was under the jurisdiction of the Sambalpur-Manbhum District Judge. This situation continued till 1<sup>st</sup> April, 1936 when the separate province of Orissa was formed. From then on, there were two District judges one at Berhampur exercising jurisdiction over Ganjam, Koraput and Puri and the other at Cuttack exercising Jurisdiction over Cuttack, Balasore and Sambalpur Districts.

Meanwhile, there was a growing demand for Orissa to have its own High Court with several representations being submitted to the Government. The High Court Bar Association at Cuttack adopted a Resolution on 26<sup>th</sup> July, 1938 demanding a separate High Court for Orissa.

By resolution dated 15<sup>th</sup> August 1942, the Government of Orissa constituted a committee to examine a question of establishing a High

Court for Orissa. This committee comprised Sri Bira Kishore Ray, the then Advocate General, Odisha as Chairman and Sri Bichitrananda Das, Member of Legislative Assembly, Rai Bahadur Chintamani Acharya, President of High Court Bar Association at Cuttack, Sri D.N. Narsingh Rao, Advocate, Berhampur as Members and J.E. Maher, Superintendent and Remembrancer of Legal Affairs, Odisha as the Secretary.

The Committee's report was published on 31st December 1943. Consequent upon the government accepting the Committee's recommendations the Governor of Orissa submitted an address to the Governor General of India on 3rd March, 1948 that a High Court, be constituted for the Province of Orissa. On 30th April 1948, the Governor-General of India in exercise of the powers conferred by Section 229(1) of the Government of India Act, 1935 issued the Orissa High Court Order, 1948 providing for constitution of the High Court for the Province of Orissa from 5th July 1948. Subsequently, by Orissa High Court (Amendment) Order 1948, the date of formation was changed to 26 July, 1948.



The Old High Court Building of 1913

### The High Court of Orissa commences

The High Court was established on 26<sup>th</sup> July 1948 at Cuttack thus fulfilling the dreams and aspirations of the Odia people. The High Court started with four Judges including the Chief Justice, Justice B.K. Ray who held office till 31<sup>st</sup> October 1951

and Justice Jagannadha Das succeeded him. Justice Das was followed by Justice Lingaraj Panigrahi as Chief Justice from 4<sup>th</sup> March 1953. Justice R.L. Narsimham took oath as the Chief Justice on 22<sup>nd</sup> March 1956.



Justice Bira Kishore Ray
The First Chief Justice



Justice B. Jagannadha Das



Justice Lingaraj Panigrahi



Justice R.L Narasimham

### **Judge Strength**

The High Court began with around 1900 cases. At the time of its 30<sup>th</sup> Foundation Day in July 1978, the pendency was 7057. This included Civil and Criminal Cases. In the District Courts, during the same period, Civil and Criminal cases rose from 30,000 to 87,000. By 1978, the sanctioned strength of Judges rose from 4 to 8. It was enhanced to 12 in 1989, 16 in 1992 and 22 in 2004. As of 31<sup>st</sup> January 2021, it stood

at 27. By the time of release of this report, it stands further increased to 33 of which 22 are permanent judges and 11 are additional Judges.

The subordinate judiciary also expanded over the years from 10 District Judge cadre officers, 11 Subordinate Judges and 36 Munsifs in 1948, the number has grown steadily over the years to 240 District Judge cadre officers, 261

Senior Civil Judge Cadre officers (erstwhile Subordinate Judge) and 457 Civil Judge cadre officers (erstwhile Munsif) at present.

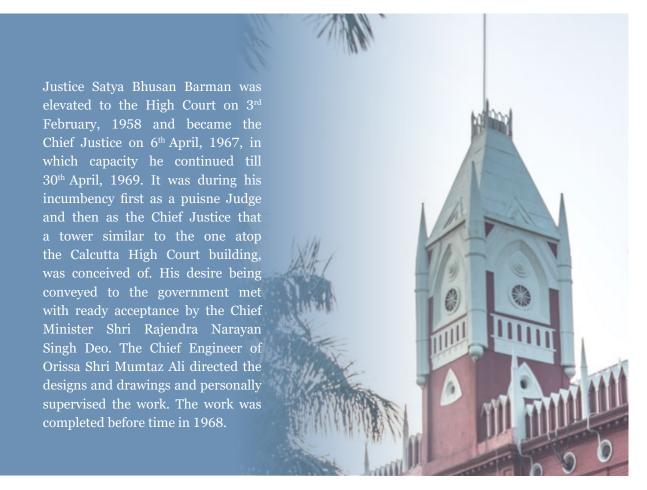
Increase in litigation and the number of courts has meant a corresponding increase in the number of support staff. From only one Registrar, a Deputy Registrar and an Assistant Registrar in 1948, the number of officers in the High Court Registry has presently grown to 29 of whom, 16 are Judicial Officers, 12 are staff of the High Court establishment and 1 is a government officer.

### The High Court Building

The High Court started functioning from an existing Civil Court building from 26th July, 1948

onwards. This was a two-storied structure in brick-red color, constructed in 1913.

In Bhavani Shankar Tripathi vs. The Government of Orissa 1992 (1) OLR 344, the Division bench of Orissa High Court held that the state legislature had no authority to enact a law to shift the seat of the High Court of Orissa from Cuttack to Bhubaneswar. To meet the growing demand of space, a plan was drawn up for an eight storied old building with carpet area of nearly 1.68 lakh square feet in conformity with the modern-day architecture blended with traditional aesthetic sense. Construction of the building commenced in the year 2008 and was completed in the year 2012 involving a cost of around Rs.65 crores. It has provision for 25 court rooms including



The Tower of the High Court

6 Annual Report 2021 High Court of Orissa

the new courtroom of the Chief justice, Judges' lounge, video conferencing hall, chambers of the Advocate General, Senior Advocates' lounge, Bar Association Hall apart from basement parking for two-wheelers of employees with adequate security arrangements. The building was inaugurated on 11<sup>th</sup> November, 2012 and made functional on 2<sup>nd</sup> January, 2014.

The new High Court building was inaugurated on 11<sup>th</sup> November, 2012. The century-old court building has now been designated as a heritage building. However, some of the courts and offices of the registry are still functioning from there.

A separate four-storied administrative block was inaugurated on 17th May 2018, to accommodate various Administrative Sections along with the High Court Dispensary, Physiotherapy Centre, Homeopathy Dispensary, a branch of the State Bank of India and the High Court Sub-Post Office. Subsequently, two floors were added in 2020.

Another six storied 'Annexe Building' was inaugurated on 16<sup>th</sup> December, 2019. It is constructed to accommodate Advocates' Clerks, the e-library of the Bar, the Women's Bar Room and the chambers of Standing Counsel of the Central and State Governments.



The new High Court building inaugurated on  $11^{th}$  November, 2012



Administrative Block

8 Annual Report 2021 High Court of Orissa



Sitting from left to right - Justice S.K. Sahoo; Justice S. Pujahari; Justice Arindam Sinha; Justice B. Mohanty; Justice Jaswant Singh, Dr. S. Muralidhar, Chief Justice; Justice C.R. Dash; Justice B.R. Sarangi; Justice D. Dash; Justice B. Rath; Justice K.R. Mohapatra Standing from left to right - Justice V. Narasingh; Justice Sashikanta Mishra; Justice M.S. Sahoo; Justice S.K. Panigrahi; Justice B.P. Routray; Justice Savitri Ratho; Justice R.K. Pattanaik; Justice A.K. Mohapatra; Justice Biraja Prasanna Satapathy; Justice Murahari Sri Raman

The sanctioned strength of the High Court of Orissa which stood at 27 throughout 2021 rose to 33 Judges in February 2022. After the transfer of Chief Justice

Mohammad Rafiq to the Madhya Pradesh High Court as Chief Justice, on 3<sup>rd</sup> January 2021, Dr. S. Muralidhar was sworn in as the Chief Justice.



Former Chief Justice Mohammed Rafiq



Dr. S. Muralidhar being sworn in as the Chief Justice of the High Court of Orissa by the Governor of Odisha on 4<sup>th</sup> January, 2021.

With the retirement of Justice Pramath Patnaik on 14<sup>th</sup> June, 2021 and Justice Kumari Sanju Panda on 9<sup>th</sup> July 2021, the working strength came down to 13 Judges.

It further came down to 12 on  $7^{th}$  October with the transfer of Justice Sanjay Kumar Mishra to the Uttarakhand High Court. It rose to 14 on  $8^{th}$  October 2021, when Justice Jaswant Singh



Justice Pramath Patnaik



Justice Sanju Panda



Justice Sanjay Kumar Mishra

of the High Court of Punjab & Haryana and Justice Arindam Sinha of the Calcutta High Court were sworn in as Judges of this Court on their transfer.

The working strength further rose to 17 on 19<sup>th</sup> October, 2021 when Justice M.S. Sahoo from the Bar and Justice R.K.Pattanaik and Justice Sashikanta Mishra from the cadre of District Judge were sworn in on their elevation to this

Court. With the swearing in of Justice A.K. Mohapatra from the Bar as Judge of this Court on 5<sup>th</sup> November 2021, the working strength stood at 18.

It further rose to 21 on 14<sup>th</sup> February, 2022 with the swearing in of Justice V.Narasingh, Justice Biraja Prasanna Satapathy and Justice Murahari Sri Raman as Judges.





Justice Jaswant Singh and Justice Arindam Sinha being sworn on 8th October 2021 by the Chief Justice





Swearing-in of Justice M.S. Sahoo and Justice R.K. Pattanaik on 19th October, 2021



Justice Sashikanta Mishra being sworn in on 19th October, 2021



Justice A.K. Mohapatra being sworn-in on 5<sup>th</sup> November, 2021

12







Justice V. Narasingh, Justice Biraja Prasanna Satapathy and Justice Murahari Sri Raman being sworn-in on  $14^{th}$  February, 2022

Annual Report 2021 High Court of Orissa

## Administrative Committees

The Chief Justice of the High Court has constituted 24 committees to deal with the administrative work of the High Court. A brief summary of the work done by each of the committees is given below.

### 1. Standing Committee

#### Chairman

The Chief Justice

#### **Members**

Justice Jaswant Singh, Justice C.R. Dash, Justice B. Mohanty, Dr. Justice B.R. Sarangi, Justice Arindam Sinha, Justice D. Dash

During 2021, Justice Sanju Panda, Justice S.K. Mishra and Justice S. Pujahari were members of this Committee till 9<sup>th</sup> July, 7<sup>th</sup> October and 7<sup>th</sup> November respectively.

The Standing Committee deals with all servicerelated matters like promotion, transfer, disciplinary matters etc. and so on of Judicial Officers belonging to the cadres of Civil Judge and Senior Civil Judge.

In 2021, 47 newly recruited Civil Judges were posted in different stations of the State. 35 officers from the cadre of Civil Judge were promoted to the cadre of Senior Civil Judge on the recommendation of this Committee.

#### 2. Review Committee

#### Chairman

The Chief Justice

#### **Members**

Justice Jaswant Singh, Justice C.R. Dash, Justice B. Mohanty, Dr. Justice B.R. Sarangi, Justice Arindam Sinha, Justice D. Dash

During 2021, Justice Sanju Panda, Justice S.K. Mishra and Justice S. Pujahari were Members of this Committee till 9<sup>th</sup> July, 7<sup>th</sup> October and 7<sup>th</sup> November, 2021 respectively.

The Review Committee reviews the performance of judicial officers immediately prior to their completing the ages of 50 years, 55 years and 58 years. The committee recommends whether they should continue in service beyond those ages. In the process, the Committee may even recommend, for the reasons to be recorded, compulsory retirement of officers found inefficient or of doubtful integrity.

In 2021, the performance of 67 officers was reviewed by the Review Committee. While 66 officers in all were found suitable to be continued beyond 50 years, 55 years and 58 years, 1 officer was recommended to be compulsorily retired.

# 3. Permanent Committee for the designation of Advocates as Senior Advocates

#### Chairman

The Chief Justice

#### **Members**

Justice Jaswant Singh, Justice C.R. Dash Advocate General, Odisha Mr. Asok Mohanty, Senior Advocate

This Committee examines the applications received from advocates and makes recommendations as per the Orissa High Court (Designation of Senior Advocates) Rules, 2019.

During 2021, Justice Sanju Panda, Justice S.K. Mishra and Shri B.K.Mahanti, Senior Advocate were Members of this Committee till 9<sup>th</sup> July, 7<sup>th</sup> November, and 9<sup>th</sup> July, 2021 respectively.

# 4. Vigilance and Disciplinary Committee

#### Chairman

The Chief Justice

#### **Members**

Justice Jaswant Singh, Justice B. Mohanty
Dr. Justice B.R. Sarangi

This committee examines complaints received against judicial officers and recommends whether they should be proceeded with by way of a disciplinary action or dropped. Complaints that are anonymous or unsupported by an affidavit or unverified are usually not entertained.

During 2021, Justice Sanju Panda, Justice S.K. Mishra and Justice C.R. Dash were Members of this Committee till 9<sup>th</sup> July, 7<sup>th</sup> November, and 9<sup>th</sup> July, 2021 respectively.

# 5. Judicial Academy and Training Committee

#### Patron-in-Chief

The Chief Justice

#### Chairman

Justice Jaswant Singh

#### **Members**

Justice S. Pujahari, Justice B. Rath Justice S.K. Sahoo, Justice Sashikanta Mishra

During 2021, while Justice S.K. Mishra, Justice D. Dash and Justice K.R. Mohapatra were members of this committee till 7<sup>th</sup> November, Justice S.K. Panigrahi continued as member till 9<sup>th</sup> July, 2021.

This Committee is entrusted with the responsibility of taking decisions regarding the training to be imparted to newly recruited judicial officers as well as continuing education to the serving ones. It finalizes the calendar of training workshops, seminars, conferences and events for the entire year. The committee elicits feedback from the participants at every workshop and training session.

A central focus of the committee is on the updation of the knowledge of judicial officers, judicial ethics, judicial skills, sensitization in the areas of gender, disabilities, social issues, poverty, access to justice and environment.

# 6. Appeal Committee for Subordinate Courts

#### Chairman

Justice Jaswant Singh

#### **Members**

Dr. Justice B.R. Sarangi, Justice S. Pujahari Justice M.S. Sahoo During 2021, while Justice Sanju Panda, Justice C.R. Dash and Justice B. Mohanty were Chairpersons of this committee for different judgeships, Justice S.K. Mishra functioned as such till 7<sup>th</sup> November, 2021.

While Justice D. Dash, Justice B. Rath, Justice S.K. Sahoo, Justice K.R. Mohapatra and Justice B.P. Routray were members of this committee for different judgeships till 9<sup>th</sup> July 2021, Justice Pramath Patnaik functioned as such till 14<sup>th</sup> June, 2021.

The Committee has been constituted in terms of Rule 10 of Chapter II of the Rules of the High Court of Orissa, 1948. It deals with appeals and representations made on the administrative side by the employees of the District Judiciary against the orders passed by Disciplinary Authorities.

Rules 22 & 23 of the Orissa Civil Services (Classification, Control & Appeal) Rules, 1962 permits the non-gazetted staff of the District Judiciary to appeal against the penalties imposed on them by the Disciplinary Authorities and the orders passed by the appointing authority respectively.

At the beginning of 2021, 34 appeals were pending. During the year, 6 new appeals were filed and 13 appeals were disposed of by the Committee. At the end of the year, 27 appeals remained pending.

# 7. Mediation Monitoring Committee

#### Chairman

Justice C.R. Dash

#### **Members**

Justice Arindam Sinha, Justice S.K. Sahoo Justice B.P. Routray, Justice S. Ratho During 2021, while Justice Sanju Panda, Justice D. Dash, Justice B. Rath were members of this committee till 9<sup>th</sup> July, Justice K.R. Mohapatra and Justice S.K. Panigrahi continued as such till 7<sup>th</sup> November, 2021.

This committee oversees the functioning of the High Court of Orissa Mediation center which was inaugurated on 3<sup>rd</sup> January, 2015.

Since then, the Mediation Centre has been catering to the needs of the litigating parties by bringing about settlement between them. As of date, 49 trained mediators have been empaneled.

A whole range of issues including family disputes, commercial matters, civil and criminal both in pending cases and at the pre-litigation stage are referred to the Mediation Center. The services of Child Psychologist are also enlisted in select cases. Four well-equipped ICT-enabled mediation rooms have been made available for this purpose at a newly inaugurated state-of-the-art mediation center.

#### 8. Arbitration Committee

#### Chairman

Justice C.R. Dash

#### **Members**

Justice Arindam Sinha, Justice K.R. Mohapatra,
Justice S.K. Panigrahi, Advocate General, Odisha,
Assistant Solicitor General of India for the High
Court of Orissa, President, High Court Bar
Association, Cuttack, Coordinator,
Arbitration Centre (Ex-Officio Member)

During 2021, while Justice B. Mohanty and Justice B. Rath were members of this committee till 9<sup>th</sup> July, Justice S.K. Sahoo continued as such till 7<sup>th</sup> November, 2021.

This committee oversees the functioning of the High Court of Orissa Arbitration Center which has recently been shifted to new premises and has six ICT-enabled Arbitration rooms with a record room and support staff.

It has on its panel of arbitrators, former Judges of the Supreme Court of India, the High Courts, former District Judges, Senior Advocates, Advocates, retired Chief Engineers and retired Bureaucrats. It has its own set of rules and a fee structure. Apart from cases referred to it by the High Court of Orissa and the District Court under the Arbitration and conciliation Act 1996, parties by mutual agreement can have their disputes resolved through Arbitration at the Centre. Seminars and workshops on arbitration law are organized by the center.

#### 9. Purchase Committee

#### Chairman

Justice C.R. Dash

#### Members

Justice B.P. Routray, Justice S. Ratho Justice A.K. Mohapatra

During 2021, while Justice D.Dash and Justice S.K. Panigrahi were members of this Committee till 7<sup>th</sup> November, Justice K.R. Mohapatra continued as such till 9<sup>th</sup> July, 2021.

In the year 2021, apart from matters relating to routine purchases, articles for combating the COVID-19 outbreak were procured on an emergency basis and supplied to the employees. The new initiatives of 2021 were the introduction of a dress code for the staff of the High Court in the Group 'A', 'B' and 'C' cadres and the introduction of provision of light refreshment for the High Court staff during working days.

This Committee deals with matters relating to purchase of articles for the Court's Establishment in accordance with the prevailing Rules and Circulars of the Finance Department of the State Government. Besides, it also deals with matters relating to disposal of movable assets of the High Court and matters relating to reimbursement claim of medical expenses of sitting and former Judges and employees of the High Court.

# 10. Rules Committee for all Rules (except under Section 123 CPC)

#### Chairman

Justice B. Mohanty

#### Members

Justice B.P. Routray Justice R.K. Pattanaik

During 2021, while Dr.Justice B.R. Sarangi and Justice S. Pujahari, were Members of this Committee till 9<sup>th</sup> July, Justice S.K. Sahoo and Justice B.P. Routray continued as such till 7<sup>th</sup> July, 2021.

This Committee, constituted in terms of Rule 7 of the Rules of the High Court of Orissa 1948, considers proposals to annul, alter or add or to make new Rules for the High Court of Orissa.

In 2021, the Committee recommended framing of several new Rules and Schemes besides suggesting amendments to the existing Rules. Significant among the suggested amendments is the one relating to preservation and destruction of old Records of the High Court. Some of the other recommendations include amendment of the Scheme for appointment of Research Assistants to the Rules and relating to syllabus for recruitment of Junior Stenographers, formulation of a scheme for the engagement of domestic help by judges on co-terminus basis

and amendments to the Orissa High Court Right to Information Rules, 2005 for waiving fees from persons belonging to the BPL category. The detailed recommendations of the Committee are tabulated at *Appendix-A*.

# 11. Information Technology (IT) and Artificial Intelligence (AI) Committee

#### Chairman

Justice B. Mohanty

#### Members

Justice S.K. Sahoo, Justice B.P. Routray
Justice S. K. Panigrahi
Justice R.K. Pattanaik

During 2021, Justice S.Pujahari was the Chairperson of both the Computer and Steering Committee for e-courts (later renamed as IT and AI committee) till 10<sup>th</sup> July, 2021. Justice B. Rath and Justice K. R. Mohapatra were the members of the AI committee till 10<sup>th</sup> July, 2021. Justice R.K.Pattanaik joined the committee as member on 8<sup>th</sup> November, 2021. This committee is charged with the task of implementing;

- a. Various initiatives of the e-Committee of the Supreme Court of India under the e-Courts project;
- Information & Communication Technology (ICT) initiatives of the High Court of Orissa;
- c. AI related initiatives under the guidance of the AI Committee of the Supreme Court.

While AI related activities of the Committee in 2021 were primarily focussed on coordinating with the AI Committee of the Supreme Court in enabling the adoption of the AI tool Supreme Court Vidhik Anuvaad Software (SUVAS) for translation of judicial documents, the ICT

initiatives undertaken by the High Court of Orissa during the year 2021 were aimed at broadening the frontiers of access to justice, inclusivity and institutional efficiency.

The detailed description of the ICT activities is included in a separate chapter hereafter.

# 12. High Court Building Committee

#### Chairman

Justice B. Mohanty

#### **Members**

Justice D. Dash, Justice B. Rath Justice Sashikanta Mishra, Justice A.K. Mohapatra

During 2021, Justice C.R. Dash and Justice Dr.B.R.Sarangi were Chairpersons of this Committee till 9<sup>th</sup> July and 7<sup>th</sup> November respectively. Justice K.R. Mohapatra and Justice Pramath Patnaik were Members of this Committee till 7<sup>th</sup> November and 14<sup>th</sup> June, 2021 respectively.

The High Court Building Committee has been constituted to plan and oversee construction and renovation of the Court and office buildings, residential accommodation for High Court Judges and Officers and staff of the High Court. This Committee also deals with matters relating to security and vehicles of the High Court.

The creation of a new record room digitization centre is described in detail in the chapter on ICT Initiatives. It was a long felt need to remove the unused, waste materials from the High Court's premises in order to maintain cleanliness and to provide a better working environment. A concerted effort was made to achieve this in 2021.

The steps taken to upgrade and modernize the administrative and judicial sections are included in the Infrastructure Chapter later in this report. That chapter also includes a narration on the new busbar trunking system to provide the modern electrical infrastructure for the High Court.

Decisions were taken for installation of CCTV cameras and introduction of Biometrics attendance system in the offices of the High Court. Besides, the Committee took note of the acute shortage of space in the barracks for the security personnel in the High Court premises and decided to recommend construction of one additional floor and the renovation of the kitchen therein.

### 13. Building Committee for Subordinate Courts

#### Chairman

Dr. Justice B.R. Sarangi

#### Members

Justice S.K. Sahoo, Justice K.R. Mohapatra
Justice S.K. Panigrahi
Justice R.K. Pattanaik

During 2021, Justice C.R. Dash and Justice S.Pujahari were Chairpersons of this Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021 respectively. Justice B.P. Routray and Justice S.Ratho were Members of this Committee till 7<sup>th</sup> November, 2021.

This Committee deals with matters relating to Buildings and infrastructure of Subordinate Courts of the State. Besides, it deals with (a) Setting up of Commercial Courts, Commercial Division & Commercial Appellate Division, (b) Disposal of NDPS cases and (c) Progress of cases under the PC & PNDT Act.

The Committee finalises the Annual Action Plans under the State Sector Schemes and the Centrally Sponsored Schemes keeping in view the requirement of new Court Buildings and residential quarters for Judicial Officers and staff. The Committee also monitors the progress of the ongoing projects and procurement of suitable sites by different Judgeships for construction of new Court Buildings, residential quarters for Judicial Officers and staff.



Aerial View of the Odagaon Civil Court Complex in Nayagarh District.

During 2021, construction of 14 Court Complexes with provision for 102 Court Halls has been completed. The newly built Model Court complex at Odagaon in the district of Nayagarh is the first of its kind in the entire country where, the court building, residential quarters of the officers, the staff and the Transit house, Bar Hall, Canteen etc. are all located within a single complex.

Besides, the construction of 19 residential quarters for Judicial Officers and 42 residential quarters for staff of the subordinate Judiciary was completed. An action Plan for an amount of Rs.74,71,73,000/- has been approved by the High Court for the execution of projects under the State Sector Scheme (projects entirely funded by the State Government) for the Financial Year 2021-22. Of the same, concurrence of the state government projects amounting to Rs.73,50,90,000/- has been received. While preparing the budget, priority has been given by the High Court for providing funds for completion of ongoing projects.

A provision has been made by the High Court for taking up of the following new non-residential and residential projects:

- 1. Five Court Complexes;
- 2. Extension of existing Court Building at Sambalpur;
- 3. 11 residential quarters for Judicial Officers;
- 4. 12 E type quarters and 6 F type quarters for the staff of the Subordinate Judiciary.

A sum of Rs.11,08,98,000/- has been allocated by the State Government for development of the infrastructure facility for the Subordinate Judiciary under the Centrally sponsored Scheme (projects funded by the Central and the State Governments in the ratio of 60:40) during the Financial Year 2021-22. Online allocation of the funds has been made to the agencies executing the ongoing projects in terms of the approved plan.

14. Departmental Promotion Committee for the Staff of the High Court (other than Group-D)

#### Chairman

Dr. Justice B.R. Sarangi

#### **Members**

Justice S.K. Panigrahi Justice R.K. Pattanaik

During 2021, Justice D. Dash was Member of the Committee till 7<sup>th</sup> November, 2021.

This Committee deals with promotion of the employees of the High Court other than the Group-D employees. Besides, it deals with recruitment of Assistant Section Officers (ASOs) in the High Court and all other recruitments except for which other Committees are constituted. It also deals with matters relating to Court Managers.

In 2021, the Committee took up promotion of various cadres and 72 employees were promoted to different cadres as indicated in *Appendix B*.

In comparison, 24 employees were promoted in 2016, 86 employees in 2017, 45 employees in 2018, 49 employees in 2019 and 62 employees in 2020 were promoted to various cadres.

The Committee initiated and completed the recruitment of Assistant Section Officers. The examination for selection of Assistant Section Officers included a preliminary test, a written test, a computer test followed by a viva voce. In 2021, 202 vacancies were advertised and 79,775

applications were received. Out of them, 55,169 candidates appeared in the Preliminary test and 9,109 candidates qualified. 7,854 candidates appeared in the Mains Examination and 219 candidates qualified. Finally, 212 candidates appeared in Viva Voce and 157 qualified. 45 vacancies reserved for Scheduled Tribe candidates remained unfilled.

The examination for the recruitment of Junior Stenographers involved a test in English, a test in the knowledge of computers and skill test. In 2021, 29 vacancies in the post of Junior Stenographer were advertised and 1091 applications were received. Out of them, 836 candidates appeared in the English test and 376 candidates qualified. Of them, 204 candidates qualified in the computer test. Finally, only 8 candidates qualified in the skill test.

#### 15. Examination Committee

#### Chairman

Dr. Justice B.R. Sarangi

#### **Members**

Justice D. Dash, Justice K. R. Mohapatra,
Justice B. P. Routray
Justice R. K. Pattanaik

During 2021, Justice B. Mohanty and Justice S.Pujahari were Members of this Committee till 9<sup>th</sup> July, 2021.

This Committee deals with examination for

recruitment of Officers in the cadre of District Judge by way of direct recruitment from the Bar and the Limited Competitive Examination. Consequent upon directions of the Supreme Court in Malik Mazhar Sultan v. U.P. Public Service Commission (C.A.No.1867/2006) an Examination Cell has been constituted and is functioning from 17th August 2021 onwards, under the supervision of Registrar (Examination), a Senior Judicial Officer in the cadre of District Judge who has been brought to the High Court on deputation. One Superintendent with two ASOs and one Class-IV staff are working in the Cell. Other recruitment examinations are also entrusted by the Chief Justice to the cell from time to time.

For 17 vacancies of 2020 to be filled up in the cadre of District Judge by way of direct recruitment from the Bar, 434 applications were received pursuant to the advertisement issued on 5th June, 2020. Of these 258 candidates appeared in the written test held on 29th November 2020 and only 5 candidates qualified for the viva voce held on 30th July, 2021. However, none of these 5 who were interviewed in the viva voce held in the full complement of the High Court, could qualify. In the Limited Competitive Examination, the quota of 5 vacancies of 2020 ought to be filled up, however, none appeared in this quota.

Every effort is made to ensure that the new recruits meet the rigorous standards of quality.

Posts		Vacancies	Posts filled up
Recruitment of	From BAR	17	Nil
District Judges	Through Limited Competitive Examination	5	Nil

#### 16. Disposal Review Committee

#### Chairman

Justice Arindam Sinha

#### **Members**

Justice S. Pujahari, Justice B. Rath Justice S.K. Sahoo, Justice A.K. Mohapatra

During 2021, Justice S.K. Mishra and Justice D. Dash were Chairpersons of this Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021. Justice B. Mohanty and Justice D. Dash were Members of this Committee till 9<sup>th</sup> July, 2021.

This Committee has been constituted to come up with plausible case management and court management measures to tackle the issue of heavy pendency of cases in the district courts. It also takes into account the relevant resolutions passed in this context by the Chief Justice's conference as well as the "Arrear Eradication Scheme" suggested in the report of the Malimath Committee. The suggestions of this committee are conveyed to the Judges of the High Court as well as the District Courts. The Disposal statistics displayed below has to be understood in the context of the judge strength in both district courts and high court. COVID-19 was another factor that affected the statistics for the year 2020-2021. Despite this impediment, the disposal rate of the High Court in 2021 was significantly higher than the previous years.

5 years disposal statistics of High Court

Year	Disposal	% Increase or Decrease
2017	74,798	+ 4.65
2018	63,236	-15.45
2019	93,224	+ 47.42
2020	61,335	-34.20
2021	1,05,334	+71.73

5 years disposal statistics of Subordinate Courts

Year	Disposal	% Increase or Decrease
2017	3,57,350	-23.71
2018	2,55,005	-28.64
2019	2,85,138	+11.82
2020	1,26,077	-55.78
2021	2,28,609	+81.32

In the year 2021 in spite of the 2<sup>nd</sup> wave of COVID-19 the disposal in the High Court went up by 71.73% in comparison to the disposal of the previous year.

# 17. Committee for Family Court matters

#### Chairman

Justice Arindam Sinha

#### **Members**

Justice S.Pujahari, Justice S. Ratho Justice M.S. Sahoo

During the year, Justice D. Dash and Justice P. Patnaik were Chairpersons of this Committee till 7<sup>th</sup> November and 9<sup>th</sup> July, 2021 respectively. Justice B. Rath and Justice B.P.Routray were Members of this Committee till 7<sup>th</sup> November and 9<sup>th</sup> July, 2021 respectively.

This Committee was constituted in view of the directions issued by the Supreme Court of India, in a letter dated 9<sup>th</sup> June, 2016. The Registrar (Administration) is the convenor of the committee. A database of the cases pending in Family Courts of Orissa has been prepared under the supervision of this committee.

This Committee oversees the various steps involved in the filling up of the vacancies in the posts of counselors in the Family Courts. An expert is associated in the interviews conducted of the shortlisted candidates by the committee. The

Select lists as recommended by the committee are placed before the High Court for approval.

### 18. High Court Library Committee

#### Chairman

Justice Arindam Sinha

#### **Members**

Justice B. Rath, Justice K.R. Mohapatra Justice M.S. Sahoo, Justice Sashikanta Mishra

During 2021, Justice D. Dash and Justice S.Pujahari were Chairpersons of this Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021 respectively. While Justice S.K.Sahoo and Justice S.K. Panigrahi were Members of the Committee till 9<sup>th</sup> July, Justice K.R. Mohapatra and Justice S. Ratho continued as such till 7<sup>th</sup> November, 2021.

This committee oversees the functioning of the Judges' Library in the High Court. It may also deal with the stocking of the books in the libraries for the District Court Judges. In 2021, students pursuing Masters Degree in Library and Information Science assisted in reorganising the books in the High Court Judges Library.

In 2021, law books were distributed to the 23 newly opened Courts of Civil Judges-cum-JMFC as well as 17 District Courts. Additional copies of the Law journal available in the High Court Judges library were distributed among 20 district courts as well the newly constructed civil Court complex in Odagaon, Nayagarh. The committee recommended the supply of the SCC Online journal to every judicial officer in the state. It also oversaw the work of Digitization of the Odisha Gazettes from 1,948 onwards. As on 31st December 2021, 745 volumes of the Gazette comprising 2,13,364 pages were digitized.

#### 19. Juvenile Justice Committee

#### Chairman

Justice D. Dash

#### **Members**

Justice S.K. Sahoo, Justice S. Ratho Justice A.K. Mohapatra

Till 9<sup>th</sup> July, 2021 Justice B. Mohanty was Chairperson of this committee. While Dr. Justice B. R. Sarangi and Justice B. Rath were its Members till 9<sup>th</sup> July, Justice B.P. Routray continued as such till 7<sup>th</sup> November, 2021.

This committee was constituted in 2013 pursuant to the resolution adopted by the Chief Justice Conference. The mandate of this committee is to review and monitor the functioning of all juvenile justice institutions in the state of Orissa which would include the Juvenile Justice Boards (JJBs) and the Child Welfare Committee (CWCs) constituted under the Juvenile Justice (Care and Protection of the Children) Act, 2015. The committee has been overseeing the efforts at reducing the pendency of cases before the JJBs and the CWCs. This Committee is convened by its secretary who is a District Judge cadre judicial officer brought on deputation to the High Court.

The committee periodically convenes the meetings of all stakeholders. On the recommendation of the committee:

• 12 Child Friendly Courts have been set up at Deogarh, Dhenkanal, Gajapati, Malkangiri, Nayagarh, Nuapada, Khurda, Kandhamal, Sambalpur, Ganjam, Angul and Cuttack. The setting up of one more such court at Kendrapara is in progress. The committee initiated the establishment of Orissa's first 'place of safety' at Rourkela and a new Observation Home at Kalahandi.

by the Supreme Court in *Suo Moto W.P.(Crl.) No.1 of 2019*, 15 exclusive POCSO Courts, of the 24 that were notified, were made functional during the year. 21 Fast Track Special Courts to deal with cases of sexual violence and POCSO cases were also made functional.

# 20. RRDC and High Court Museum Committee

#### Chairman

Justice D. Dash

#### Members

Justice S.K. Panigrahi, Justice M.S. Sahoo Justice Sashikanta Mishra

This Committee deals with matters relating to the newly established Record Room Digitisation Centre (RRDC), digitisation, preservation and destruction of records of disposed of cases in the High Court and subordinate Courts. It also oversees the functioning of the High Court Museum.

A Detailed description of the RRDC is included hereafter in the chapter of ICT Initiatives.

# 21. State Court Management System Committee

#### Chairman

Justice S. Pujahari

#### **Members**

Justice B. Rath, Justice M.S. Sahoo, Justice Sashikanta Mishra, Registrar General, Registrar (Administration), Principal Secretary, Law Department, Govt. of Odisha, District & Sessions Judge, Cuttack. During 2021, Justice S.K. Mishra and Justice B. Mohanty were the Chairpersons of the Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021 respectively. Justice D. Dash and Justice S.K. Panigrahi were Members of the Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021 respectively.

This committee was constituted in terms of the resolution adopted in the Chief Justices Conference held in April 2013. The mandate of this committee is to oversee the implementation of the National plan for enhancing the quality, responsiveness and timeliness (QRT) of Courts of Orissa on uniform basis and to provide inputs and suggestions to the National Court Management System (NCMS) Committee for the formulation and effective implementation of the national plan. This Committee is convened by its secretary who is a District Judge cadre judicial officer brought on deputation to the High Court.

The activities of this committee during the year include:

- (i) The acceptance of the module for the development of a software for online tracking of warrants.
- (ii) Instructing all District judges to ensure compliance with the directions of the Supreme Court of India in *Asian Resurfacing of Road Agency P. Ltd. v. Central Bureau of Investigation (2018) 16 SCC 299* in all ten-year-old cases where a stay has been granted by the High Court.
- (iii) Introduction of a case calendar for adoption by the District Judiciary.

# 22. Rules Committee under Section 123 C.P.C.

#### Chairman

Justice S. Pujahari

#### **Members**

Justice B. Rath, Justice K.R. Mohapatra
Justice A.K. Mohapatra
Shri Gautam Misra, Senior Advocate
Mrs. Pami Rath, Advocate
District & Sessions Judge, Cuttack

During 2021, Justice Sanju Panda and Justice B. Mohanty were Chairpersons of the Committee till 9<sup>th</sup> July and 7<sup>th</sup> November, 2021 respectively. Justice Pramath Patnaik was a Member of this Committee till 14<sup>th</sup> June, 2021. Justice D. Dash, Shri B.H. Mohanty, Senior Advocate and Shri Sushant Kumar Dash, Advocate continued as members till 9<sup>th</sup> July 2021. Justice S.K. Sahoo and Justice B.P. Routray were members till 7<sup>th</sup> November, 2021.

This Committee considers proposals to annul, alter or add to the Rules in the First Schedule of the CPC or to make new Rules. The committee submits its recommendations in the form of a report to the High Court.

## 23. Internal Complaints Committee

#### **Presiding Officer**

Justice S. Ratho

#### **Members**

Ms. Saswata Patnaik, Advocate, Director, Odisha Judicial Academy Smt. Nibedita Mishra, ASR & OC

Justice Sanju Panda was the Presiding Officer of this Committee till 9<sup>th</sup> July, 2021. Mrs. Sujata Jena, Advocate and Member secretary, OSLSA were Members till 9<sup>th</sup> July, 2021.

This Committee has been constituted under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. In the year 2021, no complaint was received. At present, no complaint is pending.

24. Committee to consider all promotional matters from Group-D cadre to the entry-level Group-C cadre.

#### Members

Registrar (Vigilance) Registrar (Inspection)

This Committee deals with matters relating to promotion of Group-D employees to the entry-level Group-C posts i.e., Treasury Sarkar, Jamadar, Duftary, Attender, Cook-cum-Caretaker and Mali-cum-Choukidar. In the year 2021, the cases of 113 Group-D employees were considered and 104 employees got promoted to the aforesaid entry-level Group-C posts.

# Registry

The Rules of the High Court of Orissa, 1948 lays down the procedures for functioning of the different branches of the Court. The High Court has two major wings: Judicial and Administrative. The administrative wing otherwise known as the Registry of the High Court has different departments further divided

into various sections manned by High Court officials. The organizational structure is depicted on the facing page. It is headed by the Registrar General of the High Court.

There are four categories of officers in the Registry;

- Judicial Officers from the Odisha
  Superior Judicial Service and
  the Odisha Judicial Service;
- Ministerial officers (Assistant Registrars, Joint Registrars, Superintendents, Section Officers, Assistant Section Officers and dealing Assistants);
- 3 Secretarial officers (Principal Private Secretaries, Private Secretaries, Personal Assistants, Senior Stenographers and Stenographers);
- Government officers on deputation including the Technical Director National Informatics Centre, the Chief Accounts Officer, the Medical Officer (Allopathy) and the Medical Officer (Homeopathy).

The Judicial Officers and the Ministerial Officers supervise the functioning of the offices in the Registry. The Secretarial officers and staff are attached to the Chief Justice and the Judges. The officers working on deputation discharge specific functions - the Chief Accounts Officer deputed by the Finance Department of the Government looks after the budget of District

Judiciary and acts as a Financial Advisor, the Medical Officer (Allopathy) and the Medical Officer (Homeopathy), both deputed by the Health Department of the Government manage the High Court Dispensary and Homeopathy Dispensary respectively. The Registrar General oversees the functioning of every wing.



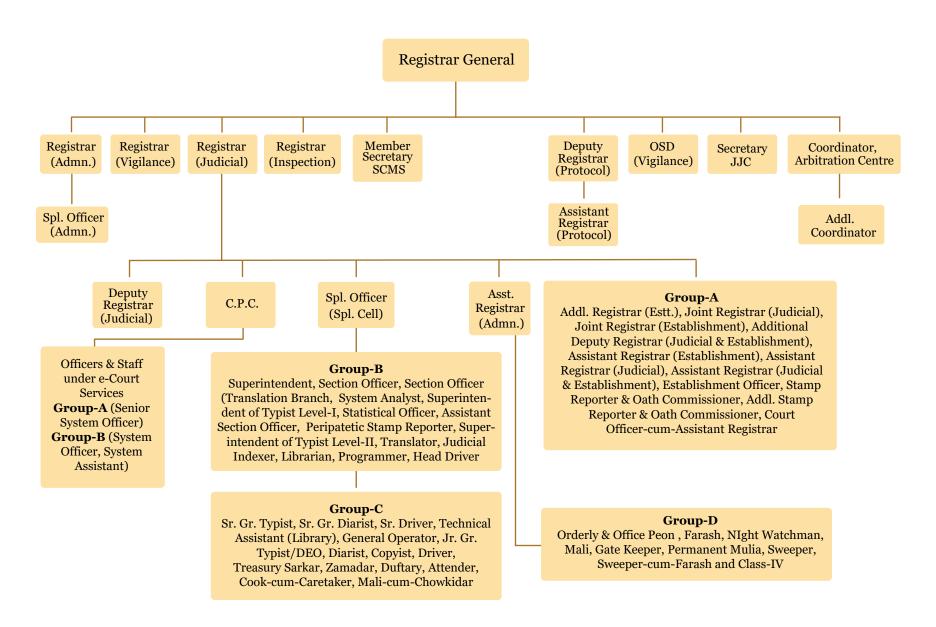
(Sitting from L- R)

Suman Kumar Mishra, Registrar (Judicial); Soumyak Patra, Co-ordinator, Arbitration and Mediation Centre; Pravakar Ganthia, Registrar (Inspection); Chittaranjan Dash, Registrar General; Bhagyalaxmi Rath, Registrar (Administration); Biswajit Mohanty, Registrar (Vigilance) and Santosh Kumar Dash Ray, Officer on Special Duty (Vigilance)

(Standing from L- R)

Ashish Pattanaik, Additional Co-ordinator, Arbitration and Mediation Centre; Debasish Mohanty, Deputy Registrar (Administration & Protocol); Chhayakanta Dash, Special Officer(Special Cell); Anand Dash, Assistant Registrar-cum-Senior Secretary to Chief Justice; Asish Kumar Sahoo, Assistant Registrar (Administration); Anupam Patra, Central Project Co-ordinator and Satya Prakash Ray Choudhury, Deputy Registrar (Judicial)

### Organizational structure of the Registry



# **Incumbency of Judicial Officers in the Registry during 2021**

Sl. No.	Name of the post	Name of the officer	Tenure
1 Regi	Paristra Cara I	Malaya Ranjan Dash	Till 9 <sup>th</sup> March, 2021
	Registrar General	Chittaranjan Dash	From 9 <sup>th</sup> March, 2021
		Rajendra Kumar Tosh	Till 9 <sup>th</sup> March, 2021
2	Registrar (Administration)	Dilip Kumar Mishra	From 9 <sup>th</sup> March, 2021 to 3 <sup>rd</sup> November, 2021
		Biswajit Mohanty (in-charge)	From 3 <sup>rd</sup> November, 2021
3	Registrar	Dr. Radha Kanta Mishra	Till 15 <sup>th</sup> February, 2021
3	(Vigilance)	Biswajit Mohanty	From 5 <sup>th</sup> April, 2021
4	Officer on Special Duty (Vigilance)	Sitikantha Samal	For the entire year
F	Registrar (Inspection)	Pratap Kumar Patra	Till 16 <sup>th</sup> July, 2021
5		Pravakar Ganthia	From 16 <sup>th</sup> July, 2021
	Coordinator, Arbitration Centre	Miss Rekha Prasad	Till 10 <sup>th</sup> March, 2021
6		Damodar Rath	From 10 <sup>th</sup> March, 2021 to 22 <sup>nd</sup> November, 2021
		Soumyak Patra	From 30 <sup>th</sup> November, 2021
	Registrar (Judicial)	Lalit Kumar Dash	Till 15 <sup>th</sup> February, 2021
7		Pratap Kumar Patra (in-charge)	From 15 <sup>th</sup> February, 2021 to 9 <sup>th</sup> March, 2021
		Suman Kumar Mishra	From 9 <sup>th</sup> March, 2021
	Member-Secretary, State Court Management System (SCMS)	Rajesh Dash	Till 9 <sup>th</sup> March, 2021
		Damodar Rath (in-charge)	From 9 <sup>th</sup> March, 2021 to 29 <sup>th</sup> October, 2021
8		Soumyak Patra	From 29 <sup>th</sup> October, 2021 to 30 <sup>th</sup> November, 2021
		Sitikantha Samal (in-charge)	From 30 <sup>th</sup> November, 2021

Sl. No.	Name of the post	Name of the officer	Tenure
9	Secretary, Juvenile Justice Committee	Dr. Pabitra Mohan Samal	Till 9 <sup>th</sup> March, 2021
		Pratap Kumar Patra (in-charge)	From 9 <sup>th</sup> March, 2021 to 16 <sup>th</sup> July, 2021
		Pravakar Ganthia (in-charge)	From 16 <sup>th</sup> July, 2021 to 8 <sup>th</sup> December, 2021
		Santosh Kumar Dash Ray	From 8 <sup>th</sup> December, 2021
	Special Officer (Administration)	Basudev Acharya	Till 10 <sup>th</sup> March, 2021
10		Santosh Kumar Dash Ray	From 10 <sup>th</sup> March, 2021 to 8 <sup>th</sup> December, 2021
		Santosh Kumar Dash Ray(in-charge)	From 8 <sup>th</sup> December, 2021
11	Central Project Coordinator	Anupam Patra	For the entire year
	Deputy Registrar (Protocol)	Dr. Deepak Ranjan Sahoo	Till 10 <sup>th</sup> March, 2021
12		Debasish Mohanty	From 10 <sup>th</sup> March, 2021
13	Special Officer	Nihar Ranjan Sahoo	Till 10 <sup>th</sup> March, 2021
13	(Special Cell)	Chhayakanta Dash	From 10 <sup>th</sup> March, 2021
14	Deputy Registrar	Janmejaya Das	$Till\ 16^{th}July, 2021$
14	(Judicial)	Satya Prakash Ray Choudhury	From 16 <sup>th</sup> July, 2021
15	Addl. Coordinator, Arbitration Centre	Bishnudev Jena	$Till\ 16^{th}July,\ 2021$
		Sukumar Mohapatra	From 16 <sup>th</sup> July, 2021
16	Assistant Registrar	Himanshu Sekhar Acharya	Till 10 <sup>th</sup> March, 2021
10	(Administration)	Ashish Kumar Sahoo	From 10 <sup>th</sup> March, 2021

## Job description of Judicial Officers appointed in the Registry

Officer	Job Description		
Registrar General	<ul> <li>oversees the work of all other officers of the Registry and handles the important matters entrusted by the Chief Justice;</li> <li>represents the High Court in administrative and judicial matters before the Supreme Court;</li> <li>handles the correspondence with the Supreme Court, the other High Courts, the Central Government, the State Government and other authorities;</li> <li>guides the Deputy Registrar (Protocol) in protocol matters.</li> </ul>		
Registrar (Vigilance)	<ul> <li>deals with the allegations and enquiries against Judicial Officers as well as the staff of the District Judiciary;</li> <li>deals with matters relating to the infrastructure of the District Judiciary, in respect of which he coordinates with the concerned committee constituted by the Chief Justice as well as with the District Courts and the executing agencies like the PWD;</li> <li>deals with the matters relating to rules of procedure applicable to the District Judiciary.</li> </ul>		
Registrar (Judicial)	<ul> <li>discharges the functions assigned to him in the High Court Rules;</li> <li>deals with matters relating to budget and accounts, buildings and vehicles of the High Court;</li> <li>deals with the matters relating to service of the employees of the High Court;</li> <li>coordinates and sends replies to questions relating to the High Court raised in the Parliament and the State Legislative Assembly;</li> <li>supervises the Administrative and Judicial Sections of the High Court function under his supervision;</li> <li>also deals with the matters relating to framing of rules governing procedures meant for the High Court.</li> </ul>		
Registrar (Administration)	<ul> <li>deals with matters relating to the District Judiciary and Judicial Officers except allegations, enquiries, buildings and statistics;</li> <li>places before the Committee the appeals filed by the staff of the District Judiciary against orders passed on the administrative side in matters concerning their service;</li> <li>looks after matters relating to the District Judges' Conference;</li> <li>coordinates and sends replies to parliament questions and Assembly questions with regard to District Judiciary;</li> <li>deals with the budget, the allotment of funds and the accounts relating to District Judiciary</li> </ul>		

Officer	Job Description
Registrar (Inspection)	<ul> <li>Coordinates the inspection of Civil and Criminal Courts of the District Judiciary by the Chief Justice and the Judges;</li> <li>looks after compilation of statements and returns received by the Statistics section of the High Court from District Judiciary;</li> <li>is designated as the COVID Compliance Officer and looking after the COVID Care Centres of the High Court meant for the Judges, the Officers and Staff;</li> <li>is designated by the Chief Justice as Nodal Officer for the Digitization of Records.</li> </ul>
Coordinator, Arbitration Centre	<ul> <li>supervises the functioning of the Arbitration Centre and Mediation Centre of the High Court;</li> <li>coordinates the sittings of Arbitrators and Mediators for Arbitration and Mediation proceedings;</li> <li>is in-charge of the Judges' Library, discharges the functions of the Secretary, High Court Legal Services Committee.</li> </ul>
Officer on Special Duty (Vigilance)	<ul> <li>assists the Registrar (Vigilance) in matters relating to allegations and enquiries;</li> <li>deals with the files regarding sanction of leave of the Judicial Officers;</li> <li>is designated as Registrar (Examination) for dealing with examinations relating to recruitment to the posts of the various cadres of the High Court.</li> </ul>
Secretary, Juvenile Justice Committee	<ul> <li>assists the High Court Juvenile Justice Committee (HCJJC);</li> <li>provides information on issues pertaining to children and issues communications on behalf of the HCJJC to the concerned departments;</li> <li>organises conferences, seminars and consultations on the direction of the HCJJC, drafts its agenda, prepares minutes and coordinates with the concerned departments;</li> <li>maintains necessary information which may be relevant for the HCJJC for its robust functioning.</li> </ul>
Member Secretary, State Court Management System	<ul> <li>deals with the preparation of the vision document for the High Court and the District Courts and preparation of an action plan for disposal of old cases;</li> <li>places information about the District Court Management Systems before the SCMS Committee constituted for the purpose and ensures implementation of the policies formulated from time to time.</li> </ul>

Officer	Job Description		
Central Project Coordinator	<ul> <li>looks after computerization of offices in the High Court and the District Judiciary under the e-Courts Project;</li> <li>oversees the digitization of records and e-filing of the cases;</li> <li>oversees the functioning of the virtual hearing in the High Court and the District Courts;</li> <li>provides technical assistance for the functioning of the High Court and the District Courts.</li> </ul>		
Special Officer (Administration)	<ul> <li>oversees the functioning of the Appointment Section of the Court which deals with matters relating to service of the Judicial Officers;</li> <li>works under the supervision of Registrar (Administration) and assists in matters relating to the District Judges' Conference;</li> <li>assists Registrar (Judicial) in matters concerning appointment of the Law Reporter and in-service matters of the Gazetted officers of the Ministerial and Secretarial cadres in the Registry.</li> </ul>		
Special Officer (Special Cell)	<ul> <li>oversees the preparation of the budget and accounts and deals with the service matters of the Gazetted and Non-gazetted employees of the High Court, except the Ministerial Officers;</li> <li>looks after matters relating to the Rules, General Rules, Circulars and orders of the High Court relating to the practice and procedures of the District Judiciary;</li> <li>Issues General letters, circulars and other instructions of general nature on behalf of the High Court.</li> </ul>		
Deputy Registrar (Judicial)	<ul> <li>discharges judicial functions delegated by the Registrar (Judicial) in accordance with Rule 2 of Chapter V of the Rules of the High Court of Orissa, 1948 subject to the orders of the Chief Justice;</li> <li>oversees the work of sections in Judicial Department of the High Court including the filing section and listing section;</li> <li>oversees preparation of the Cause Lists for Benches of the High Court according to the roster of assignment decided by the Chief Justice.</li> </ul>		
Deputy Registrar (Protocol)	<ul> <li>coordinates the tours and visits of the Chief Justice and Judges of the High Court of Orissa within and outside the State;</li> <li>coordinates the tours and visits to Odisha of the Chief Justices and the Judges of other High Courts as well as of the Supreme Court to Odisha;</li> <li>coordinates with the State Government and the Police authorities in the matter of security of the High Court premises and the bungalows of the Chief Justice and the Judges apart from their security during tours;</li> <li>deals with telephone connections of the High Court building and residential buildings of the Court.</li> </ul>		

Officer	Job Description		
Additional Coordinator, Arbitration Centre	<ul> <li>deals with the matters relating to Arbitration and Mediation Centre;</li> <li>deals with Appeals filed by the staff of the District Judiciary against orders passed on the administrative side in matters concerning their service;</li> <li>sends replies to questions relating to the High Court raised in the Parliament and the State Legislative Assembly;</li> <li>deals with matters relating to buildings of District Judiciary and such other matters as are entrusted to him by the Chief Justice;</li> <li>is designated as Nodal Officer for records received from the Odisha Administrative Tribunal after its abolition.</li> </ul>		
Assistant Registrar (Administration)	<ul> <li>is in-charge of matters relating to buildings of the High Court, Court Guest House at Cuttack, Community Centre and the High Court Museum;</li> <li>is entrusted to look after the Class-IV establishment, matters relating to the vehicles, stock and stores of the High Court.</li> </ul>		

The previous sanctioned strength, present vacancy of the posts presently coming under sanctioned strength, working strength and all Group cadres are indicated in *Appendix C* 

## Overall Staff Strength of the High Court

	Gazetted	Ministerial	Class-IV	Total
Sanctioned Strength (as on 31.12.2021)	215	855	155	1,225
Working Strength (as on 31.12.2021)	182	471	135	788



# *Infrastructure*

#### **Opening of new Courts**

60 Courts in various districts of the State were made functional in 2021. Further, 22 Courts have been established for which infrastructure for accommodation of courts and residence of officers are ready and are likely to be made functional in 2022. The details have been provided at *Appendix-D*.

#### **Busbar Trunking System**

The Busbar Trunking System (BTS) was inaugurated on 12<sup>th</sup> April, 2021. It replaced the old electrical system in the Court's Heritage Building.

BTS is a state-of- the-art mechanism to ensure optimal utilization of electricity with real-time

web-based monitoring of the electrical system. With the adoption of BTS, the humongous mess of old and outdated electrical cables covering the Heritage Building stood substituted with sophisticated, cutting-edge infrastructure of power distribution.



Control Room for Busbar Trunking System

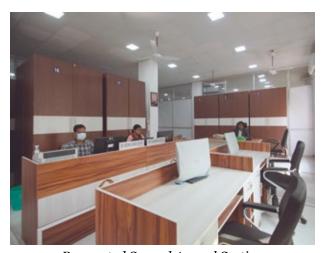
## Upgradation of infrastructure in the offices of the Registry

To enhance the capabilities of employees, it was decided to improve the working environment. The infrastructure and layout in the listing section, the computer section and the Second

Appeal Section and Criminal Miscellaneous Section was upgraded. The remaining sections are proposed to be upgraded in the first half of 2022.



Renovated Criminal Miscellaneous Section



Renovated Second Appeal Section

#### **Aain Seva Bhawan**



#### **Mediation Centre**

The Mediation Centre was functioning in a room adjacent to the old Arbitration Centre in the heritage building. The space was inadequate for its effective functioning. Over the years, mediation has proved to be a viable ADR mechanism. There has been a steady increase in the cases referred for mediation. Besides, space was needed to accommodate the newly constituted Permanent and Continuous Lok Adalat for the High Court (P&CLA).

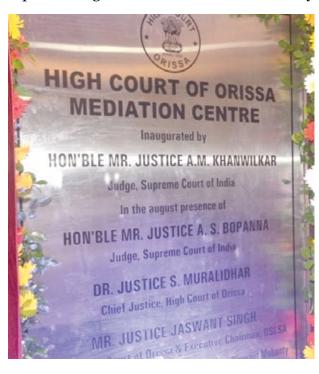




Mediation Centre

On 20<sup>th</sup> November 2021, Justice A.M. Khanwilkar and Justice A.S. Bopanna, Judges, Supreme Court of India inaugurated the new location of the mediation centre and the P&CLA in two separate wings in the second floor of the newly

constructed Aain Seva Bhawan, a four-storied building in which the Odisha State Legal Services Authority (OSLSA) and the Orissa High Court Legal Services Committee function from the ground and first floors.







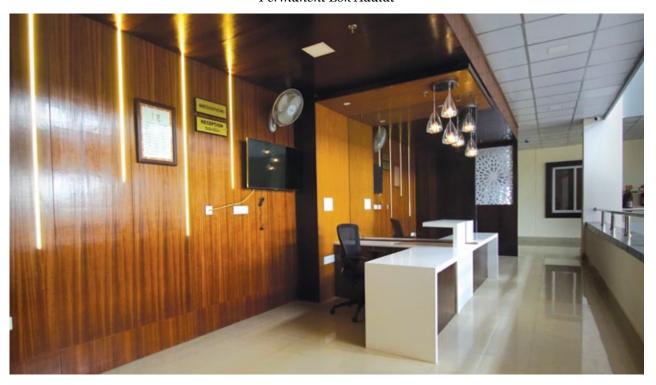
The Mediation Centre has four well - equipped ICT - enabled mediation Rooms, two parties' lounges, two advocates' lounges and two psychological counselling rooms. In the separate

P&CLA wing there are two Court Rooms, 1 room for the Permanent Lok Adalat, Cuttack, a crèche, a record room, a reprographic room and pantry.





Permanent Lok Adalat



Reception Lounge

#### **Arbitration Centre**

Since 18<sup>th</sup> October 2014, the Arbitration Centre of the High Court was functioning in the heritage building. There was paucity of space to accommodate the growing number of arbitrations over the years. The Centre is also required to be modernized. Accordingly, the arbitration centre has been shifted to the third floor of Aain Sewa Bhawan and it was inaugurated at its new location on 11<sup>th</sup> December,

2021 by Justice L. Nageswara Rao, Judge, Supreme Court of India. The arbitration centre at the new location has a modern look and is ICT-enabled. It has six Arbitration Rooms, two Arbitrators lounges with separate lunch rooms, two advocates' lounges, a record room, a reprographic room and a pantry. The offices of the centre are also located here.









Arbitration Rooms Corridor

Advocates' lounge



ICT-enabled Arbitration Room



Advocates' Lounge

## ICT Initiatives

#### **Record Room Digitization Centre**

In January 2021, the High Court was already facing the challenge of consignment, storage, preservation and disposal of thousands of legacy records i.e., the record of cases disposed of. Although the Benches were functioning in two separate buildings (Heritage & New), the Administrative and Judicial Sections in the Heritage Building were operating in clogged spaces due to the ever-increasing number of files and records. Even the corridors were crammed with cupboards and shelves containing files and records.

Concerted steps were undertaken with the support of the IT & AI Committee for reworking the process of dealing with disposed of case

records including laying down a comprehensive procedure for storage, scanning, preservation and destruction of such records.

Meanwhile, owing to the abolition of Odisha Administrative Tribunal (OAT), a newly constructed building meant for the OAT at Cuttack adjoining the Odisha Judicial Academy became available for use. It was found suitable to accommodate the Record Rooms of the High Court as well as its Scanning and Digitization sections.

The OAT building was suitably modified in record time and the Criminal and the Civil Record Rooms as well as the Scanning and Digitization Centre of the High Court were shifted there.



The Record Room Digitization Centre (RRDC) was inaugurated by Dr. Justice D.Y. Chandrachud, Judge, Supreme Court of India and the Chairperson of the Supreme Court's e-Committee on 11th September 2021.

It is equipped with the latest firefighting system and security measures. There are sufficient numbers of elevators in the building.

The RRDC has three layers of functional space i.e., in its ground, first and second floors. The ground floor houses the Civil Record Room along with its office, the Fragile Record Room containing legacy records dating back to the early 1800s when parts of the Odisha province fell within the jurisdiction of the Patna High Court, the Calcutta High Court and the Madras High Court. These records in their original form have been kept under special care for long-term preservation. Due to their fragility, they are not in a position to be immediately scanned. The fragile legacy records of District Court, Cuttack are also stored in an earmarked room in the ground floor. The Shredding Room where physical legacy records are destroyed in highperformance shredding machines after their scanning and digitization is also located in the ground floor.

The first floor is where the High Court's Civil Records scanning along with ancillary digitization processes for all types of legacy records are carried out. Among the four pilot District Court Digitization Centres i.e., Cuttack, Ganjam, Balasore and Sambalpur, the District Court Digitization Centre of Cuttack functions in the first floor of RRDC. Space has also been provided on the first floor for storage of District Court, Cuttack's legacy records.

The High Court's Criminal Record Room and the Scanning Centre for legacy criminal records are located in the second floor of the RRDC. Sitting and recreational space is available for the personnel working on each floor of the building.

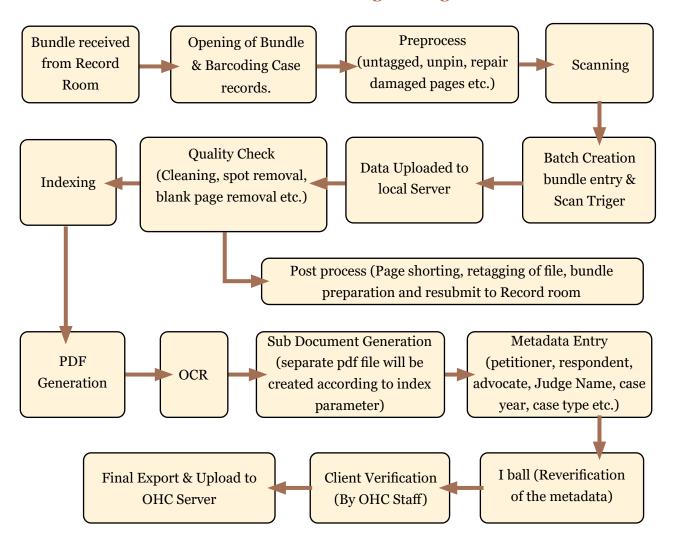
The core objective of RRDC, besides freeing of space in the Heritage Building of High Court, is to bring the High Court's Record Rooms and the Scanning Centre under one roof to reduce the scope of record movement and accordingly minimize the chances of their being misplaced, damaged or lost. In order to augment the utility of the RRDC, the Rules relating to preservation, scanning and destruction of disposed of records of the High Court have also been amended so as to:

- reduce the retention period of certain a. categories of records (thereby minimizing the strain on the Record Rooms);
- b. providing for scanning of complete records (thereby reducing dedication of time and human resource required for segregating disposed of records into different parts);
- lay down protocols for metadata entry c. providing comprehensive information about the scanned records at a glance;
- d. mandate verification of scanned records and their metadata entry before their destruction;
- e. ensure integrity and security of data relating to scanned records by removing the electronic repository of such data from the scope of any external access other than through Court's secured network;
- f. ensure permanent preservation of fragile records (which cannot be scanned due to their fragility) in their original form in earmarked Fragile Record Room;

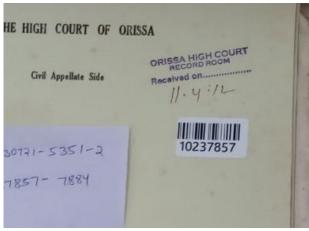
- g. provide for metadata entry and nondestruction of documents whose originals are required to be retained in view of the first schedule of the Information Technology Act, 2000 such as deed of will, sale deed, power of attorney etc.;
- h. lay down detailed Standard Operating Procedure (SOP) for scanning and digitization of legacy records;
- i. prescribe duties of the agency carrying out the scanning and digitization work;
- prescribe the mode and manner of scanning LCRs and promptly returning those to the concerned Court.

Please see *Appendix E* for details of the Rules.

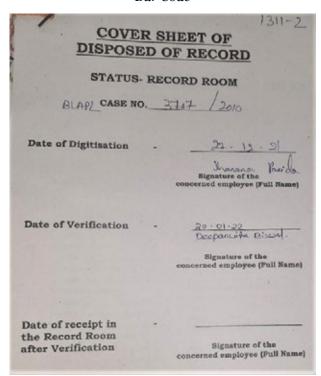
#### Standard Process Flow for Scanning and Digitization in RRDC

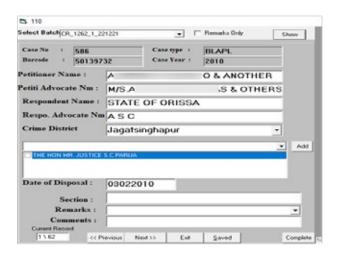


The work of Scanning and Digitization of High Court's case records has been entrusted to NICSI (National Informatics Centre Services Incorporated). NICSI has in turn entrusted such work to Enhira Software Pvt. Ltd., Mumbai. The agency has engaged 54 personnel of different levels who are executing work of scanning and digitization at the RRDC.



Bar Code







View of a Scanning Station in the RRDC



QC, Indexing and Metadata Entry Stations in the RRDC



Visit of Mr. Justice N.V. Ramana, Chief Justice of India accompanied by Mr. Justice U.U. Lalit, and Mr. Justice Vineet Saran, Judges of the Supreme Court of India to the RRDC on 25<sup>th</sup> September, 2021



Visit of Mr. Justice A.M. Khanwilkar and Mr. Justice A.S. Bopanna, Judges of the Supreme Court of India to the RRDC on 20th November 2021



Record Room Entrance

## **District Court Digitization Centres**

In order to take the concept and practice of storage, scanning, preservation and retrieval of legacy records to the District and Taluka Courts, District Court Digitization Centres (DCDCs) in four major District Courts of Cuttack, Ganjam, Sambalpur and Balasore have been established on pilot basis. These four DCDCs were inaugurated on 30<sup>th</sup> April, 2021.



District Court Digitization Centre, Cuttack





District Court Digitization Centre, Sambalpur





District Court Digitization Centre, Ganjam

The technological backbone for this initiative has been provided by Odisha Computer Application Centre (OCAC) which is a nodal IT agency of the Government of Odisha. The work of scanning and digitization in each of the DCDCs is carried out by a separate dedicated agency empanelled and nominated for the purpose by OCAC.

In order to maintain uniformity in the process of scanning and digitization carried out in the RRDCs as well as in the DCDCs, a common SOP has been formulated and circulated among the four DCDCs.

Further, to regularly monitor the work of scanning and digitization in the DCDCs, a Judicial Officer has been nominated as the Nodal Officer in each DCDC.

The statistics of scanning and digitization at the DCDCs as on 31st December 2021 stood as follows

Name of the District Court Digitization Centre	Name of the Agency in charge of the Scanning work	Number of records scanned	Number of case records uploaded in the DMS server
Cuttack	Computer Lab Pvt. Ltd, Cuttack	38,360	24,689
Balasore	Sarada Systems	26,162	7,429
Ganjam	Anthem Global Technology Services, Bhubaneswar	33,203	20,581
Sambalpur	mbalpur Suyog Computech		11,194
	Total	1,26,311	63,893

#### **Hybrid Hearing System**

In 2020, the High Court of Orissa and the District Courts had already taken steps during the first wave of the COVID-19 pandemic to use ICT to conduct Court proceedings.

With the pandemic continuing during 2021, the 'hybrid hearing system' was introduced in the High Court on 15<sup>th</sup> February 2021.

Using the latest audio & video management equipments in every functional Courtroom, lawyers physically present and those connected through video conferencing were able to address the Bench seamlessly. A Standard Operating Procedure for Hybrid Hearing is at *Appendix F*.



A Courtroom in the High Court of Orissa having Hybrid Hearing Facility



Screenshot showing a typical instance of hybrid hearing in the Chief Justice's Court.

The hybrid hearing system has been accepted by advocates and litigants who have taken to it at all levels of the Courts. To help overcome any disadvantage faced by lawyers and litigants on account of the digital divide caused by the lack of access to the ICT devices and therefore to participate in the virtual hearings, the High Court provided video conferencing cabins in its premises. Likewise, in each of the district court VC cabins were provided.



Launch of a VC cabin in the High Court

### **Paperless Courts and Office Automation**

The High Court of Orissa mobilized its resources to commence transition of its Courts and offices to a paperless working environment. On 11<sup>th</sup> September 2021, the first paperless court in the High Court of Orissa in the court of the Chief Justice was inaugurated by Dr. Justice D. Y. Chandrachud, Judge, Supreme Court

of India and the Chairman of the Supreme Court's e-Committee. The court of Justice S. K. Panigrahi also went paperless from that date. Within three months, the courts of Justice B. P. Routray and Justice Savitri Ratho also went paperless.



WACOMs installed for the Division Bench in the Chief Justice's Courtroom

The Judges presiding in paperless Courtrooms read scanned and bookmarked copies of case records on a customized device called 'WACOM', navigating through voluminous case records with the click of a mouse button.

The technological backbone to the paperless Courts initiative is provided by IDCOL Software Limited which is an IT agency of the Government of Odisha and OCAC. To augment the paperless Courts initiative, the High Court is on the anvil of automating its offices, wherein its staff shall get to work in digital environment without dealing with paper-based files. The High Court's IT and AI Committee is supervising this initiative.

#### **A4 Size Paper and Watermark**

Filing of pleadings in the High Court in A4 size paper, instead of Legal Size (FS), with larger side margins, was made mandatory from 2<sup>nd</sup> February, 2021. Printing on both sides was permitted from 1<sup>st</sup> November,

2021 onwards. This should help considerably in reducing the use of paper. Printing of Orders and Judgements with the watermark of the High Court's logo commenced on 1<sup>st</sup> July, 2021.

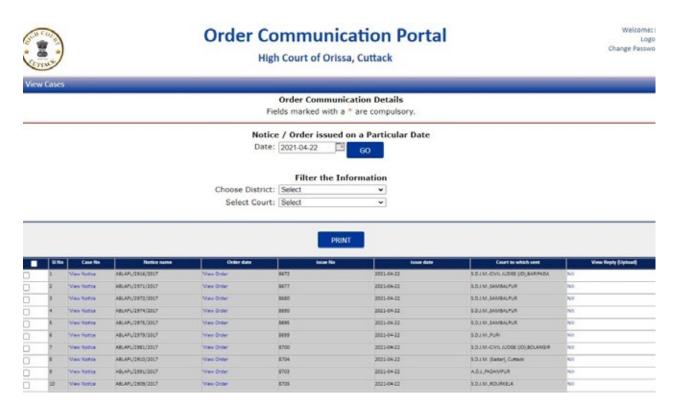
## **Revamping Official Communication**

Traditionally, orders passed by the High Court which require compliance by Courts subordinate thereto are officially sent by Court's staff to the concerned Subordinate Court through post. Substantial time gets consumed by the time such orders reach the subordinate Court through post resulting in possible delay in compliance. In order to address this situation, a customized Software Module called the Order Communication Portal (OCP) was launched in the month of April, 2021 to facilitate secure and instantaneous communication of orders and judgments to Subordinate Courts in a paperless environment thereby saving resources consumed in traditional methods of correspondence. Necessary policy regime

was created to accord recognition to e-copy of its orders communicated through OCP.

OCP provides secure access (by certification) to nominated staff of the High Court and Subordinate Courts to send or receive orders through OCP over a secure Wide Area Network connecting the High Court and the Subordinate Courts throughout the State. The OCP has the facility to report whether or not a particular order sent through it has been accessed by the targeted Court.

More than 40, 000 orders have been communicated from the High Court to various District and Subordinate Courts across the State through OCP during the year 2021 since its launch in April, 2021.



#### **Switching to E-Mail Communication**

In order to take a step closer to accomplishing paperless office and ensuring speed and accuracy in matters of official communication, initiative has been taken to foster among Judicial Officers and judicial staff, the practice of resorting to e-mail correspondence in official matters. District Judges have been requested to use official e-mails for official communication.

There has been a considerable increase in e-mail access and usage in matters of official correspondence between the High Court of Orissa and the Courts subordinate thereto since April 2021, leading to reduction in paper-based communication, better management of resources, reduction in multiplicity of processes, faster access to correspondence at any time and any place, and easy maintenance of records related to such correspondence. A large number of District and Subordinate Courts across the State of Odisha have been assigned with dedicated e-mail IDs.

#### e-Notification System

In order to discontinue circulation of hard copies of Court's notices amongst its staff which consumes substantial paper and human resources, a software module called e-NOTIFICATION SYSTEM (e-NS) has been prepared. e-NS fosters the settings for seamless and paperless circulation of all of Court's notices amongst hundreds of its employees in a matter of seconds over a secured network accessible through computers, laptops and smartphones

Any assigned official can generate an electronic notice by uploading the final notice in PDF on e-NS and then send them to targeted recipients. e-NS provides facility to every sender of e-notice to know as to which of such recipients have actually accessed the e-notice sent by him. Hardware, training and ancillary preparations for enabling smooth transition to paperless circulation of notices through e-NS are complete.



#### e-LCRs

As efforts are underway to gradually move towards a paperless and digital working regime, scanning of official records have assumed utmost importance. The High Court has provided every District Court complex with high-speed ADF scanners for meeting all official scanning-related requirements.

All District Courts have been intimated to send scanned copies of LCRs or e-LCRS whenever the High Court calls for such LCRs. These e-LCRs are to be provided after proper bookmarking which helps the Court in easy navigation through the e-case record.

## **Video Conferencing Rules**

The Orissa High Court Video Conferencing for Courts Rules, 2020 ('the VC rules') was notified to enable smooth conduct of all types of judicial proceedings through video conferencing. The VC Rules were brought into force wth effect from 5<sup>th</sup> April 2021.

(See *Appendix G* for High Court of Orissa's Video Conferencing for Courts Rules, 2020)

Some of the key features of the VC rules include:

- Inclusion of all types of proceedings for video conferencing,
- 2. Designation of Remote Points with ICT equipments from where witnesses shall depose through video conferencing,
- 3. Nomination of Coordinators,
- 4. Deposition of witnesses through Video Conferencing,
- Digital Signatures and Alternative Methods of Authenticating Testimony Recorded through Video Conferencing,
- 6. Marking of Exhibits through Video Conferencing.

These rules enabled Courts to nominate coordinators for carrying out all works for the purpose of smoothly conducting Court proceedings through video conferencing and further enabled testifying by witnesses from remote points through video conferencing, recording of such testimony, transmission of the transcript to remote point for authentication thereof by the witness and the Coordinator at the remote point. Since its coming into force, the provision of VC rules have been invoked by several District and Subordinate Courts to expedite trials with far off witnesses otherwise indisposed to come to the Court physically, completing their testimony through video conferencing.

Since the coming into force of these rules, several Courts have been able to expedite adjudication of pending cases by examining witnesses through video conferencing who were finding it difficult to physically come to such Courts for deposing their evidence.

#### **Establishment of Virtual Courtrooms**

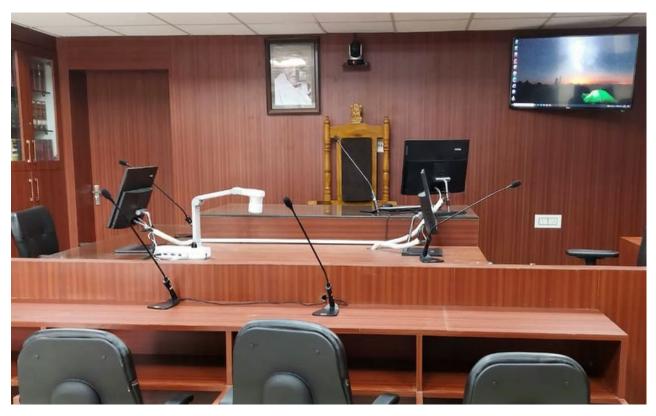
On 1<sup>st</sup> November 2021, Dr. Justice D.Y. Chandrachud, Judge, Supreme Court of India inaugurated two Model Virtual Courtrooms in the District Court complexes of Angul and Nayagarh.

Advanced Audio Video equipments and technology have been deployed in these Model Virtual Court Rooms to facilitate any participant in a Court proceeding be it the Judge, the advocate, the witness, the accused or the

litigant whether in a Criminal or Civil case to attend the Court in virtual mode.

These Virtual Court Rooms have the facility of sharing live images of depositions or objects from the Court Room through a Document Visualizer.

By the end of 2021, two more virtual Courtrooms – one in the District Court complex at Bhadrak and another in the District Court complex at Malkangiri were established.



Virtual Court Room at District Court Complex, Angul



Virtual Court Room at District Court Complex, Nayagarh

### **E-Filing of Cases and E-Payment of Court Fees**

The e-Filing web portal designed by the NIC under the aegis of the e-Committee, Supreme Court of India, specifically designed to meet the requirements of advocates and litigants who file cases before the High Courts and Subordinate Courts across the country, was launched across the country for 244 court establishments across all districts of the state on 5<sup>th</sup> April 2021.

A host of steps have been taken to popularize

e-filing among advocates in the High Court of Orissa. These include organizing successive hands-on training workshops for advocates on the usage of e-filing and e-payment facility, opening of e-filing help desks, mandating e-filing by the State Government and the Central Government, gradual shift from e-mail based filing to portal based e-filing, setting up of dedicated processing counters for timely follow-up on e-filed cases and so on.

#### **E-Payment of Court Fees**

The facility of e-payment of Court fees through the e-Committee's e-pay portal for advocates and litigants in the High Court of Orissa and all District Courts of the State was launched on 5<sup>th</sup> April 2021. A Facilitation Centre for e-payment of Court fees was also inaugurated in the High Court of Orissa to help advocates and litigants in e-pay related matters.

The e-pay web portal is designed and developed by the e-Committee, Supreme Court of India through the NIC.

#### e-Sewa Kendras

110 e-Sewa Kendras have been established in various Court complexes across the State which include one in the High Court of Orissa and 107



e-Sewa Kendra Sambalpur

in the District and Taluka Court complexes to provide e-services to Advocates who may not have access to ICT tools to avail such services.



e-Sewa Kendra Bhubaneswar

## Hands-on Training for Advocates on e-filing and other e-services

The Hands-on training module for Advocates starting with Advocates of the High Court Bar Association was inaugurated in August, 2021. This was to familiarize Advocates with the nuances of technology in their day-to-day work. Similar programmes were held for Advocates in the District Courts e-Filing

Stations in District Courts/e-Facilitation Centre of the High Court.

In 2021, more than 500 Advocates have been imparted hands-on training on e-filing and other essential e-services to make them familiar with computers and its usage for availing the aforementioned e-services.



Hands -on training session for the Bar at Ganjam





## e-Filing Stations in District Courts/e-Facilitation Centre of the High Court

The e-Facilitation Centre at High Court consists of two scanning stations and two self e-filing stations for providing all kinds of services to Advocates. e-Filing Stations have been inaugurated in District Court complexes of Nuapada, Puri, Bhubaneswar, Rayagada, Koraput at Jeypore, Jajpur, Nabrangpur, Keonjhar.



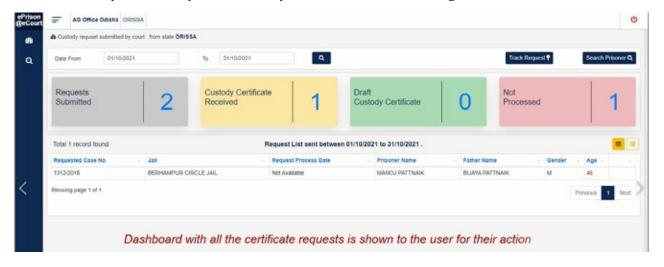


#### **E-Custody Certificate System**

The concept of e-Custody Certificate came into existence to help concerned Benches in ascertaining the antecedents of prisoners which in turn assist the Court in early adjudication of applications filed by such prisoners. E-Custody certificate system was launched by High Court of Orissa with effect from 1st November 2021 in close coordination with the Home Department, the Prisons Department, the office of the Advocate General and the NIC. Eventually, E-Custody Certificate System

provides comprehensive information of a prisoner such as the identity of a criminal, address, the cases for which he has undergone incarceration, his antecedent and period of sentence undergone.

Request for generation of e-Custody certificate can be submitted by any authorized official of the Advocate General's office if so required in connection with any case pending before any Bench of the High Court of Orissa.



## Virtual Courts (for Online Adjudication of Traffic Challan cases)

Virtual Courts for online adjudication of traffic challan cases was launched by High Court of Orissa on 2<sup>nd</sup> August, 2021. With the launch of Virtual Courts in the Cuttack-Bhubaneswar

Commissionerate area on a pilot basis, lawyers and litigants in the State of Odisha will be able to conveniently settle online traffic e-challan cases arising within the area.

## **High Court of Orissa's e-Services Mobile App**

While the decision to design Orissa High Court's Mobile App was taken in the year 2020, coming up with a version of the app that was optimally serviceable to stakeholders became possible in the year 2021. With the launch of this app, the ability to access Court related information has become faster and even more convenient for stakeholders particularly for learned Advocates.

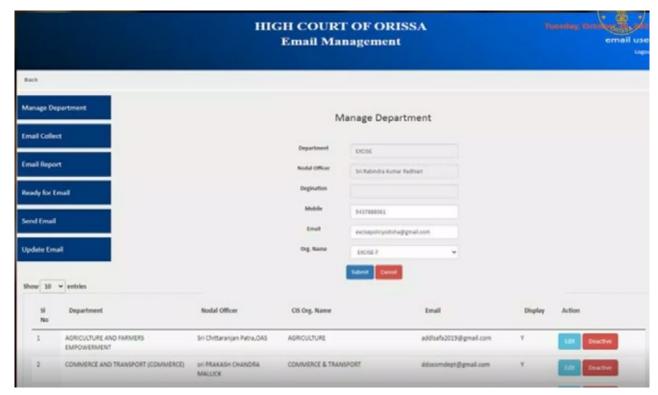
The app provides specific facilities for Advocates besides a variety of features that are available in common to advocates and other users. Advocates shall also be able to use the app to see listing details of cases in which they are appearing before a specific Bench as well as in all benches at a glance.

Additionally, Advocates and general users of the app can avail of a plethora of other menu options all of which will help them navigate through multifarious categories of information relating to cases and the Court.

#### **Automated e-Mail Service for Sharing Information on Case Status**

With the launch of this e-service with effect from 1<sup>st</sup> November 2021, orders passed by the High Court of Orissa are automatically e-mailed to designated official e-mail IDs of various Departments of the State Government whose e-mail IDs are provided with regard to a case concerning such departments. This facility aims

to help departments keep up-to-date information of orders passed in cases concerning them and take expeditious steps to comply with such orders. Since its launch on 1st November 2021, total of 7, 279 orders have been sent to State Government's departments through automated e-mails fired from the High Court's case information servers.



## **Live Streaming of Court Proceedings**

Live streaming of proceedings in the Chief Justice's Court commenced on 2<sup>nd</sup> August 2021. It can be viewed on the High Court's official YouTube channel. The 'High Court of Orissa

Live Streaming of Court Proceedings Rules, 2021' was simultaneously brought into force.

See *Appendix H* for 'High Court of Orissa Live Streaming of Court Proceedings Rules, 2021.'

## Launch of High Court of Orissa's Channels in Telegram and YouTube

For wider and faster dissemination of Court related information, official Telegram channel and YouTube channel of the High Court of Orissa were created. Through this Channel, it is aimed to

provide Advocates, litigants and members of public at large with real-time, instantaneous access to information regarding the Hon'ble Court's events, circulars, notices, press releases, cause-lists etc.

## Video Conferencing as a Tool of Communication

Apart from using video conferencing for conducting judicial proceedings, several aspects of High Court's and Subordinate Courts' administrative functioning take place via video conferencing today according greater speed and convenience in performance of such functions.

A major example of the success of adoption of video conferencing is that in the year 2021 alone, High Court of Orissa managed to inaugurate more than 50 Courts/ Court complexes through video conferencing with some of those Courts and Court complexes located at remotest places of the State.

#### **Launch of Web Version of Justice Clock**

A Justice Clock was established in the Orissa High Court in December, 2019 to showcase various litigation-related information of the District Judiciary for lawyers and litigants who visited the High Court. But with the onset of COVID-19 restricting such visit, the information of Justice Clock had to be taken to the stakeholders instead of requiring them to be present physically to view the

information. This led to conceptualization of the web version of the Justice Clock which was launched on 10<sup>th</sup> February, 2021. The web version of the Justice Clock is the digital replica of the physical Justice Clock (installed in the High Court building) linked to the High Court's official website available for general viewing from the convenience of homes and offices.

## Website Enhancements for Ensuring Access to Disabled persons etc.

The new revamped website of the High Court was equipped with enhanced accessibility for visually challenged users. New features such as 'e-Services', 'Event Calendar' were also added in the website.

#### **Statistics**

#### **Case Statistics**

2021 was equally challenging like the previous year because of the impact of 2<sup>nd</sup> wave of COVID-19. However, the experience of 2020 helped in preparation for facing the challenges. Hybrid mode for hearing of cases was introduced during the early part of the year which facilitated the lawyers to conduct cases at their convenience, both physically and in virtual mode. This, among other reasons, resulted in substantial increase in

the disposal as compared to the previous years.

Still the pendency at the end of the year also substantially increased due to abolition of the Odisha Administrative Tribunal and the resultant transfer of its pendency cases to the High Court. This was however matched by increase in disposal of cases when compared to the previous years.

#### Statistics of cases for 2021

Types of cases	Pendency as on 01.01.2021	Institution (01.01.2021 to 31.12.2021)	Disposal (01.01.2021 to 31.12.2021)	Pendency as on 31.12.2021
	Civil Ma	itters		
Writ Petitions	72,835	70,572	49,059	94,398
Company Matters	234	2	3	233
Contempt (Civil)	5629	17,392	14,445	8576
Review (Civil)	1999	797	402	2394
Matrimonial Matters	951	99	85	965
Arbitration Matters	481	95	180	396
Civil Revisions	203	13	20	196
Tax Matters (Direct & Indirect)	1910	54	194	1770
Civil Appeals	16,050	530	657	15,923
Land Acquisition Matters	975	46	38	983
MACT Matters	6542	460	610	6392
Civil Suits (Original Side)	1	0	0	1
Other than above	12,107	2854	2451	12,460
Total (Civil)	1,19,917	92,914	68,144	1,44,687

Types of cases	Pendency as on 01.01.2021	Institution (01.01.2021 to 31.12.2021)	Disposal (01.01.2021 to 31.12.2021)	Pendency as on 31.12.2021
	Criminal I	Matters		
Writ Petitions	1273	2597	2779	1091
Criminal Revisions	9280	554	330	9504
Bail Applications	16,915	28,515	30,850	14,580
Criminal Appeals	12,669	874	638	12,905
Death Sentence Reference	3	1	1	3
Contempt (Criminal)	62	88	35	115
Misc. Criminal Application	11,339	3233	2342	12,230
Other than above	2052	167	215	2004
Total (Criminal)	53,593	36,029	37,190	52,432
<b>Grand Total (Civil + Criminal)</b>	1,73,510	1,28,943	1,05,334	1,97,119

While institution of cases in 2021 increased by around 45,500 cases, disposals too increased by around 44,000 cases when compared to the

previous years. This despite the working strength of Judges being 15 till June, 2021 and just 13 till October, 2021.

Year	Institution during the year	Disposal during the year
2016	70,594	70,728
2017	75,387	74,798
2018	62,566	63,236
2019	81,121	93,224
2020	83,499	61,335
2021	1,28,943	1,05,334

#### Disposal of old cases during the year

With a view to focusing on old cases, a decision was taken to publish separate monthly cause lists for the old cases for timely information of the lawyers. Cases from the said lists were listed for hearing in the weekly and supplementary lists. During 2021, 3457 five-year old cases, 2522 ten-year old cases, 90 twenty-five year old cases and 1 forty-year old case could be disposed of. By the end of 2021, 48,398 five -year old cases, 35,276 ten-year old cases, 2402

twenty-five year old cases and 41 forty-year old cases were pending. Out of the 41 forty-year old cases 40 are First Appeals and 1 is a writ petition.

A decision has been taken by the Full Court to transfer the pending First Appeals arising from the orders and decrees of Civil Judges and Senior Civil Judges to the District Judges for disposal.

60 Annual Report 2021 High Court of Orissa

## Accounts

In every financial year, the establishment of High Court of Orissa places demands before the State Government for making necessary provision of funds under two different heads of account; Infrastructure Development and Administrative Expenses.

Infrastructure Development covers construction of new Court and office buildings, residential bungalows, quarters, Court Guest Houses repair and renovation of such buildings and upgradation of the existing infrastructure. Pursuant to a proposal by the High Court, the State Government makes provision of funds for such projects on annual basis. The buildings meant for Courts, Offices and Guest Houses are classified as "Non-Residential Buildings". The bungalows and quarters are classified as "Residential Buildings".

During the financial year 2021-22, there was budgetary provision of Rs. 4,52,47,300/- for residential buildings which included new Judges' bungalows, staff quarters, repair and renovation of the existing residential buildings. The entire amount was released in favour of the Engineering Departments by the end of 2021 for the completion of the work by the end of March, 2022.

In respect of non-residential buildings, budgetary provision to the tune of Rs.23,11,62,000/- was made in the financial year 2021-22 towards upgradation of the existing infrastructure of the High Court including provision of modular design of all the offices with fire-resistant storage cabinets; clearance of liabilities against construction of two more floors in the Administrative Block

and the first Annexe Building in the premises of the High Court. Out of the said fund, a sum of Rs.3,79,16,000/- was released in favour of the Engineering Departments by the end of 2021 and an expenditure plan was drawn up to utilize the remaining amount by the end of March, 2022.

Administrative expenditure includes salary and emoluments, Transport Expenses, Leave Travel concession, electricity, water charges, telephone, motor vehicles, other contingencies, upgradation of computer facilities and Sumptuary allowance etc. Pursuant to a proposal submitted by the High Court, the State Government makes provision of funds in the above sub-heads under the major head "Administrative Expenditure for Establishment'.

During the financial year 2021-22, there was budgetary provision of Rs. 125,52,89,000/- for administrative expenses of the High Court, out of which a sum of Rs.62,80,42,000/- was spent by 31<sup>st</sup> December, 2021 under different heads: Rs. 50,76,99,000/- towards Salaries and Allowances, Rs. 2,14,81,000/- towards electricity charges, Rs. 1,72,59,000/- towards telephone charges, Rs. 85,67,000/- towards purchase and maintenance of vehicles, Rs. 1,74,33,000/- towards computer upgradation and maintenance and Rs.5,56,03,000/- towards other contingencies.

The details of the budgetary allocation and expenditure for infrastructure development and establishment of the High Court and the Budget of the High Court have been indicated in a tabular form at *Appendix I*.

#### Activities

#### Felicitation of the retiring employees





Chief Justice felicitating Employees who retired in 2021

Welfare of the employees and acknowledgement of their contribution to the institution is important. Certain first-time initiatives were launched in 2021, one of them being the practice of felicitating the retiring employees. Every two months, on the last working day of

every month the employees who have retired in the preceding month are felicitated by the Chief Justice in the presence of the Registry and the staff. A retiring employee is presented with a shawl, mementos, certificates of appreciation and papers relating to retiral benefits.

#### **Employees who retired in 2021**

Jaladhar Naik, Joint Registrar (Judicial)

Bijaya Kumar Swain, Senior Grade Diarist

Debendra Nath Swain, Assistant Registrar (Establishment)

Bishnupriya Jena, Section Officer

Radhashyam Panda, Additional Stamp Reporter & Oath Commissioner

Krushna Chandra Behera, Head Driver

Sarojini Mohanty, Additional Stamp Reporter & Oath Commissioner

Rajendra Prasad Singh, Assistant Registrar (Judicial)

Benudhar Sahoo, Zamadar

Patitapaban Sarangi, Establishment Officer

Rajkishore Dash, Assistant Section Officer

Asit Kumar Mohanty, Court Officer-cum-Assistant Registrar

Ramakanta Rath, Assistant Registrar (Judicial)

Sudhanshu Sekhar Mohanty, Superintendent

Padmanidhi Biswal, Zamadar

Ajaya Kumar Mohanty, Assistant Registrar (Protocol)

Rabindranath Biswal, Peon

Sunakar Panda, Additional Stamp Reporter & Oath Commissioner

Suven Kumar Ghosh, Assistant Section Officer

#### Light refreshment for employees during duty hours

The second such initiative for the employees was introduction of light refreshment during duty hours. On 26<sup>th</sup> July 2021, which happens to be the Foundation Day of the High Court,

the Chief Justice announced the move. Since then, the employees are being provided with light refreshment twice a day during duty hours.

#### **Establishment of Physiotherapy Centre in the Court premises**

On 15<sup>th</sup> August 2021, a Centre with instruments of Physiotherapy was established in the High Court Dispensary in the Administrative Building. The Centre has proved to be beneficial for the Judges, employees and the lawyers.



## Visit of Students to the High Court of Orissa, Aain Seva Bhavan and Odisha Judicial Academy

On 14th November 2021, 25 students of the 11th and 12th standards of the Ravenshaw Higher Secondary School visited the High Court and allied organs with their teachers. They watched sample video clippings of swearing-in of the Judges and recordings of live-streamed Court proceedings. They visited the Chief Justice's courtrooms and chambers, other courtrooms, conference halls and the Judges library. The students' queries were answered by the accompanying lawyers Mr. Bibhu Prasad Tripathy, Mrs. Pami Rath and Mr. Saswat Acharya. The students visited the High Court Bar Association Hall, interacted with the office

bearers of the Association and the young lawyers about eminent legal luminaries. Later they visited the Aain Seva Bhawan and had an overview of the activities of the Legal Services Authorities and Alternate Dispute Redressal mechanisms like Mediation and Arbitration. At the Odisha Judicial Academy, the Director gave an outline of a career in the Judiciary. They ended their visit with an interaction with the Chief Justice.

On 28<sup>th</sup> November 2021, students of the Shailabala Women's College paid a similar visit. It is proposed to have such visits on a regular basis.



#### Unveiling of the Judicial Calendar



A painting competition was held for school children of classes VII to X by the Family Courts and District Courts of Odisha on Children's Day, 14<sup>th</sup> November, 2021 on the theme 'Family'. The students whose paintings were selected as the 1<sup>st,</sup> 2<sup>nd</sup> and 3<sup>rd</sup> positions were awarded prizes by the respective District Courts. The said prize-winning paintings were scrutinized by a Committee of Judges of the High Court and 12 of them were selected to be part of the Judicial Calendar of Odisha-2022, for both the High Court and District Courts of Odisha.

On 19<sup>th</sup> December 2021, the Judicial Calendar of Odisha–2022 featuring the selected paintings



was released in the Auditorium of the Odisha Judicial Academy by the Chief Justice and Judges of the High Court of Orissa. Padma Vibhusan Shri Sudarshan Sahoo, renowned stone sculptor, Padmashree Shri Sudarshan Pattanaik, renowned sand sculptor and the President, Odisha Lalit Kala Academy, and Shri Rabinarayan Rath, eminent painter and sculptor felicitated those students whose paintings have been selected by the Orissa High Court Calendar. The parents and family members also attended the event. They shared the stage with the Chief Justice and the dignitaries and briefly explained the concept of their respective paintings to the audience.

#### Unveiling of Plaques containing the Preamble

On the occasion of Constitution Day on 26<sup>th</sup> November, 2021 plaques containing the Preamble were unveiled simultaneously in the High Court, Odisha State Legal Services Authority, 16 District Courts and 96 outlying stations across the State in the presence of Justice S. Ravindra Bhat, Judge, Supreme Court of India, and the Chief Justice and the Judges of the

High Court. Plaques displaying Article 39A of the Constitution of India were unveiled in the offices of 18 District Legal Services Authorities and 106 Taluk Legal Services Committees. The event, held in virtual mode was attended by District Judges and Judicial Officers across the State.

64 Annual Report 2021 High Court of Orissa



Preamble unveiled at the Judges' Entrance of the new building of the High Court





**Introduction of Dress Code for the employees** 

Among the series of initiatives for improving the working condition of employees, the introduction of Dress Code was one. Uniforms for the Group-A, Group-B and Group-C employees were introduced to inculcate a sense of discipline and unity among them. While a navy-blue blazer with logo of the High Court on the left lapels is common, the neckties for men are different for the three groups - blue and white striped necktie for Group-A, blue for Group-B and maroon for Group-C.



#### **Combating The Pandemic**

The year 2021 saw continued impact of the Covid-19 pandemic. Ever since the pandemic had shown its face, the judiciary in Odisha resolved to face the challenge to ensure that access to justice is not disrupted. The year witnessed impact of the pandemic on an unprecedented scale with many employees of the High Court and District Judiciary being infected. Many also lost their lives. The High Court, keeping in view the guidelines issued by the Govt. from time to time took several steps in this regard such as, mass vaccination of staff, constant sanitisation of Court premises, ensuring Covidappropriate protocols and establishing Covid Care Centres etc.

As many as 124 positive cases were found in the office of the High Court during the second wave. By the end of the year about 99% of employees had been administered 1<sup>st</sup> dose and 97% had been administered 2<sup>nd</sup> dose of vaccine. Face masks, hand wash kits and sanitizers were supplied in a massive scale. Automated hand sanitizer machines were installed at various places in the Court's premises considering the vulnerable points of entry to Courts and Offices. The Court rooms, Conference halls, corridors, entry gates,

lifts, vehicles etc. in the Court premises were intensively disinfected with special focus on cleanliness. Thermal scanning at entry points was done during the peak of the pandemic. Staff were sensitized to maintain social distancing and to wear face masks as per guidelines of the Government. Covid-19 testing for the staff and their family members was conducted on regular basis. Advisory was issued to create awareness about the preventive measures.

Registrar (Inspection), an Officer of the Court in the cadre of District Judge was nominated as "Covid Compliance Officer" to monitor the situation and implementation of guidelines. The three Covid Care Centres (CCCs) with facilities of supply of oxygen cylinder and oxygen concentrator and medical attendance, established on behalf of the High Court helped a lot in providing timely treatment to the employees. As a result, at the close of the year, the impact of the pandemic was found to have been reasonably controlled.

The SOP issued on behalf of the High Court is set out in *Appendix F*.

#### **Obituary**

The High Court pays homage to the following employees who lost their lives in 2021

Panduram Murmu, Copyist Satya Narayan Mishra, Assistant Section Officer Sanjeeb Kumar Barik, Peon Bata Krushna Das, Class-IV Sahadev Behera, Mali Binod Bihari Gochhi, Mali



# ALLIED ORGANS



## Odisha State Legal Services Authority



L-R: Mr. Smruti Ranjan Mohapatra, Deputy Secretary, Mr Gourishankar Satapathy, Member Secretary, Justice Jaswant Singh, Executive Chairperson, OSLSA and Mr Nikhil Bharat Mohanty, Assistant Secretary

With the coming into force of the Legal Services Authorities Act 1987, the Odisha State Legal Services Authority ('the State Authority'), the Orissa High Court Legal Services Committee, the District Legal Services Authorities (DLSAs) and the Taluk Legal Services Committees (TLSCs) were constituted on 11th April, 1996.

During 2021, the Executive Chairperson of the State Authority till 9<sup>th</sup> July, 2021 was Justice Sanju Panda. Thereafter, till 7<sup>th</sup> October 2021, it was Justice Sanjay Kumar Mishra. Justice Jaswant Singh has been its executive Chairman since 24<sup>th</sup> October, 2021.

The Member Secretary of the State Authority was Ms. Meenakshi Dash till 12<sup>th</sup> April, 2021; it was Mr. Bidyut Kumar Mishra till 1<sup>st</sup> July, 2021 on which date Mr. Gouri Shankar Sathpathy took over. The Member Secretary is a District Judge cadre Judicial Officer. The Deputy Secretary is a Senior Civil Judge cadre Judicial Officer while the Assistant Secretary is a Civil Judge cadre judicial officer.

Odisha has developed a state-wide network of legal services institutions in all 30 districts, reaching out to the underprivileged sections of the society including HIV+ patients, transgenders and victims

of disasters. It has schemes providing representation to the accused in Courts and compensation to the victims of crime. Today, apart from the State Legal Services Authority at State level, there are 30 DLSAs and 105 TLSCs in different outlying court locations.

Promoting legal literacy amongst the masses was continued during 2021, through mega camps for the rural populace, spot films display in mobile vans, radio talks, press coverage, student literacy clubs, YouTube Live awareness camps and online webinars. Legal Awareness camps were organized in different parts of the State.

The DLSAs have established Village Legal Aid Clinics and Centres in the rural areas which are operated by para legal volunteers to provide immediate legal help at the community level.

Jail Legal Aid Clinics have been established in different jails to ensure early access to the justice delivery system for the undertrial prisoners and convicts and to provide them legal services in terms of legal advice, drafting of applications, intimating the status of their cases etc.

There are pre-Litigation Mediation Desks and Permanent and Continuous Lok Adalats in each DLSA. Besides, Permanent Lok Adalats for resolution of disputes in public utilities [PLA (PUS)] have also been set up in the revenue districts of the State. These alternative dispute resolutions are presided over by former District Judges.

## Activities during 2021

#### **Lok Adalats**

In 2021, four National Lok Adalats were held in the High Court as per the calendar of the National Legal Services Authority. As many as 3,145 cases including motor accident claims, cases relating to SARFAESI Act, matrimonial cases, land acquisition cases and electricity disputes were dealt with. Of these, 306 cases involving compensation, fines and agreed loan recovery amount of Rs. 19,72,91,129 were settled. Besides, 1 District level

Lok Adalat was held for Negotiable Instruments Act (cheque bounce cases) on 21<sup>st</sup> November, 2021.

In the District Judiciary, 27,632 cases were disposed of in Lok Adalats involving Rs.308,50,37,022/- towards realization of fines in criminal cases and award of compensation in other cases. Further, 7,925 pre-litigation disputes were settled involving Rs.37,18,65,304/- as fine and compensation.

70 Annual Report 2021 High Court of Orissa

#### Details of National Lok Adalats in the High Court

Date of Lok Adalat	Cases placed	Cases settled	Amount involved
1 <sup>st</sup> National lok Adalat on 10 <sup>th</sup> April, 2021	809	109	Rs. 7,16,74,743/-
2 <sup>nd</sup> National Lok Adalat on 10 <sup>th</sup> July, 2021.	762	35	Rs. 2,32,91,000/-
3 <sup>rd</sup> National Lok Adalat on 19 <sup>th</sup> September, 2021	830	81	Rs.6, 34, 13,386/-
4 <sup>th</sup> National Lok Adalat on 19 <sup>th</sup> December, 2021	744	81	Rs. 3,89,12,000/-
Total	3145	306	Rs. 19,72,91,129

#### Details of National Lok Adalats in the District Judiciary

Nature of cases	Cases Placed	Cases settled	Amount of Fine realized and Compensation Awarded (In Rs.)
Pending Cases	1,82,066	27,632	308,50,37,022/-
Pre-litigation Disputes	1,86,813	7,925	37,18,65,304/-
Total	3,68,879	35,557	345,69,02,326/-

#### Permanent Lok Adalat (PUS)

22 Permanent Lok Adalats (PUS) are functioning in the State. During the year 1,548 pre-litigation disputes were registered in addition to the pending cases of which, 1,623 disputes were settled.

#### **Legal Aid**

During the year, 8,955 applications seeking legal aid were received. Of these, 8,423 were disposed of by the State Authority, High Court Legal Services Committee and other field units. In 1,558 matters panel advocates were engaged and in 5,722 matters counselling was offered.

#### **ADR Centres and Mediation**

ADR Centres are functioning in 16 Districts. In the districts where ADR Centres have not been established, the District Mediation Centres are taking up mediation and other ADR activities.

At the beginning of the year, 253 cases were pending for mediation. During the year, 682 cases were received, 64 cases were settled through successful mediation. In 395 cases, mediation failed and in 165 cases, mediation could not be commenced. At the end of the year, 311 cases were pending for mediation.

#### **Awareness Programmes**

1,968 Awareness Camps were organized by the DLSAs and TLSCs through physical and virtual modes across the State on different legal themes and welfare schemes as per the Calendar of Activities of the State Authority. The awareness programmes covered about 1.25 lakh people in the State.

#### **Victim Compensation Scheme**

During the year, 1,958 applications under the Victim Compensation Scheme were received by DLSAs across the State. 2,023 applications were decided and Rs.20,72,30,331/- was disbursed towards compensation to the beneficiaries by the DLSAs.

#### **Student Legal Literacy Clubs**

Following the guidelines issued by NALSA, 746 Student Legal Literacy Clubs have been established in the State, each consisting of not more than 25 student members of class 8<sup>th</sup> and 9<sup>th</sup>. There is a Teacher-in-Charge being nominated by the Head Master/Principal of the concerned school for each such club. The Club functions under the supervision of the Secretary, DLSA and District Education Officer of the concerned district.

Due to ongoing COVID-19 Pandemic situation, the intra-District and Zone level (five zones) competitions on essay, painting and acting competitions were organized in virtual mode by the DLSAs in September, 2021 as per the guidelines issued by the OSLSA. The winners of the Zonal Level

competition participated in the State Level competition organized by the State Authority on 4<sup>th</sup> December, 2021 through digital mode.

# **Training Programmes for Panel Lawyers and PLVs**

The training module devised by NALSA was followed for training of panel lawyers. A total of 546 panel lawyers were imparted training. Similarly, 10 induction/refresher training programmes were organised for PLVs and total 320 PLVs were imparted training. 34 training programmes were organised by the DLSAs.

#### Nyaya Sanjog

During 2021, 789 persons approached the Legal Assistance Establishment (Nyaya Sanjog) functioning at OSLSA, who were provided with the required legal aid, assistance and consultation. A State-Level Legal Assistance Establishment, namely, 'Nyaya Sanjog' has already been set up and made functional in the office of the State Authority, OSLSA since 21<sup>st</sup> June, 2017 with the aim and objective of providing multiple legal services under one roof. There is a dedicated Help Line number-1516. 559 persons received assistance on calling the helpline.

#### **Front Office**

135 Front Offices are functioning in the DLSAs and TLSCs. During 2021, 1,149 persons approached the Front Offices and 1,112 were provided assistance in the aforesaid Front Offices.

#### **Jail Legal Services Clinics**

During 2021, 5,698 persons approached the Jail Legal Services Clinics. Of these, 2,556 persons were provided with assistance.

# Village Legal Aid Care and Support centres

During the year, 6,694 persons approached the Village Legal Aid Care and 2,518 persons were provided assistance in the aforesaid Centres.

# Other Activities conducted during COVID-19

The Legal Services Authorities during the unprecedented situation caused by the pandemic tried their best to provide timely and effective legal aid and assistance to the needy. The sustained efforts appear to have made a difference in the lives of the people at the grassroots. This phase also saw adoption of innovative methods and use of technology.

#### **Legal Services During the Pandemic**

The following table depicts the steps taken to provide legal services authorities during the pandemic.

Cases relating to domestic violence received by LSIs	128
Cases in which legal aid and assistance was provided	116
Petitions filed in courts through Legal aid under DV Act	34

Cases resolved through counselling/mediation	33
Grievances related to denial of wagesin which legal assistance was provided	29
No. of persons provided legal representation at remand stage	3,156
No. of bail applications filed by persons at remand stage	2,195
No of such bail applications allowed	261
No. of Under trials represented during trial through legal assistance	114
No. of bail applications filed for Under trials	105

#### **High Power Committee**

In compliance with the directions of the Supreme Court of India in WP(C)) No. 01/2020 (In Re: Contagion of COVID-19 Virus in prisons), a High Power Committee (HPC) was constituted by the Government of Odisha on 26th March, 2020. It comprised the Executive Chairperson of the State Authority, the Principal Secretary, Home, Director General (DG), Prisons and Correctional Services to look into the process of decongestion. One of the major tasks was to address the issue of decongestion of the Jails.

In terms of the directions issued by the HPC on 30<sup>th</sup> April 2020, quarantine wards were created in all the jails of the State to isolate freshly remanded accused prisoners till such time, they were tested for COVID-19.

The Standard Operating Procedure (SOPs) for implementation of protocol to be followed during the lodging of newly arrested accused persons in jails was issued by the Home Department, Govt. of Odisha

to the D.G. Prisons, the D.G. Police, and the Health Department for monitoring health and safety of prisoners. 32 HPC meetings were held during 2021.

#### **HPC related Statistics**

	Parole	04
Inmates released on i.e. Parole, Furlough& Special Remissions	Furlough	88
	Special Remission-	06
Under Trial Prisoners released on interim bail		7,449
P Prisoners found to be affected by COVID-19		1,395
Prisoners kept in quarantine wards		69,482
Prisoners succumbed to COVID-19		05
Prisoners recovered from COVID-19		6210

#### Help to stranded persons and Senior Citizens

Cases in which assistance was provided to migrants in coordination with District Administration for transit, food etc.	703
Persons assisted with regard to shelter problems and lack of money	24
Personsassisted with travelling to home states or districts	08
senior citizens assisted	19

#### **Organization of Jail Adalats**

Based on the directions issued by the High Court in *W.P.(C)* No. 6610 of 2006 and *W.P.(C)*(PIL) No.3368 of 2014, Jail Adalats were conducted in 21 districts on 6<sup>th</sup> October, 2021. They were conducted in 9 districts on 10<sup>th</sup> October, 2021. In these Jail Adalats, 318 cases were taken up, of which 6 were disposed of under Section 320 Cr.P.C., bail was granted in 1 case. In 2 cases, the accused was released on Personal Recognizance (PR) Bond. In 1 case, the accused availed plea-

bargaining and in one other case, the statement of the accused was recorded.

In the Jail Adalats held in November, 110 cases were taken up, of which, 13 were disposed of under Section 320 Cr.P.C. In 2 cases, the accused persons were released on P.R bond. In December, 69 cases were taken up, of which 9 were disposed of under Section 320 Cr.P.C. In 9 cases, the accused were released on P.R bond.

#### Benefit provided to sanitation workers

A tragic incident took place on 19<sup>th</sup> March, 2021 at Bhubaneshwar in which two sanitation workers died due to asphyxiation. The High Court of Orissa took up the issue suo moto in *W.P.(C) No.14589 of 2021* and directed the State to pay compensation of Rs. 10 lakhs

each to the families of the two sanitation workers. The State Authority was directed to contact the families of the victims and provide legal assistance. The State Authority issued letters to the concerned departments and deputed PLVs to provide immediate legal assistance.

#### **Training Programme on Mediation for Advocate-Mediators**

On 20<sup>th</sup> November 2021, Justice A.M. Khanwilkar, Judge, Supreme Court of India in the presence of Justice A.S. Bopanna, Judge, Supreme Court of India, and the Chief Justice and the judges of the High

ACADEMY SPORT OF THE PROPERTY OF THE PROPERTY

Advocate mediators with Dr. S. Muralidhar, Chief Justice and Judges of High Court of Odisha

This training programme which was held after a gap of 9 years was organized in 2 phases on 20<sup>th</sup> & 21<sup>st</sup> of November, 2021

Court of Orissa inaugurated a 5 days (40 hours) Training Programme on Mediation for 25 Advocate-Mediators. 14 of these were from the High Court and 11 from District Court at Cuttack.



Inauguration of 40-hour training programme by Justice A.M.Khanwilkar and Justice A.S.Bopanna, Judges of the Supreme Court of India

and then 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> December, 2021. Mr. A. J. Jawad and his team conducted the training programme.

# Pan India Awareness and Outreach campaign "Azadi ka Amrit Mahotsav" from 2<sup>nd</sup> October to 14<sup>th</sup> November, 2021.

To commemorate the "Azadi ka Amrit Mahotsav" and Legal Services Week, the State Authority under the aegis of NALSA organised awareness and outreach programmes from 2<sup>nd</sup> October to 14<sup>th</sup> November 2021 at the district village levels. During the period, door-to-door campaigns, legal awareness camps, roadshows and rallies, competitions and radio talks were organized. The State Authority and its legal services institutions were able to reach all the villages of Odisha.

Panel lawyers, PLVs, members of SHG groups, students of different law colleges and resource persons were constituted in teams by the DLSA. Mobile vans and pool cars were also used. The DLSAs organized

drawing, debate, essay and film-making competitions for the members of the Student Legal Literacy Club members in virtual and physical modes. Besides, street plays and Nrityanatikas on different legal services schemes were conducted. 49,182 villages were covered by all the DLSAs and TLSCs.

The DLSAs also organized 60 Awareness programmes under the NALSA-National Commission for women (NCW) collaborative project "Empowerment of Women through Legal Awareness", which was attended by 62 resource persons and 3891 participants. 30 Delivery-Based Mega Legal Services Camps on different core themes were organized by the (DLSAs).



Chief Justice and Justice B.P. Routray at the mega legal services camp, organized by DLSA, Nuapada on 13<sup>th</sup> November, 2021.



Justice Biswanath Rath, at the Mega Legal Services Camp organized by DLSA, Sonepur on 13<sup>th</sup> November,2021



Dr. Justice B.R.Sarangi, speaking at the Mega Legal Services Camp at Nayagarh on 13<sup>th</sup> November, 2021



Justice Satrughana Pujahari speaking at the Mega Legal Services Camp at Nayagarh on 13<sup>th</sup> November, 2021.

#### Success Stories

#### Payment of wages to the labourers

On 5<sup>th</sup> February 2021, the State Authority received an e-mail from the Centre for Social Justice, an NGO of Sundargarh District about 4 daily wage contractual labourers engaged in Mayank Acqua Culture Ltd. of Gujarat, who had not been paid wages by the company due to suppressed economic activity. As a result of the lockdown, the poor labourers being in a precarious condition, had no means to go to Gujarat to collect their pending wages, for which the matter was taken up by the State Authority.

The Secretary and the District Administration at Sundargarh were contacted to provide legal services to the labourers. On the intervention of the Secretary DLSA, Sundargarh, the company issued cheques to the four labourers for their pending wages.

# **Steps for proper cremation of covid victims**

There were reports in the media regarding mismanagement in the cremation of covid positive patients who had died. On the suggestion of state authority, the DLSA constituted core groups in coordination with the district administration to address the issue.

#### Shelter for the needy

On 28<sup>th</sup> May, 2021 a report captioned "Bhanga Dadara Ghare Brudha, Brudhaa o

Teen Natuni" was published in Odia daily "The Samaja". Reportedly, an old man, wife and three grand-daughters were languishing in a dilapidated house in Nuapada district. The DLSA Nuapada immediately took up the matter for providing legal assistance to the 70-year old man, Akhila Sabar and his family members. DLSA, Nuapada requested the Chairman of TLSC, Khariar for taking appropriate steps. The Chairman wrote to the Block Development Officer, Khariar for assistance to the beneficiaries. In response, the Block Development Officer sanctioned Rs. 20,000/- as first installment for construction of a Pradhan Mantri Awas Yojana (PMAY) house and also provided Old-Age Pension and Ration Card to the beneficiaries.

# Rescue of a distressed woman from Tamil Nadu

A woman of Goudabada Sahi, Puri had been working as a tailor in a textile company at Tirupur, Tamil Nadu. With the rise in Covid-19 cases, she wanted to return home, but her employer did not grant her leave, rather wrongfully confined her. This fact was intimated to District Administration, Puri by her father and in turn the District Labour officer, Puri requested DLSA Puri to intervene in the matter. The DLSA thereafter, requested the Secretary, DLSA, Tirupur and the Chairman TLSC, Avinashi for rescue of the woman. Finally, due to the

intervention of Legal Services Authorities, the woman was rescued and repatriated.

# Release of Wages to the migrant labourers

Bhima Beka, Tapan Kalar of village Tandiki, Raju Padiami, Irma Kabasi of village Tangaguda and NakiKabasi of village NuaBondki under Malkangiri district were taken through a village agent, Unga Madkami to work for a contractor, Gouri Durga of Andhra Pradesh as daily labourers.

The Contractor engaged them for borewell diggingworkatdifferentplaceslikeIchhapur, Rayagada, Bhubaneswar, Paralakhemundi and Berhampur during lockdown but after completion of work, the contractor did not pay their wages for months. The poor labourers approached several authorities but to no avail. Due to non-receipt of wages during lockdown, the labourers were on brink of despair and destitution. On advice of a PLV of DLSA, Malkangiri, Dr. Ranjan Kumar Swain, the labourers came to the office of DLSA, Malkangiri for redressal. After hearing the facts, a pre-litigation case was registered and the matter was taken up with the Labour Department, Malkangiri for taking immediate action for recovery of the wages of the labourer from the defaulting contractor.

#### Rehabilitation of an old man

Being ill-treated by his wife and son and driven out from home, an old person was found roaming around the Civil Court premises, Dhenkanal in distress and desolate condition and the matter came to the knowledge of Secretary DLSA, Dhenkanal who found that due to his old age, the old man could not walk and speak properly. The condition of the old man was very grim and it was apparent that he needed immediate rehabilitation and proper treatment.

Taking into consideration his condition, the District Social Security Officer, Dhenkanal was immediately moved by the Secretary, DLSA to take immediate steps for rehabilitation of the old man in any shelter home at Dhenkanal and to provide immediate medical treatment without delay.

Later, the DLSA staff accompanied the old man to the office of DSSO, Dhenkanal for his immediate medical treatment and made all arrangements for his stay in the Kunjabihari shelter home at Dhenkanal. He was immediately provided with medical treatment and was rehabilitated.

### Rescue of a mentally retarded woman

On receiving information about a 34-year old lady, who was mentally retarded and moving in distressed and desolate condition near Bidanasi area of Cuttack Town, OSLSA rescued and admitted her in the mental ward of SCB Medical College & Hospital with the help of IIC Bidanasi, Cuttack where she was provided immediate medical treatment.

#### Medical support provided to a victim

During the 45 days of the Pan-India awareness and outreach campaign, the DLSA, Jharsuguda, constituted various teams for the purpose of legal awareness programmes and camps at different corners of the district. On 5<sup>th</sup> November 2021, a (PLV) was asked to conduct a legal awareness camp at Durlaga village under Talpatia police station. During the Camp, he found a person with mental illness, requiring immediate treatment and rehabilitation. The PLV collected all the requisite information regarding the identity of the victim.

With the help of an NGO, People's Forum, the DLSA Jharsugda rescued the victim. The staff of DLSA, Jharsuguda further visited the NGO to ensure the wellbeing of the victim.

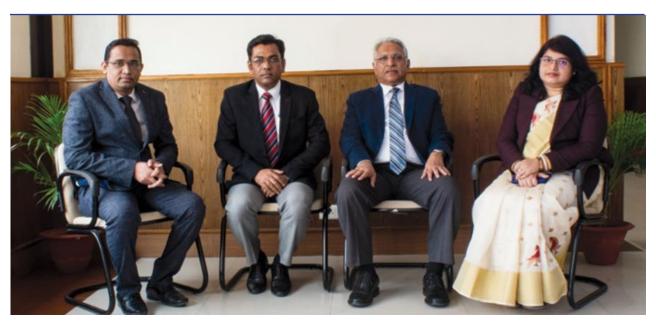
#### Medical help to a victim

On 14th October, 2021 DLSA, Phulbani received an application from a young man, Bimal Nayak of Badabanga village of Kandhamal district, who had lost his hands due to electrocution. He was found sitting on the roadside of Raikiain in a distressed condition. The Secretary, DLSA, Phulbani contacted the CDM & PHO, Phulbani and admitted him to the hospital for treatment. In co-ordination with the DLSA, Cuttack, assistance was provided to the victim for his treatment at the SCBMC & Hospital, Cuttack. It is ascertained from his family members that the surgery of his left hand was successfully conducted and he is likely to recover.

# Help provided under "Ashirbad Scheme"

A news item was published in the daily "The Samaja" that a man, Umakanta Behera had died due to cardiac arrest and had left behind his poor widow and two minor daughters. The Secretary, DLSA, Jagatsinghpur immediately deputed a PLV, Khirod Kumar Dash to enquire about the matter. The PLV submitted an enquiry report to the effect that due to the sudden demise of Umakanta Behera, the two minor daughters were unable to continue their studies and were living in a collapsed thatched house. The Secretary, DLSA immediately instructed the District Child Protection Officer, Jagatsinghpur to register the two minor daughters of the deceased under the "Ashirbad Scheme". The DCPO, Jagatsinghpur immediately registered the two minor daughters under the said Scheme. Now they are receiving a monthly scholarship of Rs. 1500/- each as financial assistance. Further, Secretary, **DLSA** requested Block Development Officer, Jagatsinghpur to take early steps to include them in Indira Awash Yojana and provide financial assistance to the wife of the deceased.

## Odisha Judicial Academy



L-R: Mr. Manas Padhan, Assistant Director, Mr. Manas Ranjan Barik, Director, Justice Jaswant Singh, Chairman, OJA and TC and Mrs. Banali Tripathy, Deputy Director

Odisha Judicial Academy (OJA) provides training to the Judicial Officers to make them professionally competent, sensitive and responsive to the challenges that their work entails. The vision of the OJA is to equip the judicial officers with theoretical knowledge as well as administrative and management skills to enable them to strive for excellence in their task of dispensing justice.

The OJA has been conducting training programmes on different components like institutional training, evaluation and correctional training, sharing best practices of different judicial academies etc. The OJA has developed training programmes for both newly recruited as well as in-service

Judicial Officers. It also has programmes designed to sensitise Public Prosecutors, members of the Juvenile Justice Board, Police Officers, Mediators, Conciliators, Court Managers, Staff of the District Courts and the High Court.

OJA focuses on updation of knowledge, sharpening of judicial skills, sensitization of judicial officers on social issues in the fields of, inter alia, gender, physical and mental disabilities, poverty, access to justice and environment.

During the year, 19 refresher courses were held for all cadres of Judicial Officers of the State. Each refresher Course contained components focusing on knowledge, skill,



attitude and judicial ethics, commensurate with the need of the target group.

Participants were supplied with reading materials on the topics. To enhance participation besides sharpening research skills, the participants were divided into groups of 4 or 5. Each group made a presentation on the topic assigned to it.

# Webinar on "Challenges faced by the Courts during the Pandemic"

On 16<sup>th</sup> and 17<sup>th</sup> January 2021, a webinar was organised by the OJA through virtual and physical mode on the subject "Challenges faced by the Court during the Pandemic". Justice G.B. Pattanaik and Justice Dipak Misra, both former Chief Justices of India, and Justice D.P. Mohapatra, Dr. Justice A. Pasayat, and Justice A.K. Pattanaik, former Judges of the Supreme Court of

India addressed the participants. The Chief Justice and the Judges of the High Court, and all judicial officers of the district courts as well as the members of the Bar Association attended the webinar.

#### Induction training for Newly Recruited Civil Judges as per the Draft Calendar

The OJA conducts every year induction training for freshly recruited officers of the OJS (Odisha Judicial Services) and OSJS (Odisha Superior Judicial Services).

The newly recruited OJS Officers are either fresh law graduates or have just a few years of experience at the Bar. The principal aim of the Induction Course is to build a strong foundation for their careers as Judges. The prime focus of the Induction Course, therefore, is on inculcation of judicial ethics,

development of judicial skills and aptitude, sensitization to social issues.

During 2021, 47 OJS Officers joined to undergo training at Odisha Judicial Academy (OJA). A Civil Judge (on Probation), who is an OJS Officer, undergoes 6 (six) months institutional training at OJA which includes one week of training at different Judicial Academies (known as Sharing of Best Practices) of other States, two days visit to Jail, a day's visit to FMT

Department of a Medical College, two days visit to State Forensic Science Laboratory (SFSL), a day's visit to State Authority, a day's visit to State Secretariat, a day's visit to State Assembly and three days of Grass Root Level Elementary Programme which includes visit to slums, geriatric homes etc., and one week training at Revenue Officers Training Institute (ROTI). Further, these Officers undergo five months field training and one-month accounts training



Oath taking ceremony of newly recruited Civil Judges



82 Annual Report 2021 High Court of Orissa

at Madhusudan Das Regional Academy of Financial Management (MDRAFM), Bhubaneswar.

12 Civil Judges (on probation) of the 2019 batch joined on 9<sup>th</sup> August, 2021 and 35 officers joined on 13<sup>th</sup> September, 2021 for

institutional training at OJA. They were relieved from the OJA on 23<sup>rd</sup> October, 2021 for field training to their respective judgeships. They undergo field training with judicial officers in the courts. While on field training, they are familiarized with the working of the police and the prisons.

#### **Training Programmes**

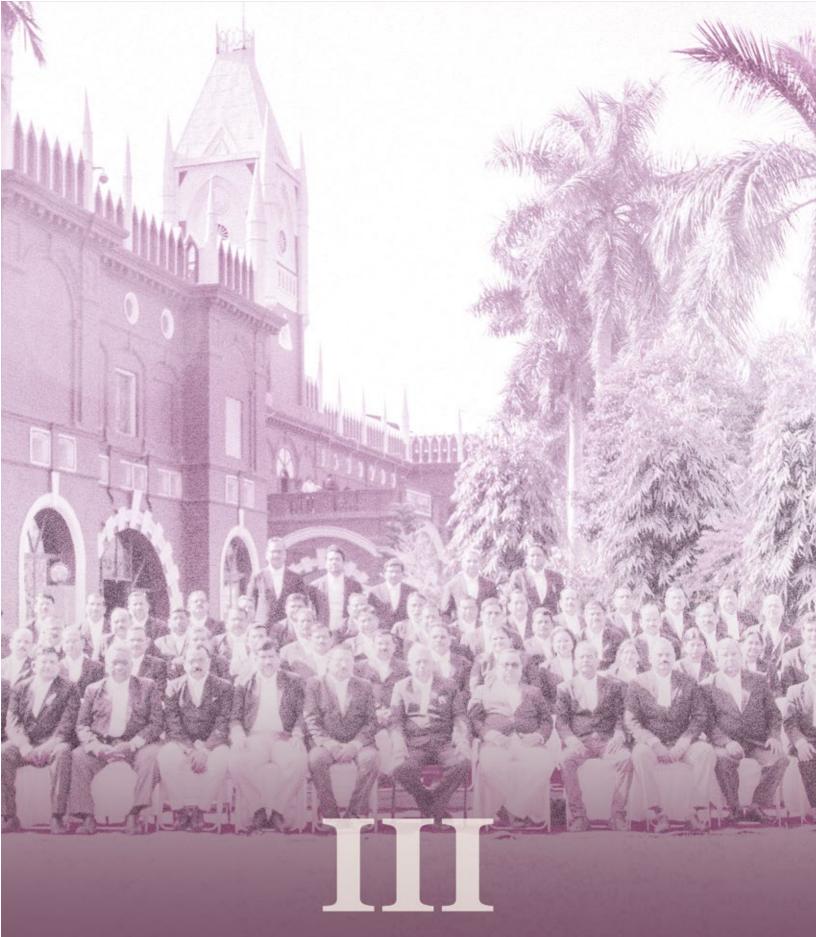
On 11<sup>th</sup> September 2021, a one-day special training programme on the topic "Hands-on Training Programme for Judicial Officers in conducting Virtual Hearing" was organized by the OJA. Dr. Justice D.Y. Chandrachud, Judge, Supreme Court of India and Chairperson, E-Committee inaugurated the programme and delivered the inaugural address.

In this special training, four technical sessions were conducted by different resource persons. Justice Talwant Singh, Judge, Delhi High Court deliberated on the topic 'A boon to justice delivery system in India', Ms. R. Arulmozhiselvi, Member (Human Resources), E-Committee, Supreme Court of India deliberated on the topic 'Procedural and technical aspects of conducting the V.C'. The Master Trainers nominated by the High Court conducted the practical session of this programme.

Details of different training Programmes organized during the year have been shown in tabular form at *Appendix-J*.



Emblem in the Chief Justice's Court in the New Building



LAW OFFICERS AND THE BAR



## Office of The Advocate General, Odisha



Shri Ashok Kumar Parija Advocate General, Odisha

The State Government has a dedicated panel of lawyers headed by the Advocate General to represent it in litigations before the High Court of Orissa. The office of the Advocate General came into existence with the creation of separate province of Odisha from 1<sup>st</sup> April, 1936. Justice Bira Kishore Ray, who later became the first Chief Justice of the High Court after its establishment, was the first Advocate General of the

province. The province was then within the jurisdiction of High Court of Patna, with a circuit bench functioning at Cuttack. When High Court of Orissa was established, in July, 1948 Swami Bichhitrananda Das became the first Advocate General for the High Court of Orissa. The present Advocate General, Shri Ashok Kumar Parija assumed office on 26th June, 2019.

#### **Law Officers**

#### **Government Advocate**

Jyoti Prakash Patnaik

#### **Additional Government Advocates**

- 1. Dilip Kumar Mishra
- 2. Ram Prasad Mohapatra
- 3. Soubhagya Ketan Nayak
- 4. Amiya Kumar Mishra
- 5. Sarojananda Mishra
- 6. Janmejaya Katikia

16. Gajendra Rout

88

7. Lalatendu Samantaray	17. Debakanta Mohanty
8. Prem Kumar Patnalk	18. Y.S.P Babu
9. Prabhas Chandra Panda	19. Prabhu Prasad Mohanty
10. Arupananda Das	20. Shakti Prasad Panda
11. Smt. Saswata Patnaik	21. Manoj Kumar Khuntia
12. Bibhu Prasad Tripathy	22. Smt. Suman Pattanayak
13. Pravat Kumar Muduli	23. Dhananjay Mund
14. Ajaya Kumar Nanda	24. Satya Sundar Kanungo
15. Ajodhya Ranjan Dash	25. Harmohan Dhal
16. Arun Kumar Mishra	26. Rabi Narayan Mishra

## **Standing Counsel**

Tapas Kumar Praharaj

Tapas Kumar Pranaraj		
Additional Star	nding Counsel	
1. Anupam Rath	17. Surjya Ranjan Roul	
2. Purna Chandra Das	18. Smt.Susama Rani Sahoo	
3. Ms. Samapika Mishra	19. Manoj Kumar Mohanty	
4. Jyoti Prakash Patra	20. Anand Prakash Das	
5. Karunakar Nayak	21. Karunakar Das	
6. Dipak Kumar Pani	22. Sk. Zafrulla	
7. Ms. Sanjibani Mishra	23. Sangram Keshari Mishra	
8. Swayambhu Mishra	24. Abhinandan Pradhan	
9. PriyabrataTripathy	25. Sailaza Nandan Das	
10. Prakash Kumar Mohanty	26. Tarun Patnaik	
11. Akshya Kumar Beura	27. Debendra Kumar Mohanty	
12. Uttam Kumar Sahoo	28. Gyana Ranjan Mohapatra	
13. Sidhartha Sankar Mohapatra	29. Deepak Ranjan Parida	
14. Prasenjeet Mohapatra	30. Sachidananda Nayak	
15. Sukumar Ghose	31. Karunakar Gaya	

Annual Report 2021 High Court of Orissa

32. P. K. Maharaj



## Activities during the year

#### **E-filing of cases**

The digitisation of Indian courts has received a major thrust due to COVID-19 social distancing restrictions. The judiciary, led by the Hon'ble Supreme Court and the High Courts, have adopted e-filing of legal papers and conducted frequent hearings over video conferencing. The e-filing system has enabled electronic filing of all legal papers, thereby promoting paperless filing. Pandemic accelerated the digitisation of the courts in India and Orissa High Court was no exception. Hon'ble Dr. Justice S. Muralidhar assumed office as the Chief Justice of Orissa High Court in early January, 2021. He came in with a reputation of having started digitisation of the Delhi High Court and his court was known to be a 'paperless court', years before the pandemic.

Nowonder after Justice Muralidhar assumed office, the Judges of the Orissa High Court and the Registry swung into action under his able leadership to transform the High Court from virtual courts functioning on an adhoc basis and taking up urgent cases to courts working on a virtual platform as a norm.

The Registry also transformed itself whereby the records of the High Court were digitized on a war footing. The Office of the Advocate General also rose to the occasion. Many cubicles of the AG Office were converted to facilitate virtual hearings. Infrastructure was upgraded by appointing data entry operators and procuring adequate number of computing systems for e-filing of all affidavits, petitions, appeals etc. The office of the Advocate General has also started e-filing of its legal papers such as counter affidavits, petitions, appeals etc.

The Central Project Coordinator (CPC) and the Registry conducted training programmes to train the law officers and the staff of the AG Office to familiarize them with e-filing procedures. This has gone a long way in increasing the efficiency of the AG Office.

#### **E-Custody certificates**

With the introduction of e-custody certificates module, the prison along with the details of the parties involved, the details of the concerned Superintendent of Police who is signing this document, are created. Various data/ details relating to prisoner type, name and father's name, address, FIR, sections involved; police stations, current status with preceding court details, conviction, tenure, fine with the details of the court awarding this sentence are maintained for the use of the Court.Details relating to custody of under trial prisoners, custody period of conviction, interim bail details, parole, absconding/overstay, actual custody and conviction; earned remission of sentence are also included in the certificate.

Trail court details, bail status, custody status in the case (whether the accused is under custody in the case or otherwise); details of conviction in other cases connected or otherwise, the details relating to acquittal are also included. There are thorough checks and balance which are maintained in generating the e-Custody certificate; making verification/corrections and after the same is completed, the said document is transferred to the High Court with facility for auto generation of draft, transfer/adjournment letter etc.

E-custody certificate system has been designed for enabling convenient access to the antecedents of prisoners and automated e-mail services for faster case information sharing with government officials. Upon implementation of this system, the e-custody certificates of the prisoners can be sent online to the courts instantly. This will go a long way in speedy disposal of the cases.

## Vaccination drive in the High Court Bar & the Office of the Advocate General

With the continuous efforts of the

executive body of the High Court Bar association in association with the office of Advocate General, vaccination drive for both the COVID-19 doses was undertaken, maintaining the Covid-19 guidelines like social distancing, wearing masks etc. This drive covered almost all the members of the Bar, their family members as also the Law Officers and staff of office of the Advocate General.

#### **Conducting RT-PCR Tests**

With the spread of COVID-19 across the world, the State Government stressed the need for regular tests to combat the effect of COVID-19. In compliance with the above guidelines issued by the Central Government as also Government of Odisha, regular RTPCR test were being conducted in the Office of the Advocate General in order to detect the persons affected with COVID-19 and to isolate them so as to break the chain of spreading of the disease. Further, in the event, any staff of the Office of Advocate General tests positive, prompt steps are taken to sanitize the entire building so as to prevent any outbreak.

# Office of The Assistant Solicitor General Of India



Prasanna Kumar Parhi Assistant Solicitor General of India for the High Court of Orissa

The Union of India has a dedicated panel of lawyers headed by Shri Prasanna Parhi, the Assistant Solicitor General of India to represent it in litigations before the High Court of Orissa. Shri Prasanna Kumar Parhi assumed office as Assistant Solicitor General of India for the High Court of Orissa on 7<sup>th</sup> October, 2020.

#### **Senior Panel Counsel**

- Kailash Chandra Kar
- Achyutananda Routray
- Pradip Kumar Pattnaik
- Sanjib Swain

- Bimbisar Dash
- Chandrakanta Pradhan
- Gyanaloka Mohanty
- Partha Sarathi Nayak

#### **Central Government Counsel**

- Deba Ranjan Mohapatra
- Dulal Satyanarayan Jethi
- Bijayalaxmi Tripathy
- Alok Kumar Mohanty
- Debasis Satapathy
- Prasanta Kumar Das

- Banidutta Rai Mohapatra
- Dipti Ranjan Bhokta
- Jateswar Nayak
- Kartik Chandra Jena
- Subha Bikash Panda
- Biswajit Moharana

- Debabrata Rath
- Mahendra Kumar Pradhan
- · Babita Sahoo
- Udit Ranjan Jena
- Manoj Kumar Pati
- Dilip Kumar Sahu
- Birendra Kumar Pardhi
- Satyabrata Panda
- Amitabh Pradhan

- Chandra Madhab Singh
- Satya Sindhu Kashyap
- Debashis Tripathy
- Sulochana Patro
- Bhabani Shankar Rayguru
- Prabhu Prasanna Behera
- Jyotsnamayee Sahoo
- Deepak Gochhat



(Sitting from L -R) : Partha Sarathi Nayak, Dulal Satyanarayan Jethi, Chandrakanta Pradhan, Bimbisar Dash, Prasanna Kumar Parhi, Kailash Chandra Kar, Gyanaloka Mohanty, Sanjib Swain, Achyutananda Routray, Deba Ranjan Mohapatra

Standing first row from L -R : Bhabani Shankar Rayguru, Dilip Kumar Sahu, Udit Ranjan Jena, Manoj Kumar Pati, Jyotsanamayee Sahoo, Sulochana Patra, Babita Sahu, Bijayalaxmi Tripathy, Debadutta Rath, Debasis Satpathy, Prasanta Kumar Das, Biswajit Moharana

Standing first row from L -R: Birendra Kumar Padhi, Dipti Ranjan Bhokta, Prabhu Prasanna Behera, Satya Sindhu Kashyap, Deepak Gochhayat, Satyabrata Panda, Jateswar Nayak

### High Court Bar Association



Shri Jagabandhu Sahoo Senior Advocate, President of the High Court of Orissa Assumed Office on 31<sup>st</sup> March 2020

The Orissa High Court Bar Association was registered on 5<sup>th</sup> September, 1961 under Societies Registration Act, 1860. Shri L.K. Das Gupta was the first President and Shri

Gangadhar Rath was the first Secretary of the Association. Presently, the Association is headed by Shri Jagabandhu Sahoo, Senior Advocate.

### Office Bearers of the High Court Bar Association

Elected on 26th March 2021 for a term of one year

#### **President**

Jagabandhu Sahoo, Senior Advocate

#### **Vice- President**

Devi Prasad Dash, Advocate

#### **Secretary**

Dr. Jitendra Kumar Lenka, Advocate

#### **Joint Secretary**

Pranaya Swain, Advocate

#### **Assistant Secretary**

Tapas Kumar Acharya, Advocate

#### **Assistant Secretary (Library)**

Bijay Kumar Mishra, Advocate

### **Executive Body Members**

Abhisek Mohanty
Soumya Kanta Tripathy
Byomkesh Tripathy
Siba Prasad Mishra

Thakur Sangram Singh
Bibhudutta Barik
Pradip Kumar Mishra
Ramakrushna Mishra

### Activities during the year

### Observance of Lawyers' Day

Statue of Utkal Gourav Madhusudan Das was unveiled on the Lawyers' day on 28<sup>th</sup> April, 2021 at the library building of Orissa High Court Bar Association. The statue was inaugurated by the Chief Justice in presence of the Judges, High Court of Orissa.

#### **Vaccination of Lawyers**

Committee of three Judges constituted by the Chief Justice to look into the grievances of the Bar regarding the challenges posed by the pandemic. With the intervention of the Committee. arrangements for vaccination of lawyers were made. One nodal doctor and one nodal officer were assigned with the task of undertaking measures for vaccination and treatment of members of the Bar. A vaccination team was constituted under Vaccination Program for inoculation of members, spouse and family. Nearly 9000 members, spouse, families were vaccinated under the vaccination program. A COVID Care Team of the Bar Association was constituted for providing assistance for COVID testing and arrangement of ambulance, medicines, hospitalization and other allied services. A large number of members including spouse and family were

benefited under the scheme. Subsequently, due to the efforts of the Barthe above medical assistance were provided to the District Bar Associations of the State. The Bar conveys sincere gratitude to the Chief Justice and the Committee for timely intervention.

#### **Health Camp**

A mega health cardiology check up camp was organized in the Convention Hall of the High Court Bar with the co-operation of AMRI Hospital, Bhubaneswar on 11.11.2021 with successful participation of large number of members of our Bar.

#### **Advocates Welfare Fund**

Resolution was passed by Executive Committee opposing implementation of Corpus Fund Stamp introduced by Orissa State Bar Council under the Orissa Corpus Fund Stamp Rules, 2020.

Welfare Scheme 2010 containing Clause 2 (L) under Chapter 1, Clause 15 (I) and 16 of Chapter VII of the High Court Bar Association Member's Welfare Scheme-2010 were amended and value of Welfare Fund Stamp to be affixed by the Advocates/Senior Advocates on the Vakalatnama/Memo of Appearance was enhanced from Rupees 20/- to Rupees 50/- in case of



(Sitting from left to right first row): Pranaya Swain, Devi Prasad Dash, Jagabandhu Sahoo, Dr. Jitendra Kumar Lenka, Tapas Kumar Acharya and Bijay Kumar Mishra (Sitting from left to right second row): Thakur Sangram Singh, Byomakesh Tripathy, Bibhudutta Barik, Dipak Ranjan Mishra and Siba Prasad Mishra

advocates and from Rupees 50/- to Rupees 100/-in case of Senior Advocates. The High Court Registry was intimated to incorporate the amendment by appropriately amending Rule 6-A of the Orissa High Court Rules.

The Welfare Committee resolved to enhance the amount payable to legal heir in case of death of any member of the Bar from Rs.10,000/- to Rs.20,000/-. The same is currently enhanced to Rs. 1,00,000/- (Rupees one lakh) those who are members of the Welfare Scheme as amended in 2021 upon one time contribution of Rs. 1500/-.

Resolution was passed by the General Body for introducing One Time Membership of the Welfare Scheme on payment of Rs.1500/for participation and availing benefit under the Welfare Scheme. The members and their legal heirs shall be eligible to get enhanced benefit in case of death, accident and treatment of various diseases/ailments.

Negotiation is in progress with reputed insurance companies for providing long term benefit to the participant members under the Welfare Scheme.

# Hands-on Training of Lawyers for e-Services

In order to facilitate usage of e-Services launched by the High Court a Handson Training for lawyers was organized on 14<sup>th</sup> August, 2021. The Lawyers who participated in the training were provided practical sessions on e-Filing, e-Payment of Court Fee and other e-Services.

#### Seminar

A Seminar was held on 10<sup>th</sup> December, 2021 under the initiation of by Shri Jagannath Research Institute, Bhubaneswar in collaboration with High Court Bar Association on "International Human Rights and Role of Lawyers".





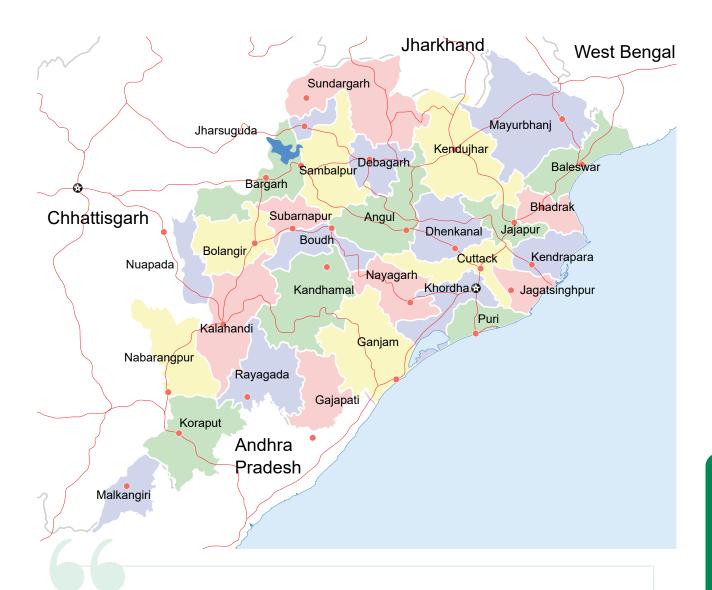


High Court Bar Association Hall





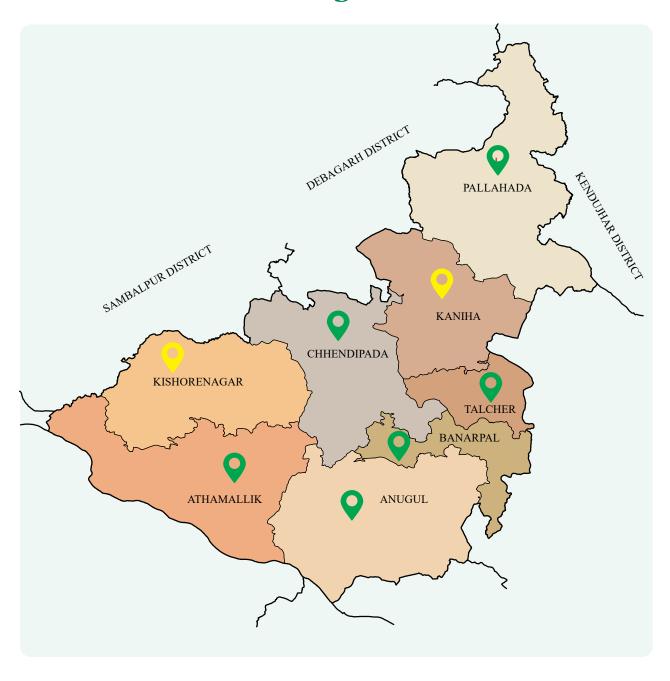
### Map of Judgeships of Odisha



At the time of its formation as a separate province in April 1936, Odisha consisted of 6 districts i.e., Cuttack, Balasore, Puri, Sambalpur, Koraput and Ganjam. Originally, the State had 13 Revenue Districts which were coextensive with the judicial districts (Judgeships). After reorganization of the districts in the year 1992-93, 17 more districts were created, taking total number of revenue districts to 30. The judicial districts continued to be 13 till creation of new judicial districts on different dates. As on date, there are 30 judicial districts (Judgeships) coextensive with the corresponding revenue districts.



# District Judiciary Map **Angul**



Existing Court Complex Proposed Court Complex



District Court Building, Angul

Angul Judgeship with its headquarters at Angul was separated from its parent judgeship Dhenkanal on 31<sup>st</sup> July, 2012. Currently, this judgeship has five outlying stations situated at Talcher, Athmallik, Pallahara, Chhendipada and Banarpal apart. 23 different courts are functioning in this judgeship.

The Old District Court complex started functioning in 1996. There are 2 courts still functioning there. The New Court complex was inaugurated on 21st April, 2018. It includes one Virtual Court Room, e-Sewa Kendra, V.C.

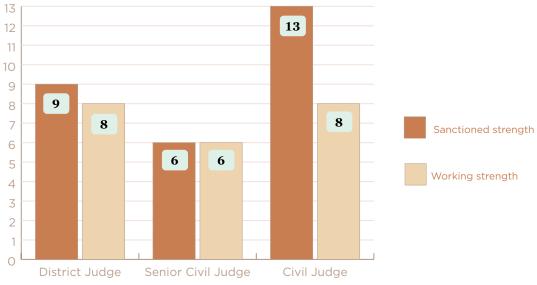
cabin, e-prosecution, and record room. The construction of one vulnerable witness deposition centre is underway. The virtual courtroom here was inaugurated on 1<sup>st</sup> November, 2021.

The construction of 12 E type residential quarters for the staff of Talcher station was completed on 4<sup>th</sup> February, 2021 by the R&B (Roads and Building Department) at an estimated cost of around Rs.2.07 Crores.

Shri Asanta Kumar Das was the District and Sessions Judge till 10<sup>th</sup> April, 2021. Dr. Bhagyalaxmi Rath took over on 13<sup>th</sup> April, 2021.

Apart from the District and Sessions Judge, the judgeship consists of the following courts

Name of the Court	No. of Courts
Judge, Family Court	1
Addl. District and Sessions Judge	4
Exclusive POCSO Special Court	1
Adhoc A.D.J (FTSC)	1
Chief Judicial Magistrate	1
A.S.J-cum-Registrar, Civil Courts	1
Senior Civil Judge	4 (Including 1 Court of LR & LTV)
Addl. Senior Civil Judge	1
Sub-Divisional Judl. Magistrate	4
Civil Judge (Jr. Divn.)-cum-JMFC	2
Addl. C.Jcum-J.M.F.C	1 (including 2 Courts of LR & LTV)



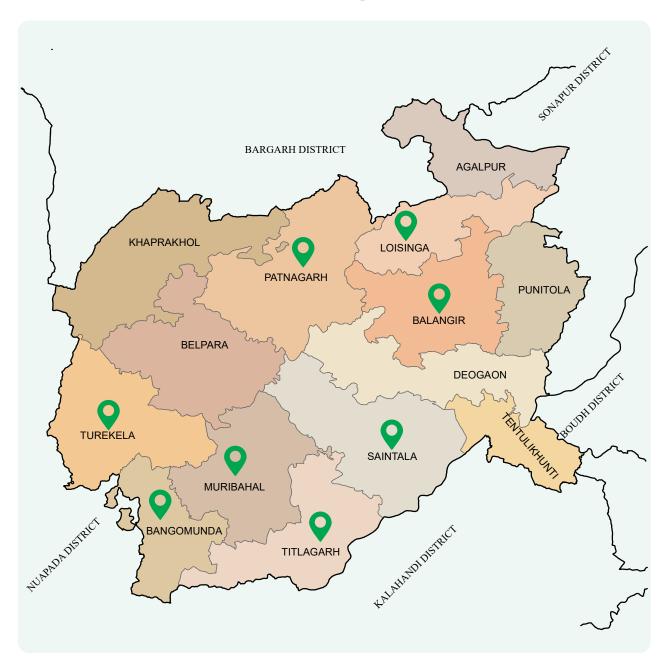
Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	9,107	45,494	54,601	1,967	12,932	14,899	1,742	12,204	13,946	9,332	46,222	55,554
2017	9,332	46,222	55,554	2,337	15,365	17,702	2,228	19,591	21,819	9,441	41,996	51,437
*2018	9,441	41,996	51,437	2,094	14,655	16,749	2,069	11,486	13,555	9,259	45,165	54,424
*2019	9,451	45,410	54,861	1,952	8,932	10,884	2,379	7,302	9,681	9,011	44,032	53,043
2020	9,011	44,032	53,043	1,311	9,466	10,777	891	3,181	4,072	9,431	50,317	59,748
2021	9,431	50,317	59,748	1,712	28,159	29,871	1,512	6,263	7,775	9,631	76,642	86,273

<sup>\*</sup> Closing balance changed due to physical verification.

# **Bolangir**



Existing Court Complex



District Court Building, Bolangir

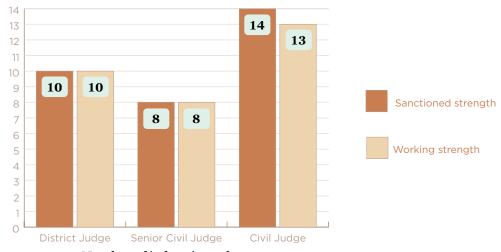
The combined judgeship of Bolangir-Kalahandi started functioning with effect from 17<sup>th</sup> June, 1948 with its head quarters at Bolangir. The Judgeship of Kalahandi was separated from Bolangir on 28<sup>th</sup> February, 1982. After demarcation of Sonepur (Subarnapur) as a separate district, the Bolangir and Sonepur Judgeship continued to function in a combined manner till 22<sup>nd</sup> June, 2012 when the judgeship Sonepur was separated. The outlying stations of Bolangir are at Kantabanji, Titlagarh, Luisingha, Saintala, Muribahal and Patnagarh.

The District Court is functioning in its old building which was inaugurated on 10<sup>th</sup> August, 1980 and it has 18 courts. The District Court along with other subordinate courts are functioning in the old structure and has an approximate area of 51,591 sq. ft.

The construction of 16 E type and 16 F type Quarters at Bolangir having 32 residential units is underway, and is being executed by the R&B.

Shri Shyam Sundar Dash was the District and Sessions judge till 6<sup>th</sup> April, 2021 when Shri Lokanath Mohapatra took over.

Name of the Court	No. of courts
Judge, Family Court	1
ADJ-Cum-Special Judge (Vigilance)	1
Additional District Judges	5
ADJ-Cum- Special Court under POCSO Act	1
Special Court (SC & ST Act)	1
Adhoc A.D.J (FTSC)	1
Chief Judicial Magistrate	1
A.S.Jcum-Registrar, Civil Courts	1
Senior Civil Judge	4
Addl. Senior Civil Judge	1
Sub-Divisional Judl. Magistrate	3
Civil Judge (Jr. Divn)-cum-JMFC	5
Addl. C.Jcum-J.M.F.C.	7 (including 1 Court of LR & LTV)
Spl. Railway Magistrate	1
Special Judicial Magistrate	1



Number of judges in each court

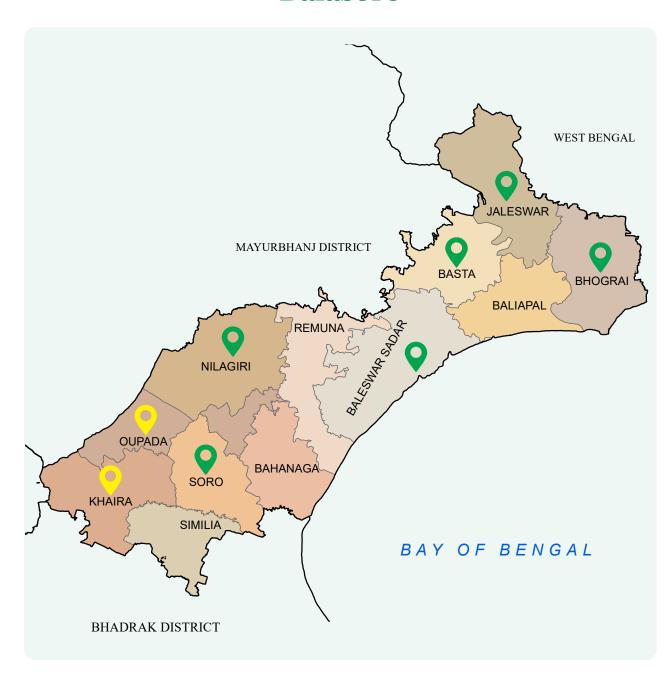
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year			
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	
2016	4,116	20,045	24,161	6,956	20,709	27,665	5,541	18,895	24,436	5,531	21,859	27,390	
*2017	5,686	22,108	27,794	1,569	13,998	15,567	1,419	12,358	13,777	5,836	23,748	29,584	
2018	5,836	23,748	29,584	1,203	20,085	21,288	1,188	16,622	17,810	5,851	27,211	33,062	
**2019	5,851	27,211	33,062	899	20,078	20,977	449	15,079	15,528	6,101	32,174	38,275	
2020	6,101	32,174	38,275	974	8,479	9,453	437	4,508	4,945	6,638	36,145	42,783	
**2021	6,638	36,145	42,783	1,432	11,735	13,167	1,215	8,031	9,246	6,840	39,830	46,670	

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# **Balasore**



Existing Court Complex
 Proposed Court Complex



District Court Building, Balasore

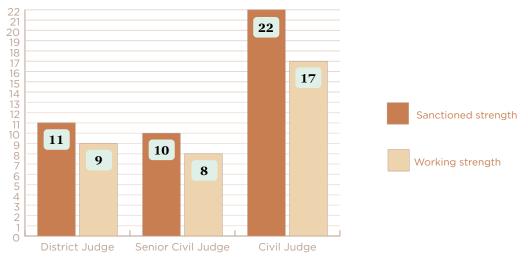
Till 1948, this district was under the combined judgeship of Cuttack-Balasore-Sambalpur. After the merger of princely states in 1948, it came under Keonjhar judgeship. When the ex-State of Mayurbhanj merged with the state of Orissa in 1949, it remained under the Mayurbhanj judgeship with its headquarters at Baripada till 1949. The District Judge stationed at Baripada was holding a Circuit Court at Balasore, from 1915 till 1957-58. A post of Additional District and Sessions Judge, Mayurbhanj was created in 1957-1958 with the headquarters at Balasore. Balasore became an independent judgeship on 15<sup>th</sup> January, 1959.

The construction of C type duplex quarters for Judicial Officers at Rajabagicha, Balasore was

completed on 30<sup>th</sup> April, 2021 by the R&B at a cost of around Rs.50 lakhs. The Orissa State Police Housing and Welfare Corporation (OSPH & WC) is presently constructing a Gram Nyayalaya at Bhograi. The R&B is constructing duplex quarters as well at an estimated cost of Rs.71.47 lakhs. Similarly, the construction of D type Quarters of double storied building for Judicial Officers at Rajabagicha, Balasore is being undertaken by the R&B at an estimated cost of Rs.72.15 lakhs.

Shri Hiranmaya Bisoi was the District and Sessions Judge till 1<sup>st</sup> November, 2021. Shri Bhagabana Pradhana took over on 8<sup>th</sup> November, 2021.

Name of the Court	No. of courts
Judge, Family Court	1
ADJ-Cum-Special Judge (Vigilance)	1
Addl. District & Sessions Judge	4 (including 1 Court of A.D.J. (LR & LTV)
Adhoc A.D.J (FTSC)	1
Special Court (SC & ST Act)	1
Designated Court under OPID Act	1
Chief Judicial Magistrate	1
A.S.J-cum-Registrar, Civil Courts	1
Senior Civil Judge	4
Addl. Senior Civil Judge	3
Sub-Divisional Judicial Magistrates	2
Civil Judge (Jr. Divn.)-cum-JMFC	4
Addl. C.J-cum- JMFC	15(including 2 Courts of LR & LTV & JMFC (Rural))
Gram Nyayadhikari	1
Spl. Judicial Magistrate	1



Number of judges in each court

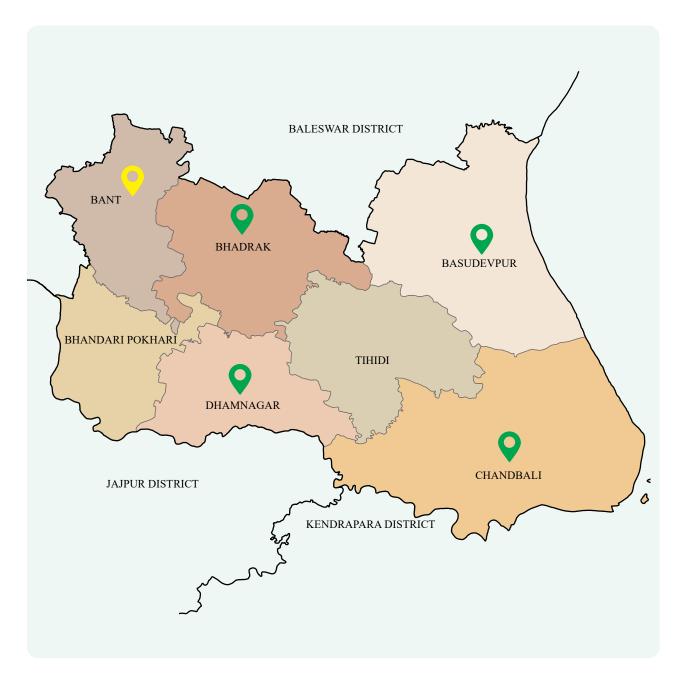
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	26,276	64,298	90,574	986	8,515	9,501	1,003	10,563	11,566	26,259	62,250	88,509
*2017	27,504	63,719	91,223	8,206	18,494	26,700	7,278	13,397	20,675	28,432	68,816	97,248
**2018	28,432	68,816	97,248	7,659	15,108	22,767	5,369	6,745	12,114	30,114	76,765	106,879
**2019	30,114	76,765	106,879	8,716	13,564	22,280	7,348	8,624	15,972	31,431	79,296	110,727
2020	31,431	79,296	110,727	5,954	10,614	16,568	2,703	3,957	6,660	34,682	85,953	120,635
2021	34,682	85,953	120,635	9,485	13,465	22,950	5,427	9,957	15,384	38,882	89,526	128,408

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# **Bhadrak**



Existing Court Complex Proposed Court Complex



District Court Building, Bhadrak

In 1901, a Munsif court was established in the region. Until 1900, the litigants had to go to Jajpur for filing Civil Cases. The Court of Civil Judge (Senior Division), Bhadrak and Additional District Judge, Bhadrak were established in the year 1966 and 1987 respectively.

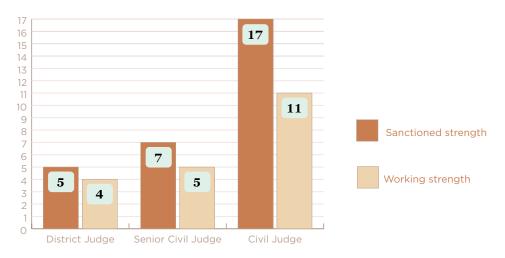
After reconstitution of the districts in the state, the new revenue district of Bhadrak was constituted in 1993. Subsequently, the court of District and Sessions Judge, Bhadrak was established on 21st May, 2011 after being separated from Balasore with its outlying stations at Basudevpur, Chandbali and Dhamnagar.

The construction of the new court building began on 3<sup>rd</sup> March, 2014 and was completed on 31<sup>st</sup> March 2021, at an estimated cost of nearly Rs.30 crores. The work was entrusted to the R & B. The building was inaugurated

on 18<sup>th</sup> December, 2021. There are 15 Court rooms in the building. Besides, there is a virtual court room-cum-vulnerable witness room which is a first of its kind. The Virtual Court is equipped with the latest hardware and hispeed internet connection for a lag-free video conferencing. The main purpose of this model court is to prevent direct eye contact between the accused and the witness. Other facilities include a crèche, a room for lactating mothers, 4 lifts, firefighting system, CCTV surveillance and ramp facility for disabled persons. The OSPH & WC is presently constructing the courts of the JMFC at Chandbali and the JMFC & Gram Nyayalaya at Dhamnagar.

Shri Sishir Kumar Rath was the District and Sessions Judge till 24<sup>th</sup> November, 2021 and Shri Pradyumna Kumar Nayak took over on 29<sup>th</sup> November, 2021.

Name of the court	No. of courts
Judge, Family Court	1
Additional District Judge	1
Adhoc A.D.J. (FTSC)	1
Chief Judicial Magistrate	1
A.S.Jcum-Registrar, Civil Courts	1
Senior Civil Judge	2
Addl. Senior Civil Judge	1
Sub-Divisional Judicial Magistrate	1
Civil Judge –cum- JMFC	3
Addl. C.J-cum-JMFC	8 (including 2 Courts of LR & LTV)
Gram Nyayalaya	1
Spl. Judicial Magistrate	1



Number of judges in each court

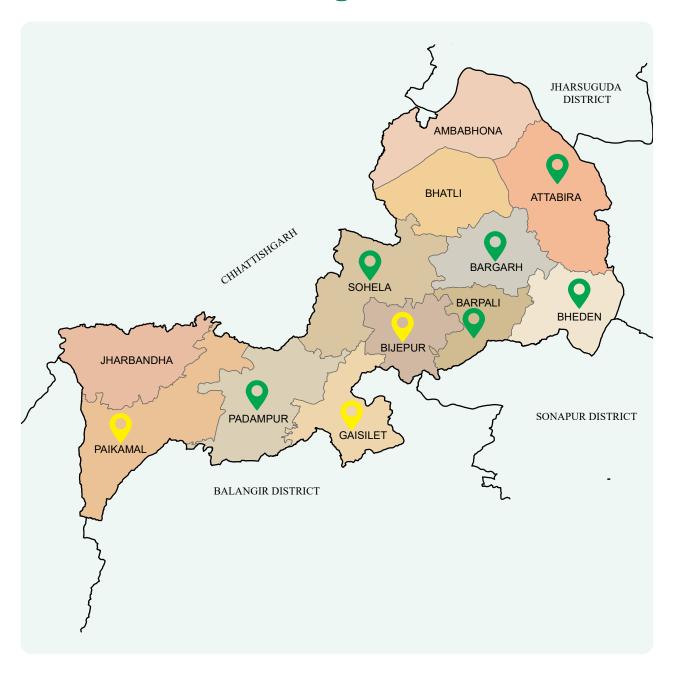
#### **Case Statistics**

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	20,470	33,976	54,446	1,381	13,851	15,232	963	13,295	14,258	20,888	34,532	55,420
*2017	21,740	36,258	57,998	4,271	10,496	14,767	2,468	7,012	9,480	23,543	39,742	63,285
2018	23,543	39,742	63,285	4,380	9,870	14,250	3,105	3,581	6,686	24,818	46,031	70,849
2019	24,818	46,031	70,849	4,707	8,791	13,498	3,174	4,373	7,547	26,351	50,449	76,800
2020	26,351	50,449	76,800	3,496	8,196	11,692	1,186	2,797	3,983	28,661	55,848	84,509
**2021	28,661	55,848	84,509	4,209	12,864	17,073	2,390	4,417	6,807	30,523	64,279	94,802

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# Bargarh



Existing Court Complex Proposed Court Complex



District Court building, Bargarh

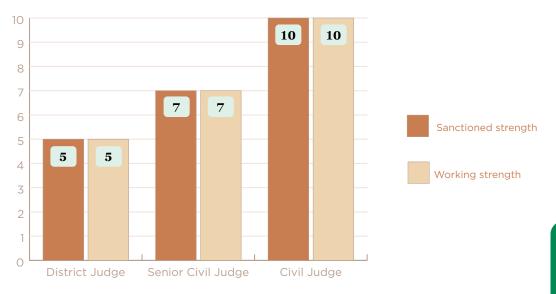
With the formation of a separate province of Odisha in 1936, Bargarh district was carved out incorporating the areas of two sub-divisions, Bargarh and Padmapur from the erstwhile district of Sambalpur in March 1993.

The Judgeship of Bargarh was separated from its parent judgeship Sambalpur with effect from 12<sup>th</sup> July, 2011 and the Court of District and Sessions Judge started functioning at Bargarh with outlying courts at Padmapur, Sohella, Barpalli, Attabira and Bheden.

The District Court Building at Bargarh constructed by the R&B Division, was inaugurated on 14<sup>th</sup> October, 2006. The Court Building consists of three floors and in each floor, there are four Courts. In 2021, provision for one more Court Room was made in the building by renovating two vacant rooms for the functioning of the Court of J.M.F.C. The Library and e-Sewa Kendra are functioning in the District Court Building. All ICT facilities including VC are available in each Court Room for functioning of the Court in virtual mode. Moreover, drinking water and toilet facilities are available in the building for the Officers, staff, lawyers, litigant public and other stakeholders.

Shri Sanjaya Kumar Sahoo was the District and Sessions judge from 4<sup>th</sup> January till 10<sup>th</sup> July 2021. Shri Asim Kumar Dalbehera took over on 23<sup>rd</sup> July, 2021.

Name of the Court	No. of courts
Judge, Family Court	1
Addl. Dist. & Sessions Judge	2
ADJ-Cum- Special Court under POCSO Act	1
Chief Judicial Magistrate	1
A.S.J-cum- Registrar, Civil Courts	1
Senior Civil Judge	4 (including Women's Court)
Sub-Divisonal Judicial Magistrate	2
Civil Judge (Jr. Divn.)-cum-JMFC	3
Addl. C.J-cum- JMFC	6 (including 1 Court of LRT & LTV)
Gram Nyayalaya	1



Number of judges in each court

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	3,021	23,339	26,360	3,524	11,341	14,865	2,524	11,495	14,019	4,021	23,185	27,206
*2017	4,221	24,163	28,384	1,194	11,838	13,032	1,027	6,658	7,685	4,388	29,343	33,731
**2018	4,388	29,343	33,731	1,369	8,828	10,197	707	5,158	5,865	5,050	32,105	37,155
2019	5,050	32,105	37,155	913	8,605	9,518	596	3,750	4,346	5,367	36,960	42,327
2020	5,367	36,960	42,327	914	5,832	6,746	317	1,698	2,015	5,964	41,094	47,058
2021	5,964	41,094	47,058	1,323	7,036	8,359	881	4,015	4,896	6,287	44,088	50,375

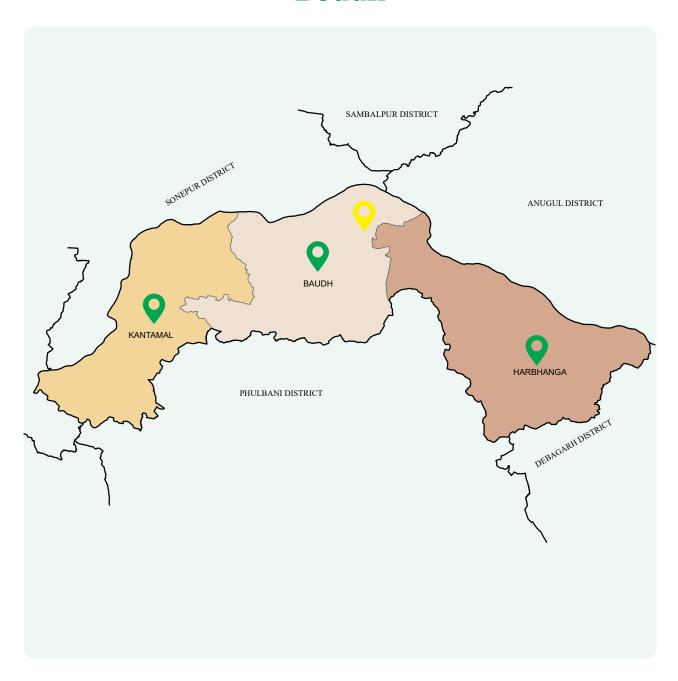
<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification.

118

# District Judiciary Map

# **Boudh**



Existing Court Complex Proposed Court Complex



District Court Building, Boudh

Boudh was a sub-division of the erstwhile Boudh-Kandhamal District. On 2<sup>nd</sup> January 1994, it became the district headquarters of a separate district called Boudh that was carved out of the Boudh-Kandhamal district.

Earlier the consolidated Judgeship of Kandhamal-Boudh and Phulbani was part of the undivided Judgeship of Ganjam. The judgeship of Kandhamal-Boudh and Phulbani was separated from the undivided Judgeship of Ganjam-Berhampur on 11<sup>th</sup> August,1984. The Boudh judgeship was finally separated from Kandhamal-Boudh and began operating with effect from 6<sup>th</sup> October, 2012.

The construction of the new court building began on  $24^{th}$  October, 2014 and was completed on  $2^{nd}$  December, 2018 at a cost of Rs.15.32 crores. The work was entrusted to R & B for the construction of the  $3^{rd}$  floor in the Court Building. There

are 11 Court rooms in the building. The other facilities available in the building include a ramp, wheelchairs for the physically handicapped and elderly, lift, power backup facilities.

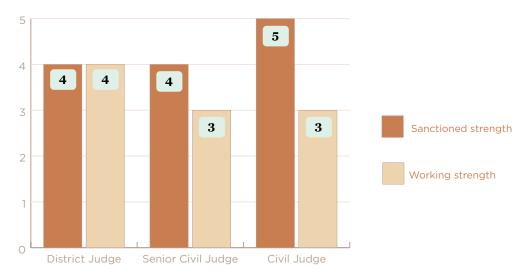
The new court building of the JMFC, Harbhanga at Charichhak constructed by the OSPH & WC at an estimated cost of Rs.8.29 crores was inaugurated on 29<sup>th</sup> November, 2021.

The residential accommodation of B type quarters for the Addl. District Judge at Boudh is being constructed by OSPH & WC.

Shri Arabinda Kumar Guru was the District and Sessions Judge till 31<sup>st</sup> January, 2021; Ms. Pratima Panda from 1<sup>st</sup> February till 30<sup>th</sup> November, 2021.

Shri Bikram Kumar Pradhan took over on 1<sup>st</sup> December, 2021.

Name of the Court	No. of courts						
Judge, Family Court	1						
Additional District Judges	1						
Chief Judicial Magistrate	1						
A.S.J-cum- Registrar, Civil Courts	1						
Senior Civil Judge	1						
Sub-Divisional Judl. Magistrate – 1 Court	1						
Civil Judge –cum- J.M.F.C 2 Courts	2						
Addl. Civil Judge –cum-JMFC	3 (including 1 Court of LR & LTV)						



Number of judges in each court

#### **Case Statistics**

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	444	4,574	5,018	381	4,797	5,178	320	3,728	4,048	505	5,643	6,148
2017	505	5,643	6,148	339	4,215	4,554	319	3,355	3,674	525	6,503	7,028
2018	525	6,503	7,028	356	3,129	3,485	190	1,808	1,998	691	7,824	8,515
2019	691	7,824	8,515	351	4,565	4,916	122	2,130	2,252	920	10,259	11,179
2020	920	10,259	11,179	253	2,839	3,092	120	1,010	1,130	1,053	12,088	13,141
*2021	1,053	12,088	13,141	480	2,281	2,761	300	1,580	1,880	1,164	12,713	13,877

\*Closing balance changed due to physical verification

# **Cuttack**



Existing Court Complex Proposed Court Complex



District Court Building, Cuttack

The Judgeship of Cuttack started functioning in 1936. It covered a huge area encompassing the Revenue Districts of Cuttack, Balasore and Puri as well as the Princely State of Dhenkanal. Subsequently, Puri and Balasore had their separate Judgeships and therefore, Cuttack Judgeship was confined to the Revenue District of Cuttack and Dhenkanal till 1977, when the Judgeship of Dhenkanal was separated. The then Judgeship of Cuttack extended to the Revenue Districts of Cuttack, Kendrapara, Jajpur and Jagatsinghpur from the year 1977. On 26th and 28th June 2012, Kendrapara and Jajpur became separate Judgeships respectively. Today, Cuttack is the largest judgeship of the state in terms of the number of courts with outlying stations at Athagarh, Narsinghpur, Baramba, Banki,

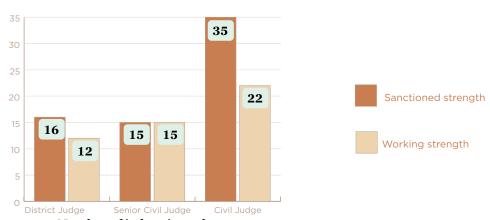
Salipur, Tigiria and Niali.

The District Court is functioning in the old building comprising old District Court building, Civil Court extension building and Track Court Building in the District Court Complex. The old Court building is spread over approximately 28,503 sq. ft. of land. The Civil Courts extension building is spread over approximately 39,097 sq. ft. of land. The Track Court building is spread over approximately 12,597 sq. ft.

The OSPH & WC is presently constructing the JMFC Court building at Tigiria.

Shri Raj Kumar Sahoo was the District and Sessions Judge till 30<sup>th</sup> June, 2021. Shri Bidyut Kumar Mishra took over on 1<sup>st</sup> July 2021

Name of the Court	No. of courts
Judge, Family Court	1
Special Judge(Vigilance)	2 (including Addl. Spl. Judge (Vig.))
Additional District Judges	6 (including 1 Court of LR & LTV)
ADJ-Cum- Special Court under POCSO Act	1
Adhoc A.D.J. (FTSC)	1
Special Court (SC & ST) Act	1
Designated Court under OPID Act	1
Special Court	1
Chief Judicial Magistrate	2 (including 1 Court of A.C.J.M.)
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	5
Additional Senior Civil Judge	5
Sr. Civil Judge (Commercial Court)	1
Sub-Divisional Judicial Magistrate	3
Civil Judge	2
Civil Judge –cum- JMFC	3
Addl. Civil Judge –cum-JMFC	25 (including 2 Courts of LR & LTV and one each Court of JMFC (Rural) & JMFC (City)
Spl. Judicial Magistrate	1



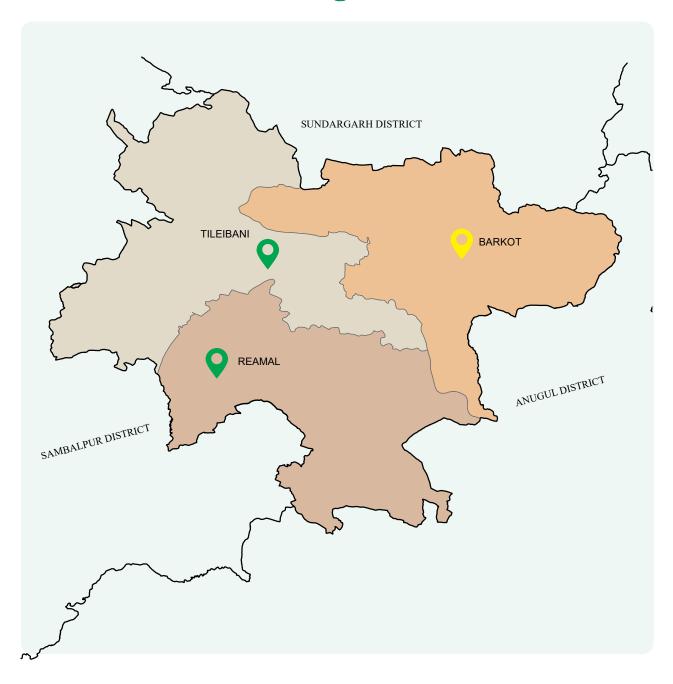
Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	30,357	62,277	92,634	11,999	24,350	36,349	11,887	30,624	42,511	30,469	56,003	86,472
*2017	33,295	57,278	90,573	10,474	48,579	59,053	8,457	37,122	45,579	35,312	68,735	104,047
2018	32,881	68,735	101,616	9,880	32,226	42,106	8,458	20,881	29,339	33,365	79,972	113,337
2019	33,365	79,972	113,337	10,481	58,708	69,189	10,087	42,169	52,256	33,759	96,511	130,270
2020	33,759	96,511	130,270	7,128	30,376	37,504	3,246	16,143	19,389	37,641	110,744	148,385
2021	37,641	110,744	148,385	10,209	39,441	49,650	8,683	19,089	27,772	39,207	130,984	170,191

\* Family Court included

# Deogarh



Sexisting Court Complex Proposed Court Complex



District Court Building, Deogarh

The Judgeship of Deogarh came into existence on 20<sup>th</sup> April, 2013 after being separated from the parent Judgeship of Sambalpur.

The District Court is functioning in the New Building at Purunagarh, Deogarh. The new district court building was constructed at the cost of nearly Rs. 17 crores. There are 12 Court rooms in the New Court Building. The other facilities available in the building are 6 lifts, Air Conditioners in all Court Halls, Chambers of the Presiding Officers and Offices, bar hall and offices. There is one outlying station at Riamal.

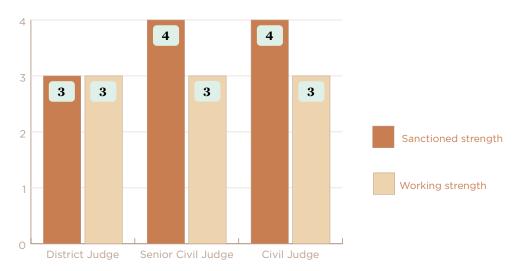
The OSPH & WC is presently undertaking the

following constructions:

- B type quarters for the District Judge and the Additional District Judge at Deogarh
- C type quarters for the CJM, Registrar, Civil Court and Senior Civil Judge at Deogarh
- D type quarters at the SDJM and JMFC at Deogarh

Shri Sudipta Acharya was the District and Sessions Judge till 29<sup>th</sup> October, 2021. Shri Bijaya Kumar Patra took over on 9<sup>th</sup> November, 2021.

Name of the Court	No. of courts
Additional District Judge	1
Chief Judicial Magistrate	1
A.S.J-cum- Registrar, Civil Courts	1
Senior Civil Judge	1
Sub-Divisional Judicial Magistrate	1
Civil Judge (Jr. Divn.)– cum- JMFC	1
Addl. C.Jcum- J.M.F.C.	2 (including 1 Court of LR & LTV)



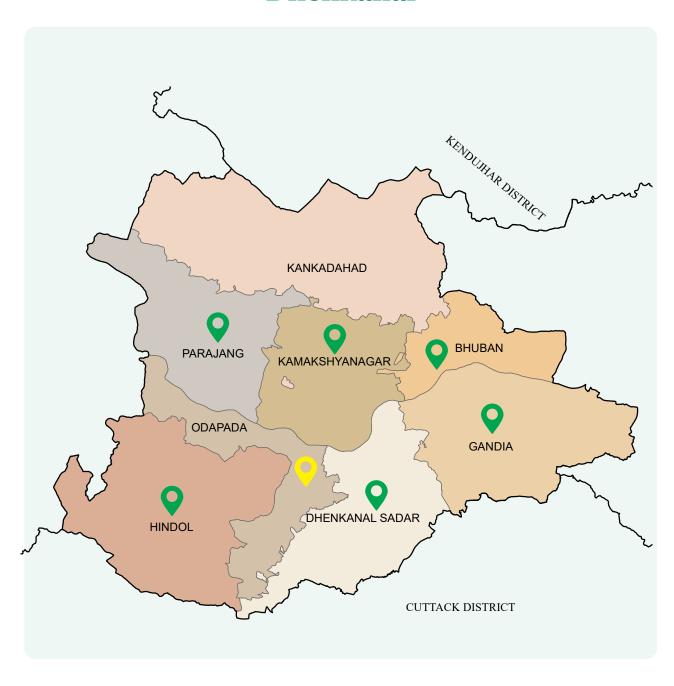
Number of judges in each court

#### **Case Statistics**

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	636	5,871	6,507	221	2,767	2,988	206	3,148	3,354	651	5,490	6,141
2017	651	5,490	6,141	287	4,987	5,274	362	2,608	2,970	576	7,869	8,445
2018	576	7,869	8,445	220	2,910	3,130	184	1,938	2,122	612	8,841	9,453
*2019	612	8,841	9,453	158	1,851	2,009	43	855	898	732	10,036	10,768
2020	732	10,036	10,768	125	2,214	2,339	58	458	516	799	11,792	12,591
2021	799	11,792	12,591	325	3,292	3,617	269	1,004	1,273	855	14,080	14,935

\*Closing balance changed due to physical verification

# **Dhenkanal**



Existing Court Complex Proposed Court Complex



District Court Building, Dhenkanal

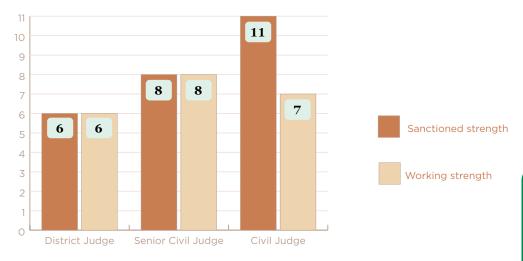
The judgeship of Dhenkanal was constituted into a District Judgeship and Sessions Division on 22<sup>nd</sup> December 1976. After separation of the Angul Judgeship, the administrative jurisdiction of the District and Sessions Court, Dhenkanal extended to the Subordinate Courts at the outlying stations of Dhenkanal Sadar, Hindol, Kamakhyanagar, Bhuban and Parjang.

The District Court is functioning in a two storied

old building which has 12 Court rooms. The OSPH and WC is presently undertaking the construction of:

- B type quarters for the Judge, Family Court and Spl. Judge, Vigilance at Dhenkanal.
- C type quarters for the Secretary, DLSA at Dhenkanal, Shri Sarat Kumar Dehury was the District and Sessions judge throughout 2021.

Name of the Court	No. of courts
Judge, Family Court	1
A.D.J-cum-Special Judge(Vigilance)	1
Additional District Judges	2
Adhoc A.D.J. (FTSC)	1
Chief Judicial Magistrate	1
A.S.J-cum-Registrar, Civil Courts	1
Senior Civil Judge	5 (including 1 Court of LR & LTV & 1 Women's Court)
Additional Senior Civil Judge (OEAT)	1
Sub-Divisional Judicial Magistrate	3
Civil Judge (Jr. Divn.)-cum-JMFC	3
Addl. C.J-cum-JMFC	5 (including 1 LR & LTV)
Sp. Judicial Magistrate	1



Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	8,643	19,689	28,332	2,384	6,828	9,212	2,338	7,659	9,997	8,689	18,858	27,547
*2017	8,916	19,080	27,996	2,326	8,179	10,505	2,533	6,203	8,736	8,709	21,056	29,765
2018	8,709	21,056	29,765	2,147	6,542	8,689	2,262	4,349	6,611	8,594	23,249	31,843
**2019	8,594	23,249	31,843	2,200	7,638	9,838	2,493	4,560	7,053	8,301	26,327	34,628
2020	8,301	26,327	34,628	1,511	6,661	8,172	781	2,138	2,919	9,031	30,850	39,881
2021	9,031	30,850	39,881	2,327	8,148	10,475	2,062	4,216	6,278	9,309	34,814	44,123

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# Gajapati At Paralakhemundi







District Court Building, Gajpati Paralakhemundi

The Judgeship of Gajapati came into existence on 30<sup>th</sup> July, 2011 after bifurcation of the Judgeship of Ganjam-Gajapati and started functioning with headquarters at Paralakhemundi.

The new District Court building was inaugurated on 20<sup>th</sup> November, 2020. The building has a basement and three floors. There are 11 Court rooms. The basement is being used for parking of the vehicles. Other facilities such as lift, Air Conditioner and fire safety measures have been installed in the building.

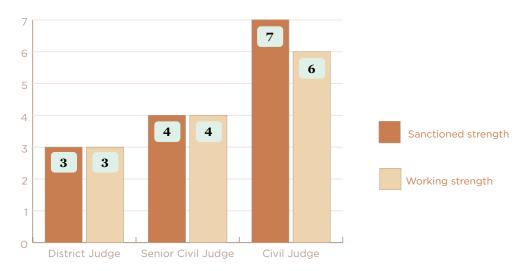
The new District Court building constructed by OSPH and WC at a total cost of around Rs. 17.71 crores was inaugurated on 20<sup>th</sup> November 2021.

In 2021, the OSPH and WC completed the construction of:

- C type quarters for the Secretary, DLSA on 30<sup>th</sup> September, 2021 at a cost of Rs. 76,25,000/-.
- D type quarters for the JMFC at Paralakhemundiat a cost of Rs. 64.65 lakhs on 30<sup>th</sup> September 2021.
- D type quarters for the JMFC at Mohana at a cost of Rs. 64.64 lakhs on 3<sup>rd</sup> March, 2021.

Shri Biswajit Das was the District and Sessions judge till 11<sup>th</sup> April 2021. Shri Satyapira Mishra took over on 13<sup>th</sup> April, 2021

Name of the Court	No. of Courts
Judge, Family Court	1
Additional District Judges	1
Chief Judicial Magistrate	1
ASJ-cum-Registrar, Civil Courts	1
Senior Civil Judge	2
Sub-Divisional Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	2
Addl. C.Jcum-JMFC	4 (including 1 LR & LTV)
Gram Nyayalaya	1

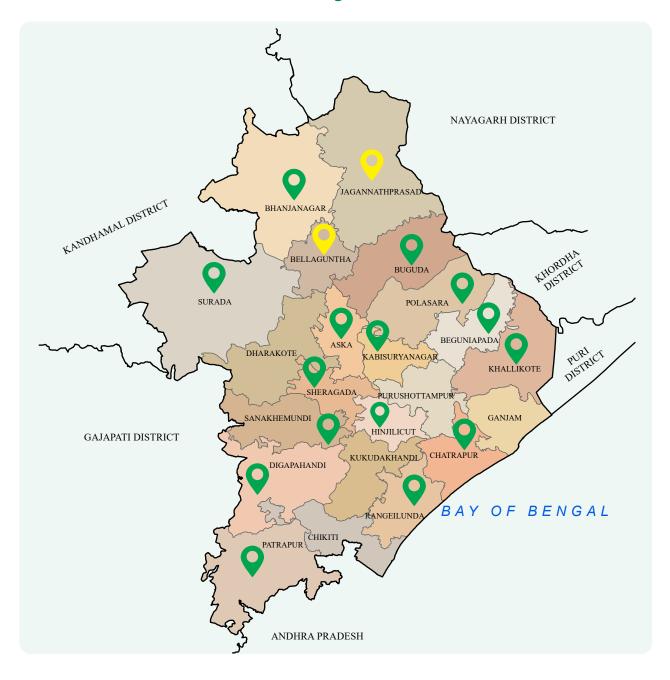


Number of judges in each court

#### **Case Statistics**

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year			
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	
2016	655	8,418	9,073	351	9,645	9,996	336	11,485	11,821	670	6,578	7,248	
2017	670	6,578	7,248	240	5,051	5,291	289	4,905	5,194	621	6,724	7,345	
2018	621	6,724	7,345	294	3,367	3,661	310	2,564	2,874	605	7,527	8,132	
2019	605	7,527	8,132	255	3,951	4,206	282	3,443	3,725	578	8,035	8,613	
2020	578	8,035	8,613	137	2,574	2,711	52	1,236	1,288	663	9,373	10,036	
2021	663	9,373	10,036	285	3,402	3,687	364	2,178	2,542	584	10,597	11,181	

# Ganjam



Sexisting Court Complex Proposed Court Complex



District Court Building, Ganjam

After the bifurcation of Ganjam & Puri districts on 10<sup>th</sup> June 1957, the reorganized Judgeship came to be known as Ganjam. In 1984, Phulbani District was carved out. On 2nd October 1992, a new District viz Gajapati was constituted and the name of the Judgeship was changed to Ganjam-Gajapati. On 30th July 2011, when Gajapati District was separated from this Judgeship, it came to be known as Ganjam Judgeship. The headquarters of Ganjam is located in Berhampur.

The District Court is functioning in an old building at Berhampur which was constructed in 1948 with 8 Court rooms. It is approximately spread over in land measuring Ac 3.491 Dec approximately and in 1948, a building with plinth area of 13,275 sq.ft. housing 10 Court rooms was constructed adjacent to the old building.

The construction of C type quarters at Berhampur for the Additional Chief Judicial Magistrate, Civil Judge Senior Division at an estimated cost of Rs.76,25,000/, Rs. 1,52,50,000/and

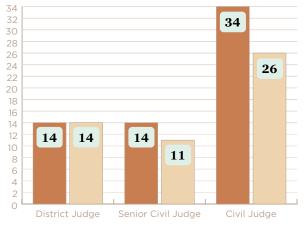
Rs. 76,25,000/- respectively was completed by the OSPH & WC.

The OSPH & WC completed the C type quarters for ACJM, for the CJ(SD) at Berhampur as well as the Secretary of DLSA on 9th February, 2021. The district Court at Ganjam has 14 outlying stations; Chatrapur, Khallikote, Aska, Hinjilicut, Soroda, Seragarh, Polasara, Buguda, Kabisuryanagar, Kodala, Digapahandi, Sanakhemundi, Bhanjanagar, Patrapur and purushottampur.

The OSPH & WC is presently undertaking construction of the Court buildings of JMFC at Seragarh and Kabisuryanagar. It is also undertaking construction of the B type quarters for the III Addl. District Judge and Special Court Judge for Protection of Interests of Depositors (OPID) at Berhampur.

Shri Ram Shankar Hota was the District & Session Court Judge till 10th April 2021 followed by Shri Sashikanta Mishra from 13th April till 17<sup>th</sup> October, 2021. Shri Ananda Chandra Behera took over on 9th November, 2021.

Name of the Court	Number of Courts
Judge, Family Court	1
A.D.J-cum-Special Judge (Vigilance)	1
Additional District Judges	9 (including 1 LR & LTV)
Exclusive POCSO Special Courts	1
Ad-hoc A.D.J. (FTSC)	1
Designated Court under OPID Act	1
Chief Judicial Magistrate	2
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	7
Additional Senior Civil Judge	2
Senior Civil Judge (Commercial Court)	1
Sub-Divisional Judicial Magistrate	3
Civil Judge (JuniorDivision.)-cum-JMFC	10
Additional C.J-cum-JMFC	18
Gram Nyayalaya	1
Special Judicial Magistrate	1
Judge, Family Court	1



Sanctioned strength

Working strength

Number of judges in each court

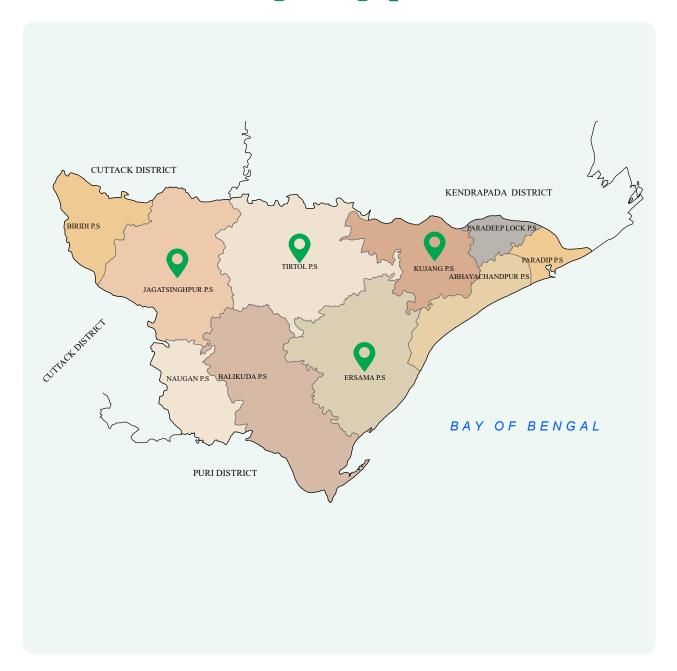
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year			
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	
2016	12,217	43,497	55,714	4,388	30,655	35,043	4,217	28,973	33,190	12,388	45,179	57,567	
*2017	13,007	45,894	58,901	4,436	30,488	34,924	4,827	28,251	33,078	12,616	48,131	60,747	
2018	12,169	48,131	60,300	4,428	25,547	29,975	4,894	18,975	23,869	11,703	54,703	66,406	
2019	11,703	54,703	66,406	4,721	29,131	33,852	4,414	26,895	31,309	12,010	56,939	68,949	
2020	12,010	56,939	68,949	2,705	18,568	21,273	1,367	10,001	11,368	13,348	65,506	78,854	
**2021	13,348	65,506	78,854	4,872	26,287	31,159	4,466	18,983	23,449	13,610	72,798	86,408	

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# **Jagatsinghpur**



Existing Court Complex



District Court Building, Jagatsingpur

After its separation from the parent Judgeship of Cuttack, the Judgeship of Jagatsinghpur started functioning from 17<sup>th</sup> May, 2013 with outlying stations at Paradeep, Kujang and Tirtol.

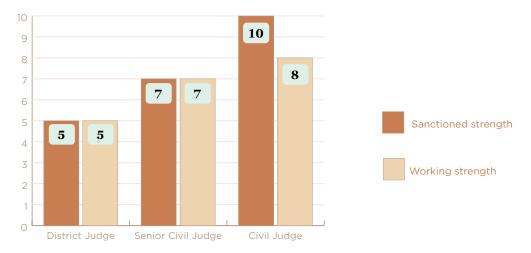
The new District Court building constructed by the OSPH & WC at an estimated cost of Rs.19.86 Crores was inaugurated on 2<sup>nd</sup> November, 2019. It is functioning in a new building. There are

15 Court rooms in the building. It has various facilities like the Bar Hall, ramp for disabled persons, conference hall.

Shri Ananda Chandra Behera was the District & Session Court Judge till 5<sup>th</sup> November, 2021.

Shri Anup Kumar Chandan took over on 9<sup>th</sup> November, 2021.

Name of the Court	Number of Courts
Judge, Family Court	1
Additional District and Sessions Judge	2
Ad-hoc A.D.J. (FTSC)	1
C.J.M.	1
A.S.J-cum-Registrar Civil Courts	1
Senior Civil Judge	4 (including 1 LR & LTV Court 3 Women's Court)
Sub-Divisional Judicial Magistrate	1
Civil Judge (Junior Division.)-cum-JMFC	4
Additional. C.Jcum- JMFC	1 (including 1 LR & LTV)
Gram Nyayalaya	1



Number of judges in each court

#### Case Statistics

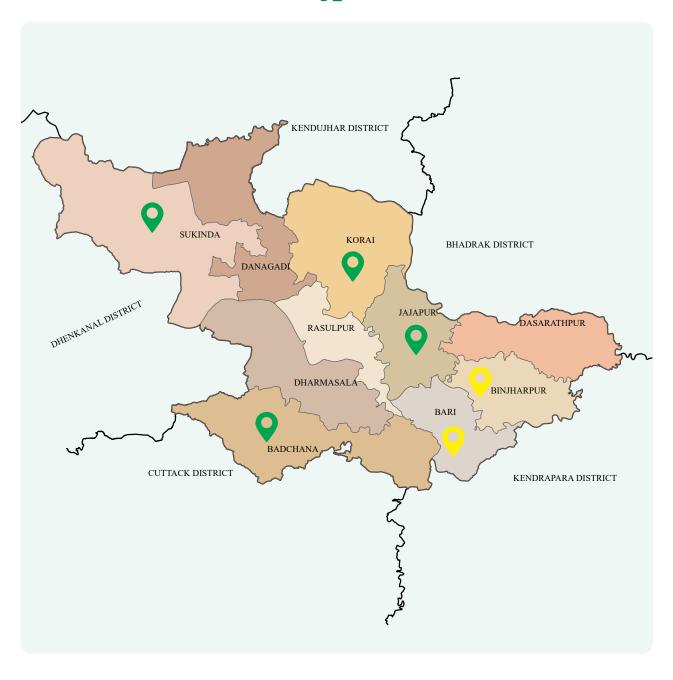
Year	<b>Opening Balance</b>			Institution			Disposal			Pendency		
1 car	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	12,287	22,235	34,522	2,782	7,344	10,126	2,468	7,709	10,177	12,601	21,870	34,471
*2017	12,601	21,870	34,471	2,844	6,790	9,634	4,063	4,859	8,922	11,382	23,801	35,183
2018	11,382	23,801	35,183	2,821	5,916	8,737	3,257	2,858	6,115	10,946	26,859	37,805
**2019	11,608	27,378	38,986	3,018	5,657	8,675	3,792	4,893	8,685	10,834	28,142	38,976
2020	10,834	28,142	38,976	2,383	4,536	6,919	982	2,062	3,044	12,235	30,616	42,851
***2021	12,235	30,616	42,851	3,226	5,796	9,022	3,100	3,855	6,955	12,453	32,591	45,044

<sup>\*</sup> Family Court included

 $<sup>\</sup>hbox{\it *** Opening Balance changed due to physical verification}$ 

<sup>\*\*\*</sup>Closing balance changed due to physical verification

# Jajpur



Sexisting Court Complex Proposed Court Complex



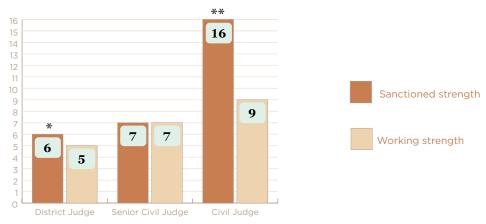
District Court Building, Jajpur

Jajpur Judgeship started functioning with effect from 28<sup>th</sup> June 2012, after being separated from the erstwhile composite Judgeship of Cuttack, Jagatsingpur, Jajpur and Kendrapara. It has outlying areas at Jajpur, Sukinda and Chandikhol.

Since 2012, the Court of the District and Sessions Judge is functioning in a single storied Old Town Hall, Jajpur having 6 rooms. The said building with an approximate plinth area of 2400 sq.ft. was constructed in 1933. The 12 other Courts of Jajpur, are functioning in scattered buildings in the Civil Court Complex. The Gram Nyayalaya at Sukinda was inaugurated on 24<sup>th</sup> January, 2021.

Shri Srikanta Mishra has been the District & Session Court Judge from 4<sup>th</sup> January, 2021.

Name of the Court	Number of Courts
Judge, Family Court	1
Additional. District & Sessions Judge	2
Ad hoc A.D.J. (FTSC)	1
C.J.M.	1
A.S.Jcum-Registrar, Civil Courts	1
Senior Civil Judge	3
Addl. Senior Civil Judge	1
Sub-Divisional Judicial Magistrate	1
Civil Judge (Jr. Division.)-cum-JMFC	3
Additional Civil Judge –cum- J.M.F.C.	7 (including 2 LR& LTV)
Gram Nyayalay	1
Special Judicial Magistrate	1



Number of judges in each court

\*\*Presently, 5 Courts are functioning.1 Court created towards ADJ (LR & LTV) is yet to be opened.

\*\*Presently 9 Courts are functioning. Further, 2 Courts created towards Civil Judge (LR & LTV) and 3

Civil Judges-cum-J.M.F.C are yet to be opened. Further, no P.O has been posted since long in one Court of

Additional Civil Judge and one Court of Special Judicial Magistrate.

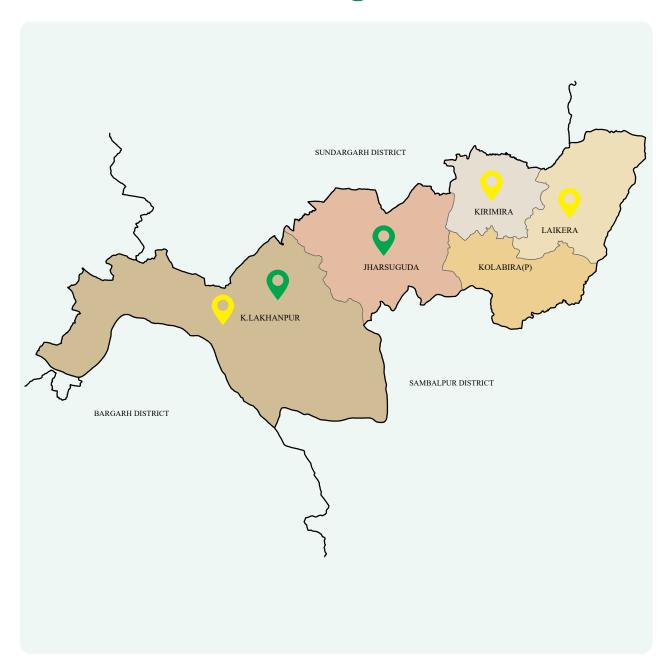
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	14,852	32,604	47,456	4,042	8,979	13,021	2,657	7,802	10,459	16,237	33,781	50,018
*2017	16,827	34,670	51,497	3,531	10,645	14,176	2,739	8,210	10,949	17,619	37,105	54,724
2018	17,619	37,105	54,724	3,636	10,535	14,171	2,641	5,669	8,310	18,614	41,971	60,585
2019	18,614	41,971	60,585	3,867	10,486	14,353	2,973	5,174	8,147	19,508	47,283	66,791
2020	19,508	47,283	66,791	2,650	7,987	10,637	941	2,388	3,329	21,217	52,882	74,099
**2021	21,217	52,882	74,099	4,234	11,253	15,487	2,368	3,605	5,973	23,039	60,623	83,662

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# Jharsuguda



Existing Court Complex Proposed Court Complex



District Court Building, Jharsuguda

The Judgeship of Jharsuguda commenced from 24<sup>th</sup> November, 2011. Until 23<sup>rd</sup> September 2011, it was under the jurisdiction of undivided Sambalpur.

The construction of the new building by the P.W.D (R&B) Division at a cost of Rs. 14.20 Crores started on 25<sup>th</sup> January, 2014 and was completed on 30<sup>th</sup> June, 2016.

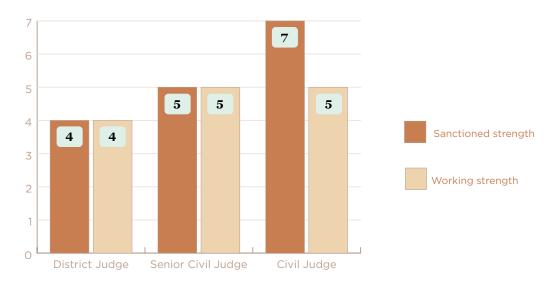
The District Court is functioning in a new building having 11 Court rooms. Its construction

by the R&B was completed by 30<sup>th</sup> June, 2016 at the cost of Rs.14.20 Crores approximately. The facilities available in the building include lift, ramp for disabled persons, e-Sewa Kendra and VC Cabin.

Jharsuguda has one outlying station at Lakhanpur.

Shri Pradyumna Kumar Nayak was the District & Session Judge till 24<sup>th</sup> November 2021. Shri Nisith Nisank took over on 29<sup>th</sup> November 2021.

Name of the Court	Number of Courts
Additional District Judges	1
Exclusive POCSO Special Court	1
Chief Judicial Magistrate	1
A.S.Jcum-Registrar, Civil Courts	1
Senior Civil Judge	2
Sub-Divisional Judicial Magistrate	1
Civil Judge (Junior Division.)-cum-JMFC	1
Additional. C.J-cum- JMFC	4

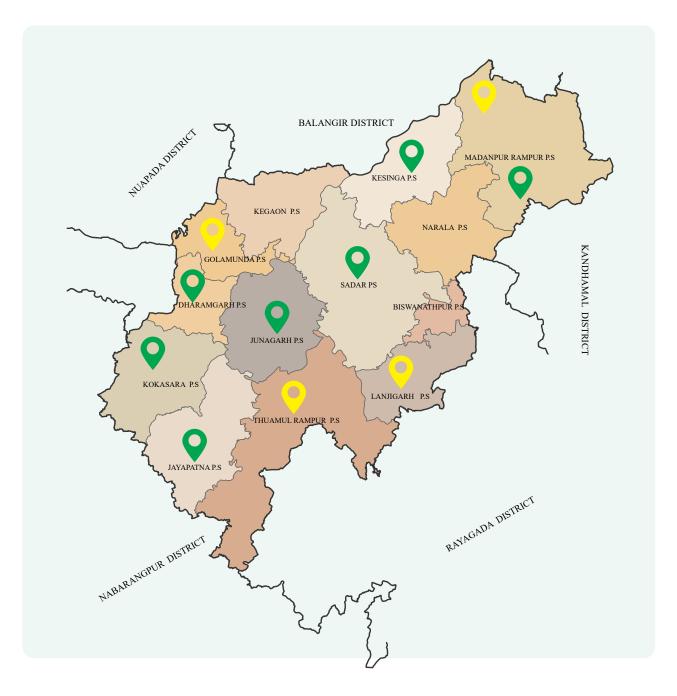


Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	3,168	18,304	21,472	785	8,474	9,259	526	6,101	6,627	3,427	20,677	24,104
2017	3,427	20,677	24,104	783	7,109	7,892	839	7,356	8,195	3,371	20,430	23,801
2018	3,371	20,430	23,801	550	5,696	6,246	621	3,759	4,380	3,300	22,367	25,667
2019	3,300	22,367	25,667	658	7,898	8,556	169	3,093	3,262	3,789	27,172	30,961
2020	3,789	27,172	30,961	348	5,647	5,995	149	3,351	3,500	3,988	29,468	33,456
2021	3,988	29,468	33,456	1,243	9,306	10,549	1,047	2,936	3,983	4,184	35,838	40,022

## Kalahandi



Sexisting Court Complex Proposed Court Complex





District Court Building, Kalahandi

Kalahandi was a princely state in British India. It merged with Orissa State as Kalahandi District comprising the current Kalahandi and Nuapada Districts. Though in 1993, Nuapada sub-division was carved out as a separate district, Kalahandi (Lok Sabha constituency) continued to represent both Kalahandi and Nuapada Districts together. The judgeship of Nuapada was separated from Kalahandi on 7<sup>th</sup> July, 2012.

The District Court is functioning in a new building at Bhawanipatna. It has 11 well-furnished Court Halls and facilities like office, library, waiting hall for the witnesses, Bar Hall, lift, drinking water, ramp for disabled persons, separate washroom facilities for disabled persons. Its construction, by the OSPH & WC, at an estimated cost of

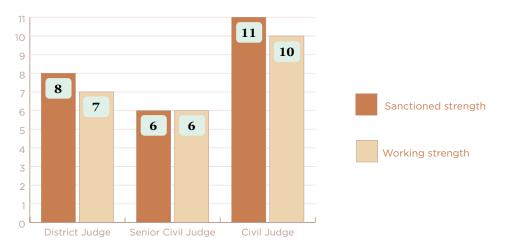
around Rs. 22.5 Crores was completed on 25<sup>th</sup> November, 2020. The building was inaugurated on 6<sup>th</sup> March, 2021.

The outlying stations of Kalahandi are Kesinga, Madanpur-Rampur, Dharmagarh, Junagarh, Koksara and Jaipatna.

The OSPH & WC is presently constructing the Court building at Kesinga as well as the D type quarters for JMFC at Jaipatna.

Shri Pradeep Kumar Pattnaik was the District & Session Judge till 2<sup>nd</sup> July 2021 followed by Shri Prasanna Kumar Karna from 7<sup>th</sup> July till 5<sup>th</sup> November, 2021. Shri Dipti Ranjan Kanungo took over on 9<sup>th</sup> November, 2021.

Name of the Court	Number of Courts
Family Court	1
ADJ-cum-Special Judge (Vigilance)	1
Addl. District & Sessions Judge	2
Exclusive POCSO Special Court	1
Ad hoc A.D.J (FTSC)	1
C.J.M.	1
A.S.J-cum- Registrar, Civil Courts	1
Senior Civil Judge	3 (including 1 LR & LTV)
Sub-Divisional Judicial Magistrate	2
Civil Judge (Junior Division.)-cum- J.M.F.C.	5
Additional C.J-cum-JMFC	7 (including 1 LR & LTV)
Gram Nyayalaya	1
Special Judicial Magistrate	1

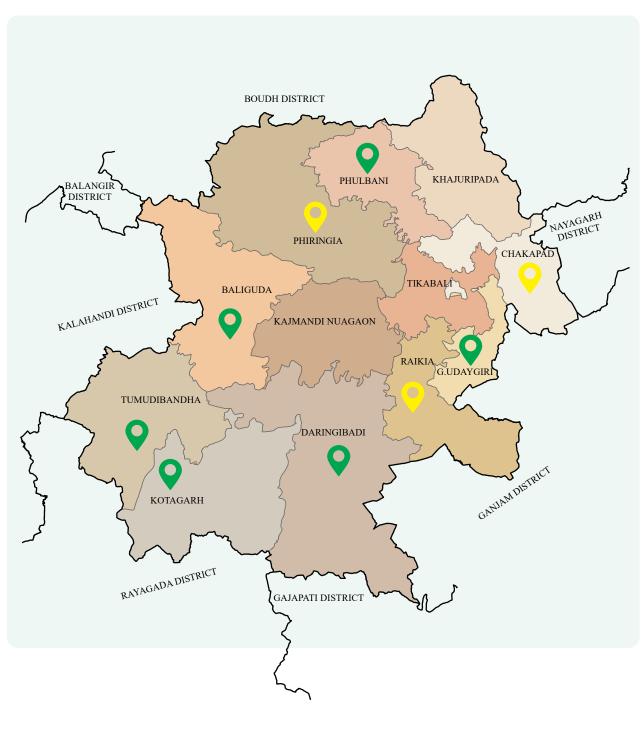


Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	3,534	18,375	21,909	1,150	10,738	11,888	1,096	12,099	13,195	3,588	17,014	20,602
*2017	3,642	17,098	20,740	1,399	12,789	14,188	1,193	7,661	8,854	3,848	22,226	26,074
2018	3,848	22,226	26,074	1,256	13,162	14,418	1,327	6,374	7,701	3,777	29,014	32,791
2019	3,777	29,014	32,791	1,389	14,092	15,481	1,732	12,317	14,049	3,434	30,789	34,223
2020	3,434	30,789	34,223	831	5,977	6,808	427	2,692	3,119	3,838	34,074	37,912
**2021	3,838	34,074	37,912	1,661	12,248	13,909	1,034	6,055	7,089	4,452	40,235	44,687

## Kandhamal At Phulbani



Existing Court Complex Proposed Court Complex



\* Family Court included

\*\*Closing balance changed due to physical verification

District Court Building, Kandhamal at Phulbani

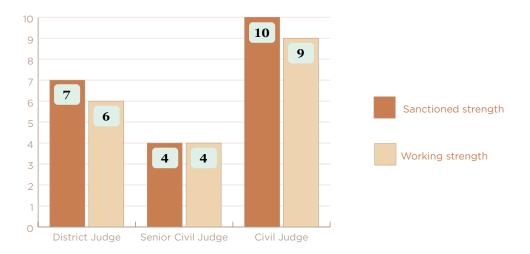
The district of Kandhamal was constituted on 1<sup>st</sup> January, 1994 from the former Boudh-Kandhmal District with its headquarters at Phulbani. Since 11<sup>th</sup> April 1984, the Judgeship of Phulbani was separated from the combined Judgeship of Ganjam - Boudh constituting its territorial jurisdiction over three sub-divisions such as Phulbani, Boudh & Balliguda with 7 subordinate Courts. After separation of Boudh, the Judgeship of Phulbani is presently functioning with outlying stations at Baliguda, G. Udaygiri, Daringibadi,

Kotagarh and Tumudibandha.

The District Court is functioning in an old building constructed in 1999, having two floors with 9 Court rooms, of which 2 are in ground floor and the other 5 are in the first floor. Adjacent to this old building, there exists another Court Building with 2 other Court rooms having facilities like Video Conferencing (VC) Hall, VC Cabin and E-Sewa Kendra.

Shri Sarada Prasanna Nayak was the District & Session Court Judge throughout the year.

Name of the Court	Number of Courts
Family Court- 1 Court	1
ADJ-cum-Special Judge (Vigilance)	1
Addl. District & Sessions Judge	2
Exclusive POCSO Special Court	1
Ad hoc A.D.J. (FTSC)	1
C.J.M.	1
A.S.Jcum-Registrar, Civil Courts	1
Sr. Civil Judge	2 (including 1 Women's Court)
Sub-Divisional Judicial Magistrate	2
Civil Judge (Junior Division.)-cum-J.M.F.C.	3
Additional. C.J-cum- JMFC	6 (including 1 Lr & LTV)



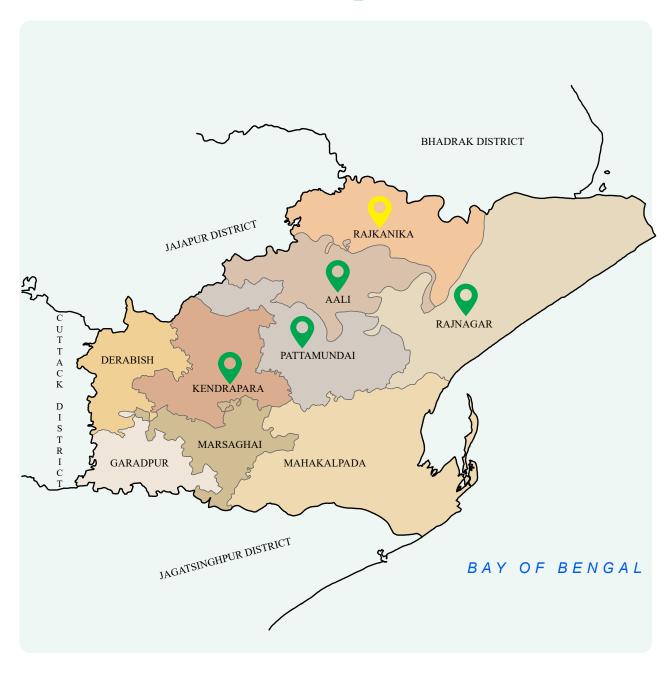
Number of judges in each court

#### **Case Statistics**

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	1,158	11,190	12,348	646	9,704	10,350	372	9,421	9,793	1,432	11,473	12,905
*2017	1,467	11,665	13,132	408	6,773	7,181	546	6,535	7,081	1,329	11,903	13,232
2018	1,329	11,903	13,232	323	5,296	5,619	601	3,881	4,482	1,051	13,318	14,369
2019	1,051	13,318	14,369	432	4,538	4,970	615	4,548	5,163	868	13,308	14,176
2020	868	13,308	14,176	191	4,452	4,643	138	1,511	1,649	921	16,249	17,170
2021	921	16,249	17,170	351	4,142	4,493	323	3,493	3,816	949	16,898	17,847

<sup>\*</sup> Family Court included

# Kendrapada



Existing Court Complex Proposed Court Complex



District Court Building Kendrapara

The judgeship of Kendrapara was seperarted from Cuttack Judgeship and was established on 26<sup>th</sup> June, 2012 with outlying stations at Pattamundai, Rajnagar and Aul.

The new building, which was inaugurated on 20<sup>th</sup> February, 2020 was constructed by the OSPH & WC at a cost of Rs.19.68 Crores. It has 16 Court rooms along with facilities like lift, V.C room, Advocate V.C Point, Firefighting system, e-Sewa Kendra, Ramp for disabled persons.

The C type quarters at Berhampur for the Additional Chief Judicial Magistrate, Civil Judge

Senior Division and for the Secretary of DLSA at a cost of Rs. 76,25,000/, Rs.1.53 Crores and Rs. 76,25,000/- respectively.

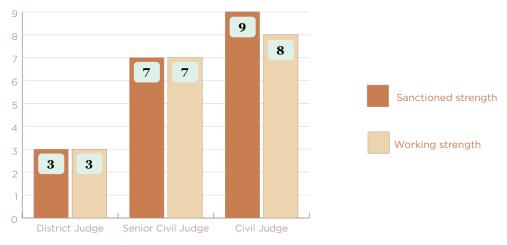
The OSPH & WC is presently undertaking the construction of JMFC, Aul and the D type quarters at Kendrapara. The Rural Works Department is constructing the JMFC court at Rajnagar.

Shri Gopal Chandra Behera was the District & Sessions Judge throughout the year.

Apart from the District and Sessions Judge, the judgeship consists of the following courts

Name of the Court	Number of Courts
Judge, Family Court	1
Additional District Judges	1
Ad hoc A.D.J.(FTSC)	1
Chief Judicial Magistrate	1
ASJ -cum-Registrar, Civil Courts	1
Senior Civil Judge	2
Additional Senior Civil Judge	1
Sub-Divisional Judicial Magistrate	1
Civil Judge (Junior Division.)-cum-JMFC	3
Additional. C.Jcum- JMFC	6 (including 1 LR & LTV)
Gram Nyayalaya	1

#### Case Statistics



Number of judges in each court

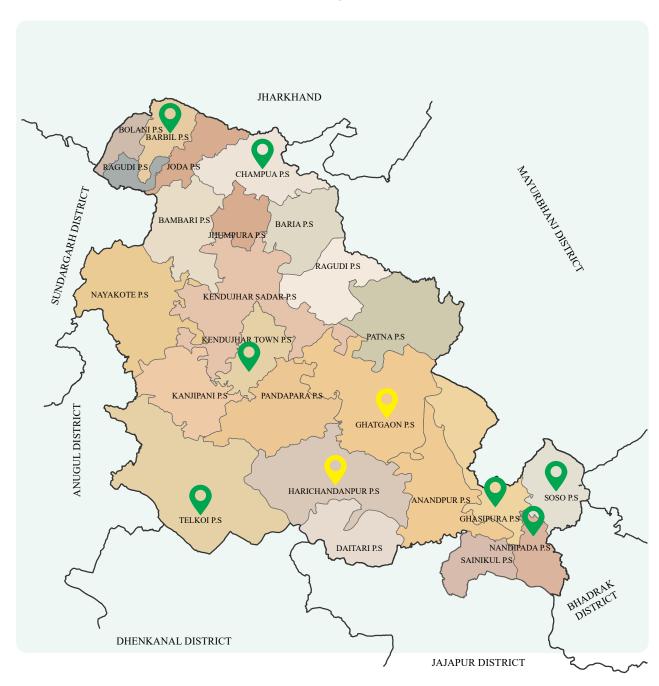
Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	15,250	21,071	36,321	2,541	10,363	12,904	2,446	10,436	12,882	15,345	20,998	36,343
*2017	16,450	22,395	38,845	3,070	11,409	14,479	2,786	8,353	11,139	16,734	25,451	42,185
2018	16,734	25,451	42,185	2,944	10,461	13,405	2,788	5,252	8,040	16,890	30,660	47,550
2019	16,890	30,660	47,550	3,031	6,973	10,004	3,096	5,853	8,949	16,825	31,780	48,605
2020	16,825	31,780	48,605	2,489	5,142	7,631	1,093	2,376	3,469	18,221	34,546	52,767
**2021	18,221	34,546	52,767	2,625	7,488	10,113	1,834	3,580	5,414	19,025	38,667	57,692

<sup>\*</sup> Family Court included

District Court Building, Keonjhar

<sup>\*\*</sup>Closing balance changed due to physical verification

# Keonjhar



Existing Court Complex
Proposed Court Complex



The judgeship of Keonjhar was separated from the Mayurbhanj judgeship on 28<sup>th</sup> February, 1982 and has six outlying stations at Anandapur, Ghasipura, Hatadihi, Champua, Telkoi and Barbil. Initially, the Court functioned at the Collectorate building and shifted to a new building on 21<sup>st</sup> April 2004.

There are 14 Court rooms in the building. It has facilities like e-Sewa Kendra, e-Filing Centre, e-Meeting help desk, video conferencing room and e-Kiosk.

A new Civil Court Building constructed by the OSPH & WC at Anandapur at an estimated cost

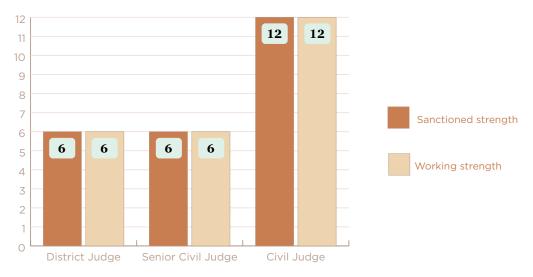
of Rs.8.34 Crores was inaugurated on 28<sup>th</sup> March, 2021. The C type quarters for Civil Judge Senior Division at Anandapur was completed on 31<sup>st</sup> May, 2021.

The Court of JMFC at Hatadihi was inaugurated on 13<sup>th</sup> February, 2021. The Court of the JMFC at Telkoi was inaugurated on 1<sup>st</sup> September, 2021.

OSPH & WC is presently constructing the Grama Nyayalaya at Ghasipura. Shri Benudhar Patra was the District & Sessions Judge till 23<sup>rd</sup> November, 2021.

Shri Chittaranjan Mohapatra took over on 29<sup>th</sup> November, 2021.

Name of the Court	Number of Courts
Judge, Family Court	1
A.D.J-cum- Special Judge (Vigilance)	1
Addl. District & Sessions Judge	3
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	3
Sub-Divisional Judicial Magistrate	3
Civil Judge (Junior Division.)-cum-JMFC	3
Addl. C.Jcum-JMFC	8 (including 1 LR &LTV)
Gram Nyayalaya	1



Number of judges in each court

#### **Case Statistics**

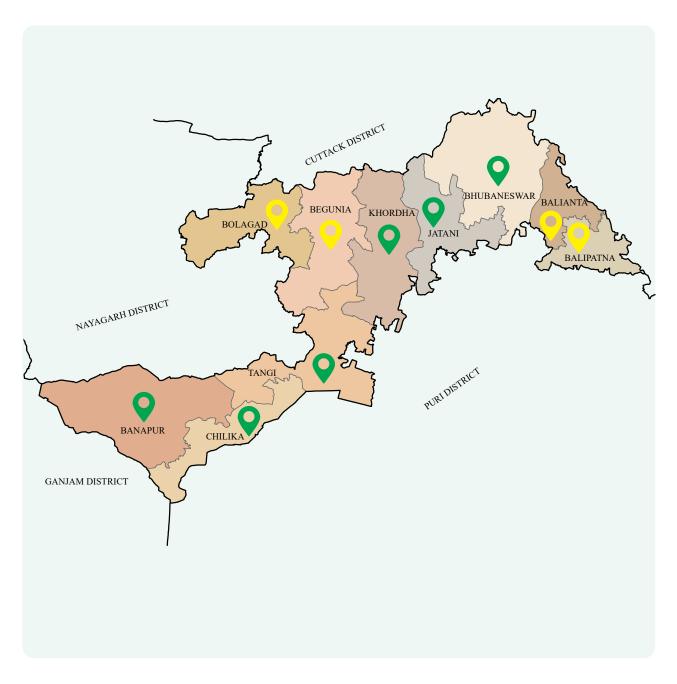
Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	6,068	26,643	32,711	1,935	20,305	22,240	1,498	20,270	21,768	6,505	26,678	33,183
*2017	6,680	26,965	33,645	2,014	14,229	16,243	1,568	11,402	12,970	7,126	29,792	36,918
**2018	7,126	29,792	36,918	1,687	10,508	12,195	1,559	5,145	6,704	7,232	35,154	42,386
2019	7,232	35,154	42,386	1,809	6,924	8,733	1,492	5,436	6,928	7,549	36,642	44,191
2020	7,549	36,642	44,191	1,327	5,886	7,213	573	2,666	3,239	8,303	39,862	48,165
**2021	8,303	39,862	48,165	1,660	6,398	8,058	1,252	3,931	5,183	8,700	42,289	50,989

<sup>\*</sup> Family Court included

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

<sup>\*\*</sup>Closing balance changed due to physical verification

## Khurda



Existing Court Complex Proposed Court Complex



District Court Building, Khurda

The Judgeship of Khurda was inaugurated on 1<sup>st</sup> May 1997, after being bifurcated from the Judgeship of Puri. It has 5 outlying stations at Khurda, Banpur, Tangi, Jatni and Chilika with 45 Courts functioning under it.

The present District Court building at Bhubaneswar was inaugurated in 1980. The extended CBI court building and the Fast Track Court building were inaugurated in 2002 and 2003 respectively.

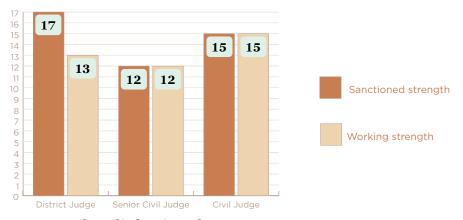
During 2021, Adhoc ADJ (Fast Track Special Court) and Senior Civil Judge (Commercial Court) were established for early disposal of POCSO Act cases and commercial Act cases respectively.

The Court of the JMFC at Chilika was inaugurated on 23<sup>rd</sup> January, 2021.

Lands at Bhubaneswar, Khurda Road, Banpur, Jatni, Tangi, Chilika, Begunia, Bolagarh, Balianta and Balipatna have been alienated for the construction of the Court and residential quarters for Judicial Officers and staff. A judicial Court Complex at Bhubaneswar having fifty Court Halls is under construction by R&B. The OSPH & WC is presently constructing the Gram Nyayalaya at Tangi.

Shri Lokanath Mohapatra was the District & Sessions Judge till 31<sup>st</sup> March, 2021 followed by Shri Shyam Sundar Dash from 6<sup>th</sup> April to 7<sup>th</sup> August 2021. Shri Ram Shankar Hota took over on 9<sup>th</sup> August 2021.

Name of the Court	Number of Courts
Judge, Family Court	2
Special Judge, Vigilance	3 (including 2 Additional. Special. Judge (Vigilance)
Additional District Judges	4 (including 1 LR & LTV)
Ad hoc A.D.J. (FTSC)	1
Special Judge (CBI)	4
Special Court	1
Chief Judicial Magistrate	2 (including1 Court of A.C.J.M.)
ASJ-cum-Registrar, civil Courts	1
Senior Civil Judge	5 (including 1 LR & LTV Court & 1 Women's Court)
Additional Senior Civil Judge	2
Sr. Civil Judge (Commercial Court)	1
Sub-Divisional Judicial Magistrate	2
Civil Judge (Junior. Division.)-cum-JMFC	5
Addl. Civil Judge-cum-JMFC	11 (including 2 LR & LTV Courts & JMFC)
Gram Nyayalaya	1
Special railway Magistrate	1
Special Judicial Magistrate	1



Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	39,323	83,431	122,754	7,249	28,418	35,667	7,121	38,892	46,013	39,451	72,957	112,408
*2017	42,011	74,946	116,957	8,014	40,082	48,096	6,841	23,103	29,944	43,184	91,925	135,109
**2018	43,184	91,925	135,109	8,531	30,925	39,456	6,015	19,537	25,552	45,119	103,297	148,416
**2019	45,119	103,297	148,416	8,080	32,672	40,752	7,740	23,271	31,011	45,124	111,487	156,611
2020	45,124	111,487	156,611	7,202	19,795	26,997	2,979	9,552	12,531	49,347	121,730	171,077
**2021	49,347	121,730	171,077	8,684	30,018	38,702	3,574	15,217	18,791	54,594	136,528	191,122

<sup>\*</sup> Family Court included

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

<sup>\*\*</sup>Closing balance changed due to physical verification

# Koraput



Existing Court Complex
Proposed Court Complex



District Court Building, Koraput at Jeypore

The Court of the district Koraput- Jeypore has been established with effect from 1<sup>st</sup> January, 2021.

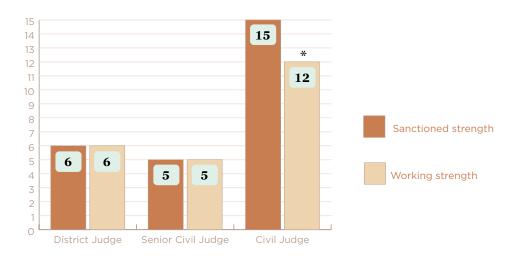
The new Court Building at Jeypore constructed by the R&B at an estimated cost of Rs.22.87 Crores was inaugurated on 10<sup>th</sup> September, 2021. It has 15 Court halls and other facilities such as Children's Court, Judges library, Bar hall, VC cabin and lift. It also has modern amenities like kiosks to ascertain the case status, display boards and water purifiers.

The outlying stations are at Koraput, Similiguda, Lamtaput, Dasmantpur, Kotpad, Boriguma and Lakshmipur.

The OSPH & WC is presently undertaking the construction of the Gram Nyayalaya at Semiliguda, the D type quarters for the CJJD-cum-JMFC at Laxmipur and Dasamantpur.

Shri Bimal Kumar Chand was the District and Sessions Judge of Koraput-Jeypore till 31<sup>st</sup> May, 2021. Shri Sowmendra Kumar Rajguru, took over on 5<sup>th</sup> July, 2021.

Name of the Court	Number of Courts
Family Court	1
A.D.J-cum- Special Judge (Vigilance)	1
Addl. District & Sessions Judge	2
Ad hoc A.D.J. (FTSC)	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	3 (including 1 Women's Court)
Sub-Divisional Judicial Magistrate	2
Civil Judge (Junior Division.)-cum-JMFC	5
Addl. C.Jcum-JMFC	9 (including 1 LR & LTV)
Gram Nyayalaya	1



Number of judges in each court

#### **Case Statistics**

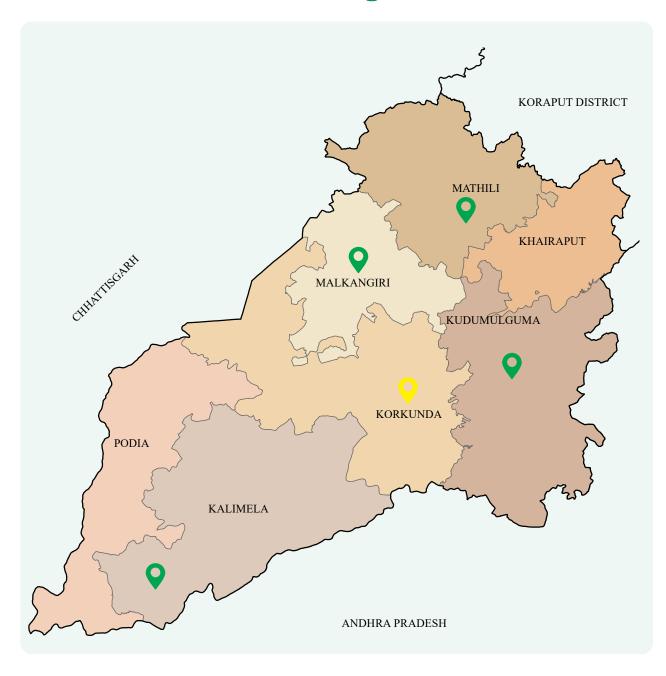
Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	2,524	17,329	19,853	963	9,624	10,587	734	11,765	12,499	2,753	15,188	17,941
*2017	2,856	15,489	18,345	1,222	9,148	10,370	943	8,244	9,187	3,135	16,393	19,528
2018	3,135	16,393	19,528	963	9,742	10,705	957	5,723	6,680	3,141	20,412	23,553
2019	3,141	20,412	23,553	639	6,589	7,228	224	3,254	3,478	3,556	23,747	27,303
2020	3,556	23,747	27,303	620	5,322	5,942	323	1,953	2,276	3,853	27,116	30,969
**2021	3,853	27,116	30,969	819	12,443	13,262	733	4,118	4,851	3,899	35,437	39,336

<sup>\*</sup> Family Court included

<sup>\*</sup> Besides above one Court of the Special Judicial Magistrate is functioning at Koraput.

<sup>\*\*</sup>Closing balance changed due to physical verification

# Malkangiri



Sexisting Court Complex Proposed Court Complex



District Court Building, Malkangiri

Malkangiri was carved out of Koraput district on 2<sup>nd</sup> October, 1992. The judgeship started functioning independently from 20<sup>th</sup> April, 2013 with one outlying station at Motu (MV-79), Mathili and Kudumulguma.

The new District court building was inaugurated on 10<sup>th</sup> September, 2021. It was constructed by OSPH and WC at a cost of around Rs.25.6 crores.

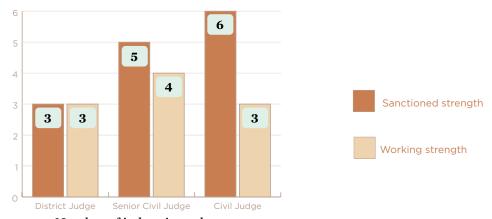
There are 11 Court rooms with facilities including vulnerable witness deposition centre, virtual Court room, disabled friendly Court, child friendly waiting hall for Children's Court, Judges library, Bar hall, VC cabin and lift. The Construction of C type quarters for the Senior

Civil Judge was completed on 6<sup>th</sup> January, 2021 at a cost of around Rs. 74 lakhs.

The new JMFC Court building at Motu, constructed by OSPH & WC Ltd. at a cost of around Rs. 3.86 crores was inaugurated on 30<sup>th</sup> March, 2021. The D type quarters for the JMFC was constructed by OSPH & WC,was made ready on 20<sup>th</sup> April 2021 at a cost of Rs. 18.7 lakhs. A new Court of the Civil Judge (Junior Divison)-cum-JMFC at Maithili was inaugurated on 4<sup>th</sup> October 2021.

Shri Rohit Lal Panda was the District and Sessions Judge till 30<sup>th</sup> April 2021. Ms Rekha Prasad took over on 7<sup>th</sup> June 2021.

Type of Courts	No. of Courts
Addl. District & Sessions Judge	1
Adhoc A.D.J. (FTSC)	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	1
Sub-Divisonal Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	1
Addl. C.Jcum-JMFC	3 (including 1 LR & LTV)



Number of judges in each court

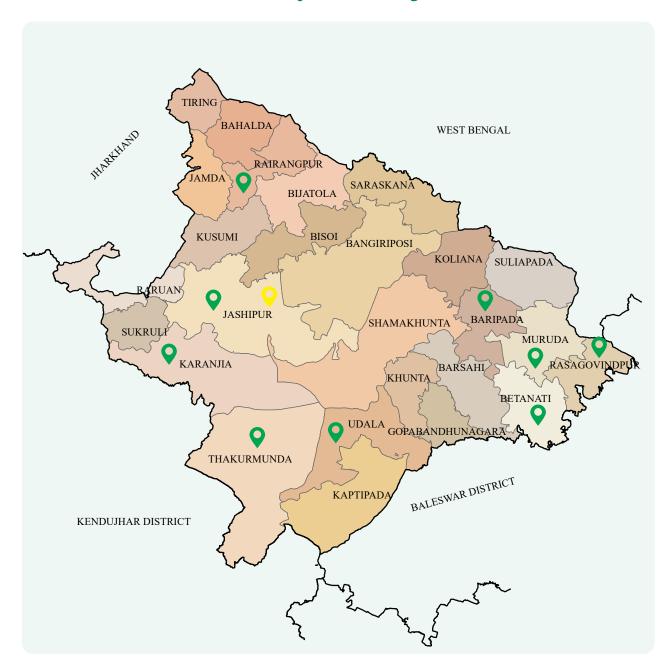
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	183	3,527	3,710	172	3,343	3,515	138	3,694	3,832	217	3,176	3,393
2017	217	3,176	3,393	232	2,966	3,198	134	2,470	2,604	315	3,672	3,987
2018	315	3,672	3,987	152	3,848	4,000	127	1,636	1,763	340	5,884	6,224
2019	340	5,884	6,224	196	4,069	4,265	216	2,409	2,625	320	7,544	7,864
2020	320	7,544	7,864	117	2,833	2,950	77	1,436	1,513	360	8,941	9,301
2021	360	8,941	9,301	169	4,627	4,796	153	2,891	3,044	376	10,677	11,053

<sup>\*</sup> Family Court included

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

# Mayurbhanj



Existing Court Complex Proposed Court Complex



District Court Building, Mayurbhanj

The erstwhile Princely State of Mayurbhanj was merged in the state of Odisha on 1<sup>st</sup> January, 1949 and the Court of the District & Sessions Judge, Mayurbhanj was established simultaneously.

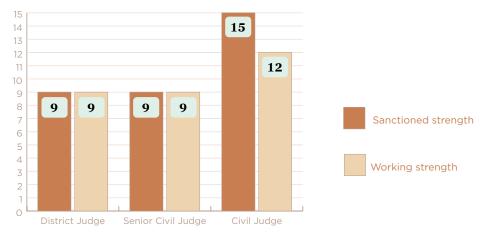
The District Court is functioning in a twostoried heritage building on an area of 9072 sq.ft. There are 16 court rooms, five of which are functioning in the heritage building and the rest are functioning adjacent to the said building ins the premises of Civil Court.

The construction of D type Qrs. for the SDJM at Baripada was completed on 12<sup>th</sup> April, 2021 being constructed by the R & B

Department at a cost of around Rs. 37 lakhs. Besides, the construction of C type Duplex Qrs. for CJM at Baripada with estimated cost of Rs. 47.6 lakhs and C type Duplex Qrs. for Registrar, Civil Courts at Baripada with estimated cost of Rs. 47.6 lakhs is in progress. Both projects are being undertaken by the R&B Department, along with the construction of residential quarters of the CJM and the Registrar, Civil Courts.

Shri Sanjay Ranjan Bohidar was the District and Sessions Judge till 10<sup>th</sup> April, 2021 followed by Shri Gouri Shankar Satapathy from 13<sup>th</sup> April to 30<sup>th</sup> June, 2021. Shri Pradeep Kumar Patnaik took over on 7<sup>th</sup> July, 2021.

Types of Courts	No. of Courts
Judge, Family Court	1
A.D.Jcum-Special Judge (Vig.)	1
Addl. District & Sessions Judge	4
Exclusive POCSO Special Court	1
Adhoc A.D.J (FTSC)	1
C.J.M.	1
A.S.J-cum-Registrar, Civil Courts	1
Senior Civil Judge	5 (including 1 LR & LTV)
Addl. Sr. Civil Judge	2
Sub-Divisional Judicial Magistrate	4
Civil Judge (Jr. Divn.)-cum-JMFC	5
Addl. C.J-cum-JMFC	9 (including 1 LR & LTV)



Number of judges in each court

#### Case Statistics

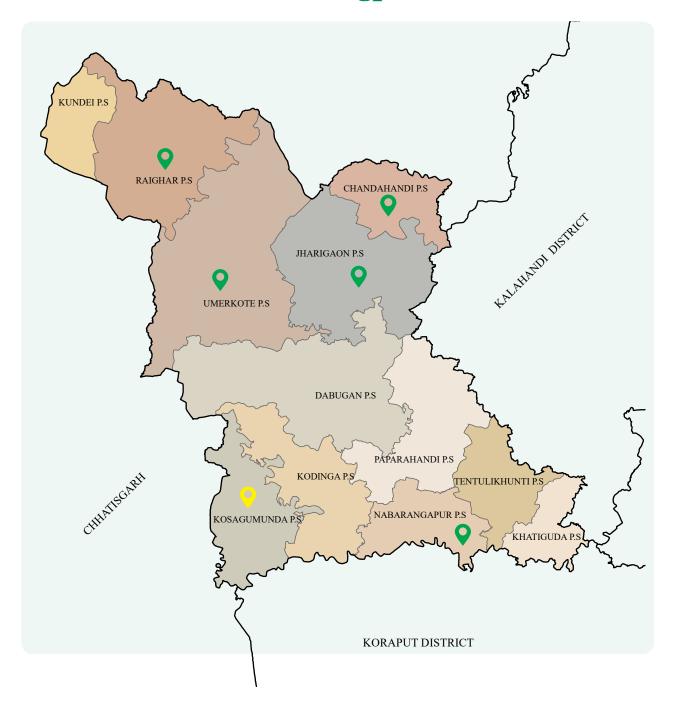
Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	8,953	36,097	45,050	2,525	12,698	15,223	1,888	15,278	17,166	9,590	33,517	43,107
2017	9,590	33,517	43,107	2,623	10,565	13,188	1,863	8,198	10,061	10,350	35,884	46,234
2018	10,350	35,884	46,234	2,264	10,257	12,521	1,667	3,907	5,574	10,947	42,234	53,181
**2019	10,947	42,234	53,181	2,987	8,839	11,826	2,251	5,057	7,308	11,731	47,279	59,010
2020	11,731	47,279	59,010	1,975	7,065	9,040	1,009	3,193	4,202	12,697	51,151	63,848
**2021	12,697	51,151	63,848	2,503	10,264	12,767	2,113	4,976	7,089	13,062	56,130	69,192

<sup>\*</sup> Family Court included

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

<sup>\*\*</sup>Closing balance changed due to physical verification

# Nabrangpur



Sexisting Court Complex Proposed Court Complex



District Court Building, Nabarangpur

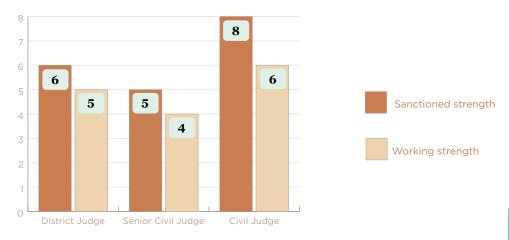
The Court of District & Sessions Judge, Nabarangpur started functioning with effect from 22<sup>nd</sup> October 2011, after being separated from its parent Judgeship of Koraput.

The new Court building was inaugurated on 17<sup>th</sup> April, 2021. Its construction by OSPH & WC began on 4<sup>th</sup> July, 2014 and was completed on 17<sup>th</sup> December, 2020 at an estimated cost of Rs. 11.43 lakhs.

The building has 11 court rooms including Children's Court, Judges library, Bar hall, VC cabin and lift. It also has modern amenities like kiosks to ascertain the case status, display boards.

The Nabarangpur District Court has 4 outlying stations; Raygarh, Umarkote, Jharigaon and Chandahandi. The OSPH and WC completed the construction for the C type quarters for the Senior Civil Judge at Umerkote on 26<sup>th</sup> March, 2021 at a cost of around Rs. 74 lakhs. Shri Ashok Kumar Panda was the District and Sessions Judge till 18<sup>th</sup> November, 2021. Shri Sanjib Dubey took over on 22<sup>nd</sup> November, 2021.

Types of Courts	No. of Courts
Judge, Family Court	1
Addl. District & Sessions Judge	2
Exclusive POCSO Special Court	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	2
Sub-Divisonal Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	3
Addl. C.Jcum-JMFC	3 (including 1 LR &LTV)
Gram Nyayalaya	1
Special judicial Magistrate	1



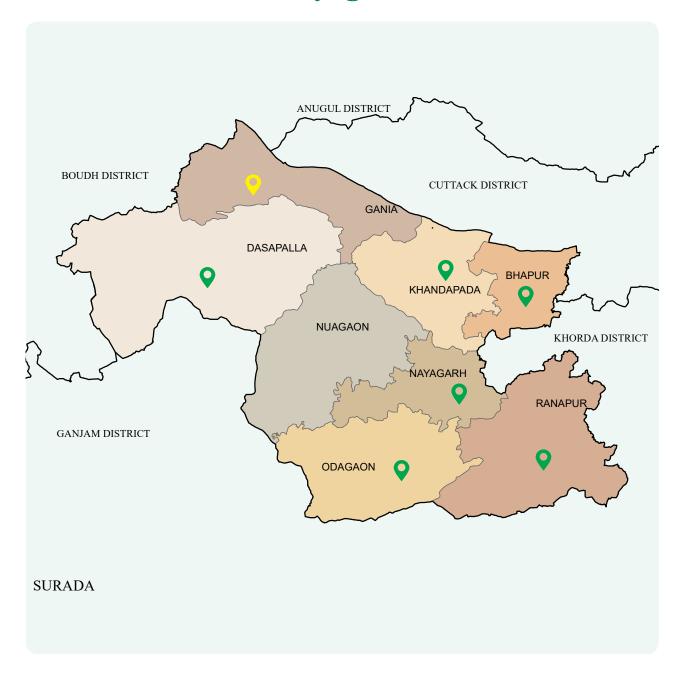
Number of judges in each court

### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year			
	Civil	Crl	Total	Civil	ivil Crl Total		Civil	Crl	Total	Civil	Crl	Total	
2016	629	21,086	21,715	335	8,883	9,218	300	13,694	13,994	664	16,275	16,939	
2017	664	16,275	16,939	466	10,615	11,081	357	7,449	7,806	773	19,441	20,214	
*2018	813	19,543	20,356	401	4,364	4,765	394	3,581	3,975	820	20,326	21,146	
2019	820	20,326	21,146	287	5,690	5,977	116	1,604	1,720	991	24,412	25,403	
2020	991	24,412	25,403	241	3,306	3,547	152	1,629	1,781	1,080	26,089	27,169	
2021	1,080	26,089	27,169	316	4,787	5,103	224	2,846	3,070	1,172	28,030	29,202	

<sup>\*</sup>Opening balance changed due to physical verification

# Nayagarh



Existing Court Complex Proposed Court Complex



District Court Building, Nayagarh

On the 8<sup>th</sup> July 2011, the Judgeship of Nayagarh was carved out of the Puri Judgeship as an independent Judgeship.

The District Court started functioning in the new building from  $22^{nd}$  April, 2018 onwards. It was constructed by the R & B at an estimated cost of 23 crores.

A virtual court room was inaugurated on 1<sup>st</sup> November, 2021.

There are 15 Court rooms in the building. It consists of a Model Virtual Court, Biometric Attendance System, Fire Extinguisher, Lifts, CCTV, Fire Alarm System, E-Sewa Kendra, May I help You Desk, Ramp Facility, Wheel Chair, and ICT enabled Court Halls & Offices.

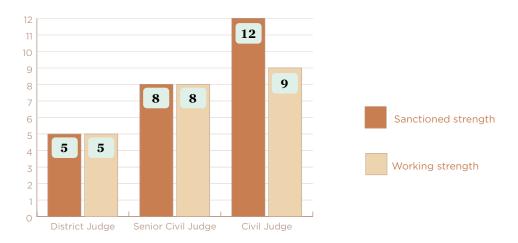
The construction of the Civil Court Complex, Odagaon having four Court Halls was completed by OSPH & WC at a cost of around Rs.7.03 Crores. It was inaugurated on 18<sup>th</sup> September 2021.

The JMFC Court Building at Bhapur is being constructed by the OSPH & WC, which has also undertaken construction of B type quarters for the Judge, Family Court and the Addl. District Judge.

The construction of D type quarters for the Civil Judge (JD)-cum- JMFC at Bhapur has been undertaken by the Rural works Department.

Throughout the year, Smt. Rupashree Chowdhury was the District and Sessions Judge.

Type of Courts	No. of Courts
Judge, Family Court	1
Addl. District & Sessions Judge	1
Exclussive POCSO Special Court	1
Adhoc A.D.J. (FTSC)	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	5 (including 1 LR & LTV Court & 1 Women's Court)
Sub-Divisonal Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	2
Addl. C.Jcum-JMFC	7 (including 1 LR &LTV)
Gram Nyayalaya	1



Number of judges in each court

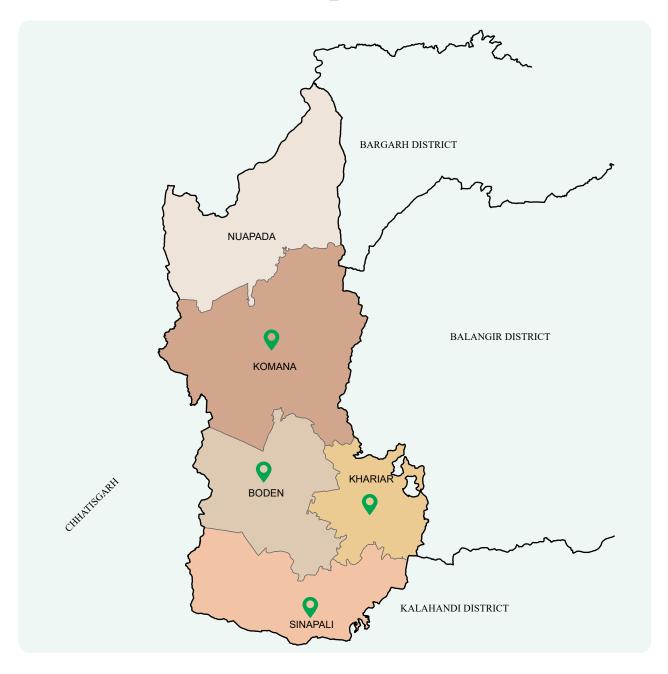
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	3,893	14,316	18,209	1,187	8,209	9,396	1,011	7,702	8,713	4,069	14,823	18,892
*2017	4,432	15,578	20,010	1,323	8,410	9,733	1,410	5,583	6,993	4,345	18,405	22,750
**2018	4,345	18,405	22,750	1,196	6,219	7,415	1,183	3,924	5,107	4,356	20,702	25,058
**2019	4,356	20,702	25,058	1,407	5,704	7,111	1,637	4,709	6,346	3,651	22,281	25,932
2020	3,651	22,281	25,932	1,024	4,336	5,360	481	1,825	2,306	4,194	24,792	28,986
2021	4,194	24,792	28,986	1,556	6,519	8,075	828	3,425	4,253	4,922	28,147	33,069

<sup>\*</sup> Family Court included \*\*Closing balance changed due to physical verification

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

# Nuapada



Existing Court Complex



District Court Building, Nuapada

The Nuapada judgeship was inaugurated on 7<sup>th</sup> July 2012, after being bifurcated from the Kalahandi judgeship.

The combined judgeship of Kalahandi-Nuapada–Bolangir started functioning with effect from 17<sup>th</sup> June, 1948 with its headquarters at Bolangir. Judgeship of Kalahandi-Nuapada was separated with effect from 28<sup>th</sup> February 1982 from Bolangir judgeship. After creation of Nuapada as a separate District, the Kalahandi-Nuapada Judgeship continued till 6<sup>th</sup> July, 2012 till the Judgeship of Nuapada was separated on 7<sup>th</sup> July, 2012 from Kalahandi-Nuapada Judgeship. Presently, the judgeship is functioning with outlying courts at Khariar, Sinapali, Boden and Komna.

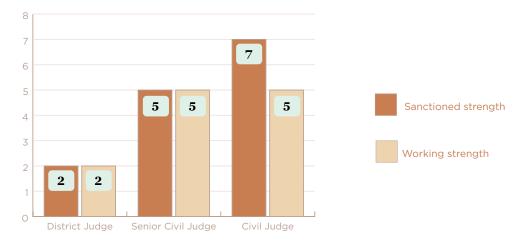
The newly constructed JMFC Court buildings at Sinapali and Gram Nyayalya Komna were inaugurated on 23<sup>rd</sup> July, 2021. Their construction by undertaken by the Rural Works

Department at a cost of around Rs. 2.56 Crores and Rs. 2.52 Crores. The construction of both these projects were completed by the Executing Agency Rural Works. The construction of the D type quarters for the said judges was completed completed on 9<sup>th</sup> November and 14<sup>th</sup> August 2021 respectively.

The construction of 18 E type and 12 F type Quarters for staff at Nuapada was completed by R & B on 4<sup>th</sup> March, 2021 at an estimated cost of Rs. 35.35 lakhs. The OSPH and WC is presently undertaking the construction of C type quarters for the Senior Civil Judge at Khariar and D type quarters for the Civil Judge (JD) -cum- JMFC at Boden.

Shri Bhagabana Pradhan was the District and Sessions Judge till 6<sup>th</sup> November, 2021. Shri Sangram Keshari Pattanaik took over on 8<sup>th</sup> November, 2021.

Types of courts	No. of courts
Addl. District & Sessions Judge	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	3 (including 1 Women's Court)
Sub-Divisonal Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	3
Addl. C.Jcum-JMFC	2 (including 1 LR &LTV)
Gram Nyayalaya	1



Number of judges in each court

#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	1,065	9,589	10,654	516	5,848	6,364	353	7,575	7,928	1,228	7,862	9,090
2017	1,228	7,862	9,090	896	7,332	8,228	479	4,889	5,368	1,645	10,305	11,950
2018	1,645	10,305	11,950	1,057	3,842	4,899	744	2,628	3,372	1,958	11,519	13,477
*2019	1,958	11,519	13,477	948	5,514	6,462	631	2,991	3,622	2,251	12,772	15,023
2020	2,251	12,772	15,023	396	3,385	3,781	197	1,553	1,750	2,450	14,604	17,054
2021	2,450	14,604	17,054	609	4,005	4,614	268	2,633	2,901	2,791	15,976	18,767

\*Closing balance changed due to physical verification

# **Puri**



Existing Court Complex Proposed Court Complex



District Court Building, Puri

The Judgeship of Puri started functioning from 15<sup>th</sup> July 1957 with its headquarters at Puri.

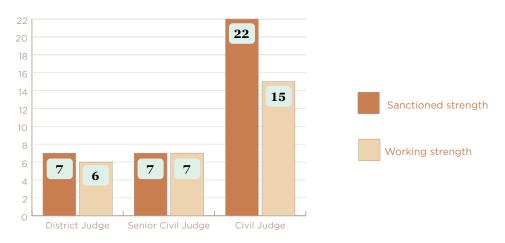
The District Court building was established on 25<sup>th</sup> April 1971. Spread over an area of 1,17,186 sq. ft., this building has 19 Court rooms.

The construction of D type Qrs. for Judicial

Officers in Pipili at a cost of Rs. 22 lakhs was completed by R & B on 14<sup>th</sup> September, 2021. This building is ICT equipped.

Shri Bidyut Kumar Mishra was the Districts and Sessions Judge till 10<sup>th</sup> April 2021; Shri Santosh Kumar Jena From 13<sup>th</sup> April to 24<sup>th</sup> November 2021; Shri Dhaneswar Mallick took over on 24<sup>th</sup> November, 2021.

Types of Courts	No. of Courts
Judge, Family Court	1
Addl. District & Sessions Judge	4
Exclussive POCSO Special Court	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	3
Addl. Senior Civil Judge	1
Sub-Divisonal Judicial Magistrate	1
Civil Judge (Jr. Divn.)-cum-JMFC	4
Addl. C.Jcum-JMFC	11 (including 2 Courts of LR & LTV)
Gram Nyayalaya	2
Special Judicial Magistrate	1



Number of judges in each court

#### **Case Statistics**

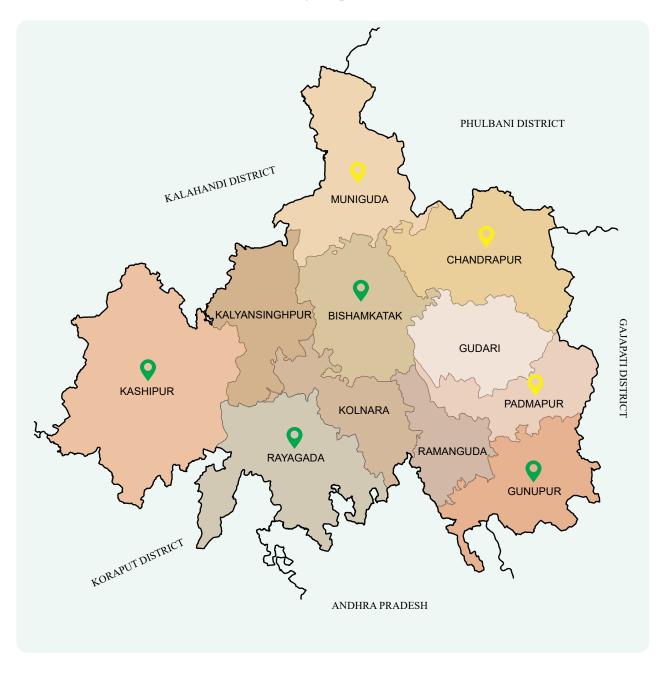
Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	18,938	28,806	47,744	4,010	15,619	19,629	3,060	11,848	14,908	19,888	32,577	52,465
*2017	20,734	33,496	54,230	4,024	13,295	17,319	2,526	7,085	9,611	22,232	39,706	61,938
**2018	22,232	39,706	61,938	3,464	10,536	14,000	2,796	5,360	8,156	22,704	44,809	67,513
**2019	22,704	44,809	67,513	3,763	8,917	12,680	4,175	5,865	10,040	22,250	48,346	70,596
2020	22,250	48,346	70,596	3,480	9,502	12,982	1,497	4,778	6,275	24,233	53,070	77,303
2021	24,233	53,070	77,303	3,060	14,942	18,002	2,024	6,407	8,431	25,269	61,605	86,874

<sup>\*</sup> Family Court included

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

<sup>\*\*</sup>Closing balance changed due to physical verification

# Rayagada



Proposed Court Complex



District Court Building, Rayagada

The Rayagada Judgeship was separated from the parent Koraput Judgeship and began to work function independently from  $7^{th}$  July, 2012 with outlying stations at Kashipur, Bissam Cuttack, Gunupur and Kolnara.

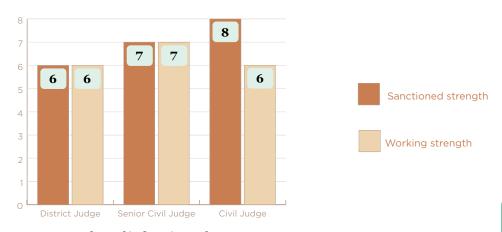
The District Court is functioning in the existing Civil Courts premises at Rayagada spread over area of 172149 sq. ft. 12 other courts are functioning in the campus. In addition, the Bar Room, Permanent Lok-Adalat and D.L.S.A. are also functioning in the Civil Courts premises.

The courts of the S.D.J.M. and the Senior Civil Judge are functioning in the Heritage building in the premises.

OSPH and WC is presently constructing quarters of the District Judge and D type quarters for the Civil Judge (JD)-cum-JMFC at Bissam-Cuttack.

Shri Chitta Ranjan Das was the District and Sessions Judge till 8<sup>th</sup> March 2021; Shri Malaya Ranjan Dash From 15<sup>th</sup> March till 6<sup>th</sup> August 2021. Shri Bikram Keshari Patnaik took over on 11<sup>th</sup> August, 2021.

Types of Courts	No. of Courts						
Judge, Family Court	1						
Addl. District & Sessions Judge	2						
Exclusive POCSO Special Court	1						
Adhoc A.D.J. (FTSC)	1						
C.J.M.	1						
ASJ-cum- Registrar, Civil Courts	1						
Senior Civil Judge	4 (including 1 Women's Court)						
Sub-Divisional Judicial Magistrate	2						
Addl. C.Jcum-JMFC	6 (including 1 Court of LR& LTV)						
Gram Nyayalaya	1						



Number of judges in each court

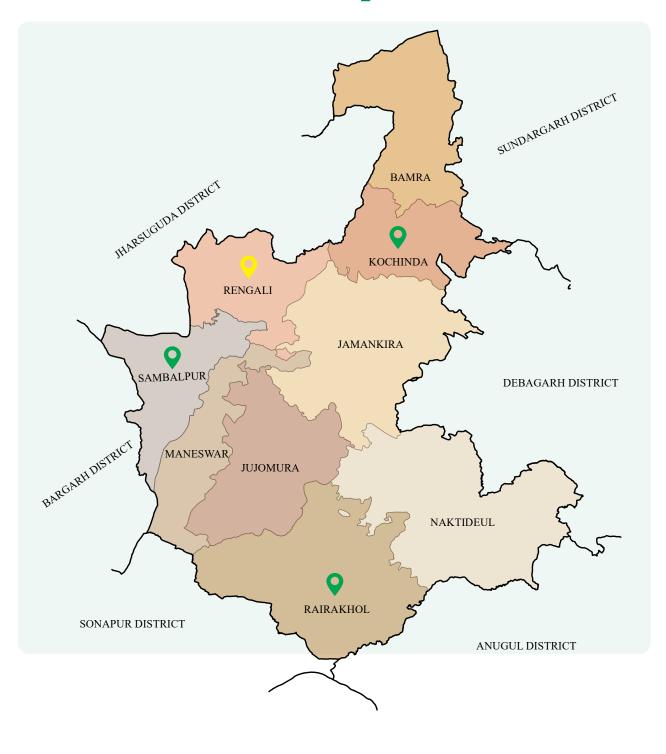
 $^{*2}$  additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil		Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	866	15,002	15,868	637	17,590	18,227	544	22,071	22,615	959	10,521	11,480
2017	959	10,521	11,480	871	9,192	10,063	537	8,905	9,442	1,293	10,808	12,101
**2018	1,293	10,808	12,101	563	8,285	8,848	455	5,463	5,918	1,401	13,482	14,883
**2019	1,401	13,482	14,883	660	3,979	4,639	439	4,245	4,684	1,550	13,150	14,700
2020	1,550	13,150	14,700	380	3,277	3,657	236	1,474	1,710	1,694	14,953	16,647
2021	1,694	14,953	16,647	577	5,177	5,754	478	2,079	2,557	1,793	17,907	19,700

<sup>\*\*</sup>Closing balance changed due to physical verification

# Sambalpur









District Court Building, Sambalpur

After creation of the separate State of Odisha in 1936, a new Judgeship named Cuttack-Sambalpur came into being with its headquarters at Cuttack, under the jurisdiction of the Patna High Court.

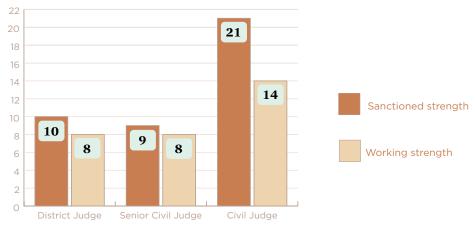
The Sambalpur District was subsequently divided into four separate Districts. Bargarh District was separated in 1993, and Jharsuguda and Deogarh districts were separated in 1994.

Initially, the Courts of Sambalpur were functioning

in the old Court building constructed prior to 1947. A new Court building was constructed in 1951 which has two floors. It houses 13 Court rooms. The extension was inaugurated on 27<sup>th</sup> April, 2021. It has 4 Court rooms spread over 99.180 sq.ft. Among the facilities available is a ramp with wheelchairs for the physically disabled and the elderly, lifts and power backup facilities.

Shri Biranchi Narayan Mohanty was the District and Sessions Judge throughout the year.

Types of Courts	No. of Courts
Judge, Family Court	1
A.D.J-cum-Special Judge (Vigilance)	1
Addl. District & Sessions Judge	5 (including 1 LR & LTV)
Exclussive POCSO Special Court	1
Adhoc A.D.J. (FTSC)	1
Designated Court under OPID Court	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	4 (including 1 LR & LTV)
Addl. Senior Civil Judge	1
Sr. Civil Judge (Commercial Court)	1
Sub-Divisonal Judicial Magistrate	3
Civil Judge (Jr. Divn.)-cum-JMFC	1
Addl. C.Jcum-JMFC	12 (including 2 Courts of LR & LTV & 1 Court
Special Judicial Magistrate	1



Number of judges in each court

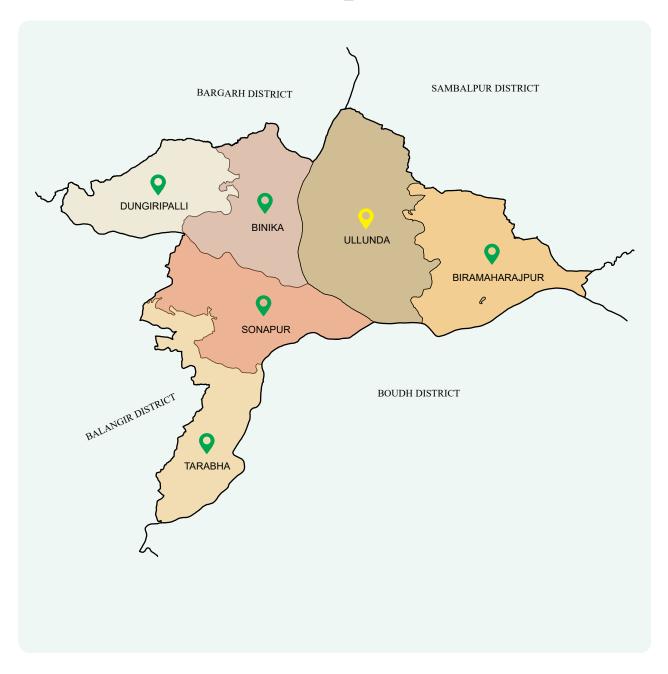
### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	5,830	28,018	33,848	1,351	19,716	21,067	902	13,557	14,459	6,279	34,177	40,456
2017	6,621	34,531	41,152	1,574	15,809	17,383	1,445	10,209	11,654	6,750	40,131	46,881
2018	6,449	40,131	46,580	953	9,041	9,994	916	3,705	4,621	6,486	45,467	51,953
2019	6,486	45,467	51,953	1,068	12,229	13,297	259	4,038	4,297	7,420	60,895	68,315
2020	7,420	60,895	68,315	938	10,125	11,063	608	3,653	4,261	7,750	67,367	75,117
2021	7,750	67,367	75,117	1,494	14,895	16,389	1,229	7,352	8,581	8,025	74,943	82,968

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# Sonepur



Sexisting Court Complex Proposed Court Complex



District Court Building, Sonepur

The Sonepur Judgeship was established being separated from the Bolangir-Sonepur Judgeship on 23<sup>rd</sup> June 2012, comprising of Sonepur Revenue District.

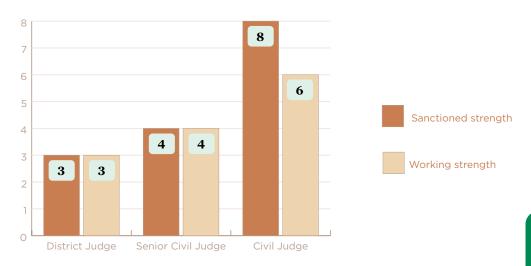
The new District Court building was inaugurated on 9<sup>th</sup> October 2021 on an area of Ac.2.173 dec. The building has a basement and four floors. It has a total area of 1,09,644 sq.ft. The new building was constructed by the R & B at an estimated cost of Rs.24.9 crores.

The building has 15 Court rooms including a Children's Court complex and a vulnerable Court room. It also has a e-filing counter, e-Sewa Kendra and Help Desk, conference room, V.C. cabin for Advocates, remote V.C. point, crèche and lactation room and a Bar hall. Besides, facilities like canteen, post office, ATM counter and separate C.S.I. are available.

R & B is presently constructing C type Quarters for Civil Judge (SD) at Biramaharajpur and Secretary, DLSA at Sonepur. Further it is also constructing the D type Qrs. for the SDJM at Sonepur.

Shri Aruna Kumar Mallik was the District and Sessions Judge till 3<sup>rd</sup> November, 2021. Shri Hiranmaya Bisoi took over on 8<sup>th</sup> November, 2021.

Type of Courts	No. of Courts
Judge, Family Court	1
Addl. District & Sessions Judge	1
C.J.M.	1
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	2
Sub-Divisonal Judicial Magistrate	2
Civil Judge (Jr. Divn.)-cum-JMFC	3
Addl. C.Jcum-JMFC	3 (including 1 Court of LR & LTV)
Gram Nyayalaya	1



Number of judges in each court

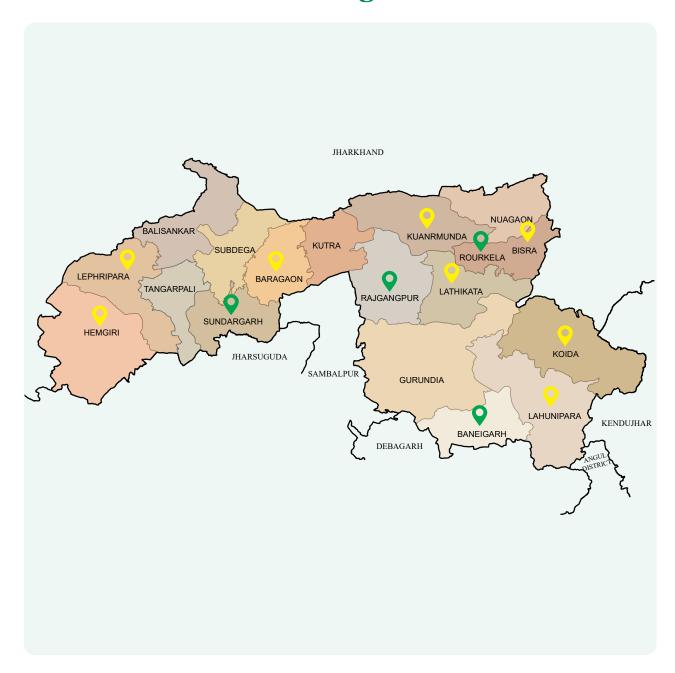
#### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	2,094	9,743	11,837	536	4,727	5,263	270	5,168	5,438	2,360	9,302	11,662
2017	2,360	9,302	11,662	1,080	5,995	7,075	796	3,937	4,733	2,644	11,360	14,004
2018	2,644	11,360	14,004	667	7,396	8,063	338	2,764	3,102	2,973	15,992	18,965
*2019	2,973	15,992	18,965	481	6,526	7,007	148	8,169	8,317	3,222	14,136	17,358
2020	3,222	14,136	17,358	443	3,612	4,055	175	1,562	1,737	3,490	16,186	19,676
*2021	3,490	16,186	19,676	425	5,769	6,194	467	2,882	3,349	3,422	19,058	22,480

<sup>\*</sup>Closing balance changed due to physical verification

<sup>\*2</sup> additional Courts of Civil Judge-cum- JMFC are also functioning beyond sanctioned strength

# Sundergarh



Existing Court Complex Proposed Court Complex



District Court Building, Sundargarh

Sundargarh District was created out of the two former Princely states of Gangpur and Bonai, which integrated with Orissa on 1<sup>st</sup> January 1948. After 1<sup>st</sup> April 1978, Sundargarh Judgeship was separated from Sambalpur Judgeship, and from then onwards the District Court started functioning.

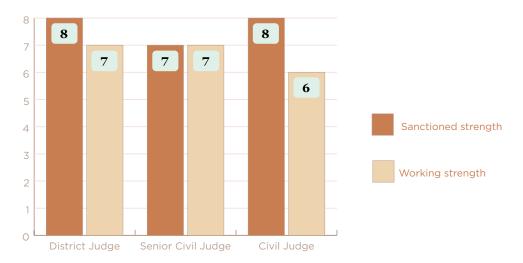
The District Court is functioning in its old building from 1<sup>st</sup> April, 1985. It is a two-storied building with a ground floor of 15,260 sq.ft. and the first floor, about 11,772 sq.ft. It has

9 Court rooms, offices of different Courts, Video Conferencing Room, e-Sewa Kendra and V.C. cabin.

The outlying stations are at Rourkela, Rajgangpur and Bonai. On 21<sup>st</sup> February 2021, a new Court building of Additional District Judge was constructed by OSPH & WC was inaugurated.

Shri Pradeep Kumar Mahanta was the District and Sessions Judge till 25<sup>th</sup> November, 2021. Shri Subhadarshi Pattnaik took over on 29<sup>th</sup> November, 2021.

Types of Courts	No. of Courts
Judge, Family Court	1
A.D.J-cum- Special Judge (Vigilance)	1
Addl. District & Sessions Judge	4
Exclusive POCSO Special Courts	1
C.J.M.	2(including 1 Court of ACJM)
ASJ-cum- Registrar, Civil Courts	1
Senior Civil Judge	4
Sub-Divisional Judicial Magistrate	3
Civil Judge (Jr. Divn.)-cum-JMFC	1
Addl. C.Jcum-JMFC	13 (including 2 Courts of LR & LTV & 1 Rural)
Special Judicial Magistrate	1



Number of judges in each court

### Case Statistics

Year	Opening balance			Institution			Disposed of			Pending cases at the end of the year		
	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total	Civil	Crl	Total
2016	7,322	51,316	58,638	2,415	26,394	28,809	1,977	30,806	32,783	7,760	46,904	54,664
2017	8,784	47,319	56,103	3,229	17,497	20,726	2,469	14,953	17,422	9,544	49,863	59,407
2018	9,544	49,863	59,407	2,328	18,872	21,200	1,619	10,111	11,730	9,987	58,605	68,592
2019	9,987	58,605	68,592	1,957	15,213	17,170	873	5,913	6,786	11,058	68,021	79,079
2020	11,058	68,021	79,079	1,755	13,385	15,140	954	4,918	5,872	11,859	76,488	88,347
2021	11,859	76,488	88,347	2,058	20,912	22,970	2,257	12,580	14,837	11,676	84,802	96,478

<sup>\*</sup> Family Court included

<sup>\*\*</sup>Closing balance changed due to physical verification

# Judicial Officers- strength and status recruitment

## Vacancy position of District Judiciary

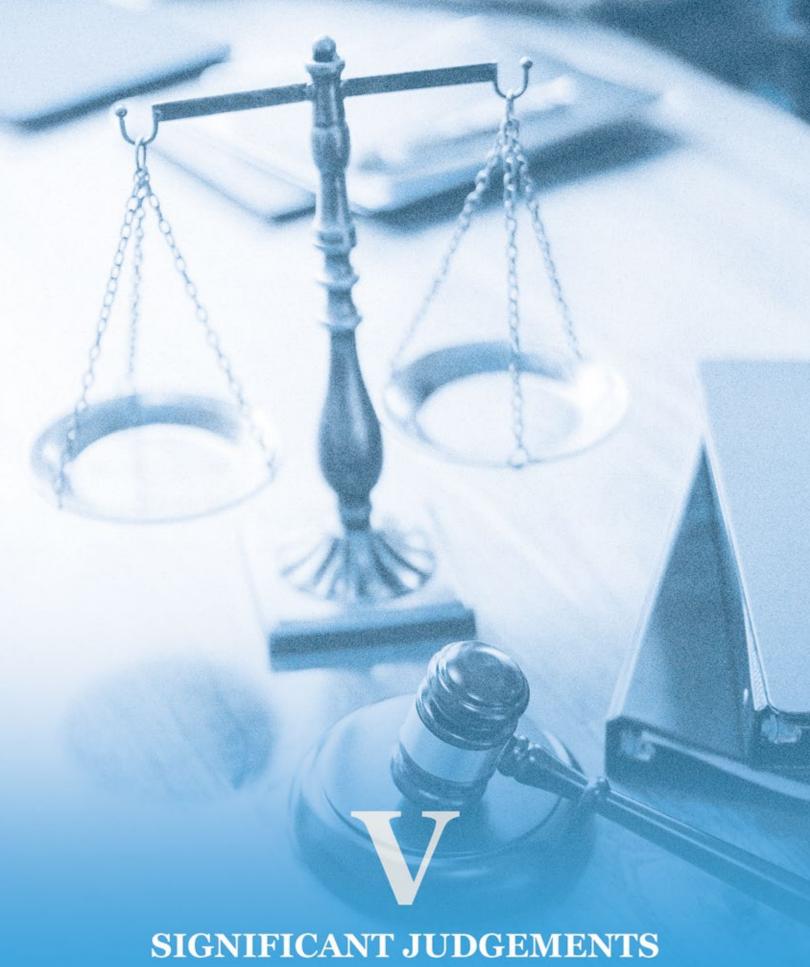
Sl. No.	Name of the Cadre	Sanctioned Strength	<b>Present Strength</b>	Vacancy
1.	District Judge	240	188	52
2.	Senior Civil Judge	261	237	24
3.	Civil Judge	457	360	97
4.	Special Judicial Magistrate	18	03	15
Total		976	788	188

### Status of Recruitment

Sl. No.	Name of the cadre	No. of vacancies filled up
1	District Judge	18
2	Senior Civil Judge	10
3	Civil Judge	47

## Overall Case Statistics of District Judiciary

Institution & Disposal of cases in District Judiciary(01.01.2021 to 31.12.2021)										
Sl.	T3- 1'		Civil		Criminal					
No.	Judgeship	Institution	Disposal	Pendency	Institution	Disposal	Pendency			
1	Angul	1,588	1,450	9,406	27,908	6,147	76,318			
2	Balangir	1,248	1,055	6,545	11,647	7,927	39,581			
3	Balasore	8,900	5,049	36,321	13,215	9,718	87,602			
4	Bargarh	1,043	755	5,984	6,893	3,943	43,261			
5	Bhadrak	3,870	2,141	28,876	12,613	4,332	62,481			
6	Boudh	296	202	1,059	2,155	1,537	12,538			
7	Cuttack	9,713	8,877	37,889	39,158	18,818	129,877			
8	Deogarh	286	269	816	3,235	1,004	14,023			
9	Dhenkanal	2,151	1,968	8,892	8,056	4,152	34,401			
10	Gajapati	175	338	500	3,319	2,148	10,544			
11	Ganjam	4,330	4,247	12,727	25,954	18,874	71,267			
12	Jagatsinghpur	2,991	2,875	11,611	5,694	3,704	32,127			
13	Jajpur	3,614	2,018	22,027	10,937	3,442	59,313			
14	Jharsuguda	905	1,046	3,847	9,011	2,936	35,543			
15	Kalahandi	1,524	925	4,269	12,170	5,994	40,125			
16	Kendrapara	2,158	1,278	17,873	7,121	3,069	36,641			
17	Keonjhar	1,356	1,113	8,147	6,179	3,880	41,705			
18	Khurda	7,462	2,937	49,564	29,298	15,059	132,436			
19	Koraput	694	617	3,731	12,320	4,016	35,070			
20	Malkanagiri	169	153	376	4,627	2,891	10,677			
21	Mayurbhanj	2,238	1,894	12,095	10,042	4,741	55,399			
22	Nabarangpur	267	161	1,118	4,716	2,792	27,898			
23	Nayagarh	1,259	627	4,449	6,318	3,298	27,249			
24	Nuapada	609	268	2,791	4,005	2,633	15,976			
25	Phulbani	304	271	898	4,040	3,378	16,665			
26	Puri	2,634	1,875	24,100	14,782	6,378	60,788			
27	Raygada	505	409	1,709	5,110	2,010	17,818			
28	Sambalpur	1,362	1,029	7,955	14,850	7,215	74,659			
29	Sonepur	307	382	3,313	5,736	2,846	18,889			
30	Sundargarh	1,759	2,005	10,704	20,843	12,522	84,525			
	Total	65,717	48,234	339,592	341,952	171,404	1,405,396			
	Family Courts	8,887	5,781	23,353	5,147	3,190	21,336			
	Grand Total	74,604	54,015	362,945	347,099	174,594	1,426,732			





## Significant Judgments

According to the e-courts website<sup>1</sup>, the judges of the High Court delivered, in all, total 938 judgments in 2021. In this chapter, a summary of the judgments delivered by each of the judges which make a significant contribution to the development of the law has been set out. On account of paucity of space, this has been limited to a few per judge. While some of them are reported in the local law journals which include the ILR Cuttack series<sup>2</sup>, the Cuttack Law Times (CLT), Orissa Criminal Reports (OCR), and Orissa Law Reporter (OLR), others are yet to be reported in a journal. Wherever available, the citation of the judgment has been indicated. This is not an exhaustive list of the significant judgments delivered in 2021 by the Orissa High Court.

#### 1. CHIEF JUSTICE DR. S. MURALIDHAR

#### i. Krushna Prasad Sahoo v. State of Orissa and Ors

Case Number: WP(C) No. 6610 of 2006 and batch Coram: Dr. S. Muralidhar CJ, A.K. Mohapatra J.

Citation: 2021 SCC OnLine Ori 2162

While dealing with a 15-year-old writ petition and a 7-year-old-PIL after receiving a recent report about the death of 5 inmates in Odisha jails, the division bench headed by Chief Justice Dr. S. Muralidhar has been regularly monitoring the various issues concerning the jails in Odisha.

In its order dated 9th March 2021, the Court directed all District Magistrates to make surprise visits to jails and submit reports about the condition of the prisons in their respective jurisdictions. It also directed the Government of Odisha to examine the detailed directions issued by the Supreme Court in its judgment in Re: Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700 as well as the subsequent judgment in the same case reported in (2017) 10 SCC 658. Noting that in the case of Premshankar Shukla v. Delhi Administration AIR 1980 SC 1535, the Supreme Court had proscribed the practice of handcuffing of prisoners in jail or while bringing them from the jail to the Court, this Court directed the State Government to include the instructions it had issued regarding discontinuance of the practice anywhere in the State. It also directed the Member Secretary, Odisha State Legal Services Authority (OSLSA) to gather information on the number of prisoners in various jails in Odisha, who could not be released, despite being granted bail, on account of their inability to furnish bail bonds. On 27th April 2021, the Court directed that no

**High Court of Orissa** 

<sup>1</sup> High Court of Orissa, e-Courts website accessed from https://services.ecourts.gov.in/ecourtindiaHC/index\_highcourt.php?state\_cd=11anddist\_cd=1andstateNm=Odisha

The ILR Cuttack series is published by the High Court every month and has a subscriber base 2 of 1300. Presently, Shri Vikram Nayak, Advocate is the law reporter.

prisoner should be denied vaccination merely for not having identity documents for registration on the COWIN portal. The order dated 12<sup>th</sup> May 2021 concerned the release of prisoners on Personal Recognizance (PR) Bond for those who are unable to furnish bail bonds. As a result of the order, the High-Power Committee passed a resolution for the release of prisoners on PR bond. Thereafter, in its subsequent order dated 16<sup>th</sup> July 2021, the Court relied on *Suo Motu v. State of Madhya Pradesh in W.P. (C) No.9320 of 2021* and directed the State Government, *inter alia*, to place the suggestions of the Amicus Curiae before the High-power committee regarding female as well as male prisoners above the age of 60 years.

During the hearing, the Court traced overcrowding jail-wise, followed up with the officials, and requested them to appear with specific information about the different jails. Civil society organisations and researchers also gave their suggestions. Thereafter, the court in its order dated 23<sup>rd</sup> December 2021 issued a slew of directions including inspection of jails, probation of convicts, the release of prisoners, wages payable to prisoners, payment of compensation on death of prisoners, medical and mental healthcare, adding to jail capacity, and children in jails. As per the Nelson Mandela Rules, a complaint box which could be opened only by the Member Secretary, District Legal Services Authority (DLSA), or an authorised person of the DLSA was also directed to be established in every jail.

The High Court also requested the State Government's High-Power Committee to consider whether the return of prisoners after the pandemic could be deferred, considering the overcrowding in many jails in Odisha, till concrete measures to decongest the facilities were undertaken.

### ii. Sri Bipin Bihari Pradhan v. State of Odisha and Ors

Case Number: W.P.(C) No.13403 of 2015

Coram: Dr. S. Muralidhar CJ, B.P. Routray J.

Citation: 2021 SCC OnLine Ori 1089

A Public Interest Litigation (PIL) was filed seeking directions to the State Authorities for the effective implementation of the National Leprosy Eradication Programme (NLEP) and post-management treatment and eradication of leprosy from the State.

The counsel for the Petitioner had contended that there was callous neglect by the State authorities towards the medical and health care needs of leprosy patients and despite the State making provisions in the annual budget for payment of monthly salary for Leprosy Trained Paramedical Workers, the same was not being utilized. On the other hand, there was an implicit admission from the Opposite parties that despite interventions through the NLEP, and integrating it with the general health system, the cases of leprosy had not gone down.

In its order dated 14<sup>th</sup> July 2021, the Court noted that the Supreme Court had deliberated over the issue of leprosy eradication in the cases of *Dhirendra Pandua v. State of Orissa*, (2008) 17 SCC 311, and laid down extensive directions in *Pankaj Sinha v. Union of India*, (2014) 16 SCC

198 Annual Report 2021

390, to better deal with the issue of leprosy by spreading awareness on the same in addition to ensuring an adequate supply of drugs and access to health care to leprosy patients. However, it was observed that the situation as encountered by the Supreme Court had not undergone much change and that the directions issued in *Pankaj Sinha* had not been complied with.

Hence, the bench directed the Director, Health Services, Odisha to submit the up to date statistics regarding the prevalence of leprosy of both varieties, the status of compliance with directions in *Pankaj Sinha*, the availability of treatment in urban and rural locations, and the status of filling up of vacant posts of medical officers and staff. The Court also appointed a committee of three advocates to ascertain the actual condition of the leprosy colonies by visiting the colonies and also interacting with independent health professionals for their inputs. They were also directed to submit a joint report by the next date.

As per the detailed directions issued by the Court in its order dated 9<sup>th</sup> August, 2021, a joint report was filed on 15<sup>th</sup> August, 2021 by the District Collector highlighting the steps taken on the concerns raised. As per the report, pursuant to the High Court order, toilets were repaired including sewerage pipelines and residential areas. It was also stated that six toilets would be functional by 16<sup>th</sup> August 2021 and four new toilets would be completed by the end of August. Additionally, the report also stated that all old beds were replaced with new ones in the Leprosy Home and that steps had been taken regarding the distribution of footwear to the inmates in conformity with the last order of the High Court. Moreover, the Court was apprised that Joint Director, Leprosy, Odisha, and the World Health Organization Consultant visited the Leprosy Colony on 12<sup>th</sup> August 2021 and held a training or awareness meeting with the Leprosy Workers, Paramedical Workers, local administration, and the staff.

### iii. O.A.T. Bar Association, Cuttack v. Union of India and Ors

Case Number: W.P.(C) No.s 5736 and batch Coram: **Dr. S. Muralidhar CJ**, B.P. Routray J.

Citation: 2021 (II) CLR 434

In this case, six Writ Petitions were filed challenging the constitutional validity of the notification dated 2<sup>nd</sup> August, 2019 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, Government of India which stipulated for the abolition of the Odisha Administrative Tribunals(OAT). In addition to the petitions filed to challenge the notification, other applications were filed for transfer of cases pending before the OAT.

The Court considered Article 323-A (1) of the Constitution and opined that the word 'may' in the Article could not be said to make it mandatory to establish SAT(State Administrative Tribunal). Thus, it could not be said that Article 323A (1) was intended to make it mandatory for either the Central Government or the State Government to establish an SAT irrespective of the actual need for such a tribunal and for it to be effective in achieving the object of securing fair and

speedy justice. It noted that the same was also considered by the Supreme Court in L. Chandra Kumar v. Union of India AIR 1997 SC 1125. Thereafter, the Court also considered the MPAT Abolition Case, TNAT Abolition Case, and Hamdard Dawakhana (Wakf) Lal v. Union of India, 1960 (2) SCR 671, and held that there was no prohibition against the abolition of SAT. The Court also addressed the contention based on A.R. Antulay v. R.S. Nayak, AIR 1988 SC 1531, that power to enlarge jurisdiction was legislative in character, holding that the matter was simply of a revival of a jurisdiction that had always existed. Lastly, by placing reliance on the judgment of Dattatreya Moreshwar Pangarkar v. State of Bombay, 1952 SCR 612, R. Chitralekha v. State of Mysore 1964 (6) SCR 368, the Court opined that provisions of Article 77 (1) (correspondingly in Article 166) were only directory in nature, and the impugned notifications were not vitiated due to failure to mention that it had been issued on behalf of President of India.

The Court was of the view that no ground had been made out for the Court to interfere with the impugned notification. Thus, all writ petitions were dismissed, and the pending cases before the OAT were to be transferred to Orissa High Court.

### iv. Nabin Kumar Singh and Ors v. State of Odisha and Ors

Case Number: W.P.(C) No.10726 of 2021

Coram: Dr. S. Muralidhar CJ, B.P. Routray J.

Citation: 2021 SCC OnLine Ori 1438

In this case, a batch of writ petitions challenged the policy decision of the Government of Odisha to part with the exclusive privileges of retail sale through IMFL Off Shops by charging a fixed license fee and selecting the applicants through a lottery/ draw of lots. The amendment introduced to Rule 34 (1) of the Orissa Excise Rules ('OE Rules') by the Odisha Excise (Amendment) Rules to replace the words "or otherwise" with the words "lottery or e-lottery" with effect from 7<sup>th</sup> January 2021 was also under challenge. A consequential notification issued by the Excise Department, laying down the criteria and guidelines for organizing the lottery for grant of exclusive privilege in the trade of intoxicating liquors through IMFL OFF Shops, and invitation by the Collectors and District Magistrates, was also being challenged.

The petitioners argued, inter alia, that there was no provision in the Orissa Excise Act, 2008 or OE Rules for introducing lottery as one of the modes of settlements of exclusive privilege, the collection fees and duty. Citing Ajit Kumar Routray v. State of Odisha (decision

dated 24th July, 2013 in W.P.(C) No.8084 of 2013), the petitioners stated that in matters of the grant of the exclusive privilege for trading in IMFL, augmentations or revenue maximization of the State "should be the only consideration." The Opposite party stated that the word 'fee' means "price or consideration." and the grant of license for the sale of IMFL would essentially be a matter of policy. It was further contended by placing reliance on State of M.P. v. Nandalal Jaiswal (1986) 4 SCC 566 that the court should not strike down a policy unless it is arbitrary, irrational, or mala fide.

A division bench of Chief Justice Dr. S Muralidhar and Justice BP Routray stated that the ideal method of determining the fee to be paid is best left to the government and "it is not possible to accept the contention of the petitioners that auction is the only and the best method for parting with the exclusive privilege for sale of liquor." The court after considering the earlier decision in *Sarat Kumar Sahoo v. Collector, Cuttack (1992) 73 CLT 834* held that the expression 'local area' refers to a larger area and 'locality' refers to a smaller area. Having examined some of the sample notices, the Court was not satisfied that there had been a violation of procedure in indicating the locality of the shop. It was stated that the residents of these localities who may be affected could ventilate their grievances in appropriate proceedings. Thus, it was held that the policy shift to a lottery mode could not be invalidated. Accordingly, the writ petitions were dismissed.

#### 2. JUSTICE JASWANT SINGH

### i. Mira Agrawalla and Anr v. State of Orissa and Ors

Case Number: WP(C) No. 20574 of 2021 Coram: Jaswant Singh, S.K. Panigrahi, JJ.

Date of Order: 7th December, 2021

In this case, the two petitioners Mira Agrawalla and Subham Mishra claimed to be the legal heirs of late Siba Prasad Mishra. The deceased had participated in an auction sale conducted bythe Recovery Officer, DRT. Since late Siba Prasad Mishra was declared the highest bidder, a sale certificate was issued in his favour on 8<sup>th</sup> November,2007. The Petitioners, hence, filed the writ petition seeking a direction to the Recovery Officer, DRT, Cuttack to modify the sale certificate of 8<sup>th</sup> November, 2007 by substituting the Petitioners as legal heirs, or in the alternative, issue necessary instructions for execution of the sale deed in their favour.

The Court found no grounds to invoke its writ jurisdiction under Article 226 of the Constitution of India noting that it was not disputed that the petitioners had already filed an appeal before DRT, Cuttack, seeking modification of the sale certificate issued in favour of their father-late Siba Prasad Mishra, but that they were only approaching this Court on the ground that the Presiding Officer of the DRT was not available. The court also noted that in the absence of any provision in the statute i.e. the Recovery Act, 2003 or the SARFAESI Act, 2002 for issuance of fresh or modified certificate, no cause of action could arise. In light of the above, the Court found the writ petition to be devoid of any merits and accordingly dismissed the same.

#### 3. JUSTICE S.K. MISHRA

### i. Jagdev Majhi v. State of Odisha & Ors.

Case Number: WA.No.172 of 2019 Coram: **S.K. Mishra**, Savitri Ratho JJ.

Citation: 2021 (II) OLR - 694

Respondent No.3 was elected as a Sarpanch of Saliha Grama Panchayat of Nuapada block on 27<sup>th</sup> February, 2017. Her election was challenged by the appellant and others on the ground that nomination of the respondent no.3 was accepted illegally as she has not attained the age of 21 years on the date of filing of the nomination and as such, she was not qualified for the post of Sarpanch.

The single judge held that the election could be challenged only in an election petition filed under Section 30 of the Orissa Grama Panchayats Act, 1964 ('Act'). Reversing this judgement, the division bench held that the allegation about not attaining the age of 21 i.e., the age of eligibility is a violation of Section 11 (b) of the Act, and it can only be challenged in an election petition filed under Section 30 of the Act and the allegation made does not come within the purview of Section 25 of the Act. The counsel for the respondent had tried to save this judgment by *Rabindra Kumar Nayak v. Collector*, *Mayurbhanj*, *Orissa and Ors. AIR 1999 SC 1120* and *Debaki Jani v. The Collector and Anr. AIR 2014 Ori 138*.

While answering the question formulated at the beginning of the judgment, the present Bench observed that the procedure adopted by the Single Judge in disposing of the writ petition was improper. Upholding Justice C.R.Dash's judgment in *Bilash Majhi v. Collector and District Magistrate, Kalahandi and Anr. 2015 SCC OnLine Ori 368*, the Court said that the factual findings of the Collector, Nuapada that the date of birth of respondent no.3 is 29<sup>th</sup> September, 1997 hence, she had not attained the age of 21 years on the date of nomination, has not been set aside by the Single Judge. Therefore, her nomination was illegal and could not be upheld by the Court. It was held that the election of respondent no.3 to the post of Sarpanch was illegal as she did not have the qualification to contest in the election on the date in question.

#### ii. Banchha Naik and Ors. v. State of Orissa

Case Number: CRA No.242 of 1998 Coram: **S.K. Mishra**, Savitri Ratho JJ.

Citation: 2021 (I) OLR - 596

The facts of the case are such that in this appeal, the appellants have challenged the judgment and order of conviction dated 20<sup>th</sup> August, 1998 for the offence under Sections 498-A, 328, 302, 201 and 34 IPC. Bina Naik was given in marriage to the deceased Gangadhara Naik about four years ago before the occurrence. At the time of marriage, all possible dowry including cash, gold and silver ornaments, utensils, furniture, etc. was given to the appellants by the parents of Bina. Since Gandhara Naik was an unemployed youth, the prosecution alleges that the appellants were

demanding a further dowry of Rs.10,000/- from her for investment by Gangadhara to carry out a business. Bina could not fulfill the demand because of the poor condition of her father. It is further alleged by the informant that the appellants tortured her, both physically and mentally, during her stay in the matrimonial house. On 22<sup>nd</sup> November, 1993 the appellants prepared Arisha and Kakara on the eve of Sudasha Brata and Laxmi Puja to be performed on the next day. Bina was not taking part in the preparation of the pithas, Bhama Dei, the late mother-in-law of the informant, offered two Kakaras to the deceased. He consumed one and half of the kakarapitha and gave half of it to the informant. After some time, both of them felt their heads reeling. The informant became unconscious and was shifted to Daspalla Hospital for treatment. In the meantime, her husband died and his dead body was cremated by the accused persons in the early morning of 23<sup>rd</sup> December, 1993 to cause the disappearance of the evidence of poisoning. Appellant 1 and Bhama Devi died during the pendency of the case and the surviving appellants took the plea of complete denial.

The Court referred to the Hon'ble Supreme Court's Judgement of Sharad *Birdhi Chand Sarda* v. *State of Maharashtra 1984 (4) SCC 116*, and stated an alleged case of murder by poisoning required fulfilling 4 criteria for its proof.

(i) That the death of the deceased was due to poisoning (ii) That the accused has the poison, which causes the death of the deceased, in his or her possession (iii) He had the opportunity of administering poison to the deceased (iv) That the poison that was in the possession of the accused caused the death of the deceased.

Since no post mortem examination was conducted and also it was evident from the statement of the doctor that Bina Naik was just treated for general weakness, there is absolutely no evidence regarding the poisoning of P.W.1. Thus, the offence under Section 328 of the Penal Code was not established. The rest of the offences are offences under Section 498-A, 34 IPC and Section 4 of the Dowry Prohibition Act, in the course of argument, it was not disputed that although the prosecution witnesses including Bina Naik have stated about the alleged torture by the accused persons on Bina and demand for dowry, no specific allegation has been made. In the ultimate analysis, this Court opined that there was no sufficient evidence to conclude that the prosecution had established its case beyond all reasonable doubt. The prosecution had failed to establish the very case it alleged. The surviving appellant nos. 2, 3, and 4 were thereby acquitted of the aforesaid offences.

#### iii. Siba Muduli v. Director, Consolidation, Odisha, Cuttack and Other

Case Number: W.P.(C) No. 3220 of 2019

Coram: S.K. Mishra, Savitri Ratho JJ.

Citation: (2021) 84 OCR - 680

The present matter was referred to this Division Bench to resolve the conflict between the reported cases of *Abhaya Charan Mohanty v. State of Orissa and Ors. 2003 OLR-882* and *Bhagaban* 

Jena and Ors. v. State of Orissa and Ors. 2007 (1) OLR-598. Both the aforesaid reported cases were decided by different Single Benches of this Court, owing to which, there was a conflict of opinion regarding a delay in applying Section 37 (1) of the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (OCH & PFL Act).

The issues raised before the Court were, whether the Commissioner/Director, Consolidation could entertain the petition at any point of time, where no period of limitation has been prescribed for invoking the jurisdiction of the Commissioner, Consolidation/ Director, under Section 37 of the OCH & PFL Act? Furthermore, what was the reasonable time in approaching the Court, when no period of limitation had been prescribed?

While previously dealing with Section 37 of the OCH & PFL Act, this Court in the case of Gulzar Khan v. Commissioner of Consolidation and Ors. 1993(II) OLR-194 had held that that the power under Section 37 of the OCH & PFL Act is "unfettered and can be exercised to render justice to some hard-pressed people who are without a remedy." However, Full Bench further held that such power has to be exercised in a reasonable manner and reasonable exercise of power inheres in its exercise within a reasonable time as stated in the case of Manasram v. S.P.Pathak AIR 1983 SC 1239. This Court after perusing Section 57 of the OCH & PFL Act pointed out that a provision regarding limitation has been provided in the Act. Thus, it was apparent that the Orissa Legislative Assembly had made the provisions of the Limitation Act, except those provisions mentioned above in the statute itself, applicable to all the applications, appeals, revisions, and other proceedings under the Act. However, considering that the provision of Section 37 of the OCH & PFL Act is an enabling Section, the Court concluded that the Commissioner/Director can entertain a petition at any point of time as no period of limitation was prescribed for the same under Section 37 of the OCH & PFL Act. While dealing with the issue of "reasonable time", the Court laid importance at the instance where the Revisional Authorities exercised their suo motu power to correct a grave error or injustice perpetuated even after passing of 27 years. Adding an illustrative list of cases where the reasonable time may extend even to 20 to 30 years, the Bench iterated that "the reasonable time" in approaching the Court, is a question of fact depending on the particular facts of every case and no strait-jacket formula can be provided.

#### 4. **JUSTICE C.R. DASH**

## i. Banshidhar Baug v. Orissa High Court

Case Number: W.P. (C) Nos. 17009 and 17110 of 2019

Coram: C.R. Dash, P. Patnaik JJ.

Citation: 2021(II) CLR-1

In this case, writ petitions were brought before the Court by Advocates who after years of service aspired to be conferred with the designation of Senior Advocate, where while the process of conferring such a designation was enumerated under Rule-6 of High Court of Orissa (Designation of Senior Advocate) Rules, 2019 ('2019 Rules'), the full Court conferred the designation of Senior Advocate on five Advocates, who were OP Nos. 5 to 9.

The question before the Court was of the validity of sub-rule (9) of Rule-6 of the 2019 Rules and whether the same was in consonance with the guidelines of the Supreme Court in *Indira Jaising v. Supreme Court of India, (2017) 9 SCC 766.* To decide on the same, the Court in its order dated 10<sup>th</sup> May, 2021 delved into the *Indira Jaising case* in detail and noted that earlier there were no uniform rules for conferring designation of Senior Advocates and the High Courts were following different rules. There was also no proper rule on the subject for the Supreme Court. Holding the designation as only a distinction and a recognition, the Court was of the view that sub-rule (9) of Rule- 6 of 2019 Rules was an addition beyond the scope of the guidelines/norms framed in the *Indira Jaising* case. Therefore, sub-rule (9) of Rule- 6 of the 2019 Rules was held not to be in consonance with the said judgment and *ultravires* of the guidelines/norms. It was further held that since the OP Nos. 5 to 9 were designated by the Full Court, the withdrawal of the designation would be unfair as there was "no fault on their part in the entire exercise".

#### ii. Swarnalata Mohanty v. State of Odisha

Case Number: W.P. (C) No. 34034 of 2020

Citation: 2021 (1) OLR-714

In this case, the Petitioner's husband had purchased a plot under Cuttack Development Authority (CDA) in 2001 and the petitioner inherited a plot under CDA from her father 10 years after purchase of the plot by the husband. The petitioner intended to sell the land inherited by her to supplement the cost of treatment of cancer, however, the sale of the plot was not allowed by CDA as they deemed it to be a case of 'Double Allotment'.

The Court observed that there was no dispute that CDA being the Development Authority had paramount control over the transfer of land within the project area under the Odisha Development Authority Act. However, it noted that the Property-plot purchased by the petitioner's husband was **by choice** and the property-plot inherited by the petitioner was **by chance** in which she had no choice to deny the succession as it was automatic with immediate effect. Thus, the court held that it would not constitute as 'Double Allotment'.

The Court held that the transfer of the plot by the petitioner could not be resisted on the ground that both the petitioner and her husband were holding two plots in CDA, Bidanasi. The court also noted that the "Petitioner having no other alternative source, is ready to part her property she had inherited from her father, and it must have been a painful decision also." Hence, the writ application was allowed with a direction to CDA to accord permission.

#### **5**. JUSTICE BISWAJIT MOHANTY

#### i. Dillip Kumar Nayak and Anr v. State of Odisha and Ors

Case Number: W.P. (C) No.29742 of 2020

Citation: 2021 (1) ILR-CUT-373

The facts of the case were that the petitioners had filed the writ petition challenging the order of Additional District Magistrate, Bhadrak, Opposite Party No.3 (OP No.3) giving various directions for holding election to various posts of office bearers of Bhadrak Bus Syndicate(OP No.6) and the subsequent order of the Sub-Collector, Bhadrak (OP No.4) on the same subject on the ground that the noted orders/directions had been issued without jurisdiction and by ignoring the relevant provisions of the bye-law of OP No.6 governing the field. Their further case was that holding the election before the outcome of an audit of the financial status of OP No.6 should not be permitted.

The dispute mainly revolved around the question of jurisdiction of OP Nos.3 and 4 in giving detailed directions regarding holding of election to different posts of office bearers of Bhadrak Bus Syndicate. On the issue of whether the directions of the Addl. District Magistrate, Bhadrak about holding of election of a registered society like OP No.6 was valid, the court concluded that since the election to various posts of office bearers of OP No. 6 was not done as per the procedure prescribed by the law, all the directions issued by the OP No.3 on the conduct of the election and the subsequent directions issued by the Sub-Collector, Bhadrak (OP No.4) were clearly illegal. It was made clear that election, if any, to various posts of office bearers of Bhadrak Bus Syndicate could only be held following the procedure laid down in the amended bye-law and in the event, such an election was held, the Collector and District Magistrate, Bhadrak (OP.No.2) were directed to see to it that the law and order were strictly maintained during such election. While answering a further prayer for holding of the election after completion of the audit, the court stated that no legal provision had been brought to the notice in support of such prayer. Accordingly, the Court was not inclined to accept the prayer of the petitioners.

#### ii. Netaji Bhoi v. Bijaya Laxmi Behera @ Bhoi

Case Number: RPFAM No.125 of 2019

Citation: (2021) 84 OCR-323

In this case, a revision petition was filed by the Petitioner against the ex-parte judgment of the Family Court initiated u/s 125 CrPC by the opposite party-wife. The facts of the case were that the wife of the petitioner (sole opposite party) filed a petition for the grant of maintenance of Rs.5,000/- per month with Rs.10,000/- as litigation expenses. The parties came under the Mitakshara School of Hindu law. At the time of marriage, the petitioner was given different household articles, gold ornaments as per his demand as well as his family members. She had been staying at her parents' house in a miserable condition and sought maintenance, whereby she stated that the petitioner earned more than Rs.30,000/- per month from the betel-cumstationery shop and agriculture.

**Annual Report 2021** 

**High Court of Orissa** 

The Court noted that from the trial, it was clear that despite receipt of the notice, the petitioner never cared to appear on the dates fixed. Further, the narration of events made it clear that the petitioner was resorting to delaying the proceedings. The order of ex-parte reached its finality on 12<sup>th</sup> May, 2014 and the said order was not challenged anywhere and there was no plea that the petitioner was not informed by his advocate regarding the passing of such ex-parte order. The court further stated that the maintenance of Rs.3,000/- a month cannot be described as a huge amount by any stretch of the imagination as the same cannot be even enough to meet the cost of fooding of the opposite party. The bench held that the impugned order could not be said to suffer from illegality or impropriety and was accordingly dismissed.

### iii. Gopal Chandra Ramanauj Das v. State of Odisha and Ors

Case Number: W.P.(C) No. 21182 of 2021

Coram: Biswajit Mohanty, K.R. Mohapatra, JJ.

Date of Judgement: 27th September, 2021

Citation: 2021(II) OLR-947

The brief facts of this case were that some landed property had been endowed to the deity, Sri Sri Jagannath Mahaprabhu Bije at Kusupur in the district of Puri (private religious organization as declared under Section 44 of the Endowment Act,1975). As the temple was a private religious property and required repairing for its dilapidated state, the petitioner (Marfatdar of the family deity established to effectuate the spiritual benefit of the family of the founder) filed for a NOC to alienate the case land along with other properties, as he had no funds for repairing the temple. While granting the NOC, the learned Commissioner imposed conditions such as the petitioner-hereditary trustee would have to first offer for sale of the case land as an appeal to the state government under Section 19 of the Endowment act and he would also have to intimate the Commissioner of Endowments about the construction of the temple on the administrative side. The Petitioner being aggrieved by the imposition of such condition filed this writ petition.

The learned counsel for the Petitioner submitted that Section 19-C of the Endowments Act does not apply to the private religious institution. The said provision was only applicable to the public religious institution. It was also stated that Rule 4-A of the Endowment Rules clearly stipulates that the NOC was required to be issued for alienation of immovable property of a private religious institution if the Commissioner was prima facie satisfied that the institution in question was not a public religious institution for which no sanction under Section 19 of the Act was required.

The court held that the Commissioner had gone beyond its jurisdiction by imposing conditions while granting the NOC and consequently the NOC was not sustainable in the eyes of law. Further, a harmonious reading of Section 19-A and Rule 4A made it clear that Section 19A of the Endowment Act could be confined to the public religious institution only. Thus, any institution which required an order under Section 19-A, the Commissioner on an application could issue a NOC in the manner prescribed under Rule 4-A. In this case, the institution had been declared as a private religious institution by the Commissioner in an appeal (FA No. 14 of

1975) under Section 44 of the Endowments Act. The court concluded that while issuing NOC, the Commissioner had to adhere to the procedure prescribed under Rule 4-A of the Endowment Rules. Thus, the Commissioner was directed to issue fresh NOC without imposing any condition strictly in adherence to Rule 4-A of the Endowments Rules.

#### 6. **JUSTICE DR. B. R. SARANGI**

#### i. Nabaghana Nayak v. State of Orissa and Ors

Case Number: W.P.(C) No. 2953 of 2013

Citation: 2021 (I) CLR 861

The petitioner was a farmer and a BPL card holder, who on being persuaded by the Basanta Kumari Rural Eye Hospital and Research Centre(NGO- Hospital)underwent surgery in the eye camp that was organized by the NGO. In the routine check-up, he complained of loss of his eyesight. Though he was administered medicine, he could not get any relief nor was he subsequently attended by any doctor on his follow-up visit. He proceeded to JPM, Rotary Eye Hospital, where he underwent a second corrective surgery, but the defect in his eye could not be recovered. Consequentially, he suffered a 60% loss of eyesight. Hence, the petitioner invoked the writ jurisdiction of the High Court seeking compensation for the same.

The Court examined the legal principles to assess compensation by referring to cases including that of *K. Narasimha Murthy v. Manager, Oriental Insurance Co. Ltd., 2004 ACJ 1109*, where it was held that compensation both for pecuniary and non-pecuniary losses was to be done by adopting a moderate approach to restore the original position. In order to determine the responsibility of OP Nos. 1 and 2 i.e. the State Hospitals, the court relied on the cases of *Registrar (Judicial), Orissa High Court, Cuttack v. State of Orissa, W.P.(C) No. 8228 of 2010, and Sri Prabir Kumar Das, Advocate and Human Rights Activist v. Commissioner-cum-Secretary, Health Deptt., Govt. of Orissa, Bhubaneswar and others, 2012 (II) OLR 81, where guidelines were laid down for all Government hospitals to ensure proper management of health camps, and it was noted that before granting permission to any NGO for an eye camp, the Government should ensure the safety of operations and provide adequate facilities.* 

Thus, the Court decided that being a welfare State, when the NGO- Hospital arranged the eye camp, O.P. Nos.1 and 2 i.e. the State Hospitals, owed a responsibility to ensure proper preoperative assessment of all patients, in addition to adequate medical personnel being available for the same. The court stated that since the petitioner had already lost 60% of his eyesight, a compensation of Rs.1,75,000/- was directed to be paid by OP. Nos.1 and 2 to the petitioner, which was directed to be recovered from the NGO by the Opposite Party-State.

#### ii. Sujata Mohanty v. Berhampur University and others

Case Number: W.P. (C) No. 8541 OF 2019

Citation: 2021 (II) OLR - 362

In this case, the petitioner approached the High Court seeking to quash the communication dated 11<sup>th</sup> March, 2019 whereby the Comptroller of Finance, Berhampur University had rejected the claim of the petitioner for family pension. The facts of the case were that the petitioner was the daughter of a retired professor from Berhampur University. After her mother expired, her father submitted an application for change of nomination in favour of the petitioner to receive family pension, which was duly accepted by the authority. Thereafter, on the death of her father, the petitioner approached the authorities for family pension which was rejected stating that it could not be considered as per the provisions of OCS (Pension) Rules, 1992. It was further stated that she already had income for livelihood as per the copy of the Income certificate provided by her..

The Court here referred to a catena of judgments including *D.S. Nakara v. Union of India*, (1983) 1 SCC 322, State of Kerala v. Padmanabhan Nair, AIR 1985 SC 356, State of Punjab v. Justice S.S. Dewan, (1997) 4 SCC 569, etc, for first deciphering the meaning of 'pension' and came to the conclusion that (i) the pension was not a matter of grace and it created a vested right subject to the statute; (ii) the pension was not an *ex gratia* payment but a payment for the past service rendered (iii) it was a social welfare measure for those who ceaselessly toiled for employers on an assurance that in their old age they would not be left in lurch. Similarly, for family pension, the Court held that the petitioner would be the recipient as the entitlement had been determined during the lifetime of the pensioner and there was no objection from other legal representatives as long as she qualified the criteria.

In view of the contentions, the Court observed that the petitioner satisfied the requirement of getting family pension since her monthly income was less than the threshold of Rs.4,440/- per month, and hence she was eligible to receive the benefits of the family pension. It was thus noted that the rejection of the claim of the petitioner had been an outcome of non-application of mind. The Court quashed the impugned communication of rejection and directed the opposite parties to calculate the pensionary benefits admissible to the petitioner and take necessary steps for payment of family pension to her from the date of her entitlement as expeditiously as possible.

## iii. School Managing Committee of Amaramunda Govt. Primary School, Amaramunda and Ors v. State of Odisha and Ors

Case Number: W.P.C. Nos. 27401 of 2020 and batch

Citation: 2021 (II) OLR -1

In this case, all the writ petitions essentially sought to quash the notification dated  $11^{\rm th}$  March, 2020 issued by the Government of Odisha in School and Mass Education Department, pursuant to a policy framed for rationalization and consolidation of schools under School and Mass Education (S & ME) Department as well as the consequential office memorandum dated  $11^{\rm th}$  March, 2020 for implementation of the guidelines of the said policy. The main question was whether the State Government could take a policy decision for merger of schools on the basis of roll strength or not.

The Court observed that notifications for the merger would not be permissible under Rule 6 and 7 of the Odisha Right of Children to Free and Compulsory Education Rules, 2010, and would

**High Court of Orissa** 

overall be against the spirit of the Right of Children to Free and Compulsory Education Act 2007, in addition to being in contravention to Article 21 as the main purpose was to provide a school within the walking distance of 1 km. Applying the principles laid down in State of Gujarat v. Arvind Kumar Tewari, (2012) 9 SCC 545, Directorate of Film Festivals v. Gaurav Ashwin Jain, (2007) 4 SCC 737, Directorate of Film Festivals v. Gaurav Ashwin Jain, (2007) 4 SCC 737, BALCO Employees' Union (Regd.) v. Union of India, (2002) 2 SCC 333, the court delved into the scope of judicial review of Government policy and stated that, "Courts cannot act as appellate authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled to formulate".

The court noted that the children in elementary schools were the first concern and held that directing merger of schools and consequential closure of institutions having all infrastructure, could not be considered to be a sound approach. Further, the merging of schools would not solve the problem of decreasing roll strength. In light of the same, the Court held that the impugned notifications could not be sustained and were hence, quashed. The Court also directed the opposite party to restore the position of the schools in question, and provide the necessary infrastructure for the smooth running of the same.

#### **JUSTICE ARINDAM SINHA** 7.

## Esskay Machinery Pvt. Ltd v. Industrial Promotion and Investment Corporation of Orissa Ltd. and Ors

Case Number: W.P.(C) No.5984 of 2014 Date of Order: 23rd November, 2011

The facts of the case were that the petitioner had a grievance against a letter dated 27<sup>th</sup> September 2013, whereby a bank guarantee of Rs.70,00,000/- was encashed and a further sum of Rs.51,47,704.97 was demanded. The petitioner had approached the court after an order passed by the Supreme Court where it was stated that it would be open to the petitioner to challenge the validity of the said letter by filing a writ petition before the High Court.

The petitioner was required to furnish a bank guarantee of Rs.70 lakhs with a corresponding direction to the opposite party to release the asset in favour of the petitioner. The bank guarantee was furnished and there was also reciprocal release. Subsequently, the opposite party encashed the bank guarantee and claimed the further sum. The petitioner had approached the court because of the aggregate claim of bank guarantee value and the further sum. Thus, the issue was whether conditions in the release letter imposed under an interim direction made in the writ petition survived the dismissal of the writ petition itself.

The court noted that there were monies claimed as outstanding in condition nos. (II) and (III) of the release letter. As per Condition no.(V), the opposite party was required to continue to have the first charge over the assets of the company till payment of all dues or till final orders in the writ petition. In order to ascertain the position, the court stated that on checking the 'No Due Certificate', it was clear that the dues to the opposite parties were all paid and return of documents were without prejudice to the rights and contentions of the opposite parties. Thus, "the petitioner appears to have a claim that the bank guarantee was wrongfully invoked by opposite party, who says it has further residual claim against petitioner. Both parties have monetary claims against each other. Opposite Party cannot say it is secured creditor in respect of its residual claim. As such, parties are relegated to suit, to pursue their claims against each other". The writ was thus disposed of.

#### ii. National Aluminum Company Ltd. v. UBV Infrastructure Ltd

Case Number: W.P.(C) No.31938 of 2021 Date of Order: 24th November, 2021

The facts of the case were that the petitioner challenged an order dated 27<sup>th</sup> August 2021 passed by Commercial Court, Bhubaneswar, whereby the petitioner's application under Section 36 of the Arbitration and Conciliation Act, 1996 was rejected. The petitioner was ready to put in security as the Court would direct.

The court stated that furnishing security was one of the conditions to be fulfilled for the Court to be satisfied in granting the stay and that the impugned order does not mention the conditions not having been fulfilled. It was stated in the impugned order that, in the event, there was execution and the petitioner succeeded, it could apply for restitution to recover the amount paid.

Thus, the High Court relied on the judgment of the Supreme Court in *Bhaven Construction* v. *Executive engineer Sardar Sarovar Narmada Nigam (2022) 1 SCC 75* and stated that the impugned order suffered from material irregularity and was illegal. Thus, the impugned order was set aside.

#### iii. Manash Kumar Pradhan v. State of Odisha and Ors

Case Number: W.P.(C) No.25695 of 2021

Date of order: 10th December, 2021

In this case, the order of the Registrar refusing registration of raiyati land was challenged in the High Court. The petitioner was the purchaser of raiyati land from his vendor and the issue in the case concerned the claims regarding power to refuse registration in respect of immovable property belonging to the State Government or local authority under Section 22-A of the Registration (Odisha Amendment) 2013.

The Court noted that the vendor is raiyat in respect of subject matter of the sale deed for registration was beyond dispute as it is settled by the Supreme Court in *Kumar Bimal Chandra Sinha v. State of Orissa and others AIR 1962 SC 1912*. Further, the Sub-Registrar and the Registrar had not disputed that subject matter of the sale deed were raiyati lands. On the question of maintainability of the writ petition, the court noted that as per sub-section(1) of Section 77 of the Registration Act 1908, there is a provision to file suit in civil court of original jurisdiction. On the basis of the following reasons, the impugned orders were set aside.

#### 8. **JUSTICE D. DASH**

#### i. Jyoshnamayee Bahinipati and Ors v. Sri Lingaraj Bahinipati

Case Number: RSA. No.226 of 2017 Citation: 2021(1) ILR-CUT-816

The facts of the case were that the predecessor-in-interest namely Padma CharanBahinipati and one Lingaraj Bahinipati i.e., the defendants were two brothers being the sons of Raghunath Bahinipati. The plaintiff had been brought up by the defendant after the death of their father and he had obtained an MBBS degree and ultimately went to the United Kingdom for higher studies. The plaintiff being an employee in the Forest Department, bought a house in the same year, under the name of his brother as he didn't prefer his name standing as the vendee under the said transaction. On his death, the family of the plaintiff had the property and having heard that the defendant was attempting to alienate the suit property, the Plaintiffs with the apprehension of losing their property filed the suit for declaration of title, possession, and injunction.

The Orissa High Court deliberated on the following question in law: Whether the finding of the Courts below that the Benami transaction in respect of the suit property does not come under the exception provided in clause (b) of sub-Section (3) of Section 4 of the Prohibition of Benami Property Transactions Act, 1988 is correct?

Referring to the concept of 'fiduciary relationship' as explained in CBSE v. Aditya Bandopadhyay, (2011) 8 SCC 497 by the Supreme Court, the High Court stated that, nothing more had been pleaded in support of the case that the defendant at the time of purchase was very much standing in a fiduciary capacity and that the suit property was not for his benefit but the benefit of Padma Charan. It further noted that the mere mention of the relationship that the defendant being the brother of Padma Charan would not suffice the purpose. The court concluded that, "the very case of the Plaintiffs that the suit property had then been purchased by Padma Charan in the name of the Defendant is in order to show that he had nothing to do with said purchase sine it is said to be for the reason of avoidance of any such problem in his service career. This even taken as such and accepted; the case that the property held in the name of the Defendant standing in fiduciary capacity and that the property was held not for the benefit of Defendant but for that of Padma Charan towards whom the Defendant stands in such capacity falls flat." The appeal thus did not merit admission and was accordingly dismissed.

## ii. Central Electricity Supply Utility of Odisha and Ors. v. Damayanti Samal and Anr.

Case Number: RSA No.210 of 2019

Citation: 2021 (1) CLR - 680

The facts of the case were that the plaintiff's 44-year-old husband while going to his agricultural field came in contact with 11 K.V. electric wire, got electrocuted, and met an instantaneous death. For the said death, plaintiff no. 1 and plaintiff no. 2 i.e. the wife and mother of the deceased respectively filed the suit claiming compensation from the defendants i.e., Central Electricity Supply Utility of Orissa and its official in-charge of the supply of electricity and maintenance, etc. in the area.

The Trial Court had held the defendants were liable to pay compensation of Rs.5,50,300/- with interest, taking into account the evidence as to the age of the deceased and selecting multiplier of 13, in further and holding the monthly income of the deceased at Rs.4,000/-.

The Court relied on *M.P. Electricity Board v. Shail Kumari and Ors. AIR 2002 SC 551*, where it was held that "...the responsibility to supply electric energy in the particular locality was statutorily conferred on the Board. If the energy so transmitted causes injury or death of a human being, who gets unknowingly trapped if the primary liability to compensate the sufferer is that of the supplier of the electric energy." Referring to the principle of *res ipsa sequitur* (*Clerk & Lindsell on Torts, 16<sup>th</sup> Edn., pp. 568-569*), the Court concluded that it afforded reasonable evidence, in the absence of explanation by the defendants, that the accident arose on account of want of care. The Court upheld the multiplier as selected by the lower court in assessing the compensation in the facts and circumstances of the case and the appeal was dismissed.

#### iii. Kondagiri Dangeya v. State of Orissa

Case Number: JCRLA No.134 of 2004

Citation: 2021 (I) OLR - 988

The appellant and the deceased on the relevant date and time were returning to the house of the deceased in an inebriated state. At one place near the hut of one Pidika Erapa (P.W.3), the appellant and the deceased started abusing one another. It was stated that the appellant assaulted the deceased on the head and face using a lathi because of which he died. With the registration of the criminal case against the appellant, he was arrested and in defense pleaded denial. While in police custody, the appellant helped recover the weapons of offence i.e. lathi and two pieces of stone. The appellant gave recovery of the weapons of offence i.e., lathi and two pieces of stone. The Trial Court pronounced the appellant guilty of murder against which he has filed an appeal in the High Court.

The Court discussed the issue of whether the appellant was to be held guilty of commission of an offence under Section 302 of IPC or for any lesser offence. The proven facts of the case from both the counsels seemed that in the course of an altercation between the two, the appellant had assaulted the deceased but on cumulatively viewing the facts, the Court held that the appellant could not be attributed to having the intention of murdering the deceased. The Court further observed that for the said Exception 4 to Section 300 IPC to come into play, the relevant factors were that the act must have been committed without premeditation, in a sudden fight without the offender having taken undue advantage and not having acted cruelly or unusually. The Court held that the incident had suddenly taken place and both the appellant and the deceased were to share the blame. Further, the number of wounds caused could not stand as the decisive factors or impediment for the Exception to be attracted. The appellant was held guilty under Section 304, Part-I of the IPC, and a sentence of rigorous imprisonment for ten years was awarded.

#### 9. JUSTICE S. PUJAHARI

# i. M/s. Katloon Management and Financial Services Pvt. Ltd., Bhanjanagar and Ors. v. State of Orissa

Case Number: CRLA No. 809 OF 2018 Citation: 2021 (I) ILR - CUT- 406

The facts of the case were that various properties were purchased by the Company through their directors at different places with the money collected by them from the depositors in the course of running illegal money circulating scheme. It further appeared from the record that in terms of Section 3 of the Odisha Protection of Interests of Depositors Act 2011 (OPID Act), the State Government passed an order of provisional attachment of the movable and immovable properties of the appellants and thereafter the designated court passed the impugned judgment directing the competent authority to sell the attached properties by public auction and realize the sale proceed for the purpose of equitable distribution of the same amongst the depositors. The appeals were filed challenging the aforesaid order.

The issue was whether the legality and propriety of the impugned judgment can be challenged on the grounds, *inter alia*, that the proceeding was initiated on the complaint / F.I.R. of a lone individual said to be a depositor, since the OPID Act contemplates a class action when several persons were affected by the alleged criminality calling for remedial or penal action under the OPID Act?

The Court noted that under Section 3 of the OPID Act, on default being made by the Financial Establishments, when a complaint is received from several depositors, the State Government on being satisfied that the Financial Establishment is not likely to return the deposits for the protection of the interest of the depositors may order for ad-interim attachment of the money and other property alleged to have been procured either in the name of the Financial Establishment or in the name of other persons from and out of the amount collected by the Financial Establishment. Further, if the Government is convinced that such property is not available for attachment or not sufficient for repayment of the deposits, control over such other property of the said Financial Establishment or the Promoter, Director, Partner or Manager or Member of the said Financial Establishment or a person who has borrowed money from the Financial Establishment, may be transferred to the Competent Authority appointed under Section 4 of the OPID Act. Thereafter, it becomes competent on the part of the competent authority under Section 4 of the OPID Act to apply to the Designated Court for making ad-interim order of attachment absolute and for a direction to sell the property so attached by public auction and realize the sale proceeds. As a result, both the Criminal Appeals were dismissed.

#### ii. Suman Chattopadhyay v. The Republic of India

Case Number: ABLAPL No.8511 of 2020

Citation: (2021) 83 OCR - 992

The facts of the case were that the Ponzi Companies, many in number, flourished in the Eastern States of India, basically in Odisha, West Bengal, Assam, Tripura, and Bihar, which instigated the public through different schemes, to deposit/invest money, with false assurance of impressive returns. Being allured by such lucrative assurance, lakhs of gullible depositors parted with their hard-earned money with those Ponzi firms, who though at the initial stage paid some returns, later on after collecting huge amounts of money from the public, disappeared from the scene to the dismay and detriment of the depositors. However, in compliance with the order dated 9th May, 2014 passed by the Supreme Court of India in two writ petitions, such as *W.P.* (*Civil*) *No.401 of 2013* and *W.P.* (*Civil*) *No.413 of 2013*, a total of forty-four such cases were taken over / registered by the then C.B.I. / S.C. / C.I.T./KOL (now renamed as C.B.I./EO-IV-Kol.) and this case was one amongst those forty-four cases.

It was alleged that under the agreements aforesaid, no share of Disha Productions and Media Private Limited (DPMPL) was parted with, and an amount of Rs.1,04,50,000/- that was wrongfully received by the petitioner from Saradha Group belonged to the general public who, ultimately, suffered thereby.

Referring to the provisions, the counsel for the C.B.I. laid much emphasis on the fact that since the petitioner has been indicted in an economic offence and sufficient materials are there showing his indictment in the aforesaid serious offence and need of the custodial interrogation of the petitioner to unearth the involvement of any other persons and the larger angle of conspiracy in commission of the offence alleged to have been committed by the Ponzi firm, to oppose the prayer of pre-arrest bail. In support of his contention, he placed reliance on *P. Chidambaram v. Enforcement Directorate (2019) 9 SCC 66*.

Therefore, the allegation being serious and the offence committed being the economic offence and the petitioner being investigated, custodial interrogation was much more fruitful as held by the Supreme Court in the case of *P. Chidambaram* (*supra*), the High Court was of the view that the petitioner had made out no case for his release on pre-arrest bail, more particularly when the allegations brought against the petitioner can be said to be frivolous or groundless.

#### 10. JUSTICE BISWANATH RATH

#### i. State of Orissa v. Ramesh Chandra Swain and Ors.

Case Number: RVWPET No.422 of 2019

Citation: 2021 (I) ILR - CUT- 83

The facts of the case are that previously, the respondents had jointly filed an original petition for being declared as the owners over the land under their possession and for correction of the Record of Rights. The Trial Court decreed the suit holding that the plaintiffs were the owners of the property and thereby directed the Settlement Authority to correct the record of rights. Aggrieved, G.A. Department filed an appeal which was dismissed due to being barred by limitation. They then filed Civil Revision but it was also rejected as the delay was not explained. They then filed

an SLP before the Supreme Court which was allowed subject to costs. The matter again entered into another SLP due to delay in cost but the Supreme Court restored the Title Appeal. Being aggrieved by the judgement of ADJ in Title Appeal in remanding suit, the plaintiffs preferred Miscellaneous Appeal holding that the lower Appellate body had illegally reopened the suit, which was allowed by the High Court in which they also passed a judgement declaring the judgement and decree in suit became valid via judgement dated 27th June 2012. This was challenged by the review petition by plaintiff. The Opponents argued that the plea was hit by the provision of the Order 47 Rule 1 of CPC.

The Court while relying on the case of Gulam Abbas and Ors. v. Mulla Abdul Kadar, (1970) 3 SCC 643, observed that documents surfaced in the process of the litigation materially affecting the result of the suit would be an error apparent on the face of record and there was no doubt that the case was clearly maintainable under Order 47 of C.P.C and the State / Petitioner was able to make out a case for review.

The Court noted that the Original Suit was filed in clear suppression of the fact that the owner of the land had handed over the property after receipt of compensation. Hence, the Court held that the original land acquisition award involving the very same land, payment of full compensation and preparation of abatement statement cannot all be lost sight of, wherein they clearly bring the present review application within the fold of Order 47 Rule 1 of C.P.C. The review succeeded and the Court set aside the judgment dated 27<sup>th</sup> June 2012 and decree in miscellaneous appeal, thereby confirming judgement involving Title Appeal.

#### ii. Satyanarayana Rana v. State of Odisha and Ors.

Case Number: W.P.(C) No.5217 OF 2018

Citation: 2021 (I) OLR - 518

In this case, the Petitioner was a diploma holder and had subsequently completed his B. Tech (Civil) through distance mode from JRN Vidyapitha 'Deemed University'. He was also working under Odisha Lift Irrigation Corporation Ltd. The issue was of reversion from the post of Asst. Engineer (Civil) to the cadre of Jr. Engineer (Civil). Ad hoc engineers had filed a writ claiming regular appointments as Asst. Engineer (Civil), which was disposed with Court directing that Corporation shall de novo consider the cases of the Graduate Engineers. The Corporation implemented the direction of the High Court appointing petitioners as Asst. Engineer (Civil) on adhoc basis. The Supreme Court in the SLP filed by Corporation gave sympathetic consideration to the degree holders through JRN Vidyapitha and decided that they had to qualify in a test which was to be conducted under the guidance of AIIT and UGC to validate their degrees. Thereafter, the Corporation reverted the petitioner to the post of Junior Engineer, vide order dated 22<sup>nd</sup> March 2018. The writ is this case, involved the challenge to the order.

There was no objection to the claim that the petitioner had applied and registered himself to appear in the first test, but never appeared for it, and had cleared the 2<sup>nd</sup> test that was conducted instead. Hence, the Court held that since as per the judgement of Supreme Court in Orissa Lift Irrigation Corporation Limited v. Rabi Shankar Patro and Ors. (2018) 1 SCC 468, candidates were to gain benefit of their degree on passing the test, and the petitioner had passed through the 2<sup>nd</sup> test, he had validated his degree therein, holding that the Corporation was duty bound to restore the position of the petitioner to Asst. Engineer (Civil) and release all benefits that was entitled to the petitioner.

## iii. Narayan Chandra Mohapatra v. D.I.G.(P), Central Reserve Police Force, Allahabad

Case Number: W.P.(C) No.8777 of 2007

Citation: 2021 (II) OLR – 796

The writ petition was filed by the petitioner to challenge the appellate order that had been passed after a remand order of the High Court in disposal of O.J.C. No.8032 of 1999, where the petitioner had assailed the impugned order of dismissal passed by the Competent Authority. In the remand appeal, the Appellate Authority had passed a fresh order, of which the punishment awarded at Clause 7(c) of the impugned order stated that the petitioner would not be entitled for any pay and allowances in the intervening period from the date of his dismissal to his reinstatement into service. This was challenged on the ground that there was no provision for imposing such punishment in the service rule. The respondent, on the other hand, had objected on whether the appeal could be entertained on the premises of a statutory revision being available to the petitioner against the appeal order, and further argued that the punishment was justified due to the clear disclosure regarding admission of guilt by the petitioner in the appeal order.

The Court considered the specific prescription of punishment prescribed under Rule 27 of the Central Reserves Police Force Act, 1955, and found that there was indeed no prescription of such punishment under Clause 7 (c) of the impugned order. As regards maintainability, the Court noted that since the incident took place in 1999, whereafter there had also been a significant loss of time, raising the question of maintainability at the final hearing of the writ petition could not be permitted. In light of the above, the Court declared the punishment in the impugned clause to be sustainable in the eye of law.

#### 11. **JUSTICE S.K. SAHOO**

#### i. Sibaram Swain v. State of Orissa

Case Number: CRLA No. 580 of 2013 Citation: 2021 (I) ILR - CUT- 862

The facts of the case were that the appellants- Sibaram Swain (CRLA No.580 of 2013) and Ratnakar Swain (CRLA No.44 of 2014) faced trial in the Court of learned Sessions Judge -cum-Special Judge, Ganjam, Berhampur for an offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985. They were found guilty by the learned trial Court of the offence charged and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1 lakh vide order dated 27th November 2013. The learned trial Court held that the prosecution established the presence of the appellants in the auto-rickshaw followed by the recovery beyond reasonable doubt and therefore, the presumption as to the culpable mental state of both the appellants got raised, pushing the onus on them to prove the non-existence of such mental state for the same offence by proving their absence of intention, motive, knowledge of a fact and belief in or having any reason to believe as per the required mode with the standard of proof beyond a reasonable doubt.

The issue before the Court was whether there was a statutory infraction of the provision under Section 42 of the NDPS Act?

The Court held that mere ownership of the vehicle in which transportation of contraband articles was found is by itself not an offence. The words 'knowingly permits' are significant. The expression 'knowingly' has to be given due weight. As per the Chambers Dictionary, 12th Edition, 'knowingly' means knowingly, consciously, intentionally. In the case of Raghunath Singh v. State of Madhya Pradesh 1967 Maharashtra Law Journal 575, a three-Judge Bench of the Supreme Court held that the words 'knowing' or 'knowingly' are used to indicate that knowledge as such must be proved either by positive evidence or circumstantially before mens rea can be established. Further, the words, 'knowing' or 'knowingly' were more forceful than the words 'has reason to believe', because those words insist on a greater degree of certitude in the mind of the person who is set to know or to do the act knowingly.

Further, it is for the prosecution to establish that with the owner's or driver's knowledge, the vehicle was used for the commission of an offence under the N.D.P.S. Act. In the case of Karnail Singh v. The State of Haryana (2009) 44 Orissa Criminal Reports 183, the Supreme Court held that the material difference between the provisions of Sections 42 and 43 of the N.D.P.S is that Section 42 requires recording of reasons for belief and for taking down of information received in writing about the commission of an offence before conducting search and seizure, Section 43 does not contain any such provision and as such while acting under Section 43 of the Act, the empowered officer has the power of seizure of the article, etc. and arrest of a person who is found to have any narcotic drug or psychotropic substance in a public place where such possession appears to him to be unlawful.

**Annual Report 2021** 

#### ii. Marianus Lakra v. the State of Orissa

Case Number: JCLRA No.58 of 2018

Citation: (2021) 84 OCR - 326

The facts of the case were that the appellant- Marianus Lakra faced trial in the Court of learned Additional Sessions Judge -cum- Special Judge, Sundargarh for the commission of offences punishable under Section 376(2)(i) of the IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 on the accusation that on 11<sup>th</sup> June, 2015 between 8 pm and 9 pm, he committed rape on the victim, who was his step daughter in his own house situated in village Dhengurpani under Rajgangpur police station. It was held that the doctor, who examined the appellant found no injury suggestive of forcible sexual intercourse but since the appellant was examined about 13 days after the occurrence in question, the Trial Court had not given any importance to the non-finding of any sign or symptom of recent sexual intercourse during the medical examination of the appellant. The occurrence in question took place on 11<sup>th</sup> June, 2015 and several witnesses stated that a meeting was convened in the village after the incident came to the fore, but since the appellant did not remain present in the meeting, the villagers could not take any decision and they suggested to file the FIR.

The Court altered the conviction under Section 376(2)(i) of the IPC to one under Section 354-A of the IPC. Similarly, the conviction of the appellant under Section 6 of the POCSO Act was altered to one under Section 10 of the POCSO Act. Since Section 10 of the POCSO Act provides for a greater degree of punishment, the appellant was sentenced to undergo R.I. for five years, which is the minimum sentence prescribed for such offence.

#### 12. JUSTICE P. PATNAIK

#### i. Sohan Ray @ Rai v. State of Orissa

Case Number: CRLA Nos.25 of 2016 and batch

Citation: 2021 (I) OLR - 1096

This appeal was filed challenging the judgment dated 5<sup>th</sup> December, 2015 whereby the appellant had been convicted for the offences punishable under Section 20(b) (ii) (c) of the N.D.P.S. Act and had been sentenced to undergo rigorous imprisonment for ten years and a fine of Rs.50,000/-, in default of which the appellant was to undergo rigorous imprisonment for another year.

The appellant contended that the chemical examination report was a carbon copy and no original chemical examination report had been filed by the prosecution, hence it was not admissible in the eye of law. The Counsel for the State contended that the same was admissible under law as it had been proved by the Investigating Officer, as per Section 62 Explanation (2) of the Evidence Act, 1872. After considering the arguments from both sides, the Court noted that the original chemical examination had not seen the light of the day wherein the Investigation Officer had stated that the original chemical examination had been sent directly to the Court, however, no such original report was found in the Court's record. In addition to that, the Court noted that in

absence of the original report, no secondary evidence as per the Evidence Act had been led by the prosecution in that regard either.

The Court from the evidence of PW 11, who was the Sub Inspector of police and other witnesses, inferred that the investigating agency had not complied with the mandatory provision of Sections 50, 52 and 55 of the NDPS Act. Moreover, no gazetted officer or any Magistrate was present at the time of search and seizure, and no independent and seizure witnesses supported the prosecution case. The Court while relying on the judgement of *Bahadur Singh v. State of M.P. & Anr. 2002* (*I*) *OLR SC 565*, held that no conviction would lie on sole testimony of police witnesses and in event of lack of independent witnesses, the accused was entitled to benefit of doubt. Hence, the Court set aside the impugned judgement and acquitted the appellant.

#### ii. Tapan Garnaik @ Tapan Kumar Garnaik v. State of Orissa

Case Number: CRLA No.363 of 2018 Citation: 2021 (I) ILR-CUT-906

The appellant had filed this appeal challenging the judgment dated 24.04.2018 whereby he had been convicted and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/-, and in default of payment of fine was to undergo a further period of rigorous imprisonment for three months under each of the offences under Section 477-A, I.P.C. and under Section 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988. The appellant was accused of misappropriating the public money using false. The D.D.O (Executive Engineer) had neither been arrayed as an accused nor as a charge sheet witness.

The appellant argued that the executive engineer being the D.D.O had cleared the bill. Moreover, the work was verified after two years of its completion. On considering the plea, the Court held that when the work was executed under the supervision of the executive engineer, who had not been arraigned as an accused, it could not be presumed that an excess amount was paid for the disputed work. In presence of such a material contradiction, the Court relied on the judgements of *Birabar Sethi @ Birendra Sethi v. State of Orissa 2012(53) OCR-319, Lambodar Pujari v. State of Orissa 2017(68) OCR-836, State of Punjab v. Jagir Singh, Baljit Singh and Karam Singh (1974) 3 SCC 277* etc. to accord the appellant, the benefit of doubt.

The Court further noted that the question of conspiracy or preparations of false vouchers by the accused persons were thus based on surmises and conjectures, thus, the appellant ought not to have been convicted under Section 13 of the Prevention of Corruption Act. Hence, the Court set aside and quashed the judgment of conviction and order of sentence dated 24<sup>th</sup> April, 2018 and acquitted the appellant therefrom.

220 Annual Report 2021

#### 13. JUSTICE K.R. MOHAPATRA

#### i. Odisha State Road Transport Corporation v. ARSS Bus Terminal Pvt. Ltd.

Case Number: W.P.(C) No.2472 of 2021

Citation: 2022 (I) OLR - 299

In the present case, the opposite party was selected as preferred bidder in the tender process for development of Bermunda Terminal. A concession agreement was executed between petitioner and opposite party for the same. Assailing the validity of such execution, a PIL was filed, whereon the High Court quashed the agreement holding it in contravention of Article 229 of Constitution of India and concessionaire could thus not have any right over the land as the agreement was opposed to public policy as provided under Section 23 of Indian Contract Act, 1872. The opposite party invoked the arbitration clause of the Concession Agreement and the Arbitrator was appointed by the High Court under Section 11 of Arbitration and Conciliation Act, 1996. The petitioner filed an application under Section 16(2) of the said Act which was rejected by the Tribunal. Aggrieved by the order of the Tribunal, the petitioner filed the current petition.

The Court while relying on the case of *Punjab State Power Corporation Limited v. Emta Coal Limited and Anr. 2020 SCC OnLine SC 1165* observed that it should only interfere when the perversity stares on the face of the impugned order and no argument is required to be advanced to establish such perversity, which constitutes patent lack of inherent jurisdiction. The Court also noted the petitioner's argument that with the quashing of cessation agreement, the arbitration agreement perished with it could not be termed as a patent lack of inherent jurisdiction, holding that even if the substantive contract is declared null and void, that does not automatically render the arbitration agreement *void ab initio*.

The Court held that since grounds of bad faith were not raised before Arbitral Tribunal and there was no perversity, the same could not be taken into consideration under Article 227 of Constitution, wherein the Court could have only interfered in case of a rare and exceptional circumstance which wasnot shown by petitioner to warrant interference. Hence, the Court held that the writ under Article 227 of the Constitution was not maintainable.

#### ii. Vijay Krishna Poultry Pvt. Ltd. v. State of Orissa and Ors. and batch

Case Number: W.P.(C) No.8774 of 2019 and batch

Citation: 2021 (II) OLR - 280

In the present case, the petitioners sought to assail the orders of Settlement Authorities under the Orissa Survey and Settlement Act, 1958 and despite having slightly distinct facts were heard together as all petitioners had been aggrieved by the question of law regarding non-compliance of the mandatory provisions of law by the settlement authorities.

The Court observed that non-issuance of the notifications to petitioners under Section 13(2) of the said Act did not in any way take away the final publication of Record of Rights (ROR) under Section 12-B of the Act, wherein revision under Section 15(b) was thus maintainable. In regards

to maintainability, the Court held that Writ Court under Article 226 of the Constitution could interfere with an order passed by the statutory authority when it acts in a manner not recognised under law. The Court observed that the properties in question were settled under provisions of the O.G.L.S. Act, and the settlement authority had accepted the same, but the authority under the Act acted differently and passed the impugned orders which in effect cancelled the lease granted in favour of the beneficiary, which is not within the domain of the settlement authorities making the orders void. The Court also referred to *Lily Nanda v. State of Odisha*, *2018 (I) OLR 559*, and accepted the contention of the petitioners.

In light of the above, the Court noted that no action taken or publication made pursuant to the said void orders are also equally ineffective and have no nest in the eyes of law. The Court held the impugned orders and the RORs published thereof were held to be void and set aside.

#### iii. M/s Sadguru Metalliks v. Tata Power Western Odisha Distribution Ltd.

Case Number: W.P.(C) No. 6458 OF 2020

Citation: 2021 (II) OLR - 705

In the present case, Superintending Engineer, Electrical Circle of the licensee allowed the application of the petitioner (consumer) to give benefit of Reduction in Contract Demand (RCD) from 5700 KVA to 3900 KVA which was also upheld by the Ombudsman to give such effect from 1st December 2015. The subsequent mutual agreement between the parties was to give effect to RCD from 19th May 2017 which was not in conformity with law in terms of Clauses 70 and 71 of the OERC Code, 2004. The petitioner filed the Writ Petition to question the legality and propriety of Letter No. WESCO 563 dated 17th December 2019 issued by Chief Operating Manager, WESCO Utility, refusing to accept the request of the Consumer to give benefit of Reduction in Contract Demand with effect from 1st December, 2015 and consequently rejecting the representation filed by the Consumer.

The Court held that the RCD could only be made effective from 1st December 2015 as the application of the consumer to licensee completed in all respects was made on 26th November 2015, wherein the terms and conditions of the mutual agreement executed on 19th May 2017 cannot take away the effect of law observing that law is well settled that there is no estoppel against law, wherein thus providing a different date in the agreement which is not in conformity with law, cannot be accepted, more particularly since the Consumer had raised an objection to the same. It also noted that the licensee being the creature of the statute had to act in accordance with the provision of law and not otherwise. Accordingly, the Court quashed the impugned letter of rejection refusing to accept the request of the consumer with directions to give effect to the RCD from 1st December 2015.

222 Annual Report 2021

#### 14. JUSTICE B.P. ROUTRAY

#### i. Bhagaban Sahoo v. Krushna @ Krushna Chandra Sahoo and Ors.

Case Number: AHO No.3 of 2000 and AHO No.2 of 2000

Coram: Dr. S. Muralidhar CJ, B.P. Routray J.

Citation: 2021 (II) CLR - 851

The present matter has been filed by the appellant challenging the grant of probate under Section 276 of Indian Succession Act, 1925 in the judgement dated 22<sup>nd</sup> January, 1996. According to the facts of the case, Harekrushna is the testator and the plaintiff is the legatee in respect of the Will. Before his death, Harekrushna executed an unregistered 'Will' in favour of the plaintiff out of his free will in presence of the witnesses. Being a leprosy patient, he had lost the fingers and at the time of execution of the Will, the scribe attested the thumb impression (Santak) of Harekrushna on the Will in presence of the witnesses as per hisdirection as he was unable to put his signature.

The defendants contended that the no such Will was executed by Harekrushna. They also disputed the date of death of Harekrushna and as per them, he died prior to attaining the age of majority. Therefore, the interest of the alleged testator in the joint family property passed on to the surviving members of the joint family.

Considering that it is an unsigned and unregistered Will, the Court opined that the burden of proof is on the propounder and the test is satisfaction of conscience of the Court. They observed that it is the ultimate conscience of the court that has to be satisfied and as such, the nature and quality of proof must commensurate with the need to satisfy that conscience and remove all suspicions which a reasonable man may entertain in the circumstances of the case. The Court upheld the decision of the Trial Court where it was observed that in absence of unimpeachable evidence from the side of the defendants, it is difficult to arrive at any concrete conclusion if Harekruhsna died prior to the date of execution of the Will. The appeals were found devoid of merit and as such were dismissed.

#### ii. Uansu Majhi v. State of Orissa

Coram: B.P. Routray, S.K. Mishra, JJ.

Citation: 2021 (II) OLR - 307

The case was an alleged case of uxoricide and the conviction was under Section 302 of IPC, 1860. In the absence of any direct eye-witnesses, the prosecution case rests on circumstantial evidence in case of a homicidal death. The evidence was adduced by PWs. 1, 2, 3, 5 and 6 which did not lend credence to establish the charge against the appellant.

There were no circumstances explained about the weapon of offence seized upon discovery. The prosecution had failed to bring forth material evidence to establish a connection between the appellant and alleged offence concerning the seizure of weapon of offence. The Court observed that the theory of extra-judicial confession as relied upon by the prosecution to sustain conviction was dispelled by the statement of PW-8 that the confession of the appellant was involuntary and exerted through fear and pressure due to the assault by villagers.

The Court held that the circumstances relied upon by the prosecution do not form a complete chain to hold the appellant guilty. Thus, the impugned judgment of conviction and sentence was set aside and the appellant is acquitted of the charge.

### iii. Sambalpur University and Anr. v. Satyanarayan Pradhan and Anr.

Case number: W.A. No.480 of 2015

Coram: Dr. S. Muralidhar CJ, B.P. Routray J.

Citation: 2021 (II) OLR - 899

In this case, the respondent no. 1 was serving as Senior Lecturer in Sambalpur University, when he was served a memorandum of charges on 23<sup>rd</sup> July 1998 for alleged misconduct. After receipt of memo, he requested for certain documents which were not served to him on repeated requests. The inquiry officer furnished the report after examining four witnesses. Relying on his report, the disciplinary authority held respondent no.1 guilty of the charges of misconduct and dereliction of duty in its order dated 24th June 2000, and asked him to submit his show cause against proposed punishment. The respondent no.1 refuted the findings of inquiry officer and reiterated his contention for non-supply of documents. In 2015, a Single Judge set aside the order of dismissal on account of violation of principles of natural justice, which was challenged in present appeal.

The Court noted that the provisions enshrined in the OCS (CCA) Rules, 1962 were applicable to the employees and teachers of Sambalpur University and that it was a matter of record that the respondent no.1 immediately upon service of the memorandum of charges asked for copies of documents referred in the statement of allegations, wherein not furnishing the same to the respondent thus materialised to a procedural lapse on part of disciplinary authority. The Court also observed that the conclusion of guilt of the inquiry officer was based on the statement of witnesses in the course of preliminary inquiry who were not examined in the disciplinary proceedings, without further examining such relevant witnesses who would have had direct knowledge of the incident. Therefore, the Court decided that the findings of the inquiry officer were vitiated prima facie for violation of fundamental principles of proof.

Finally, in regards to supply of inquiry report before passing the final order of extreme penalty, the Court observed that the disciplinary authority asked the respondent to submit his show cause notice only against proposed punishment, treating the procedure of seeking a reply as an empty formality. This was also noted to be in contravention of Rule 15(10) of the OCS (CCA) Rules, 1962, which clearly mandates service of the inquiry report on the delinquent while calling upon him to submit his representation, if any, against the findings of the inquiry officer. Hence, the Court dismissed the writ appeal and vitiated the entire proceeding for non-compliance of substantive procedure.

#### 15. JUSTICE S.K. PANIGRAHI

#### i. 'X' v. State of Odisha and Ors.

Case Number: CRLMC No. 1741 OF 2021

Citation: (2022) 85 OCR 99

The petitioner in this case had alleged she was subject to rape following which she became pregnant and approached the police station for termination of pregnancy, where she was directed to the concerned court. Her petition under Section 3 of the Medical Termination of Pregnancy Act, 1971 for abortion was rejected on  $9^{th}$  July 2021 on grounds of lack of jurisdiction and because the allegation of rape had not been proved till then. Hence, the petitioner approached this Court to assail the order. The term of her pregnancy as per a radiological report dated  $6^{th}$  October 2021 was determined to be 26 weeks and 4 days +/-2 weeks.

The Court in this case considered whether a termination of pregnancy was legally possible at that stage. They referred to a multitude of judgements including that of *Suchita Srivastava and Anr v. Chandigarh Administration*, (2009) 9 SCC 1, amongst others which made clear that pregnancy could only be terminated if there was danger to mother or medical abnormality in child. Here, since there was no medical opinion that termination of pregnancy was immediately necessary to save the life of the petitioner, and since the gestational age was beyond the statutory requirement, it was observed that a termination was not permitted under MTP Act. The Court further noted that police officers could have directed petitioner to State Legal Services Authority which might have helped her avoid forced delivery, also emphasising on the role of the State Legal Services Authority to coordinate with police in enabling legal assistance at all police stations.

Due to the aforesaid reasons, the Court decided it could not permit termination of pregnancy. However, it directed the District Collector, Cuttack to ensure that arrangements were made for the pregnancy and also directed the State Legal Services Authority to ensure that the State paid an amount of Rs.10,00,000/- as compensation to the victim.

#### ii. Thabir Singh v. State of Odisha

Case Number: BLAPL No.748 of 2021

Citation: 2021 (II) OLR – 503

The petitioner in the present case had filed an application seeking bail in a case where he was the accused in connection with the alleged commission of offence punishable under Section 395 of the IPC. The previous bail applications moved by the petitioner were rejected mainly on the ground that if the petitioner is enlarged on bail, it would hamper the investigation. Aggrieved by the order, the petitioner approached this Court. It was then found that the affidavit accompanying the petition had been filed by the advocate's clerk who had sworn that he was looking after the case on behalf of the petitioner.

The Court observed that there had been a growing trend of advocates' clerks signing affidavits for applications/petitions etc. imperviously and oblivious to the contents in it. They noted that since a clerk has no means of having any personal knowledge with respect to the facts in an original petition, the question of him being permitted to file an affidavit does not arise. The Court then expounded on the relevance of Affidavit in both the procedural codes in India, referring to the cases of Padmabati Dasi v. Rasik Lal Dhar (1910) ILR 37 Cal 259, State of Bombay v. Purushottam Jog Naik AIR 1952 SC 317, Amar Singh v. Union of India (2011) 7 SCC 69, noting that affidavits are to be strictly observed and should clearly express knowledge and grounds of belief and perfunctory affidavits not in compliance with Rule 3 of Order 19 of CPC were thus to not be entertained. The Court also observed that the question of whether an advocate's clerk is empowered to swear an affidavit was thoroughly discussed in the leading cases of Smt. Savitramma v. Cicil Naronha and Anr., 1988 Supp SCC 655, and Someswar Gogoi v. State of Assam, 1988 SCC OnLine Gau 10, where it was held that such affidavits were wholly improper, inadmissible and liable to be rejected.

In light of the above, the Court thus found the practice of advocate's clerks filing affidavits to be unacceptable and directed the Registry to ensure that steps are taken forthwith to stop the practice of accepting such affidavits which form part of petitions/applications under the original jurisdiction of the Court, made in gross violation of Rule 26 of the Orissa High Court Rules. The Court also dismissed the Bail Application deeming it to be defective.

#### iii. Dama Pradhani v. State of Orissa

Case Number: CRLA No. 36 of 2011 Citation: :(2021) 83 OCR 393

The facts of the case are such that Rama Dharua's (informant) niece Ghulikhai @ Nidra Majhi was staying with him after the death of her mother for the last eight years. On 1st December 2008, the family had dinner and retired to bed. Early in the morning, to the utter dismay of the family, they found that their niece was missing. They searched in the village and inquired with their relatives, but failed to trace her. Accordingly, on 2nd December 2008 the informant reported the same to the police, and an FIR was registered. On the night of 3rd December 2008, his son-in-law one Dullabha Majhi who was living with the informant due to the harvesting season confided him that one Dama Pradhani (appellant) of his village had confessed before him that he had committed the murder of the deceased and concealed the dead body. Therefore, the informant suspected Dama Pradhani to have murdered the deceased and passed on the information to the Police. While in police custody, the appellant allegedly confessed to having committed the crime by strangulating the deceased and having concealed the dead body in Gadiajore Nala. Upon arrival at the Gadiajore Nala, the body of the deceased was found floating and the same was immediately recovered. With the semen sample being taken, the appellant was arrested.

The evidence was an extrajudicial confession of the accused-appellant and does not inspire confidence. The motive of the appellant to murder the deceased is not proven beyond reasonable doubt and medical reports had not definitively indicated that the death of the deceased was caused by lungi which was recovered. The lungi in itself might also not have been linked to the appellant. Viscera, although preserved, had not been sent for chemical examination, so it was held that the appellant be acquitted. Referring to the cases of *Tejinder Singh v. The State of Punjab (2013) 12 SCC 503*, *Sahadevan v. State of Tamil Nadu (2012) 6 SCC 403*, this Court held that in the absence of substantive corroborations, extra judicial confessions constitute a weak form of evidence and based on such evidence no conviction can be sustained. The Court further observed that the information given by the accused must lead to the discovery of the fact which is the direct outcome of such information. Considering the absence of eye-witnesses and the weak chain of circumstantial evidence, the Court decided to set a aside the order of conviction of the Trial Court.

#### 16. JUSTICE SAVITRI RATHO

#### i. Urbashi Sahoo v. State of Orissa and Anr.

Case Number: W.P.(C) No.28966 of 2011 Coram: S.K. Mishra, **Savitri Ratho** JJ.

Date of Order: 11th August, 2021

The facts of the case were such that the petitioner, the only child of one Anandananda Sahoo, a fireman working under respondent no.1 (State of Odisha), died in harness on 24<sup>th</sup> July, 1983 while working as a fireman. At that time, the petitioner was only four years old. On attaining 18 years, she applied on 5<sup>th</sup> April, 1999 for Rehabilitation Assistance Scheme (RAS) as per the Orissa Civil Services (Rehabilitation Assistance) Rules, 1990. Her case was rejected alleging delay in applying. Thereafter, she submitted a representation to the D.G. and I.G. of Police, respondent no.2 for condonation of delay and after condonation of such delay and on the production of distress certificate, she was appointed as a Junior Clerk. At the time of submission of the application, she was an unmarried girl, but as there was unreasonable delay, she was married before the order of appointment. She had intimated about her marital status before the competent authority before joining in the post as a Junior Clerk in the Fire Services Department. On completion of satisfactory qualifying service of one year, she was made regular by the Department. However, without any notice, all of a sudden, she was discharged from service.

The Additional Government Advocate had argued that as per the definition "family" provided in Rule-22 of the Orissa District Police Ministerial Officers Cadre (Method of Recruitment and Conditions of Services) Rules, 1995 and Rule 2(b) of the OCS (Rehabilitation Assistance) Rules, 1990, she was not included in the family of late Anandananda Sahoo and therefore, her employment had been rightly terminated. The Bench consisting of Justice S.K. Mishra gave an opinion which was concurred by Justice Savitri Ratho who held that the definition of "family members" in Rule 2 (1) (d) of the Odisha Civil Service (Rehabilitation Assistance) Rules, 1990 is offensive of gender equality and the right to equality enshrined in Article 14, 15 and 16 of the Constitution and the Directive Principles of State policy. Citing the case of *Dr. (Mrs.) Vijaya* 

Manohar Arbat v. Kashi Rao Rajaram Sawai and Anr. 1987 AIR 1100, the Court quoted "Section 125(1)(d) has imposed a liability on both the son and the daughter to maintain their father or mother who is unable to maintain himself or herself." and any such discrimination would be against Convention on the Elimination of All Forms of Discrimination against Women. Citing more judgments from the Supreme Court, Justice Ratho held that since the only basis of the exclusion is marriage and but for her marriage, a daughter would not be excluded from the definition of the expression "family". In conclusion it was observed that, the government was trusted to be an ideal employer and take appropriate steps to prevent the continued violation of gender equality and the right of equality guaranteed under the Constitution of India, in the matter of compassionate appointment.

#### ii. Chandan Parija v. State of Orissa

Case Number: CRL REV No. 21 of 2009 Date of Judgement: 16th November, 2021

The facts of the case were such that the petitioner-Chandan Parija had filed this Criminal Revision petition challenging the order dated 12th December, 2008 passed by the Additional Sessions Judge (FTC), Jagatsinghpur in S.T. Case No. 23 of 2008 / 273 of 2007 dismissing the petition filed by the petitioner along with the co-accused persons under section 227 of Cr.P.C. to discharge them from the offences punishable under Section 395 IPC and Section 25 and 27 of the Arms Act.

The prosecution case, in brief, was that on 27<sup>th</sup> May, 2003 in between 7.30 pm to 8 pm, while the informant, Kishore Kumar Parida was coming out from the shop of one Prabodh Kumar Ray, Bapu Parida, Baba Swain, and Pradip Pati came on a motorcycle and obstructed him. Baba assaulted him with nature and Bapu shot at him with a gun, but the shot missed him. When he was shouting for help the other four accused persons arrived on two other motorcycles armed with bhujali. When he fell, they assaulted him on his head and snatched Rs 60,000/- and a gold chain of two bharis. He managed to escape and entered the shop of Kapil Sahu and closed the grill gate. The accused persons left the spot with the cash and gold chain threatening to give the same treatment to anybody who reported the matter at the police station. The accused persons had filed an application under Section 227 of the Cr.P.C to discharge them from the offences under Section 395 I.P.C and under Section 25 and 27 of the Arms Act as no weapon had been seized and no sanction had been obtained.

The Court referring the judgment of State of Tamil Nadu v. N.Suresh Rajan and Ors. (2014) 11 SCC 709 agreed that ".... for conviction, the Court has to come to the conclusion that the accused has committed the offence." Reference in this connection could be made to a recent decision of this Court in Sheoraj Singh Ahlawat v. the State of U.P. (2013) 11 SCC 476 and a few others. The allegations against the petitioner were that armed with the other four accused he arrived at the spot and they committed dacoity, hence prima facie the necessary ingredients for the commission of the offences under Section 395 and Section 397 IPC were available to proceed against the petitioner for framing of charge. As regards the meaning of the word "use"

appearing in Section 397 IPC, the Supreme Court in a catena of decisions held that, holding a deadly weapon during the commission of dacoity is enough to attract the same and it is not necessary that any injury may have been caused by use of the weapon. Citing references of *Phool Kumar v. Delhi Administration AIR 1975 AIR 905, Ganesh v. State 2021 SCC OnLine SC 1023*, the Court found no error in the impugned order. The Criminal Revision being bereft of merit was liable to be dismissed. It was however made clear that what had been observed in this judgment was only for disposal of the present Criminal Revision and any observation made shall not prejudice the rights of the parties during the trial and the trial Court should not be influenced/inhibited by the observations made in this judgment and should proceed with the trial independently in accordance with the law.

#### iii. Nila Pradhan and Ors. v. Nitin Kishorebhai Maiseri & Anr.

Case Number: MACA Nos.274 & 384 of 2019

Date of Order: 7th January, 2021

In this case, the deceased was hit by the offending truck as a result of which he died at the spot. The present appeals had been preferred by both sides to challenge the judgment/award dated 8<sup>th</sup> March, 2019. The claimants had filed MACA No.274 of 2019 as they alleged that the tribunal had wrongly calculated the compensation by undervaluing the income of the deceased. The insurance company filed MACA No.384 of 2019 seeking intervention because as the driver didn't have a valid licence, it was a breach of their policy condition and hence they were not liable to indemnify, also submitting that since the sons of the deceased were major, the compensation was on the higher side.

The Court noted that in absence of any documentary evidence regarding the age of deceased, the tribunal had relied on the charge sheet to hold that the deceased was 52 years old and applied the multiplier of 11 referring to the judgment of the Supreme Court rendered in *Smt. Sarala Verma v. Delhi Transport Corporation (2009) 6 SCC 121*, holding that considering the minimum wages at the time the monthly income fixed by the trial Court was not unreasonable. The Court however also observed by relying on the cases of *National Insurance Company Ltd v. Birender and Ors. (2020) 11 SCC 356*, *Gujarat SRTC v. Ramanbhai Prabhatbhai (1987) 3 SCC 234*, that even if some of the claimants were majors, it was no longer *res integra* that even major married sons who were earning and not completely dependent on the deceased would be entitled to compensation as they would be covered under the term "legal representative" wherein the tribunal was hence duty bound to consider their application and not limit it to conventional heads only.

The Court also decided that imposition of penal interest was illegal and set it aside by referring to the cases of *National Insurance Co. Ltd. v. Keshav Bahadur & Ors.* (2004) 2 SCC 370. Lastly, in accordance with *National Insurance Co. Ltd. v. Swaran Singh* (2004)3 SCC 297, the Court gave liberty to Insurance company to recover compensation from owner of vehicle in accordance with law.

#### 17. JUSTICE SASHIKANTA MISHRA

#### i. Nabaratna @ Nabaratan Agrawal v. State of Odisha and batch

Case Number: CRLMC Nos.2040 of 2021 and batch

Date of Judgement: 13th December, 2021

The facts of all the three cases were that vehicles were seized for being involved in an accident and the owners of the vehicles (petitioners) applications were dismissed because the vehicle was not insured on the date of the accident. The Sessions Judges in all the three cases had relied upon the judgment of the High Court in Ramakrushna Mahasuar v. State of Odisha (2021) 81 OCR 635 and held that the vehicle was not covered under a valid policy of insurance covering the date of the accident and therefore, the vehicle could not be released in favour of the petitioner.

The petitioner pleaded that the Magistrate committed illegality in holding that the vehicle in question was not covered under the policy of insurance even though there were ample materials on record to show that the vehicle was actually under insurance coverage at the relevant time. Taking the reference of Ramakrushna Mahasuar's (supra), the opposite party supported the impugned orders by contending that Rule 6 of the Orissa Motor Vehicle (Accidents Claims Tribunal) Rules, 2018 places an embargo on the release of the vehicle involved in an accidentcausing death or bodily injury to any person or damage to property if, on the date of the accident, the vehicle is not covered under a policy of insurance covering third party risks.

The Court held that a reading of the Rule revealed that undoubtedly certain restrictions have been placed by the Legislature in the matter of release of a vehicle involved in an accident if the said vehicle was not covered by an Insurance Policy but, it was also evident that an exception had been carved out in the latter part of sub-Rule(1) to the effect that such vehicle could also be released if the registered owner furnishes sufficient security to the satisfaction of the Court and it would not be unreasonable to hold that if and when the Court is unable to quantify the compensation, it would be proper to ask for security at least equal to the present market value of the vehicle. Upon furnishing such security, the vehicle could be directed to be released. However, in all the three cases before this Court, no such direction was issued to the owners of the vehicles (petitioners) to furnish security and yet their applications were rejected on the ground that they had failed to furnish such security. Given the discussion on the legislative intent made hereinbefore, the Court was constrained to observe that the methodology adopted was improper. Thus, all the impugned orders were quashed and the concerned Courts were asked to follow the process illustrated in the judgment.

#### ii. Sk. Imran v. State of Orissa

Case Number: CRLMC No.1896 OF 2021 Date of Judgement: 26th November, 2021

The facts of the case were that the petitioner was a habitual offender and the case was initiated against him on 28th October 2020 under Section 110 (a) (b) (c) (d) & (g) of Cr.P.C. The petitioner was arrested and taken into custody. Subsequently, on 7<sup>th</sup> December 2020, the petitioner was released upon execution of a good behaviour bond as per Section 117 of Cr.P.C. for two years. It was alleged that while the petitioner was in good behaviour bond, he was involved in cases registered under Sections 341, 326, 307, 323, 506 and 34 of IPC read with Sections 25 and 27 of the Arms Act.

The issue before the Court was, whether a mere allegation of involvement in an offence can amount to proof of the commission of the breach of the bond.

Referring to the case of *Ashik Mohammed v. The Executive Magistrate and Ors. Crl. R.C.(MD) No.128 of 2019* dated 29<sup>th</sup> April 2019, the Court stated that merely because certain cases had been registered against the Petitioner, the same could not be said to be sufficient ground leading to prove the breach of the bond to the satisfaction of the Magistrate concerned that too without hearing the affected party. The Court noted that a close reading of Section 122(1)(b) of Cr.P.C., would show that the Executive Magistrate should allow the petitioner and apply his judicial mind and arrive at the satisfaction that the petitioner had breached the security bond executed by her to keep good behaviour and he must also record the grounds of such proof. As per Section 122(1)(b) Cr.P.C., the Executive Magistrate was required to record his grounds of satisfaction and whether sufficient cause had been established.

The Court concluded that the facts of the case when viewed through the prism of the aforementioned legal proposition show that the impugned order passed by the Executive Magistrate could not be treated as one passed in consonance with the statutory mandate. The Court observed that the Executive Magistrate committed gross illegality in not giving the proper opportunity of defence to the petitioner as also in mechanically accepting the allegation of violation of bond without any valid or justified reason.

As the result, the CRLMC was allowed. The impugned order was quashed and, the Executive Magistrate was directed to order the release of the petitioner from custody forthwith.

#### iii. Smt. Bijaya Soren v. The State of Odisha and Ors.

Case Number: CRLMC No. 1623 of 2020 Date of Judgement: 24th November, 2021

The petitioner, whose husband died on 2<sup>nd</sup> April, 2020 approached court of the JMFC with a petition under Section 97 Cr.P.C. against her in-laws claiming the custody of her female child born on 14<sup>th</sup> August, 2018. She alleged that she had been tortured and driven away from the matrimonial home by her in-laws, who had illegally retained custody of the child. The JMFC accepted the contention of the petitioner that the best interest of the child would be served if she is given the custody of the child. The petition was thus allowed. Aggrieved by the order of the JMFC, the in-laws filed a revision petition in the court of the First Additional Sessions Judge. The said revision petition was allowed granting the custody of the child to the in-laws.

Aggrieved by the order of the First Additional Sessions Judge, the petitioner approached this Court. The Court reversed the judgement of First Additional Sessions Judge and restored the order of the JMFC. This Court held that the mother had been unlawfully denied access to her child and further observed that once the biological mother is debarred from accessing her own two-year-old child, the holding of the child by the grandmother or other persons becomes entirely wrongful and hence, amounts to an offence. The Court concluded that the petitioner shall have the natural and legal right over the child. Moreover, even assuming that the petitioner had left home with the intention of remarriage, the same cannot be a reason to deprive her access to her own child.

#### 18. **JUSTICE A.K. MOHAPATRA**

#### Sadananda Setha v. State of Odisha & Ors.

Case Number: WPC (OAC) No.865 of 2018 Date of Judgment: 17th December, 2021

The facts of the case are such that the petitioner had joined as 'Khalalsi' on 1st March, 1989 under the provision of Rehabilitation Assistance Scheme (RAS) under work charged establishment instead of regular establishment. He had submitted several representations to the authorities to bring him over to the regular establishment but his applications were rejected by the authorities till the date of his retirement on 30th June 2016. Since till the time of retirement, the service of the petitioner was not regularized, he had been denied pensionary and other retiral benefits by his employer. The petitioner pleaded sheer negligence and latches on the part of the authorities for not being given an appointment in the regular establishment.

The petitioner contended that he was not given an appointment in the regular establishment, although there were vacancies and he had the requisite qualification for the post. The opposite parties claimed that the petitioner had not rendered ten years under work charged establishment, making him ineligible for absorption in the regular establishment. The opposite parties further contended that the work charged establishment is not pensionable service as per Rule-18(2)(ii) of OCS (Pension) Rule, 1992.

Citing the order of a Division Bench of this Court in the case of Chandra Nandi v. State of Odisha and Ors. 2014 (1) OLR 734, the Court said that petitioner has retired from service on attaining the age of superannuation, the question of his regularization against the regular post does not arise for consideration in the present writ petition and since the benefits have been granted to other similarly placed work charged employees, the same should be extended to the petitioner. As regards the Opposite Party's contention on the Clause requiring completion of 10 years of service, the Court held that the inordinate delay in bringing the petitioner to the regular establishment was unjust.

**Annual Report 2021** 

#### ii. Basanta Kumar Barik v. State of Odisha and Ors.

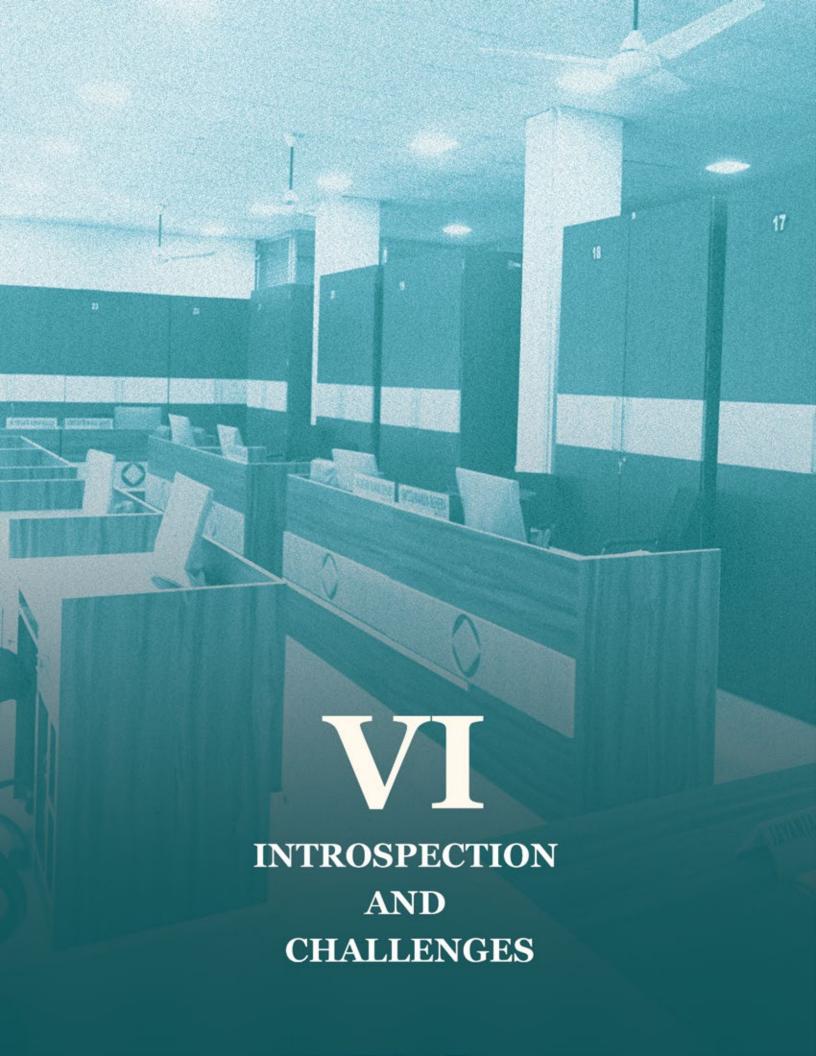
Case Number: W.P.(C) (O.A.) No.616 of 2017

Date of Judgment: 26th January, 2021

The facts of the case are such that the petitioner has been engaged by Sailabala Women's College, Cuttack on an Adhoc basis against a Class IV post of the college for a meagre salary. Despite assurances, his services had neither been regularized nor had he been absorbed against an existing vacancy in any of the Class IV posts stated to have been lying vacant in the College. petitioner has sought for a direction to the Opposite Parties to regularize his services in any suitable Class IV post, at the said college, the denial of which had been deprecated by the Supreme Court of India in *Secretary, State of Karnataka v. Uma Devi (2006) 4 SCC 1* as well as by this Court in a catena of judgments. Instead of regularizing the services of the Petitioner, the College Authorities are utilizing the services of the petitioner as gardener, watchman, night watchman along with duties like seat arrangements for interviews, e-admissions, annual athletic meet, etc. for a paltry sum as remuneration and have not considered his absorption against existing vacancies in any of the Class III-IV posts.

Referring to *Uma Devi (supra)*, the Bench reminded the authorities of their constitutional obligations. A direction was issued to the State Government and its instrumentalities to constitute a screening committee and to regularize the services of the persons who had been appointed irregularly and rendered more than 10 years of service uninterruptedly.







## Introspection and Challenges

For any institution, introspection is necessary to overcome the drawbacks and to enhance efficiency. It is seen that while substantial progress has been made in many fields, yet there are certain areas where the performance of the judiciary in Odisha appears to have fallen short of expectations.

There are many factors at play here and these are discussed hereafter:

#### **Docket Explosion**

Undoubtedly, the greatest challenge to the judiciary is docket explosion i.e. increase in the pendency of cases. While the increase in the institution of cases reflects people's faith in the judiciary, it also poses challenges.

At the beginning of 2021, the High Court had a pendency of 1,73,510 cases. In the course of the year, 1,28,943 cases were instituted and 1,05,334 cases were disposed of. At the end of the year, the pendency rose to 1,97,119.

Following the rejection by the High Court on the judicial side of the challenge to the abolition of the Odisha Administrative Tribunal (OAT), around 40,000 cases pending before the OAT were transferred to the High Court, thus adding to its pendency. That apart, all service-related cases that were being filed before the OAT are now being filed in the High Court. Long pendency of cases has also been a feature of the District Courts.

At the beginning of the year, 15,92, 250 cases were pending in District Judiciary. While

4,21,703 cases were instituted in the course of the year, 2,28,609 were disposed of by the District Courts. The total pendency of cases at the end of the year rose to 17,89,677. Of these, 3,62,945 are civil cases and 14,26,732 are criminal cases.

At the beginning of the year, 12,236 cases were 25-year-old and in the course of the year, 2,907 cases became 25-years old. 5,568 such cases were disposed of during the year of these, 2,323 are civil and 7,217 are criminal cases. At the end of the year,9,540 cases were pending.

At the beginning of the year, 305 cases were 40-years-old. In the course of the year, 99 cases became 40-year-old. 240 such cases were disposed of during the year at the end of the year 164 cases which were 40-years-old were pending in the District Courts. Of these, 157 are civil cases and 7 are criminal cases.

Our analysis has revealed that the major cause for such pendency, at least in the District Courts, is the operation of orders of stay by the higher courts. The decision of the Supreme Court of India in *Asian Resurfacing of Road Agency v. Central Bureau of Investigation AIR 2018 SC 839* aided in such cases being proceeded with. The High Court of Orissa promptly issued directives to the District Courts to abide by the ratio of the above decision in letter and spirit. The Chief Justice reiterated this in the two letters written by him to the judicial officers on 13<sup>th</sup> April and 10<sup>th</sup> October 2021. The result was very encouraging as can be seen from the following figures:

No. of over 40-year-old cases locked up due to stay: 189

No. of such cases in which the ratio of Asian Resurfacing was applied: 154

No. of such cases disposed of thereafter: 131

No of over 25-year-old cases locked up due to stay: 1,426

No. of such cases in which the ratio of Asian Resurfacing was applied: 1,237

No. of such cases disposed of thereafter: 703

In criminal cases, the major reason, apart from operation of stay, is the non-execution of non-bailable warrants. Guidelines were issued to send such cases to the dormant file after complying with the statutory requirements.

2,105 cases which were between 25 and 40 years old and 8 cases over 40-years-old were, during 2021, sent to the dormant file.

All District Court judges have been impressed by the Chief Justice to adopt case-management methods for old cases and to follow them up on a regular basis.

The uneven distribution of cases among the Judges in the District Courts is also a cause for concern. For example, there is a disproportionate number of cases in the docket of one particular Court in most districts i.e., the Court of Sub-Divisional Judicial Magistrate (SDJM). Instances of six heavy pendency districts namely, Khorda, Cuttack, Balasore, Bhadrak, Ganjam and Sambalpur can be taken. Total pendency in Khorda district is 1,91,122 out of which 82,960 cases are pending in the Court of SDJM, Bhubaneswar alone. Similarly, out of total pendency of 1,70,191 in Cuttack district 56,968 cases are pending in the Court of SDJM, Cuttack. In Balasore district total pendency is 1,28,408, out of which 21,444 cases are pending in the Court of SDJM, Balasore. In Sambalpur, Bhadrak and Ganjam districts, the total pendency is 82,968, 94,802 and 86,408 cases respectively, out of which the pendency in the Courts of SDJMs in their respective district headquarters are 48,474, 30,391 and 11,064.

An analysis of the aforesaid data reveals that apart from the main reasons cited above, several other factors are also responsible for non-disposal of cases.

#### **Criminal Cases**

- (i) Long abscondance of accused persons in criminal trials: It is seen that because of migration to different places, including places outside the State in search of employment opportunities, warrants issued for production of accused person by the courts remain non-executed for a long time. As a result, the criminal trial is unable to be concluded.
- (ii) Non-availability of witnesses: Usually official witnesses like the medical officer and the investigating officer are either found to have been transferred to a different place or retired from service in which event his/her whereabouts are difficult to be ascertained.
- (iii) Non-disposal of Fine Misc. Cases: Petty cases that can be disposed of upon payment of fine are found to remain pending for years together mainly because of lack of attention by the Presiding Officer and/or nonapprehension of the accused.
- (iv) Bail or Misc. Cases: These are cases

relating to persons who stood surety for release of persons on bail. The reasons for their non-appearance is also set out in (i) above.

#### **Civil Cases**

- (i) Non-service of summons on parties: In a suit where there are several defendants, it becomes difficult at times to effect personal service of summons issued by the court due to several reasons as a result of which trial of the suit gets delayed.
- (ii) Non-availability of Salaried Amin (Amin Commissioner): All works relating to demarcation, identification and allotment of land pursuant to the decrees passed by Courts are done by the Salaried Amin and such a post has been created in each of the original 13 districts. However, despite the creation of 17 new districts, no post of Salaried Amin has yet been created for the said districts for which, the existing Salaried Amin has to discharge the duties of the adjoining districts as well. As a result, a large number of cases including cases of preliminary decrees have remained pending for non-availability of the Salaried Amin.
- (iii) Execution cases: Execution cases are found to be pending for long periods because of non-taking of steps by the decree-holder, non-ascertainment of

- properties of judgment-debtor and lack of attention by the presiding officers etc.
- (iv) Non-substitution of deceased parties to suits: Death of party/parties requires substitution by the legal heirs, which is usually not done in time resulting in abatement of the suit. Subsequently, the parties appear and seek setting aside of such abatement. As a result, the case is again relegated to a previous stage.
- (v) Non-disposal interlocutory of applications: **Parties** file several miscellaneous/interlocutory applications injunctions, amendments, interrogatories etc. at different stages of the suit and unless the same are disposed of, the main suit perforce remains pending. Lack of personal attention by the presiding officers for early disposal of such applications is also one of the major reasons of delay.

### The Special Courts experience

Special Courts have been established with the intent of ensuring focused attention to certain cases that are considered to impact the society. Special Courts have been established for POCSO cases, cases relating to crimes against women, Fast Track Special Courts (FTSC), Vigilance cases, SC and ST cases and Family disputes etc.

SPECIAL COURT	NO. OF COURTS ESTABLISHED	INSTITUTION (2021)	DISPOSAL (2021)	PENDENCY (2021)
POCSO	15	3188	2478	12421
FTSC	21	3855	484	3371
VIGILANCE	17	333	282	3381
SC/ST	109	3331	1444	16540
FAMILY	29	14034	8971	44689

The rate of disposal by the Special Courts has not met expectations for a variety of reasons discussed earlier. In addition, the number of charge-sheeted witnesses in Vigilance (Disproportionate Assets) cases is usually very high which causes delay in conclusion of the trial. Non-execution of distress warrants for execution of monetary payment orders passed by the Family Courts for a long period adds to the delay.

#### **Loss of Working Days**

After bearing the brunt of the Covid-19 pandemic on an unprecedented scale in 2020, we welcomed 2021 with a stronger resolve to remain undaunted to its effects – trying our level best to keep the Courts functioning even during the lockdowns and the shutdowns as

much as was possible. Carrying a profound grief in our hearts for the loss of loved ones we set out to carry on business as usual to the best of our abilities.

Apart from the situation arising out of the pandemic, the Court work has also been affected because of other reasons such as abstention from work or strikes by lawyers and suspension of Court hours due to death of their colleagues and other issues and demands. It has been the practice of the District Bar Associations to cease work in the event of the death of a lawyer. While in the High Court, the court work is usually suspended for half a day, in some District Courts the entire day's work is suspended because of resolutions passed by the local Bar Association.

High Court/ District Judiciary	Working days as per the calendar	Working days lost due to Covid-19	Working days lost due to other reasons	Number of days when Court(s) functioned
High Court	210	7	25	178
District Judiciary (Average)	240	67.20	15.69	157.11

For the District Judiciary, the year was even more challenging as many court campuses faced containment and shutdown due to the pandemic. Month-long lockdown also had an impact on functioning of the courts. On an average, 67.20 days were lost in the District Courts due to COVID. Abstention from court work by the local Bar Associations on various other issues including death of Advocates, raising demands etc. also caused an average loss of 15.69 working days.

### **Judge-Population Ratio**

As against a pendency of 1,97,119 cases in the High Court, there are presently 21 judges and

as against a total pendency of 17,89,677 cases in the District Courts, there are presently 785 judges (of different cadres).

Appointment of Judges to the High Court involves a lengthy procedure. the High Court Collegium recommended 5 persons (3 advocates and 2 judicial officers) in March 2021, out of whom, the names of 4 persons (2 advocates and 2 judicial officers) were cleared by the Supreme Court Collegium in September 2021 and they were elevated in October and November 2021 taking the working strength to 18. Subsequently, 4 advocates were recommended by the High Court Collegium and 3 of them were appointed as judges on

14<sup>th</sup> February, 2022. In the meanwhile, the sanctioned strength was enhanced by the Central Government from 27 to 33 judges. The present working strength is 21 judges.

In case of appointment of judicial officers into the entry grade of Civil Judge, the vacancies are determined by the High Court every year, notified by the State Government and advertised by the Odisha Public Service Commission. The recruitment process involves a Preliminary and Mains (Written) Examination followed by a viva-voce. In the year 2021, 53 vacancies have been notified and the recruitment process is underway.

The Judge-Population ratio, i.e. number of judges per one million population is poor in Odisha as it is in the entire country. In fact, such ratio is 20.52 as compared to the national average of 21.03. The population of Odisha is presently estimated at 4.76 crores.

Sanctioned strength of Judges of Orissa High Court and District Courts	962
One Judge per 49,790 persons	
Sanctioned strength of the High Court as on 31st December, 2021	27
Sanctioned strength of the High Court as on 15 <sup>th</sup> February, 2022	33
No. of Judges as on 1st January 2021	13
No. of Judges as on 31st December 2021	18
No. of Judges as on 15 <sup>th</sup> February 2022	21
Sanctioned strength of District Court Judges	976
No. of District Court Judges as on 1st January 2021	756
No. of District Court Judges as on 31st December 2021	785

Notwithstanding the challenges, the Odisha judiciary remains committed to fulfilling its Constitutional obligations.





**APPENDICES** 



## LIST OF APPENDICES

Appendix A	Detailed Recommendations of the Rules Committee
Appendix B	Table describing the Promotion of employees of various cadres by Departmental Promotion Committee
Appendix C	Tabular description of Cadre Strength, Working Strength & Vacancy Position of the Ministerial Officers and Staff
Appendix D	List of new courts established
Appendix E	RRDC Rules relating to preservation, scanning and destruction of disposed of records of the High Court
Appendix F	S.O.P issued on behalf of the High Court for hybrid hearing
Appendix G	Video Conferencing Rules, 2020 for the High Court of Orissa
Appendix H	High Court of Orissa Live Streaming of Court Proceedings Rules, 2021
Appendix I	Table relating to Budgetary explanation and expenditure for Infrastructure and development of the High Court
Appendix J	Details of separate training programs conducted by OJA during 2021
Appendix K	Chief Justice's letters dated 13th April and 10th October, 2021 to the District Judges



# Appendix A

# $Detailed\ Recommendations\ of\ the\ Rules\ Committee$

Sl. No.	Name of Rules	Court's Notification No.	Odisha Gazette Notification No.	Related Rules
1.	Scheme for Selection and appointment of Research Assistant.	No.802/R Dtd. 30.06.2021	No.1023 Dtd. 6.7.2021	Amendment of Scheme under Rule-5(6) of The High Court of Orissa (Appointment of Staff & Conditions of Service) Rules, 2019.
2.	Scheme formulated for engagement of persons to Chief Justice and other Judges on coterminous to their Lordship's tenure.	No.518/R Dtd. 29.04.2021	No.773 Dtd. 1.6.2021	Scheme formulated under Rule 10(1) of The High Court of Orissa (Appointment of Staff & Conditions of Service) Rules, 2019.
3.	The High Court of Orissa (Appointment of Staff & Conditions of Service) (Amendment) Rules, 2021 for recruitment of Sr. Stenographer & Junior Stenographer of the Court.	No.801/R Dtd. 30.06.2021	No.1022 Dtd. 6.7.2021	Amendment of Rule-13 (1) of the High Court of Orissa (Appointment of Staff & Conditions of Service) Rules, 2019.
4.	The High Court of Orissa (Appointment of Staff & Conditions of Service) (Amendment) Rules, 2021 Regarding Restructuring of Group-C & Group-D posts in Orissa High Court.	No.93/R Dtd. 05.02.2021	No.309 Dtd. 23.2.21	Amendment of Rule-35 and Appendix-I of the High Court of Orissa (Appointment of Staff & Conditions of Service) Rules, 2019.
5.	The Rules of High Court of Orissa (Amendment) Rules, 2021 for Preservation and Destruction of Criminal & Civil Records in Orissa High Court.	No.998/R Dtd. 13.09.2021	No.1575 Dtd. 29.9.21	Amendment of Chapter- XXV of The Rules of the High Court of Orissa, 1948 (Volume-I, 4 <sup>th</sup> Edition, 1983)
6.	The High Court of Orissa Right to Information (Amendment) Rules, 2021 regarding application fee for BPL Category.	No.999/R Dtd. 14.09.2021	Dtd.1576 Dtd.29.9.21	Amendment of Rule-4(a) & (c) of The High Court of Orissa Right to Information Rules, 2005.
7.	The Orissa High Court Video Conferencing for Courts (Amendment) Rules, 2021.	No.817/R Dtd. 02.07.2021	No. 1048 Dtd. 8.7.2021	Amendment of Rule-8(a) of the Orissa High Court Video Conferencing for Courts Rules, 2020.
8.	The High Court of Orissa Live Streaming of Court Proceeding Rules, 2021.	No.890/R Dtd. 28.07.2021		Newly Framed.

Sl. No.	Name of Rules	Court's Notification No.	Odisha Gazette Notification No.	Related Rules
9.	The Odisha District & Subordinate Courts' Group-D Employees (Method of Recruitment and Conditions of Service) Rules 2021.		No.9191 Dtd. 7.9.2021	Newly framed.
10.	Amendment of Rule-50,54, 83, 84, 88, 91, 92, 97, 100, 102, 108 and 187 of the G.R. & C.O. (Criminal) Vol-1 1977 Edition.	Notified vide Correction Slips No.115-128		Amendment of G.R. & C.O. (Criminal) Volume-I, 1977 Edition.
11.	The OSJS & OJS (Amendment) Rules, 2021 regarding Cut-off date.		No.689 Dtd. 27.4.2021	Amendment of Rule-6, 9 & 13 of the OSJS & OJS Rules,2007
12.	The OSJS & OJS (Amendment) Rules, 2021 regarding Inter-se Seniority.		No.2009 Dtd. 3.12.2021	Amendment of Rule-13 of the OSJS & OJS Rules, 2007
13.	The OSJS & OJS (Amendment) Rules, 2021 regarding amendment of Appendix-B.	Pending before the State Govt. for Notification.		Amendment of Appendix-B of the OSJS & OJS Rules, 2007
14.	The Domestic Help to Former Chief Justices and Former Judges of the High Court of Orissa Rules, 2021	Pending before the State Govt. for concurrence.		Newly framed.

# Appendix B

Table describing the Promotion of employees of various cadres by Departmental Promotion Committee

Sl. No.	Name of the post for which D.P.C. was held	No. of Vacancies	No. of Candidates appeared	No. of candidates qualified
1	Additional Deputy Registrar (Judicial & Establishment)	03	06	03
2	Additional Stamp Reporter and Oath Commissioner	10	08	06
3	Court Officer-Cum-Assistant Registrar	01	08	01
4	Superintendent of Typist, Level-I	03	05	03
5	Senior Grade Diarist	14	02	02
6	Additional Stamp Reporter and Oath Commissioner	05	07	05
7	Superintendent	22	49	22
8	Superintendent Typist, Level- II	5	3	3
9	Section Officer	27	84	27

# Appendix C

Tabular description of Cadre Strength, Working Strength & Vacancy Position of the Ministerial Officers and Staff.

Cadre Strength, Working Strength & Vacancy Position of the Ministerial Officers and Staff  $\label{eq:Group-A} \textbf{Group-A}$ 

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1	Additional Registrar (Estt.)	1	0	1
2	Joint Registrar (Estt.)	1	0	1
3	Joint Registrar (Judicial)	1	0	1
4	Additional Deputy Registrar (J&E)	3	3	0
5	Assistant Registrar (Estt.)	1	0	1
6	Assistant Registrar (Judicial)	4	1	3
7	Assistant Registrar (J&E)	1	1	0
8	Establishment officer	1	0	1
9	Stamp Reporter & Oath Commissioner	1	1	0
10	Additional Stamp Reporter & Oath Commissioner	12	12	0
11	Court Officer- Cum- Asst. Registrar	1	1	0
12	Assistant Registrar (Protocol)	3	0	3
Total		30	19	11

### Group - B

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
13	Superintendent	30	30	0
14	Section Officer	87	87	0
15	Section Officer (Translation Branch)	1	0	1
16	Statistical Officer	1	0	1
17	Superintendent (Typist) Level- I	4	4	0
18	System Analyst	1	0	1
19	Assistant Section Officer	390	157	233
20	Librarian	1	1	0
21	Superintendent (Typist) Level- II	9	7	2
22	Programmer	1	1	0
23	Peripatetic Stamp Reporter	2	2	0
24	Translator	5	4	1
25	Judicial Indexer	1	1	0
26	Head Driver	10	9	1
27	Diary Superintendent	3	0	3
	Total	546	303	243

#### Group - C

The posts of Zamadar, Duftary, Attender, Cook-cum-Caretaker and Mali-cum-Chowkidar at Sl. Nos. 38-42 of the following table were previously under Group-D as per the Rules of the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019. Subsequently, the Group-C and Group-D cadres have been restructured with the concurrence of the State Government communicated vide letter No.56860 dated 20.12.2019 and accordingly the said posts came under Group-C. Simultaneously, the sanctioned strength of some posts of Group-C and Group-D were revised. The previous sanctioned strength, present sanctioned strength, working strength and vacancy of the posts presently coming under Group-C are indicated below.

Sl. No.	Name of the Post	Previous cadre strength	Present Cadre Strength	Working Strength	Vacancy
1	Senior Grade Typist	32	32	16	16
2	Senior Grade Diarist	2	15	3	12
3	Senior Driver	10	10	10	0
4	Technical Assistant (Judges' Library)	4	4	4	0
5	Generator Operator	1	1	0	1
6	Junior Grade Typist/ D.E.O.	27	27	19	8
7	Diarist	2	35	27	8
8	Copyist	6	6	5	1
9	Driver	21	21	21	0
10	Treasury Sarkar	1	1	1	0
11	Zamadar	31	85	72	13
12	Duftary	12	33	22	11
13	Attender	3	8	7	1
14	Cook-cum-Caretaker	2	6	4	2
15	Mali-cum-Chowkidar	1	3	2	1
	Total		287	213	74
	<b>Grand Total</b>		863	535	328

#### **Group-D**

As indicated earlier, the Group-C and Group-D cadres have been restructured with the concurrence of the State Government communicated vide letter No.56860 dated 20.12.2019. As such, the posts of Zamadar, Duftary, Attender, Cook-cum-Caretaker and Mali-cum-Chowkidar, which were earlier posts under Group-D, were included in Group-C. Further, the sanctioned strength of some posts of Group-D and Group-C were revised. Due to such restructuring, presently the working strength in posts of Farash and Sweeper under Group-D exceeds the present sanctioned strength which will be streamlined with promotion of the employees of the present Group-D employees.

Sl. No.	Name of the Post	Sanctioned Strength prior to restructuring	Sanctioned Strength after restructuring	Working Strength	Vacancy
1	Orderly and Office Peon	206	110	96	14
2	Class-IV	13	7	5	2
3	Gatekeeper	1	1	0	1
4	Mali	36	19	13	6
5	Night Watchman	6	3	2	1
6	Farash	14	7	8*	0
7	Sweeper	10	5	8*	0
8	Sweeper-cum- Farash	2	1	1	0
9	Permanent Mulia	1	1	1	0
	Total		154	134	24

<sup>\*</sup> The working strength in the posts of Farash and Sweeper exceeds the sanctioned strength by 1 and 3 respectively due to the reasons indicated above the table.

# Cadre Strength, Working Strength & Vacancy Position of the Secretarial Officers & staff

### $\boldsymbol{Group-A}$

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1	Additional Registrar – cum – Principal Secretary	1	0	1
2	Joint Registrar – cum – Principal Secretary	1	0	1
3	Additional Deputy Registrar – cum – Additional Principal Secretary	3	3	0
4	Assistant Registrar – cum – Senior Secretary	8	6	2
	Total	13	9	4

### Group - B

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
5	Secretary	17	11	6
6	Personal Assistant	34	23	11
7	Senior Stenographer	32	17	15
	Total	83	51	32

### Group - C

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1	Junior Stenographer	29	0	29
	<b>Grand Total</b>	125	60	65

# Cadre Strength, Working Strength & Vacancy Position of the Officers and staff on deputation from the Government

Sl. No.	Name of the Post		Group	Cadre Strength	Working Strength	Vacancy
1	Chie	f Accounts Officer	A	1	1	0
	Oris	sa High Court Dispensary				
	a)	Medical Officer	A	1	1	0
	b)	Physiotherapist	В	1	1	0
2	b)	Pharmacist	C	1	1	0
	c)	Laboratory Technician	C	1	1	0
	d)	Health Worker (Female)	C	1	1	0
	e)	Medical Attendant	D	1	1	0
	Orissa High Court Homeopathy		Dispensary			
3	a)	Homeopathy Medical Officer	В	1	1	0
	b)	Homeopathy Assistant	C	1	1	0
	Tota	d		9	9	0

# Cadre Strength, Working Strength & Vacancy Position of the E-Courts Project Staff

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1	Senior System Officer	2	1	1
2	System Officer	24	19	5
3	System Assistant	48	30	18
	Total	74	50	24

# Cadre Strength, Working Strength & Vacancy Position of the Posts carrying Consolidated Pay/Honorarium

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1	Law Reporter	1	1	0
2	Research Assistant	37	13	24
3	Court Manager	2	2	0
4	Assistant Editor	1	0	1
	Total	41	16	25

# Cadre Strength, Working Strength & Vacancy Position of the Posts carrying remuneration for copying out documents

Sl. No.	Name of the Post	Cadre Strength	Working Strength	Vacancy
1.	Remunerated Copyist	6	1	5

# Appendix D

List of new Court complexes completed during the year-2021 (In order of date of inauguration)

Sl. No.	Name of the Judgeship	Name of the Court building	Date of Inauguration	Number of Court halls	Expenditure incurred for the Infrastructure (in Rs.)	Name of the Executing agency
1	Sundargarh	ADJ Court building at Bonai	21.02.2021	6	7,67,17,558	OSPH & WC Ltd.
2	Kalahandi	District Court building at Bhawanipatna	06.03.2021	11	22,45,59,400	OSPH & WC Ltd.
3	Keonjhar	Civil Court building at Anandapur	28.03.2021	6	8,33,21,269	OSPH & WC Ltd.
4	Malkangiri	JMFC Court building at Motu, M.V., 79	30.03.2021	2	3,85,23,205	OSPH & WC Ltd.
5	Nabarangpur	District Court building at Nabarangpur	17.04.2021	11	19,23,70,000	OSPH & WC Ltd.
6	Sambalpur	Extension of Civil Court building at Sambalpur	30.04.2021	4	2,00,47,000	R & B
7	Nuapada	JMFC Court building at Sinapali	23.07.2021	2	2,55,83,000	Rural Works
8	Nuapada	Gram Nyayalaya at Komna	23.07.2021	2	2,52,23,000	Rural Works
9	Koraput	District Court building at Jeypore	10.09.2021	15	22,86,75,000	R & B
10	Malknagiri	District Court building at Malkangiri	10.09.2021	11	23,22,33,562	OSPH & WC Ltd.
11	Nayagarh	Civil Court Complex, Odagaon	18.09.2021	4	7,03,18,000	OSPH & WC Ltd.
12	Sonepur	District Court building at Sonepur	09.10.2021	11	24,90,03,169	R & B
13	Boudh	JMFC Court building, Harbhanga at Charichhak	29.11.2021	2	8,28,56,980	OSPH & WC Ltd.
14	Bhadrak	District Court Building at Bhadrak	18.12.2021	15	29,74,84,000	R&B

### **Completed Residential Quarters**

During the year 2021, 17 quarters (1 B-Type, 9 C-Type and 7 D-Type) have been constructed for the Presiding Officers of the District Judiciary.

Further, 42 Staff quarters (30 of E-Type and 12 of F-Type) have been constructed for the Staff of the Subordinate Judiciary.

### Detailed list of quarters is enumerated below.

Sl. No.	Name of the Judgeship	Type of residential Units/ Name of the Presiding Officers	Date of completion	Expenditure incurred for the Infrastructure (in Rs.)	Name of the Executing agency
1	Nuapada	Construction of D type quarters for the Civil Judge (JD)-um- JMFC at Komna	09.11.2021	64,64,300	OSPH & WC Ltd
2	Gajapati	Construction of C type quarters for the Secretary, DLSA at Paralakhemundi	30.09.2021	76,25,000	OSPH & WC Ltd
3	Gajapati	Construction of D type quarters for the JMFC at Paralakhemundi	30.09.2021	64,64,300	OSPH & WC Ltd
4	Puri	Construction of D type Qrs. for Judicial Officer at Pipili	14.09.2021	22,09,000	R & B
5	Nuapada	Construction of D type quarters for the Civil Judge (JD) -cum- JMFC at Sinapali	14.08.2021	64,64,300	OSPH & WC Ltd
6	Keonjhar	Construction of C-Type quarters for CJ(SD) Anandapur.	31.05.2021	43,79,500	OSPH & WC Ltd
7	Balasore	Construction of C type Duplex Quarters for Judicial Officers at Rajabagicha, Balasore	30.04.2021	49,60,000	R & B
8	Malkangiri	Construction of D-Type quarters for JMFC at Motu in Malkangiri	20.04.2021	18,77,400	OSPH & WC Ltd
9	Mayurbhanj	Construction of D type Qrs. for SDJM at Baripada.	12.04.2021	37,12,600	R & B
10	Nabarangpur	Construction of C type quarters for the Sr. Civil Judge at Umerkote	26.03.201	73,71,500	OSPH & WC Ltd
11	Jagatsinghpur	Construction of B type quarters for the District Judge at Jagatsinghpur	08.03.2021	57,20,100	OSPH & WC Ltd
12	Nuapada	Construction of 18 E and 12 No. of F type Quarters at Nuapada.	04.03.2021	35,35,000	R & B

Sl. No.	Name of the Judgeship	Type of residential Units/ Name of the Presiding Officers	Date of completion	Expenditure incurred for the Infrastructure (in Rs.)	Name of the Executing agency
13	Gajapati	Construction of D type quarters for the JMFC at Mohana	03.03.2021	64,64,000	OSPH & WC Ltd
14	Ganjam	Construction of C-Type quarters for the ACJM at Berhampur	09.02.2021	76,25,000	OSPH & WC Ltd
15	Ganjam	Construction of 2 C-Type quarters for the CJ(SD) at Berhampur	09.02.2021	1,52,50,000	OSPH & WC Ltd
16	Ganjam	Construction of C-Type quarters for the Secretary, DLSA at Berhampur	09.02.2021	76,25,000	OSPH & WC Ltd
17	Angul	Construction of 12 E-Type quarters at Talcher for the Staff	04.02.2021	2,06,56,000	R & B
18	Malkangiri	Construction of C type quarters for the Sr. Civil Judge at Malkangiri	06.01.2021	73,71,500	OSPH & WC Ltd

# Appendix E

RRDC Rules relating to preservation, scanning and destruction of disposed of records of the High Court



# EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 1575 CUTTACK, WEDNESDAY, SEPTEMBER 29, 2021/ASWINA 7, 1943

### THE HIGH COURT OF ORISSA, CUTTACK NOTIFICATION The 13<sup>th</sup> September 2021

No. 998/R-In exercise of the powers conferred by Rule 6 of The Orissa High Court Order, 1948 read with Section 3 of the Destruction of Records Act, 1917 (5 of 1917) and all other powers enabling it in this behalf, the High Court of Orissa, with the prior approval of the State Government hereby makes the following rules further to amend the Rules of the High Court of Orissa, 1948, namely:-

- These Rules shall be called "The Rules of the High Court of Orissa (Amendment) Rules, 2021."
- They shall come into force on such date as the High Court may, by notification, appoint in this behalf.
- In the Rules of the High Court of Orissa, 1948, for chapter-XXV, the following chapter shall be substituted, namely: -

### **Chapter-XXV**

#### Preservation and Destruction of Civil and Criminal Records.

1. Notwithstanding any period of preservation prescribed in these Rules, any judicial records book or paper, may be destroyed after being retained in electronic form in accordance with Section 7 of The Information Technology Act, 2000.

- 2. (i) Every disposed of case record of Anticipatory Bail Application U/s. 438 Cr.P.C. shall be destroyed after expiry of one year from the date of final order.
  - (ii) Every disposed of case record of Bail Application U/s. 439 Cr.P.C. shall be destroyed after expiry of three years from the date of final order.
  - (iii) All other records including paper books shall be destroyed after expiry of five years from the date of final order.
  - (iv) No records referred to above shall be 'destroyed unless it is digitized and verified. In the event, if any part of the file is so fragile that it cannot be digitized; such a file will be preserved forever in a Fragile Record Section.
- 3. The time limit mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Supreme Court will be that of the decree or order of Supreme Court respectively.
- 4. Before destruction, the documents listed out in the first schedule in The Information Technology Act, 2000 as amended from time to time have to be segregated and preserved in a sealed cover with case number signed by the Registrar (Judicial) or any other person authorized on his behalf in a separate storage space. Simultaneously, notice shall be issued to the concerned Advocate as well as the concerned parties for collecting back such documents.
- 5. The conversion of judicial records, books, or papers, in electronic form, shall be carried out from time to time, before their destruction, in accordance with Rule 1, as may be necessary, shall be supervised by such officer as may be appointed by the Chief Justice for the purpose, and authenticated by affixing his or her digital signatures. The detail procedure for conversion, as above, shall be carried in the following manner, namely:-
  - Each case record shall be applied with a barcode sticker so that the data that will be captured from the record will be readable using the barcode reader. Explanation: A barcode is a way to encode information into a visual pattern which can be read by a Bar Code scanner or any other appropriate device. The prescribed meta-data (please see iv below) shall be embedded in the Bar Code in such a way that such data can be retrieved in a readable format by using a Bar Code scanner or other appropriate device.
  - (ii) Each scanned case record shall be indexed in accordance with the indexing parameters of the physical case record in such way that the prescribed software accurately identifies every indexed document available in the scanned record. Illustration: If the index in the physical case record consists of 'order sheet, writ petition, counter, judgment, vakalatnama' then the scanned record should contain a similar index with similar contents which are responsive to the click of a computer mouse so as to directly lead to the page where the relevant documents exists in the case record.

- (iii) Each scanned page shall be converted to PDF/A (Portable Document Format/ Archiving) format in OCR (Optical Character Recognition) mode. Each PDF file shall be segregated according to indexing parameter (order sheet page, annexure page, judgment page & etc) as indicated in point (ii) above.
- (iv) Every scanned case record, whether Civil or Criminal shall be provided with the following meta-data, namely:-
  - (a) Case Number
  - (b) Case Year
  - (c) Case Type
  - (d) Barcode Number
  - (e) Name of Petitioner(s)
  - (f) Name of Petitioner's Advocate
  - (g) Name of Respondent(s)
  - (h) Name of Respondent's Advocate
  - (i) Name of the Judge
  - (i) District Name
  - (k) Date of Disposal
  - (l) Date of Scanning
  - (m) Date of Verification
  - (n) Name of Verifier
- (v) The existence of any of the following documents as specified in Rule 4, shall be entered as Additional Meta Data so that the digitized records containing the said documents can be easily identified for taking steps to return the said documents in the physical form to the concerned parties/advocates -
  - (i) A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881 (26 of 1881).
  - (ii) A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).
  - (iii) A trust as defined in section 3 of the Indian Trust Act, 1882 (2 of 1882).
  - (iv) A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 (39 of 1925), including any other testamentary disposition by whatever name called.
  - (v) Any contract for the sale or conveyance of immovable property or any interest in such Property.
  - (vi) The agency in charge of scanning the case records shall ensure entry of the above meta data in the software application used for scanning and digitizing case

- records. It shall also be the duty of such agency to provide sufficient safeguards to prevent alteration of the meta data once it is verified and the case record is uploaded in the DMS server.
- (vii) The Court shall use the DMS with a secure user ID provided by the scanning team to manage the complete electronic record life cycle such as Creation, Distribution, Usage, Maintenance and Destruction of electronic records. These IDs will be permission specific meaning that basing on the privilege assigned to these IDs, a user can view, download or print but cannot make any changes in the uploaded feed for the sake of the security of the scanned records available in the server.
- The agency entrusted with the scanning work shall in consultation with the (viii) Court prepare necessary facility for rectification of erroneous data in the server.
- (ix) The agency entrusted with the work of scanning and digitization shall use necessary technology to ensure that the scanned and digitized documents stored in the server shall remain accessible, readable and printable without affecting the information originally generated, sent and received for posterity. The digitized documents shall be further used for audit purpose as per the Section-7A of the Information Technology (Amendment) Act, 2008.
- (x) The database containing the digitized records of the Court shall only be accessible in the local area network (LAN) of the Court. It shall be ensured that no portion of the database or the server containing the digitized records of the Court is accessible through internet or to any person in any manner beyond the permission granted in this regard.
- (xi) While handing over records for digitization it will be ensured that duplicate copies of any part thereof are removed to avoid needless scanning.
- 6. In respect of the Lower Court Records, the following procedure mentioned as below is to be adopted, namely:
  - No original LCR whether in a disposed of or a pending case shall be retained in the High Court. After scanning and verification in the manner provided hereinbefore the original LCR shall be forthwith returned to the Court concerned. Whenever any order requisitioning the LCR is passed hereafter, the concerned Court will only send a scanned and verified copy of such LCR (duly signed digitally, using digital/electronic signature, by the concerned authority) to the High Court. If, for some reason, the Court concerned is unable to scan and verify the softcopy of such LCR, then the hardcopy of such LCR shall immediately on its receipt in the High Court shall be scanned and verified in the High Court and immediately thereafter be returned to the Court concerned.
  - (ii) In the event, if the Court concerned while hearing a pending matter decides to peruse the original hardcopy of the LCR, then upon an order passed by such Court, the original LCR shall be called for.

- (iii) In a pending matter when the Court so desires, a print out of the softcopy of the LCR shall be placed before the Court.
- 7. Notwithstanding anything contained in the foregoing rules, in Division Bench cases second copy of brief and in all types of cases, all Miscellaneous cases except relating to amendment of pleadings, intervention, addition of party, taking documents or subsequent events by way of additional evidence, substitution and setting aside abatement, if any, shall be destroyed after disposal of the case.
- 8. The destruction of all papers shall be carried into effect by the process of cutting with use of shredder or by any other manner as the Court may direct. Such destruction shall be made in presence of the Superintendent in-charge of the Record Room of the Court under the supervision of the Assistant Registrar (Estt.) of the Court.

BY ORDER OF THE CHIEF JUSTICE

SUMAN KUMAR MISHRA REGISTRAR (JUDICIAL)

Printed and published by the Director, Directorate of Printing, Stationery and Publication, Odisha, Cuttack-10

Ex. Gaz. 1028-173

# Appendix F

Standard Operating Procedure issued on behalf of the High Court for hybrid hearing

#### THE HIGH COURT OF ORISSA, CUTTACK

In pursuance to the resolution of the Hon'ble Court dated 28.01.2021, the following Standard Operating Procedure for hearing of cases through hybrid arrangement, i.e., through both virtual and physical modes are framed.

STANDARD OPERATING PROCEDURE FOR HEARING OF CASES THROUGH HYBRID ARRANGMENT IN THE HIGH COURT OF ORISSA WITH EFFECT FROM 15.02.2021

#### 1. EXERCISE OF OPTION

- Hearing of the matters shall be permitted through both physical and virtual modes.
- (ii) The parties through their learned counsel or where appearing in person, may opt to appear before the Bench either physically or through video conferencing. Hearing may be accordingly conducted simultaneously through physical appearance and virtual mode depending on the choice exercised by the parties and the learned counsel in a given case. If no such option is exercised, it will be deemed that the lawyer/party in person shall appear in virtual mode.
- (iii) While appearing in virtual mode, lawyers/parties in person will observe basic etiquette consistent with the dignity of the Court.
- (iv) If a party or learned counsel is desirous of appearing through virtual mode from a remote location before a particular Bench then an intimation to that effect along with the name, item number, case details etc. shall be sent to the Court Master concerned by a separate phone number, to be supplied later between 8.00 p.m. to 10.00 p.m. of the previous date of hearing of the case. The mobile number of the Court Masters shall be published in the cause list along with the links.
- (v) All cases shall ordinarily be taken up as per their turn in the cause list.
- (vi) Parties in Person as well as Advocates who have opted to appear through virtual mode, shall watch the website of the Court's Display Board at www.ohcdb.in as has been done during full-fledged virtual hearing and join the hearing at least two items before their turn is reached in a particular slot.

#### 2. PHYSICAL HEARING

Entry/Exit to the Advocates/Clerk and/or party in person shall be permitted only (i) on showing their identity card or pass issued by the High Court/High Court Bar Association/ Odisha State Bar Council or, in case of a, party in person any other accepted Identity card.

- (ii) After entering into the High Court Building, the Advocates/Party in person would proceed to the designated waiting areas of the concerned Courts, as earmarked by the Registry and wait for their turn to enter the concerned court rooms where physical hearing of their case(s) is to be taken up.
- (iii) Only one advocate and his clerk shall be permitted for one party. Designated senior counsel shall be accompanied by only one assisting counsel.
- (iv) The Advocate Clerk accompanied by the Advocate shall be allowed entry into the Court for the limited purpose of delivering bulky case files up to the earmarked waiting areas outside/nearby the concerned court room and place the same on the tables/racks/shelves. Such Advocate Clerks shall leave the court room immediately thereafter and shall enter again only to re-collect the same. The learned Advocates are advised to allow their clerks to accompany them only in case the files/record is bulky.
- (v) Crowding/gathering in the corridors shall be avoided.
- (vi) Advocates/Party in person will ensure that they enter the Court premises only for arguing their cases and shall leave the Court premises as soon as the hearing for the day is over.
- (vii) Litigants and parties who are represented by an Advocate, shall only be allowed to enter the court room only where their personal appearance is required by virtue of a Court order.
- (viii) Advocates appearing in more than one case may wait at the designated waiting area for appearing in the next case and ensure that no crowding takes place in the corridor.

#### 3. OTHER ARRANGEMENTS

- (i) Acrylic/glass/polycarbonate partitions have been installed between the dais and the lawyer's gallery as well as between arguing counsel of opposite side.
- (ii) The Hand sanitizers installed shall be used by Advocates/Parties in person before entering and after exiting the court room.
- (iii) As per seating is concerned, social distancing norms shall be observed both inside and outside the court room.
- (iv) At any given time, lawyer/parties in person in five cases shall remain in the court room, when the next four cases in the list exhausted for mentioning of matter before a Bench in physical mode, lawyers should stand in a queue and follow social distancing norms. Not more than five advocates shall be allowed in the Court Hall for the purpose of mentioning at a time, which shall be short and specific.

#### 4. GENERAL PREVENTIVE MEASURES

- (i) All persons in the High Court premises shall wear face masks at all times.
- (ii) Respiratory etiquettes be strictly followed. This involves strict practice of covering one's mouth and nose while coughing/sneezing with a tissue/handkerchief/flexed elbow and disposing off used tissues properly.
- (iii) Spitting of pan/gutkha/tambakhu etc. shall be strictly prohibited.
- (iv) The seating/standing capacity in the canteen/cafeteria/eating places shall be restricted to half of the present capacity; further the rules of social distancing shall be followed.
- (v) There shall be strict adherence to all the directions/ guidelines/SOPs/advisories relating to COVID-19 issued by the Government and health authorities from time to time.

*NOTE:* This Standard Operating Procedures (SOP) shall be subject to further modification, from time to time as may be required.

BY ORDER OF THE CHIEF JUSTICE REGISTRAR GENERAL

# Appendix G

Video Conferencing Rules, 2020 for the High Court of Orissa

# THE HIGH COURT OF ORISSA, CUTTACK Notification

No.1206/R Dtd.02.11.2020

Whereas it is expedient to consolidate, unify and streamline the procedure relating to use of video conferencing for Courts;

Now therefore, in exercise of the powers conferred by clauses (2) of article 227 read with article 225 of the Constitution of India, the Orissa High Court, with the previous approval of the Governor of Odisha, is pleased to make the following rules, namely:-

#### **Preliminary**

#### Chapter I

#### 1. Short Title and Commencement. -

- (i) These rules may be called the Orissa High Court Video Conferencing for Courts Rules, 2020.
- (ii) They shall come into force for such courts or classes of Courts or proceedings or classes of proceedings and on and from such date or dates as the Chief Justice may, by order, appoint.
- **2. Definitions.** In these rules, unless the context otherwise requires, -
  - (i) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961) or Government Advocates and officers of the department of prosecution;
  - (ii) "Commissioner" means a person appointed as commission under the provisions of Code of Civil Procedure, 1908 (hereinafter called 'the C.P.C.'), or the Code of Criminal Procedure, 1973 (hereinafter called the Cr.P.C1 or any other law in force;
  - (iii) "Coordinator" means a person nominated as coordinator under rule 5;
  - (iv) "Court" includes a virtual Court or tribunal;
  - (v) "Court Point" means the Court room or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiring officer holds proceedings pursuant to the directions of the Court;
  - (vi) "Court User" means a user participating in Court proceedings through video conferencing at a Court Point;

- (vii) "designated Video Conferencing Software" means software provided by the High Court, from time to time, to conduct video conferencing;
- "exceptional circumstances includes a pandemic, natural calamities, circumstances (viii) implicating law and order or matters relating to the safety of the accused and witnesses or such circumstances as the Chief Justice may, by order, declare as exceptional circumstances:
- (ix) "Live Link" in relation to video conference means a live television link or other audio-video electronic means whereby a witness, a required person or any other person permitted to remain present, in the Court room by remote communication using technology to give evidence and be cross-examined.
- (x) "Remote Point" means a place where any required persons is to remain present through a video link;
- "remote user" means a user participating in Court proceedings through video (xi) conferencing at a remote point.
- "required person" includes-(xii)
- (xiii) the person who is to be examined; or
- (xiv) the person in whose presence certain proceedings are to be recorded or conducted; or
- (xv) an Advocate or a party in person who intends to examine a witness; or
- (xvi) any person who is required to make submissions before the Court; or
- (xvii) any other person who is permitted by the Court to appear through video conferencing.
- (xviii) "Schedule" means the Schedule appended to these rules;
- (xix) 'System Officer' or 'System Assistant' shall mean System Officer or System Assistant appointed by High Court of Orissa and working at High Court of Orissa or at District Courts.

#### Chapter II

#### **General Principles**

#### 3. General Principles Governing Video Conferencing-

- (i) Video conferencing facilities may be used at all stages of judicial proceeding conducted by the Court.
- (ii) All proceedings conducted by a Court by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical Court shall apply to a virtual Court and the protocol as set forth in the Schedule shall be adhered to for proceedings conducted by way of video conferencing.

- (iii) All relevant statutory provisions applicable to judicial proceedings including provisions of the C.P.C., the Cr P.C., the Contempt of Courts Act, 1971, the Indian Evidence Act, 1872 (hereafter called as the Evidence Act), and the Information Technology Act, 2000 (hereafter called as the IT Act) shall apply to proceedings conducted by video conferencing.
- (iv) Subject to maintaining independence, impartiality and credibility of judicial proceedings, and subject to such directions as the High Court may issue, Courts may adopt such technological advances as may become available from time to time.
- (v) The rules as applicable to a Court shall mutatis mutandis apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry.
- (vi) There shall be no unauthorised audio or video recording of the proceedings by any person or entity.
- (vii) The required person shall provide identity proof as recognised by the Government of India or State Government or Union Territory to the Court point coordinator via personal e-mail and in case the identity proof is not readily available the person concerned shall furnish the following personal details; namely:
  - (a) name;
  - (b) parentage;
  - (c) permanent address; and
  - (d) present address, if any.
- 4. **Facilities Recommended for Video Conferencing-** The following equipments are recommended for conducting proceedings by video conferencing at the Court Point and at the Remote Point, namely: -
  - (i) Desktop, Laptop, mobile devices with internet connectivity, printer along with licensed Anti-Virus with real time protection loaded in the Desktop and Laptop;
  - (ii) Device ensuring uninterrupted power supply;
  - (iii) Camera;
  - (iv) Microphones and speakers;
  - (v) display unit;
  - (vi) document visualizer;
  - (vii) provision of a firewall;
  - (viii) adequate seating arrangements ensuring privacy;
  - (ix) adequate lighting;
  - (x) availability of a quiet and secure space; and
  - (xi) hardware for storage facility of audio or video recordings of examination.

#### 5. Preparatory Arrangements

- (i) There shall be a Coordinator both at the Court Point and at the Remote Point from which any required person is to be examined or heard: Provided that the Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined.
- (ii) In the civil and criminal Courts falling within the purview of the district judiciary, persons nominated by the High Court or the concerned District Judge, shall perform the functions of Coordinators at the Court Point as well as the Remote Point as provided in sub-rule (3).
- (iii) The coordinator may be at any of the following Remote Point, namely -

Sl. No.	Where the Advocate or required person is at the Remote Point:	The Remote Point Coordinator:
(1)	(2)	(3)
(a)	Overseas	An official of an Indian Consulate or Indian Embassy or the High Commission of India, as the case may be.
(b)	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.
(c)	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized person official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority
(d)	Jail or prison	The concerned Jail Superintendent or Officer incharge of the prison.
(e)	Hospitals administered by the Central Government, the State Government or local bodies	Medical Superintendent or an official authorized by them or the person in charge of the said hospital
(f)	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer in charge of that child facility or an official authorized by them.
(g)	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities)	The Superintendent or Officer in-charge of the women's facility or an official authorized by him.
(h)	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officer in-charge of the institutional facility or an official authorized by him.
(i)	Forensic Science Lab	The Administrative officer in-charge or his nominee.
(j)	Local Bar Association Hall	President of the Bar Association or his nominee.

Sl. No.	Where the Advocate or required person is at the Remote Point:	The Remote Point Coordinator:
(k)	In case of any other location	The concerned Court may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.

- (iv) When a required person is at any of the Remote Points mentioned in sub-rule (3) and video conferencing facilities are not available at any of those places, the concerned Court shall formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator and to provide a video conferencing facility from proximate and suitable Court premises.
- (v) The Coordinators at both the Court Point and Remote Point shall ensure that the recommended requirements set out in rule 4 are complied with, so that the proceedings are conducted seamlessly.
- (vi) The Coordinator at the Remote Point shall ensure that-
  - (a) all Advocates or a required person scheduled to appear in a particular proceeding is in proper attire and ready at the Remote Point designated for video conferencing at least thirty minutes before the scheduled time;
  - (b) no unauthorised audio or video recording device is used for recording the proceeding in any manner;
  - (c) no unauthorised person enters the video conferencing room when the video conference is in progress; and
  - (d) the person who is examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and the former does not refer to any document, script or device without the permission of the concerned Court during the course of examination.
- (vii) Where the witness to be examined through video conferencing requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and in appropriate case may transmit noneditable digital scanned copies of all or any part of the record of the proceedings to the official e-mail account of the Coordinator of the concerned Remote Point designated in accordance with sub-rule (3).
- (viii) The Court shall transmit to the e-mail of the Coordinator at Remote Point non-editable digital scanned copies of the documents submitted under section 173 of the Cr.P.C. (or any part thereof) which may be necessary for examination of the witness for his reference during such examination.

- (ix) Before the scheduled video conferencing date, the Coordinator at the Court Point shall ensure that the Coordinator at the Remote Point receives certified copies, printouts or a soft copy of the non-editable scanned copies of all or any part of the record of proceedings which may be required for recording statements or evidence, or for reference which shall only be permitted to be used by the required person with the permission of the Court.
- (x) Whenever required, the Court shall order the Coordinator at the Remote Point or at the Court Point to provide -
  - (a) A translator in case the person to be examined is not conversant with the official language of the Court;
  - (b) An expert in sign languages in case the person to be examined is impaired in speech and hearing; and
  - (c) An interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently.

# Appendix-H

High Court of Orissa Live Streaming of Court Proceedings Rules, 2021

#### THE HIGH COURT OF ORISSA, CUTTACK

Notification No. 890 / Comp. Dtd. 28.07.2021

With the objective of effectuating and broadening the implementation of Open Court concept during the physical, virtual as well as hybrid hearings of the High Court of Orissa, and by virtue of the powers conferred by Article 225 of Constitution of India, the High Court of Orissa do hereby make the following rules, namely:-

#### 1. Short Title and Commencement:-

These rules may be called as **the High Court of Orissa Live Streaming of Court Proceedings Rules**, **2021** and they shall apply to the High Court of Orissa from such date or dates and to such proceeding or proceedings as the Chief Justice may appoint in this behalf.

#### 2. **Definitions: -**

- (i) **Bench** means the Judge(s) assigned to hear the case filed before the Court.
- (ii) Chief Justice means the Chief Justice of the High Court.
- (iii) Court means the High Court of Orissa.
- **(iv) Court Master** means the court staff that assists the Court in the conduct of proceedings, including updating of the cause lists published on the display board.
- (v) Hybrid Hearing Mode means a system of hearing which enables Advocates/Parties appearing from remote locations through video conferencing and Advocates/Parties appearing physically in Courtroom to be able to address the Court simultaneously and wherein the Court, the Advocates/Parties located remotely and the Advocates/Parties appearing physically are able to interact with each other in real time.
- (vi) Live-stream/ Live-streamed/ Live-streaming means and includes a live television link, webcast, audio-video transmissions via electronic means or other arrangements whereby any person can view the Proceedings of the Court as permitted under these Rules.
- (vii) Live Streaming Platform or Live Streaming Portal means the web platform/ portal used for live telecast / streaming / webcasting of the physical / virtual court proceedings of the High Court, as may be selected and notified from time to time.
- (viii) Video Conferencing Platform means the platform/portal/application used for video conferencing / remote conferencing / web conferencing, as may be selected and notified from time to time.
- **(ix) Presiding Judge** means and includes the Presiding Judge of Single Judge Court or of a Bench of the High Court before whom the case is listed.

- (x) **Proceedings** mean and include judicial proceedings, administrative proceedings, Lok Adalat proceedings, full-court references, farewells and other meetings and events organized by the Court.
- (xi) **Remote Location** means and includes a geographical location, different from the Court Premises, from where Proceedings are conducted.

#### 3. Mode of Live Streaming

- (i) The mode of live streaming of Court proceedings may be any publicly available Live Streaming Platform / Portal for live webcasting of audio-visual feed of the virtual / physical court proceedings. Such Live Streaming Platform shall be selected and notified by the High Court from time to time.
- (ii) The live streaming will be done by authorized High Court personnel only, directly to the Live Streaming Platform / Portal or through High Court official accounts of any Video Conferencing Platform to the Live Streaming Platform / Portal, as may be required depending upon the situation of virtual hearing or physical hearing.
- (iii) The live streaming of the Court Proceedings may be with latency / delay of up to 2 minutes from the actual proceedings. The weblink of accessing the live streaming of the court proceedings will be published on the website of the High Court and may also be published in the Cause list of the respective Court(s)/Bench(es).

#### 4. General Provisions Relating to Live Streaming

- (i) High Court proceedings of all cases, except the following, may be live streamed:
  - (a) Matrimonial matters, including ancillary proceedings arising thereunder.
  - Matters involving children and juveniles including matters registered under or (b) involving the Protection of Children from Sexual Offences Act, 2012 (POCSO) and under the Juvenile Justice (Care and Protection of Children) Act, 2015,
  - (c) Cases concerning sexual offences, including proceedings instituted under Section 376, Indian Penal Code, 1860 (IPC).
  - (d) Cases concerning gender-based violence against women.
  - (e) Cases relating to Official Secrets Act, 1923 or involving national security,
  - (f) Cases of Habeas Corpus petitions,
  - In camera proceedings. (g)
  - (h) Cases, which in the opinion of the Bench, may provoke enmity amongst communities likely to result in a breach of law and order.
  - Privileged communications between the parties and their Advocates; cases where (i) a claim of privilege is accepted by the Court; and non-public discussions between advocates.

- (j) Cases where the Bench records in writing with reasons to be not fit for live streaming.
- (k) Any other matter in which a specific direction is issued by the Bench or the Chief Justice for not live streaming the Court proceedings.
- (ii) Subject to provision of Rule 4 (a), the proceedings of the Court conducted through video conferencing mode, physically mode or in hybrid hearing mode may be covered for live streaming.
- (iii) Whenever there is difference of opinion between the Presiding Judges of a Bench as to whether a proceeding may be live streamed or not, then in such cases the relevant proceeding may not be live streamed.
- (iv) The Court may direct tagging of cases which may not be live streamed as per these rules to be heard separately during the course of the day.
- (v) The videos of live streaming of court proceedings may be allowed to remain on the Live Streaming Platform / Portal except when specifically directed by the concerned Presiding Judge(s) to delete/remove the same. Copy of videos so deleted/removed will be securely kept in the live streaming platform without public access. Presiding Judges of Benches may mute their microphones while discussing with each other any aspect of the case or while passing any administrative instructions to the assisting ministerial personnel.
- (vi) Any oral comments or remarks made by the Bench during the live streaming shall not be treated as part of the case or of the case record and only the contents of the signed order of the Court shall be treated as final and as part of the record.
- (vii) The parties/Advocates may request for pausing or stopping live streaming of a proceeding and if the Bench deems it fit and proper, it may direct to stop/pause live streaming of such proceeding. Such fact shall be recorded by the Court Master in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.
- (viii) In case of any urgent need, the Presiding Judge may direct the technical personnel to stop/pause the live streaming, if the same is found to be necessary in the interest of administration of justice. Any such event of stopping or pausing shall be noted by the Court Master, in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.

#### 5. Restrictions and Limitations

- (i) Live streaming of Court proceedings shall not be claimed by any person as a matter of right.
- (ii) No live commenting or live chat will be allowed on the live streaming being done of the Court proceedings.

- (iii) Any remarks appropriate, relevant and useful for the purpose of live steaming may be communicated to the High Court through usual means of contact.
- (iv) The High Court or its officials will not be responsible for any delays, breakdown or disruption during the live streaming or its quality on the part of the Live Streaming Platform / Portal due to reasons attributable to technology or to any such other factor beyond the control of the Court.
- Any delay / breakdown / disruption / outage of the live streaming due to any reason (v) at Court end, will be noted with details by the Court Master in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature
- (vi) The High Court shall have copyright over live streamed feed and videos, including the feeds and videos retained in the live streaming platform after live streaming is over. prohibiting any unauthorized copying of the live feed / videos.
- (vii) Unauthorised use/re-use, capture, editing/re-editing, distribution/redistribution, or creating derivative works or compiling the live streamed feed / videos or using the same for any purpose, in any form, will not be permitted.
- (viii) The live streamed feed / videos of the court proceedings are not to be considered as part of the case or court record for the purpose of reliance in any proceeding of any nature before any Court of law.
- The live streamed feed / videos of the Court proceedings will not be allowed to be (ix) treated as evidence of anything relating to the Court proceedings and will also not be considered admissible as such, in any Court proceedings before any Court of law.
- (x) Requests for copy of any live streamed feed / videos will not be entertained for any purpose whatsoever.
- (xi) No content of the live streamed feed / videos or any observations made therein, will be treated as authorized / certified / official version of anything relating to the Court proceedings. Only the orders / judgments pronounced by the respective Benches and the process / certified copies issued by the High Court Registry accordingly, will be treated as authentic and authorized.
- Anyone participating in the proceedings, whether in person or through video conferencing, (xii) will have to maintain utmost discipline and decorum in consonance with the dignity and majesty of the Court. Any participant found to be misusing the access to the Court for undue publicity through live streaming facility, may be muted or removed from video conferencing session; or asked to leave the Court if participating in person. In such a situation, if required, the Presiding Judge may direct to stop the live streaming of the Court proceedings of the particular case for the day. Such an event will be noted by the Court Master, in a register with noting on the date, time, case details and reasons of stopping/pausing live streaming under his/her signature.

- (xiii) In case of stopping the live streaming for any of the foregoing reasons/circumstances, the live streaming, when resumed, may have a fresh link, which would be notified through the High Court website and/or the Live Streaming Platform / Portal.
- (xiv) Violation of any of these provisions, will entail proceedings under the provisions of the Contempt of Courts Act, 1971 and other applicable penal laws.

#### 6. Power to Relax

The Chief Justice may, if satisfied that the operation of any provision of these Rule is causing undue hardship, by order, dispense with or relax the requirements of that Rule to such extent and subject to such conditions as may be stipulated to deal with the case in a just and equitable manner.

#### 7. Residual Provisions

Matters concerning which no express provision is made in these Rules shall be decided consistent with the principle of furthering the interest of justice.

By Order of the High Court of Orissa

(Suman Kumar Mishra) Registrar (Judicial)

# Memo No. 8525 (120) Dtd: 28.07.2021 XXXIV-21/2021

#### Copy forwarded to the: -

- (a) All Officers of the Court,
- (b) Joint Registrar-cum-Principal Secretary to Hon'ble the Chief Justice,
- (c) Addl. Principal Secretaries/ Senior Secretaries/ Secretaries to Hon'ble Judges of the Court,
- (d) Stamp Reporter / Addl. Stamp Reporter & Oath Commissioner(s),
- (e) Director, Odisha Judicial Academy, Odisha, Cuttack
- (f) Member-Secretary, OSLSA, Cantonment Road, Cuttack
- (g) Technical Director, NIC, The High Court of Orissa to upload in the official website
- (h) All Superintendent/ Section Officers of the Court,
- (i) All Court Master(s)
- (j) Peskar, Lawzima Court
- (k) Notice Board.

for information and necessary action.

SPECIAL OFFICER (SPL. CELL)

## Memo No. 8526 (33) /Dtd: 28.07.2021

## Copy forwarded to the:

- Advocate General, Odisha Cuttack (a)
- (b) Secretary, Odisha State Bar Council, Cuttack
- (c) President/Secretary, Orissa High Court Bar Association, Cuttack
- (d) Dist. & Sessions Judges, (All) for information and necessary action.

#### **SPECIAL OFFICER (SPL. CELL)**

#### Memo No. 8527(2) /Dtd: 28.07.2021

### Copy forwarded to the:

- (e) Principal Secretary to Govt. of Odisha, Home Deptt., Bhubaneswar
- (f) Principal Secretary to Govt. of Odisha, Law Deptt., Bhubaneswar
- for information and necessary action. (g)

#### **SPECIAL OFFICER (SPL. CELL)**

Memo No. 8528 /Dtd: 28.07.2021

A copy of the same may be forwarded to the Deputy Director, Govt. Press, Cuttack for publish in the next issue of the Odisha Gazette and send 30 nos. of copies to the undersigned for kind reference of the Hon'ble Court

**SPECIAL OFFICER (SPL. CELL)** 

# Appendix I

Table relating to Budgetary explanation and expenditure for Infrastructure and development of High Court.

## **Budgetary Allocation and Expenditure for Infrastructure Development of High Court**

Sl. No.	Head of Accounts	Amount Sanctioned (in Rs.)	Amount Utilized (in Rs.) As on 31.12.2021
1	01-4059-60-051-2378-37148 (Non-residential)	23,11,62,000/-	3,79,16,000/-
2	01-4216-01-700-2378-37265 (Residential)	4,52,47,300/-	4,52,47,300/-

## **Budgetary Allocation and Expenditure for Establishment of High Court**

Sl. No.	Head of Accounts	Amount Sanctioned (in Rs.)  Amount Utilized (in Rs.) As on 09.11.2021	
3	01-2014-00-102-0632	125,52,89,000/-	62,80,42,000/-

### **Budget of the High Court**

	2019-2020	2020-2021	2021-2022
Plan	335172000	137174000	1148056000
Non-Plan	1119464000	1177232000	1255289000
Total	1454636000	1314406000	2403345000

<sup>\*</sup>For financial year (Amount in Rupees) [1st April to 31st March]

 ${\color{red} {\bf Appendix\, J}}$  Details of separate training programs conducted by OJA during 2021

Sl.	_	No. of Par	rticipants	<b>.</b>	Place & Mode of
No.	Programmes	Nominated	Attended	Date	Training
(1)	(2)	(3)	(4)	(5)	(6)
1.	2 ADJ (Directly recruited from Bar) as per subject based on approved module.	2	2	07.11.2020 to 05.02.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
2.	Webinar through both Virtual & Physical Mode on the subject "Challenges faced by the Court during the Pandemic".	All the Judi of the State Virtual Mode Officers by Pl	attended by & 31 Judicial	16.01.21 & 17.01.21	Place Odisha Judicial Academy, Cuttack Mode of Training Virtual Mode
3.	Refresher Programme for Sr. Civil Judges on Pleadings, Admission of Plaint, Interlocutory Orders, Written Statement and Counter Claim, Suit y and against Government, Representative Suit, appointment of Receiver (Order – 40).	25	25	30.01.2021 & 31.01.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Virtual Mode
4.	Refresher Programme of Secretaries, DLSA on ADR Mechanisms and Its Utility, Legal Services Authority Act vis-à-vis Responsibility of Secy. DLSA.	25	23	30.01.2021 & 31.01.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Virtual Mode
5.	Practical training held at ROTI & SFSL of cadre of District Judges appointed through UP & LCE.	27	27	04.01.2021 to 08.01.2021	Place ROTI & SFSL Bhubaneswar Mode of Training Physical Mode
6.	Practical training held at ROTI & SFSL of cadre of District Judges appointed through UP & LCE.	26	26	18.01.2021 to 22.01.2021	Place ROTI & SFSL Bhubaneswar Mode of Training Physical Mode
7.	Training on Video Conference mode to Smt. Geetanjali Nanda, 1 <sup>st</sup> Additional Sr. Civil Judge, Cuttack.	1	1	01.02.2021 to 12.02.2021 (4 PM to 5.15 PM)	Place Odisha Judicial Academy, Cuttack Mode of Training Virtual Mode

278 Annual Report 2021 High Court of Orissa

Sl.	_	No. of Participants		ъ.	Place & Mode of
No.	Programmes	Nominated	Attended	Date	Training
8.	Refresher Training for Sr. Civil Judge, Civil Judges on Law of Succession including Hindu Succession OCHA & PFL Act, OLR Act, Analysis of recent trend in Civil Law (Discussion on judgments of importance).	25	25 Sr. Civil Judge=15, Civil Judge = 10	20 <sup>th</sup> & 21 <sup>st</sup> February, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
9.	Refresher Training for Civil Judges on Pleadings and parties to Suit (Order -6-9 CPC), Order -10, 14, 18, 22, 39, 40 CPC, Judgment Writing.	25	24	20 <sup>th</sup> & 21 <sup>st</sup> February, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
10.	Online TOT Awareness Programme on topic "Electronic case Management Tools (ECMS)" for Advocate Master Trainers.	274	256	13.03.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Virtual Mode
11.	Refresher Training for Principal Magistrates of Juvenile Justice Boards on JJ(CPC) Act and the Rules there-under vis-à-vis. The duty of the JJ Board in ensuring the Welfare of the Child Produced Before it, Child Psychology, Child Behaviour and Health Issues.	25	24	20 <sup>th</sup> & 21 <sup>st</sup> March, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
12.	Refresher training for Referral Judges (Courts referring cases to mediation e.g; Sr. Civil Judges, Civil Judges and Magistrates on Training on Mediation for Referral Judges as per MCPC guidelines and Other Modes of ADR U/s. 89 CPC.	25	23 Sr. Civil Judges=7, Civil Judges=6, Magistrates =10	20 <sup>th</sup> & 21 <sup>st</sup> March, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
13.	Refresher Training for SDJM & JMFC (Cog. Taking) on NI Act, PWDV Act, ITPA, Railway Property (Unlawful Possession) Act, Arms Act, Mental Health Care Act.	25	25 SDJM= 13 JMFC= 12	17 <sup>th</sup> & 18 <sup>th</sup> April, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode

Sl.	_	No. of Par	ticipants		Place & Mode of	
No.	Programmes	Nominated	Attended	Date	Training	
14.	Refresher Training for SDJM & JMFC (Cog. Taking) on Arrest, Bail, and Remand, Cognizance, Registration and Inquiry of Criminal Complaints.	25	25 SDJM= 15 JMFC= 10	17 <sup>th</sup> & 18 <sup>th</sup> April, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode	
15.	Refresher Training for Principal District Judges (on Criminal Side) on Sentencing & Compensation, Right to Fair trial and timely Justice, Criminal Appeals and Revision, Forensic, Ballistic & DNA Profiling, Appreciation of Medico- Legal Evidence.	25	24 DJ = 13 ADJ = 11	24 <sup>th</sup> & 25 <sup>th</sup> July, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode	
16.	Refresher Training for Principal District Judges (on Civil Side) on Commercial Disputes Pleading, Company Act and Role of documents in Commercial Disputes, Intellectual Property Rights Act, Civil Appeal & Revision, Review, Reference, probate Proceedings, Guardianship for Property of Minor.	25	24 DJ = 15 ADJ = 9	24 <sup>th</sup> & 25 <sup>th</sup> July, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode	
17.	Civil Judges (on Probation), 2019 batch joined for Institutional Training	47	47	09.8.2021	12 Officers at OJA & Rest of the Officers by Hybrid Mode at their respective place of posting.	
18.	Refresher Programme for Judge of Family Courts on Marriage, Divorce, Child Custody, Compassionate approach to resolution of Family disputes and Counseling, Adoption, Guardianship, Maintenance, Human Psychology & Behavioural studies.	19	18 Participants = 28.08.2021	28 <sup>th</sup> & 29 <sup>th</sup> August, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode	

280 Annual Report 2021 High Court of Orissa

Sl.	No. of Participants		ticipants	Data	Place & Mode of	
No.	Programmes	Nominated	Attended	Date	Training	
19.	Refresher Programme for Special Judges (CBI) & Special Judges (Vigilance) on Fugitive Economic Offenders Act, Prevention of Corruption Act, Delhi Special Police Estt. Act, Prevention of Money Launders Act.	18	18 Spl. Judge (CBI)=2 ADJ-cum- Spl. Judge (Vig.)- 16	28 <sup>th</sup> & 29 <sup>th</sup> August, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Online Mode	
20.	Hands-on Training Programme for Judicial Officers in conducting Virtual Hearing	20 – Participants 5 – Master Trainers	18 – Participants 4 – master Trainers	11.09.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode	
21.	Refresher Programme for Presiding officers of MACT Tribunals on Motor Vehicle Act- Insurance Liability there under, Its socioeconomic importance, Fair approach of Tribunal and Just compensation, MCTAP & the role of individual stake- holder.	25	ADJ = 25	25 <sup>th</sup> & 26th September 2021	Place Odisha Judicial Academy, Cuttack <b>Mode of Training</b> Physical Mode	
22.	Refresher Programme for Presiding officers of Special Courts dealing with cases Under NDPS Act and procedure of Sealing, Sampling & Seizure under this Act, SC & ST (POA) Act, Odisha Prevention of Which Hunting Act, Appreciation of Evidence and Judgment writing skill in Appeal cases.	25	ADJ = 24	25 <sup>th</sup> & 26th September 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode	
23.	Refresher Training programmes for Officers in the Cadre of Sessions Judges held on the topic "Utility of Forensic Evidence in Trial of Cases – Collection of samples, Examination Thereof and Appreciation of opinion evidence including forensic and medical evidence, Cyber law detection, Investigation and trial"	25	25 = Dist. & Sessions Judges	23 <sup>rd</sup> & 24 <sup>th</sup> October, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode	

Sl.	_	No. of Par	ticipants	<b>.</b>	Place & Mode of
No.	Programmes	Nominated	Attended	Date	Training
24.	Refresher Training programmes for Presiding Officers of Special Courts dealing with cases under POCSO Act the Topic "Provisions of POCSO Act with special attention to the allied provisions of the JJ (CPC) Act, Child Friendly Court proceeding, Victimology"	25	24 = ADJs	23 <sup>rd</sup> & 24 <sup>th</sup> October, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
25.	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	20 = 18 Participants & 2 Master Trainers	23 <sup>rd</sup> October, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
26.	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	22 = 20 Participants & 2 Master Trainers	24 <sup>th</sup> October, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
27	Refresher Training programmes for JMFCs on The Topic "Sentencing and compensation, witness protection & fair trial, charge, Recording of statement U/s 164 of CrPC, Procedure of sealing, sampling & Sampling & seizure in NDPS Act Power & Procedure in arraying accused u/s 319 Cr.PC, Appreciation of Evidence".	25	25	4 <sup>th</sup> & 5 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
28	Refresher Training programmes for Civil Judge (Munsif) on The Topic "Specific Relief Act, interlocutory orders, Compromise and execution of decree under CPC, suit for partition and final decree proceeding, Specific Performance of Contract".	25	24	4 <sup>th</sup> & 5 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack <b>Mode of Training</b> Physical Mode

282 Annual Report 2021 High Court of Orissa

Sl.	n .	No. of Par	ticipants	<b>.</b>	Place & Mode of
No.	Programmes	Nominated	Attended	Date	Training
29	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	20 = 19 Participants & 2 Master Trainers	4 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
30	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	20 = 18 Participants & 2 Master Trainers	5 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
31	Induction Training for Research Assistants of the High Court of Orissa	13	13	13.12.2021 to 15.12.2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
32	Refresher Training programmes for Chief Judicial Magistrates on the Topic "General Principles of Criminal Trial, supervision of magistrates & JJBs, GR&CO (Criminal) including inspection of Courts, Sentencing, compensation, speedy trial, Dealing with special category cases".	21	1	18 <sup>th</sup> & 19 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
33	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	20 = 19 Participants & 2 Master Trainers	18 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode
34	Special training programme on the topic "Hands on Training for Judicial Officers in conducting Virtual hearing"	22 = 20 Participants & 2 Master Trainers	20 = 19 Participants & 2 Master Trainers	19 <sup>th</sup> December, 2021	Place Odisha Judicial Academy, Cuttack Mode of Training Physical Mode

# Appendix K

Chief Justice's letters dated 13th April and 10<sup>th</sup> October 2021 to the District Judges

13th April, 2021

## Dear District Judges,

Greetings to you on Maha Sankaranti.

It is three months since I took over as Chief Justice of the High Court of Orissa, I thought it as good time as any to write to you about how we should approach the remaining nine months of this year.

At the outset, I must acknowledge that the last twelve months have been challenging for the judiciary as a whole on account of the COVID-19 pandemic. It has compelled us to adapt to a changed working environment with a combination of virtual and physical hearings. It would be fair to say that the district judiciary in Odisha has responded positively to this challenge with the cooperation of the judicial officers and the staff of the courts. I am writing to you at a time when there is a fresh surge of COVID-19, with uncertainty as to how long this surge is going to last. However, we cannot afford to remain complacent and have to meet the challenge with renewed vigour and fresh ideas.

This letter is a prelude to the interaction I propose to have with each of you by virtual mode on 15th and 16th of this month. You will recall that we had a similar interaction three months ago on 11th and 12th January, 2021. It is possible that we may not have sufficient time to discuss each of the issues and, therefore, I thought it would be useful for both of us for the purpose of follow up, if I wrote a letter highlighting the areas that need your immediate attention.

#### **Old Cases**

I would like to begin with the issue of the pendency of old cases. You are aware that in each of the district judgeships in Odisha there is a sizable number of cases that are more than 10 years old, both in the civil and criminal jurisdiction. For the purposes of understanding the need for a different approach to be adopted by individual Judges in dealing with such cases, we have sub-categorized the old cases as those pending for 10 to 15 years; 15 to 20 years; 20 to 25 years; 25 to 40 years and above 40 years.

The information available with the High Court pertaining to the old cases in your district as of 9th April, 2021 is enclosed with this letter ('A'). I must record my satisfaction at the efforts made by you to bring down the pendency of both the 40-year-old + cases and 25- to 40-year-old cases since we met last in January, 2021. It goes to show that with determination and constant monitoring it is possible to tackle this issue.

What I have understood from each of you during my last interaction on this particular topic is that the broad reasons for the pendency of these old cases are:

- (a) there is stay granted for further proceedings by the High Court.
- (b) the Lower Court Record (LCR)/Trial Court Record (TCR) is pending in the High Court/Supreme Court.
- (c) Some civil cases are execution cases which cannot be closed on account of non-satisfaction of the decree.
- (d) Some are pending for drawing up the final decree in a suit for partition.
- (e) In criminal cases, the warrants for appearance of the accused/ witnesses/guarantors remain unexecuted.

There could be some other reasons as well.

As far as the question of stay granted by the High Court is concerned, after the judgment of the Supreme Court in *Asian Resurfacing of Road Agency v. Central Bureau of Investigation*, a copy of which is available with each of you, the question of automatic extension of such stay after a lapse of six months does not arise. In a subsequent order dated 15<sup>th</sup> October 2020 in an application in the same case, the Supreme Court clarified: "Whatever stay has been granted by any court including the High Court automatically expires within a period of six months, and unless extension is granted for good reason, as per our judgment, within the next six months, the trial Court is, on the expiry of the first period of six months, to set a date for the trial and go ahead with the same."

Therefore, these old cases have to now proceed as if the stay earlier granted has not continued beyond six months on the strength of the above judgment of the Supreme Court. I would urge you to continue to remind all the judges in your judgeship of the changed legal position and ensure that these types of cases are taken on priority basis and very short adjournments, not exceeding one/two weeks at a time may be granted and again not beyond 2/3 months. I am sure that this procedure is already being adopted as is evident from the pendency of these old cases having come down considerably in the last three months. However, I am highlighting this only to ensure that our concerted efforts in this direction continue unabated.

On the issue of return of LCRs, you must have noticed that the High Court registry is digitizing the LCRs/TCRs and sending back the original to the concerned judgeships. The statistics in this regard as far as your particular judgeship is concerned, as of 9<sup>th</sup> April, 2021 is enclosed herewith ('B´). I would urge you to cross-verify the details and revert to the High Court not later than 1<sup>st</sup> May, 2021 of the number of LCRs, not limited to the 25 years + and 40 years cases, generally all cases, which are still in the High Court and require to be sent back. This will help the High Court registry to trace out the said LCRs and return them after digitization.

I would suggest that old execution cases can be brought to a close with a judicial order giving reasons why no useful purpose will be served in keeping it pending and giving liberty to parties to

revive it if the circumstances so warrant. However, this is only a suggestion and not a direction and it is for the judicial officer concerned to do what he or she considers appropriate in the circumstances.

So far as old criminal cases, for refreshing your memory, I may quote Rules 326 and 327 of the GRCO (Criminal) Vol.-I, which read as under:

"326. Dormant File – Records of the following categories of cases shall be transferred to the "Dormant File" and from the date of such transfer they shall not be shown in any periodical returns.

- (a) All cases where action has been taken under Sections 82 and 83 Criminal Procedure Code and evidence of witnesses, if any, for the prosecution has been recorded under Section 299 of the Code of Criminal Procedure.
- In cases where during a period of one year from the first date of issue of process, repeated attempts to serve summons and warrants have failed on account of the fact that the whereabouts of the accused is not known and the prosecution is unable to furnish any further particulars about the whereabouts of the accused.
- (c) In police cases where action under Sections 82 and 83, Criminal Procedure Code has been taken, but the proclamation and attachment have not been effected by the police during a period of three months from the date of issue of such proclamation and attachment.
- Where the address of the accused is not furnished by the prosecution within a period of three months from the date of institution of the case.

327. After the appearance or the production of the accused, the concerned Court of Session or Magistrate would call for the record from the Dormant file and shall proceed with the case according to law in its original number and thereafter show the case in the periodical returns."

The above rules make it clear as to what kind of cases should be treated as "Dormant cases", which shall then be transferred to the 'Dormant file'. What is important is that after such transfer to the 'dormant file', they shall not be shown in any periodical returns. Under Rule 327, the circumstances under which such 'dormant file' can be revived is well indicated.

Rules 328 and 329 of the GRCO (Criminal) are also relevant as regards maintaining register of such 'dormant files' is concerned.

I would urge yourself and all judges of your judgeship to strictly follow the above rules for the purpose of transferring cases to the 'dormant file' category. Once it is transferred to the 'dormant file' it should not form part of the pendency figures. This may be strictly adhered to.

In the next three months i.e., before 1st August, 2021 we should ensure that there is substantial disposal of the 25 plus years and 40-year old cases so that it is brought down by half. I would like to urge you to ask each of the judges of your judgeship to personally scrutinize the year old cases

to find out what are the actual reasons for the delay in their disposal and take steps accordingly, and to have a ready reckoner of the statistics of such pending old cases on their desks, so that on daily basis the judges will remind themselves that these should be given priority.

I would urge you to use your resources to collect statistics on the disposal of old cases i.e., 10 years + cases, judge-wise, on a fortnightly basis and send them to the Chief Justice's Secretariat by email with a copy marked to the concerned Administrative Judge and the Registrar (Administration).

May I remind you that after the facilities launched on 5<sup>th</sup> April 2021, all the communications from the High Court to the district judiciary and vice versa are expected to be only in electronic mode. I request you to adhere to this requirement in future. Even inter se communications between you and the judges in your judgeship should be only in the electronic mode, except where the network/connectivity is poor.

## **Digitization and Computerization**

You are aware that it is proposed to commence the exercise of digitization of Court records in four district judgeships, i.e., in the Judgeship of Cuttack, Balasore, Sambalpur and Ganjam as pilot projects. While we propose to launch this on 1<sup>st</sup> May, 2021, I would urge that in all district judgeships a review be undertaken to segregate the old records. I am told that the required steps of separating the parts that required to be retained and those that are not, are yet to be taken in some of the district judgeships. This would require a regular visit to the record room to ensure regular upkeep of the records and the proper condition in which they are to be preserved.

Therefore, I would request not only you as a District Judge to undertake this exercise, but each of the judges of your judgeship correspondingly to undertake their exercise and report back to you as to what needs to be done to ensure that the old records are properly categorized, preserved in as good a condition as possible, so that wherever the work of digitization of old records is taken up, it can proceed smoothly.

For increased use of computer resources, the constant updating of the data concerning cases on the National Judicial Data Grid (NJDG) portal, ensuring of availability of digital copies of the orders passed by each court in the judgeships, all steps that required to be constantly monitored and ensured.

If there is more infrastructure needed for segregation of fragile old records, please do not hesitate to let the High Court know, so that appropriate steps can be taken. I am aware that in many of the judgeships, record rooms are already full and there is inadequate space for keeping further records to be preserved. Wherever, this is the position, please let the High Court know immediately along with the suggestions as to how the records can be preserved.

## Infrastructure issues, building projects etc.

I now move to the topic of resources at the disposal of the district judges. Each of you is at present overseeing the completion of various court buildings, residential quarters for judicial

officers and staff. You have been sending monthly reports in this regard. I would request you continue sending these monthly reports of the progress and what more is required to be done in relation to all such infrastructural projects by e-mail to the Chief Justice's Secretariat and the concerned Administrative Judge with a copy to the Registrar (Administration) who will in turn place it before the concerned Committee.

#### Vacancies of various posts in the district judgeships

As you know, in terms of the recent decision of the Full Court of the High Court, pending approval and publication of a new set of rules with regard to filling up various posts of district judiciary, the district judges have been asked to engage the Class-IV staff on daily wage basis. An updated status report of vacancy position and steps taken by the District Judges be sent by 5th of every month to the Chief Justice's Secretariat, with a copy to the concerned Administrative Judge and the Registrar (Administration).

#### Visits to branches in the court premises

I have found that regular visit to the various branches, working areas and premises in the court building helps in ensuring their proper upkeep, sanitation, cleanliness and general conditions conducive to a proper working environment. I would urge you and each judge in charge of a judicial complex, to undertake a similar exercise. This would include ensuring basic hygiene, sanitation, adequate light and air; ensuring that all staff have comfortable table and chairs in good working conditions; that there are proper sitting arrangements for visitors to the court premises and witnesses; good drinking water facilities and clean toilets; that the premises are otherwise accessible and disabled friendly; and there are proper signage(s). The installation of fire safety equipments and an action plan to handle any disaster is also imperative. If you consider it appropriate, you may also form Committee/Sub-committee to examine these issues and advice you regularly on the corrective steps that require to be taken.

### Interaction with colleagues, staff and the Bar

Kindly ensure that the service records of the officers and staff of the judgeships are regular updated and there is no backlog in that regard. This is important for keeping their morale high.

I also urge you to have a regular interaction, if not physically possible, definitely in virtual mode, with all of your judicial officers in the judgeship at least twice in a month, where they can freely express their views on the issues that I have highlighted in the letter. May I suggest that 'virtual roundtables' of judicial officers be encouraged once a month, for e.g., between 3 and 5 pm on a second Saturday of the month, where judicial officers can discuss topics concerning tackling of old cases, issues concerning the staff, the bar and so on. Best practices can be exchanged in such interactions and doubts cleared.

Also please encourage every judicial officer in your judgeship to have interaction with the staff working with them, preferably over a cup of tea, at least once in a month, so that a congenial working environment is created and that channels of communication between the staff and the officers are kept open. This also helps to ease any tension/misunderstanding that can inevitably develop during the course of working. Such interactions facilitate the development of team spirit, which needs to be inculcated in every member of the staff including the judge himself or herself.

There is also a need to inculcate the discipline among the staff. All the judicial officers and staff officers of the court should be at their seats at least half an hour prior to the reporting time of other staff. Discipline can be inculcated only by leading by personal example. The judicial officer himself or herself should arrive in the court premises at least half an hour prior to the commencement of the official sitting time and stay back at least for an hour after conclusion of the official sitting hour to complete all the administrative work.

I would urge all the judges in your judgeship to continue sitting on the dais the entire court working hour, which would definitely send a clear message to the Bar and the litigants that the court takes its functioning seriously. Even dictation can be done sitting on the dais if it is during the court working hours.

Regular interaction with the office bearers of the local Bar Association at least once in a month helps to keep those channels of communications open. All these efforts are to ensure that the atmosphere in the court is welcoming, as far as the litigants are concerned, rather than intimidating and to give out a clear message that the court is for the public and will continue to serve as a public institution upholding constitutional values of equality, liberty and dignity and that no discrimination would be practised.

I may end by drawing your attention to an excellent piece titled 'How to be a Good Judge - Advice to New Judges' by Mr. Justice R.V. Raveendran, Former Judge, Supreme Court of India, which I am sure you and many of the judicial officers have already read. Nevertheless, I find it useful to go back to it every now for guidance. I request you to circulate a copy thereof, by e-mail, to all judicial officers in your judgeship.

I look forward to the interaction with you on  $15^{th}/16^{th}$  April, 2021 by virtual mode. I am requesting the concerned Administrative Judge to also remain present at the meeting.

S.Muralidhar Chief Justice

## Dear District Judges,

Greetings to you during the ongoing puja vacation,

I had last written to you on 13th April 2021 on various issues concerning working of the district judiciary. That was the time when there was a fresh surge of COVID-19 cases. Fortunately, in August this year the regular functioning of the courts could resume. We have been able to persuade the Government of Odisha, during this period, to ensure that all the judicial officers, the staff and their family members in the district and subordinate courts receive two doses of vaccination. I must share with you that the results in this regard have been encouraging. The list indicating the details is enclosed as Enclosure-A. If any of the staff in the district courts have not yet received the second dose of the vaccination, and if you are unable to arrange for it at your level, kindly let the Registrar (Inspection) of this Court know immediately so that necessary steps can be taken to facilitate it.

After the virtual interaction we had on 15<sup>th</sup> and 16<sup>th</sup> April 2021, I have personally visited 14 districts and interacted with the judicial officers. I have also held separate interactions, in the presence of the concerned Administrative Judge of the High Court, with the judicial officers of the remaining districts. At a personal level I have found the interaction very useful. It is good to know that many of the judicial officers are performing to the best of their potential. It is my endeavour to personally visit every district in Odisha before end of this year.

#### **Infrastructure**

You will be happy to know that in the last nine months a number of courts (Enclosure-B) and a number of new court buildings have been inaugurated (Enclosure-C). It is a matter of pride for all of us that on 18th September 2021, Hon'ble Mr. Justice Vineet Saran, Judge, Supreme Court of India and former Chief Justice of the High Court of Orissa inaugurated the modern court complex at Odagaon which is one of its kind. Not only the court buildings but the residential quarters of the judicial officers and the staff are located within the same complex. The new district court buildings at Bhawanipatna, Nawarangpur, Jeypore, Malkangiri and Sonepur are the other recently inaugurated judicial landmarks of Odisha, which we could be reasonably proud of. There are also new judicial complexes inaugurated at the block level. I need hardly say that all of these courts will realise their full potential when they function on a continuous basis with the cooperation of the Bar.

The Building Committee in the High Court for the district judiciary has recently cleared a number of proposals/estimates for improvement of the infrastructure in the district judiciary. The list of such projects in your district is at Enclosure-D. The High Court will, with your co-operation, monitor the progress of these projects to ensure that they are completed within time.

It is a matter of satisfaction that consequent upon our interaction, there is a greater involvement of the judicial officers in the districts in the maintenance of the court complex. As you are aware, High Court has recently decided to permit the District Judges to engage agencies on outsourcing basis for this purpose. We are hopeful that the financial support of the Government for this proposal will be received soon. It is important to ensure that the court buildings are maintained well and continue to serve for the purpose for which they have been erected at considerable cost.

#### **Recruitment of staff**

As regards Group 'C' staff, on the basis of the information available with the High Court, the present status of the advertisement issued and the applications received in the District Courts is enclosed in a tabular form as Enclosure- E. I request you to kindly verify if the information we have for your district is correct and let us know at the earliest if it is not. As far as recruitment of Group-D staff in the district judiciary is concerned, the completion of the recruitment process as per the 2021 Rules will take some time. Till the process is completed, you may continue to engage such staff on daily wage basis for the smooth functioning of your judgeship.

### **Digitisation of records**

I am happy to say that there has been significant progress in the work of digitisation of old records at the four districts viz., Balasore, Berhampur, Cuttack and Sambalpur, despite the interruptions on account of the resurgence of COVID-19. Once we streamline the work of digitisation of records in these centres, we can extend it to the other districts. However, for this purpose, it is essential that the old records are maintained properly. One important factor is that they must be arranged chronologically so that the number of records year-wise as well as court-wise is available. This information should be also entered in the computers and constantly updated.

During my visit to the district courts, and also during my personal interaction, I have learnt that the manner of maintaining records in the district courts is not entirely satisfactory. Not only the racks, but also the shelves in each rack must have clear, legible and visible labels. This has to be done separately for civil and criminal records. I urge you to bestow to your personal attention to this task. We will review the progress in this regard in a separate meeting that I propose to hold for this purpose soon.

#### Malkhana

The condition of the Malkhanas, particularly where the court complex is an old one, for e.g., Cuttack and Puri, requires urgent attention. Many of the items kept in Malkhanas do not have clear labels. It is, therefore, not possible to know whether it pertains to pending cases or disposed of cases. Some urgent steps will have to be taken to dispose of unusable and old articles for which we need the article to be categorised – perishable, weapons of offence, valuables, liquids, narcotics, currency and so on. If the old articles relate to pending cases, may I suggest that a

videograph be taken of the articles from all angles and the clip be played in the presence of the counsel of that particular case to help them identify the article. The proceedings can be drawn up in the presence of counsel and the video clip itself can be encrypted with a hash value. I request you to send in your response to this proposal within ten days. After examining your responses, a standard operating procedure will be drawn up and sent to all of you.

I may share with you that we are trying to redevelop the Malkhana attached to the Cuttack District Court on pilot basis with the help of the Police. I am hopeful that if the pilot project succeeds, we develop a methodology to improve the maintenance and upkeep of Malkhanas in other courts in the State of Odisha.

## Pendency of 'Year old' Cases

I next turn to the topic that has troubled us the most. It is the pendency of 'year old' cases. While it is a matter of satisfaction that with the concerted efforts of all of you in the District Courts, we have been able to make some progress in disposal of 'year old cases', after the lockdown was lifted in August, 2021 there is much to be done on this account. I am particularly concerned about year old cases on the criminal side involving grave offences including those punishable under Section 302 IPC, under Section 376 IPC and allied Sections, under the POCSO Act, under the NDPS Act and the cases involving nearly 20,000 under-trial prisoners. As far as civil cases are concerned, again apart from execution cases and final decree cases, there are title suits which are pending for nearly three decades in some of the courts. A variety of reasons have been put forth to explain why there is continuing delay in disposal of such cases. The reasons include non-cooperation of the lawyers and stay orders granted by the higher courts including the Supreme Court of India.

For the purposes of the interaction with each of you, my Officers have been working tirelessly to compile statistics with your help. The updated statistics in this regard pertaining to your district available with the High Court as of 30th September 2021 is enclosed as Enclosure-F. I request you to kindly go through the enclosed statements and confirm by e-mail to the Registrar (Vigilance)/ Registrar (Inspection) of this Court before 1st November, 2021 that the said statistics correctly reflect the ground situation as far as your district is concerned. In particular, I would like you to inform them not later than 1st November, 2021: (i) Is the physical verification of records in each of the Courts in the outstations and the headquarters complete? (ii) The number of records found missing, with civil and criminal being indicated separately, Court wise; and (iii) What steps have been taken in regard to the missing records?

Each of you has to confirm that wherever there was a stay order preventing further progress of the case, whether civil or criminal, the Judicial Officers have treated such stay orders as vacated in view of the judgment of the Supreme Court in Asian Resurfacing of Road Agency v. Central Bureau of Investigation. Wherever information was awaited from the High Court, we have been

working to inform the concerned Court the current status of the corresponding case in the High Court. Despite this, there are still some cases where no information is available even with the High Court. The enclosed chart (Enclosure-G) indicates in which cases the LCR is not available. If this pertains to the pending cases, immediate steps will have to be taken to reconstruct the LCR at your end. May I request you to confirm this by a separate e-mail before 1stNovember, 2021 and whether the concerned Court has commenced the process of reconstruction of the LCR?

I request you to also inform the Registrar (Vigilance)/Registrar (Inspection) before 1<sup>st</sup> November, 2021 how many cases have been shifted to dormant file between 1<sup>st</sup> January 2021 and 30<sup>th</sup> September, 2021? If you can give this Court wise that would be helpful. I urge you to continue to remind the Judicial Officers in your districts of the need to apply Rules 326 to 329 of the GRCO (Criminal) Volume-1 as far as the old criminal cases are concerned.

#### **Bar and Bench**

Among the initiatives we have taken in the last nine months, one is the hands-on training of Bar members in the use of the various e-services launched by the e-Committee of the Supreme Court as well as this Court. This launched in the district headquarters at Sambalpur on 21<sup>st</sup> August, at Balasore on 27<sup>th</sup> August, at Berhampur on 3<sup>rd</sup> September, at Cuttack on 11<sup>th</sup> September, 2021, and at Bolangir on 9<sup>th</sup> October, 2021. I urge the Judges in these Districts to draw up a calendar of further training sessions for the Bar at least once in every month for the remaining months of 2021 and all of the working months of 2022. There has to be a continuous ongoing training at least for a year. I must say that this initiative has received a good response from the District Bar. Hopefully, this will go a long way for improving the Bar and Bench relations.

It is very important that for strengthening the judiciary in Odisha the Bar has to be strengthened. We have to facilitate the younger Members of the Bar to improve their skills using technology for the overall efficiency of the judicial system. This will undoubtedly improve access of the litigant public to the Court system and makes it more affordable and efficient.

During my interaction with the office bearers of the thirty District Bar Associations on 1<sup>st</sup>October 2021, at which each of the District Judges was also present, assurances were given by most District Bar Associations, which had not yet resumed full participation, that they would do so after the Puja Vacation. May I request you to confirm to the High Court not later than 1<sup>st</sup>November 2021 that this has happened? If it has not, could you also indicate the reasons?

Many of you have initiated an on-going dialogue with the Bar at the local level and this has certainly helped in the disposal of cases. I urge you to continue to do that. This is essential to keep the Courts working on a continuous basis in order to realise their full potential. May I also request you to draw the attention of the Bar to the fact that the expression "no adverse order be passed" can never really be complied with since any order, even a simple adjournment, is

bound to hurt one party or the other in every case. I also request every judicial officer passing an order granting an adjournment to properly indicate the reasons why the adjournment is being granted particularly if it is on account of a Bar resolution. In other words, the order must reflect the true reasons why the adjournment is being granted.

## Use of technology in courts

Another initiative launched in the last few months is the hands-on training for the Judicial Officers. This is to coincide with one another major initiative that is going to be launched on 1st November, 2021 where we will have two model virtual Court rooms one in Angul and the other in Nayagarh District. The idea is to encourage the Judicial Officers to adopt the virtual mode for speeding up the trial in sensitive cases. This will obviate witnesses having to travel long distances and wait with uncertainty in the Court premises. The success of this experiment will teach us whether we can adopt and adapt these techniques for improving the efficiency of each and every Court in the Districts in Odisha.

The response to the hands-on training of the Judicial Officers has also been very encouraging. The idea is to provide such training to each and every Judicial Officer in the next few months. I must take the opportunity to thank the master trainers who have participated with these efforts and owe them a debt of gratitude for tirelessly working beyond the call of duty for this purpose. The list of master trainers is enclosed with their mobile number under Enclosure-H. They can be reached at any time by the judicial officers for any doubt still they may have on the working of the virtual Courts.

As indicated in the interactions, it is necessary for the Judicial Officers to make sure that the figures on the National Judicial Data Grid (NJDG) website tallies with the figures on the ground in terms of the number of cases pending in each Court. Also, it should be the responsibility of every judicial officer to ensure that all the up-loadable orders are in fact uploaded promptly. Judicial officers should also be encouraged to regularly visit the NJDG website for better case management and Court management. They should also be proactive in examining the performance of their contemporaries in other Districts in Odisha as well as in other States in India so that they can set for themselves higher benchmarks to achieve.

## Functioning of the legal services authorities at the district level

Lastly, I may make a mention of the functioning of the Legal Services Authorities at the District level. There is a legal awareness drive launched by the National Legal Services Authority on 2<sup>nd</sup> October, 2021. An intense awareness drive is expected to be undertaken at every level of the State judiciary till 14th November 2021. May I request you to take a special interest in this regard and involve a wide cross section of society, to enable visits by the Para Legal Volunteers (PLVs) and other legal services support staff so that every village in the State of Odisha is covered by these awareness programmes. Likewise, the holding of Lok Adalats at the level of the District can be facilitated if you are able to send a feedback to the Odisha State Legal Services Authority on a need for having special drives in particular types of cases, e.g. N.I. Act cases, Land Acquisition cases or Motor Vehicle Act cases etc.

#### Other issues

I request that, where not already done, in every court complex, at the entrance, the Preamble of the Constitution of India, both in English and Odia, must be prominently displayed.

The DLSAs shall ensure that the text of Article 39A of the Constitution of India both in English and Odia is displayed at a conspicuous place in the office of the DLSA.

I am sure that with the collective efforts of all of us, we can improve the overall functioning of the judiciary in Odisha. We owe this to the people of Odisha for whom, we as an institution discharge our responsibilities in accordance with the Constitution.

> S.Muralidhar Chief Justice





