

FRIEND OF JUDICIARY ENEMY OF BACKLOG CASES



BY: H.C. ARORA ADVOCATE

MUSKAN LAW HOUSE

**FRIEND OF JUDICIARY
ENEMY OF BACKLOG CASES**

By

H.C. ARORA ADVOCATE

Muskan Law House

FRIEND OF JUDICIARY ENEMY OF BACKLOG CASES

H.C. ARORA ADVOCATE

© Publisher

Publishing by:-
Muskan Law House
Ground Floor, Near Public Lift,
Judicial Court Complex, Ludhiana.
M.: 96536-70787

E-mail : muskanlawhouseludhiana@gmail.com

Website : www.muskanlawhouse.com

Online Sales: www.muskanlawhouse.com

2023

This book is intended to provide information. It is sold with the understanding that the publisher and author are not engaged in rendering legal, accounting, or other professional services. If legal or other expert assistance is required, the services of a competent professional should be sought. This book is not a substitute for professional legal advice. The contents of this book should not be used as a substitute for professional legal advice. The information in this book is provided —as is— without warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability, fitness for a particular purpose, or non-infringement. The publisher and author shall not be liable for any damages arising from or in connection with the use of the information contained in this book.

FORE WORD

One cannot close eyes to the reality that in our Country, the Judicial System is crumbling under the weight of backlog of cases. Even those cases which were filed about 3 decades back are not being listed for hearing. Many Advocates have even lost touch with their clients for the last several years. Reason being - the shifting of most clients to new addresses, the disconnected old phone numbers and even the heavenly abode of a chosen few. The fundamental right of access to justice is clearly meaningless for such people. If the decision of the case pertaining to dismissal of an employee, is pronounced after his death, that would certainly deprive such a person of his right to life or livelihood as guaranteed under article 21 of the Constitution of India.

Even otherwise, due to the adjourning of cases for over-stretched periods, the pleadings are mostly left unnoticed for prolonged durations. Resultantly, the litigants feeling harassed. Since the Judicial System is the last resort for an aggrieved person, he knocks at the door of the Hon'ble Court with hope to find justice against the unjustified actions of official or non-official officers. However, after treading on the arduous path for getting justice, sometimes he is left of nowhere. I may recall the words of Hon'ble Justice N.C. Jain of the Hon'ble High Court of Punjab and Haryana, who made an observation in the open Court to the effect that some people are repenting as to why they did not approach the Hon'ble Court, while others are repenting as to why they have approached the Hon'ble Court.

I may reassert that the Judicial System is crumbling under the weight of backlog of cases. But I do not intend to substantiate my words by quoting figures or data. I have penned down this small booklet to share my views with those of my friends, Hon'ble Advocates and Hon'ble Judges, who are already aware of the ground realities. The aforesaid category of "persons" do not require data in support of the aforesaid observations. They are already putting there might for removal of backlog of Court cases. Perhaps they require

some “out of the box” solutions. This small booklet is dedicated to them.

I do not hesitate even for a while to accept that I am a strong supporter of the independence of the judiciary. The attempts made by the government from time to time to weaken the Judicial System shall not be appreciated. I fully appreciate the efforts being made by the Hon’ble Chief Justice of India Sh. D.Y. Chandrachud, for ensuring the independence of the Judicial System. We all have to come together to strengthen the Judicial System. This booklet is a small step in the aforesaid direction.

H.C.ARORA,
ADVOCATE,
2299, Sector 44-C, Chandigarh-160047
M-98140 13764
E-Mail: hcarora.highcourt@gmail.com

INDEX

Chapter No.	Title	Page No.
1	Status And Direction of Backlog	1
2	Discussions With Bar Associations	3
3	Strikes By Bar Associations	5
4	Big Issues, Senior Advocates, Lengthy Arguments	6
5	Sit-Stand By Court Master	7
6	Completion of Pleadings (Role of Registrar)	9
7	Filing of Affidavits During Hearings	11
8	Unnecessary Parties	12
9	Appointment of Ad Hoc Judges	14
10	Criteria For Elevatin of Judges	16
11	Double Benches	18
12	Subject-Wise Adjoining Court Rooms	20
13	Vacations In The Courts	22
14	Delay In Getting Justice	25
15	Litigation Policy of The Punjab Government	28
16	Litigation Policy of The Haryana Government	30
17	Mediation And Conciliation	32
18	Public Interest Litigation (PIL)	33
19	Haryana State Litigation Policy – 2010	35
20	Punjab Dispute Resolution & Litigation Policy 2018	54

CHAPTER-1

STATUS AND DIRECTION OF BACKLOG

In regard to the status and direction of the backlog of Court cases, pending in the Hon'ble Courts, such data can be viewed on the website of "National Judicial Data Grid". However, I am more concerned about my own Hon'ble High Court because almost every day, I face the rage and disappointment of my clients. When they are informed of their case in the Court having been adjourned for 6 or 7 months, they either take a deep sigh in disappointment or sometimes I have to listen to their harsh words as well. Many a times, the feeling of accepting the defeat and quitting the legal profession engulfs my mind. However, I again resurrect myself by saying "We shall fight-We shall win". Anyway, one swallow does not make a summer. I alone cannot do much in this direction. There is a deep and dense forest ahead of me. There is pitch darkness. The Judicial System of my Country is crumbling under the weight of the backlog of cases. The Hon'ble Chief Justice of India is exhorting the lawyers to support him in his endeavour to rejuvenate the Judicial System. Hon'ble CJI has shown some results also over the past few weeks. The number of cases pending in the Supreme Court of India has slightly decreased. This is something reassuring for me. Not only for me, but this is indicative of relief for all those Countrymen, whose cases are pending for decision in the Hon'ble Courts of my Country. If I may try to have a look on the status and direction of the cases pending in my own Hon'ble High Court, that may be quite appropriate. The English newspaper "The Tribune" in a research-oriented news report, which is based upon analysis of the data available on the website of "National Judicial Data Grid", has given an overview about the true dimensions of this problem. According to Mr. Saurabh Malik, the author of the article, as many as 4,47,866 cases were pending in my own Hon'ble High Court in the beginning of January this year. Approximately that many cases were pending as a backlog in previous January also. Around 16,000 cases in this backlog have been pending for the last 20 to 30 years. I am happy to disclose that despite facing the Covid situation, my

Hon'ble High Court did not allow the pendency of the Court cases to increase. However, for tackling the backlog of 4.5 lakh cases pending in my Hon'ble High Court, a decisive war will have to be declared on Backlog of cases.

CHAPTER-2

DISCUSSIONS WITH BAR ASSOCIATIONS

The advocates are regarded as Officers of the Court. The Hon'ble Advocates practising in various Courts have their separate Associations. These Associations are devoted to the welfare of the Hon'ble Advocates and take appropriate steps from time to time for their welfare. No Hon'ble Court can effectively function by inviting confrontation with the Bar Associations. However, it is unfortunate that perhaps none of the Hon'ble High Courts has ever had any formal meeting with any of the Bar Associations, for the purpose of tackling the backlog of Court cases pending in the concerned Hon'ble High Court. It is undoubtedly true that the Hon'ble Judges are also well aware of the ground realities and the reasons for pendency of the Court cases, and they are working round the clock to tackle the same. I personally know some Hon'ble Judges who are sitting in their Court Room even up to 10 PM, along with their staff, for doing the judicial work. Such Hon'ble Judges are taking a risk for their own health, only for delivering justice in time. However, it is also a stark reality that the Judicial System can give better results for tackling the backlog of the Court cases, by seeking cooperation from the Bar Associations, because the Bar Associations are also equally concerned about the backlog of Court cases. I have been able to collect some information on the above issue, by filing applications under the Right to Information Act in the offices of the Public Information Officers of various Hon'ble High Courts. The Hon'ble Orissa and Madras High Court have informed me that the information sought by me (about any meeting held with High Court Bar Association during the last ten years on issue of Backlog of cases) is of confidential nature and the same therefore, cannot be supplied to me. The Hon'ble Karnataka High Court has replied to me that no such information, like holding of meeting with Bar Associations for tackling the backlog of Court cases, is available on the record. Hon'ble Meghalaya/Shillong High Court has replied to me that no such meeting has been held with the High Court Bar Association during the last 10 years. Hon'ble Sikkim High Court (Gangtok) through its Public Information Officer has replied to

me that no such discussion with Bar Association has ever taken place till date. The response from other Hon'ble High Courts is awaited. The long and short of what I am trying to convey is that the Hon'ble Lawyers and their Associations are the most affected parties, in regard to the problem of Backlog of Court cases. They are the real stakeholders. While devising a strategy to tackle the Backlog of the Court cases, the Lawyers and their Bar Associations cannot be ignored. The officers working in the Judicial System, who are responsible for devising the strategy to tackle the Backlog of Court cases, should immediately take the concerned Bar Associations into confidence, in order to make serious efforts in this direction.

CHAPTER-3

STRIKES BY BAR ASSOCIATIONS

This is a very serious issue. Many times, the functioning of the Hon'ble Courts gets stalled for months together on account of such strikes. Eventually, the Hon'ble Chief Justice concerned takes a judicial notice of such strike, and intervenes in it in a decisive manner, leading to withdrawal of the strike. No mechanism has been devised either in the Subordinate Courts or in the Hon'ble High Courts, for pre-empting the situation that may lead to announcement of strike. It is the dire need of present times that some Coordination Committee comprising the Hon'ble Judges of the Administrative Committees of the Hon'ble High Courts and those comprising the office bearers of the High Court Bar Association should be set up, to hold meetings on a regular basis. Any problems confronted by either side during the intervening period can be discussed in such meetings. Even then, if there is any indication of a troublesome situation, the Coordination Committee shall swing into action and take preventive steps for averting the strike. In case it may be necessary to initiate proceedings on the judicial side, the Coordination Committee may make appropriate recommendations to the Hon'ble Chief Justice to take cognizance of the problem on judicial side. The aforesaid permanent mechanism, or perhaps even much better mechanism than the above, must be devised, so that the strikes with Bar Associations do not take place, and the backlog of Court cases may be tackled effectively. By mooted this suggestion, I have just taken a small step in the aforesaid direction.

CHAPTER-4
**BIG ISSUES, SENIOR ADVOCATES,
LENGTHY ARGUMENTS**

We have generally seen that there are very lengthy arguments in some cases in the Hon'ble High Courts, with the result that the other Lawyers who have to appear in subsequent cases, are just held like hostages, and have to endlessly wait for their turn. These cases are better known as commercial cases. Arguments might continue for hours in such cases. Sometimes, such cases continue for several days, and except the urgent cases, all other ordinary motion cases listed on that date have to be adjourned, in order to hear arguments in such commercial cases. Whether some higher amount of fees should be levied for registration of such cases, was one of the suggestions that informally came up for consideration before the Hon'ble Supreme Court of India, but that was rejected, because the business enterprises or the business men, who can well afford to pay any amount of fee to their Senior Advocates, will obviously be ready to pay whatever amount of the fee they may be required to be paid to prioritise their cases.

The Hon'ble Judges can hardly persuade Senior Advocates from continuing with their lengthy and repetitive arguments. Further suggestion was also received that before starting arguments in such commercial matters, the Advocates concerned may be asked to state as to how much time they would take for completing their arguments and their time be accordingly fixed for the purpose of arguments to be addressed by them. However, the aforesaid suggestion was also not found to be practicable. The matter stands at that. Undoubtedly, sometimes, such commercial cases are of very urgent nature, and any delay in hearing of any such case may result into huge financial loss to the concerned party. However, one cannot close eyes to this stark reality that by giving preference in hearing to such commercial matters, our Judicial System, which is already crumbling under the weight of the backlog of cases, will suffer even more due to the excessive consumption of time.

CHAPTER-5 **SIT-STAND BY COURT MASTER**

A practice is continuing for the last several years in the Hon'ble Courts. The Court Master calls out each case turn by turn. Every time, he stands up on his seat, and hands over the Court file to the Hon'ble Judge. Immediately thereafter, and before calling out the next case, he records the next date of hearing in the previous case. Thereafter, he makes manual notes of every case, like "adjourned" "notice issued", "disposed", "dismissed", "passed over" and "interim order issued". He does so because he may be in a position to detect and correct the errors, if any, when the interim order/ order typed by Stenographer comes before him for checking. Thereafter he calls out the next case. During this period, he is visibly tense, as he continues to receive chits from learned advocates asking for status of their case, (whether adjourned or passed over), if they could not attend their case for any reason. This ritual continues for the entire day. In this manner, it almost takes 10 seconds to move forward from one case to the next. Some of the Hon'ble Judges, in order to avoid the wastage of their precious time, get 20 or 30 files of the cases placed before them, on their right-hand side, and while the Court Master calls out the next case, the Hon'ble Judge picks up the file of that case, and starts reading. I have seen this much appreciable practice being followed in the Hon'ble Supreme Court also. However, such a practice is confined only to a handful of Hon'ble Judges in the Hon'ble High Courts. As per my assessment, in case the ritual of handing over the Court case file by the Court Master, in every case, is discontinued, and the files are kept on the right-hand side of the Hon'ble Judge, in blocks of twenty or thirty at a time, to be picked up as and when the next case is called out, that would result into saving of around 10 seconds per case. Thus, in case there are hundred cases listed before the Hon'ble Judge on a particular day, in that event, around 16 minutes' time over the entire day is likely to be saved in each of the Hon'ble Courts. In case the total time to be saved in 50 Courts in the Hon'ble High Court is computed, that would come out to 800 minutes, meaning thereby that around 13 Court hours shall be saved. In other words, by adopting

such a practice, time equal to the working hours of 3 Hon'ble Judges is likely to be saved every day in the Hon'ble High Court. It may not be inappropriate to say that each and every minute of the Hon'ble Courts is precious, particularly because the Judge-Population ratio in our Country is much less than the one prevailing in other Countries. Our Judicial System is crumbling under the weight of backlog of cases and even small savings of time in the above manner are quite significant. Moreover, the Court Master gets relieved from unnecessary tension.

CHAPTER-6
COMPLETION OF PLEADINGS
(ROLE OF REGISTRAR)

Before hearing the arguments from the Lawyers of both sides, the Hon'ble High Court has to ensure that pleadings in the concerned case are complete. In other words, the Hon'ble Judge is to ensure that a reply from the respondents' side has been received, before the arguments are heard in that case, and wherever required, rejoinder is also filed by the petitioners/appellant side. This process is known as "Completion of Pleadings". In some of the Hon'ble High Courts, this process is undertaken by the concerned Registrar. In some of the Hon'ble Courts, this process is completed by the Hon'ble Judges themselves in the open Court. In the latter cases, a lot of time of the Hon'ble Court is consumed in completion of pleadings, which would otherwise have been utilised by the Hon'ble Court in effective hearing of the cases. An experiment has been attempted in the Hon'ble High Court of Punjab and Haryana at Chandigarh on a few occasions, by entrusting the work of completion of pleadings to the concerned Registrar, but the experiment could not succeed, whereas the same is being successfully done by the concerned Registrars in some other Hon'ble High Courts. This process is entrusted to the Registrar even in the Hon'ble Supreme Court of India. In my opinion, a lot of valuable time of the Hon'ble Court is wasted in getting the pleadings completed by the Hon'ble Judges in open Court. Many times, it happens that the process of completion of pleadings by the Hon'ble Judge takes 1 or 2 hours, which would otherwise have been utilised by the Hon'ble Judge for effectively hearing arguments. While writing these lines, I have noticed that on one particular day (29.03.2023), around 50 incomplete cases were listed before a particular Hon'ble Judge, and around 3 hours' time of the said Hon'ble Judge was consumed in the process of completion of pleadings alone. This is thus, a very serious situation, of which the solution must be found at the earliest. Not only that, as per the present practice, since the Hon'ble Judges are unable to hear all the cases on merit, they have to adjourn the cases for very long dates, so that on the next date of hearing, only a certain number of manageable

cases are listed, to be heard by the Hon'ble Judge within the Court hours. Thus, the parties to the litigation have to wait for the next date of hearing, for a very long period. Therefore, such a process for completion of pleadings should be entrusted to the Hon'ble Registrars. In case some specific powers are required to be conferred on the Hon'ble Registrar under the High Court Rules and Orders, for successfully completing the proceedings, such powers may be conferred on them by making amendments to the aforesaid Rules and Orders. In conclusion, it is 'us'- the people of our system who shall find a way out of this tangled process because nobody out of our own space would come to the rescue of our complex working system.

CHAPTER-7
FILING OF AFFIDAVITS DURING HEARINGS

This appears to be a very minor issue, but in reality, it is quite the contrary. The practice of the Government side to submit affidavits or the written statements before the Hon'ble Court, during the hearing of the case, is resulting into increasing the backlog of Court Cases. The moment the case is called out by the Court Master, the Respondents' /State Government Counsel hands over the copy of the affidavit or written statement to the Hon'ble Judge, and its copy to the Counsel for the petitioner/appellant, that compels Hon'ble Judge to adjourn the hearing of the case because the Counsel for the petitioner/appellant can effectively address arguments only after perusing the written statement or the affidavit. This is happening in almost every 2 out of 5 cases in the Hon'ble Courts. I can vouch for the fact that such approach on the part of the government is quite irresponsible. In case the Government side hands over an advance copy of the affidavit or written statement to the Counsel of the appellant/petitioner, 3 days in advance of the next date of hearing, that would definitely pre-empt any unnecessary adjournment in the case, on the date of hearing. That would result into expeditious decision of the Court cases.

Having said that, I intend to deliver a message to the Judicial System that the Governments must change their perception and approach towards the Judicial System. The Rules and Orders of Punjab and Haryana High Court envisage that a written statement or a return to the petition answering each paragraph of the petition separately shall be filed in the concerned Branch and a copy shall be delivered to the petitioner or his counsel at least three days prior the date of hearing and the matter will be heard and disposed of, so far as may be possible, on the date fixed, notwithstanding the fact that the written statement or return has been filed or not. This provision requires to be strictly enforced in order to ensure that the respondents/ Government does not thrust such unnecessary adjournments on the Judicial System.

CHAPTER-8

UNNECESSARY PARTIES

I was just sitting in the Court of a Hon'ble Judge, in our Hon'ble High Court. Suddenly, I saw that the Hon'ble Judge was giving some valuable suggestion to the concerned Lawyer. The Hon'ble Judge observed "Mr. Advocate why have you impleaded Senior Superintendent of Police in these proceedings pertaining to a revenue matter?" Obviously, the Lawyer concerned could not explain the purpose of impleading the SSP in a case relating to Revenue Law. Then the Hon'ble Judge explained to the learned lawyer that by impleading such officers or institution as respondents in the Civil Writ Petition, a situation is being created where the delay is bound to take place in completing the pleadings, as every respondent has the right to reasonable opportunity to file his reply affidavit. Thus, by including the unnecessary parties as respondents, you are just adding to the backlog of Court cases. The Hon'ble Judge asked another Counsel "Why have you impleaded Union of India in this case, as your case is against State Government?" The Hon'ble Judge continued to advise the learned Lawyers, one after the other, on this issue. That was a memorable day for me. I saw the Hon'ble Judge giving a piece of advice to a number of learned lawyers, who had unnecessarily impleaded certain persons/ officials as respondents. Then it appeared to be my turn. I had filed a writ petition on behalf of widow who was opposing grant of pardon to Police Officer, who was convicted for kidnapping her husband. The Counsel for Union of India raised an objection that his client (Union of India) was not required to be impleaded in this case, as pardon in the said case, was granted by His Excellency, the Governor of Punjab. My explanation was that the concerned Police Officer having been convicted by a CBI Court, therefore, the Union of India was also consulted by the Hon'ble Governor before granting pardon to him. The Hon'ble Judge did not make any comment. I cannot say at this stage as to whether the Hon'ble Judge was satisfied with my explanation or not. The issue whether Union of India was rightly impleaded as a respondent in that case or not, would be clear when the Hon'ble Court will finally hear

the arguments. Nevertheless, the message is loud and clear to me that by making unnecessary parties as respondents, we are ourselves delaying the adjudication of our cases.

CHAPTER-9 **APPOINTMENT OF AD HOC JUDGES**

Under article 224-A of the Constitution of India, the cases of retired judges of the Hon'ble High Court may be considered for appointment on ad hoc basis against the post of permanent Judges lying vacant, until the appointment of permanent Judges is made after following the appropriate procedure. The backlog of cases pending in the Hon'ble High Courts can be controlled to some extent by availing the benefit of aforesaid provision of the Constitution of India. During the year 2016, the Conference of the Hon'ble Chief Justices of various High Courts had passed a resolution for adopting the aforesaid procedure for appointment of adhoc Judges. However, the said resolution could not be implemented till date. The aforesaid resolution is highly relevant even at present stage. The English newspaper "The Tribune" has published a research oriented article, after analysing the data collected from the website of "National Judicial Data Grid", according to which, in my Hon'ble Punjab and Haryana High Court, at the beginning of the January, 2023, as many as 4,47,868 Court cases were pending. Almost same number of cases were pending as the backlog during January last year. This backlog comprises around 16,000 Court cases, pending for the last 20 to 30 years. Similarly, 1,18,479 cases are 5 to 10 years' old and 94,430 cases are from 10 years to 20 years old. Besides, as many as 27,604 cases filed by the senior citizens are pending before the Hon'ble High Court for adjudication. In our Hon'ble High Court, as many as 21 new Judges were appointed last year. With this, the strength of Judges in our Hon'ble High Court reached 66. On the other hand, 11 Judges were to be retired this year, on attaining the age of superannuation. In case some retired judges are appointed on adhoc basis against these posts being vacated by 11 permanent Judges of the Hon'ble High Court, they can definitely hear the cases that will be allotted to them until the appointment of permanent Judges against the related posts and thereby reduce the backlog of cases to some extent. It is necessary to do so for the reason that the process of appointment of Judges is a time-consuming one. However, it is surprising that the Government does

not appear to be serious on this issue, despite the position of backlog. I would therefore humbly appeal to the Hon'ble Chief Justice of India as well as the Hon'ble Law Minister of India, that the aforesaid resolution passed by the Conference of the Hon'ble Chief Justices in the Year 2016 be implemented without any further delay.

CHAPTER-10

CRITERIA FOR ELEVATION OF JUDGES

It is risky to write a few lines on this subject, under the present times. However, it will be dereliction of duty on my part as a member of legal profession, to remain silent on this issue, at this juncture. Without saying much, I would simply state that it is highly imperative that the Collegium system for appointment of Judges must remain as a part and parcel of the Indian Judicial System, in order to maintaining independence thereof. However, my today's subject is not the procedure for appointment of Judges. It is confined only to the criteria to be adopted for selection of the Judges of Hon'ble High Courts and those of the Hon'ble Supreme Court of India. A few weeks ago, I was watching an interaction of the Hon'ble Chief Justice of India on an electronic channel, in which he stated that during the course of the hearing of various cases in the Hon'ble Supreme Court, they get an opportunity to peruse various judgements dictated by the Hon'ble Judges of High Courts, therefore, they are well aware of the quality of such judgements authored by them. Relying on whatever information I have, I can say that there is no specific criteria for evaluating the contribution of the Judges of the Hon'ble High Court towards reducing the backlog of Court cases pending in the concerned High Court, and therefore, the criteria does not depict their contribution to this cause as an Hon'ble Judge. In addition to the problem of interference by the Government into the Judicial System and the requirement of transparency in the Judicial System, the next most important problem confronting the Indian Judicial System is that of backlog of cases. Therefore, while considering the cases of Hon'ble Judges of High Courts for elevation as a Judge of Hon'ble Supreme Court of India, some importance must be given to the contribution of the concerned High Court in the reduction of the backlog of cases. Similarly, while considering the cases of the Hon'ble Judges working in the District Courts for elevation as Judges of Hon'ble High Court, the Collegium of Hon'ble High Court, may keep the aforesaid criteria in mind, since for reduction of the backlog of Court cases, the dedication and

devotion to eradicate/reduce such backlog may be treated as inherent in the oath of office, to be taken by the Hon'ble Judges.

CHAPTER-11

DOUBLE BENCHES

All the majorly important cases of various categories are heard and decided by the Division Benches in the Hon'ble High Court of our Country. The appeal against the decisions given by the Ld. Single Judges are also heard by the Division Benches. As is clear from the nomenclature itself, there are 2 Judges sitting in the Double Bench. While writing these lines, I may recall those days when I had started my practice in the Hon'ble High Court, after resigning from the service of the Bank. During those days, the number of Double Benches was excessive. Many cases of very ordinary nature were also being listed before the Hon'ble Double Benches for hearing and decision. After a few years, around the year 2005, I had virtually revolted against such situation. I had submitted several representations to the Hon'ble Chief Justice, requesting that unnecessary Division Benches should be disbanded, so that the number of the Single Judge Benches is increased and the cases of less important categories may be listed only before the Ld. Single Judges. I continued this campaign for a number of years. I faced several ups and downs during this campaign. Ultimately, came the time when the Hon'ble Justice Tirath Singh Thakur, the new Chief Justice, who had come from Hon'ble Delhi High Court, on elevation, with one stroke of pen disbanded about half a dozen Division Benches, with the result that a large number of cases of less important categories, started getting listed before the Single Judge Benches. In my opinion, if the aforesaid decision, that was taken several years ago, had not been so taken at that time, then the position of backlog of Court cases in our Hon'ble High Court would have been much more serious than what it is today. I do not think that there is any requirement to disband any more Division Benches in our Hon'ble High Court at this point of time. If at all, there is a scope, the cases of the category "Orders against Appeals (Family Courts)" can be shifted from Division Benches to the Single Benches.

I have authored this chapter for catching the attention of other Hon'ble High Courts, where the cases of various categories which are of much less importance are still being listed before the Division

Benches for hearing, which is resulting into increase in the backlog of Court cases in our Judicial System, which is the result of the number of Judges in our Hon'ble Courts being much less, as compared to their actual requirement.

CHAPTER-12

SUBJECT-WISE ADJOINING COURT ROOMS

It is the prerogative of the Hon'ble Chief Justice as to which Court room is to be allotted to which Hon'ble Judge of the High Court. Perhaps, at the time of issuance of roster of Hon'ble Judges, this aspect was kept into mind that the Court rooms be allotted to Hon'ble Judges in such a manner that the same is convenient to the learned Advocates, practising in different fields or subjects. The purpose was that to the extent possible, various Courts, hearing the service cases may be closeted with each other. Similarly, it was ensured that the Court rooms of various Hon'ble Judges, hearing the civil matters, should also be closeted with each other. Similarly, the Court rooms of the Hon'ble Judges hearing the criminal matters should also be adjoining to each other. However, with the passage of time, and due to repeated changes made in the roster of the Hon'ble Judges, it resulted into a situation that some Court room pertaining to service matter of the Haryana Government employees was allotted on one floor, and another Court room pertaining to the similar service matters of the State of Haryana, came to be located on some other floor in the building of the Hon'ble High Court. For instance, the Court room of the Hon'ble Judges hearing the criminal matters as well as civil matters got mixed with each other. Similarly, the Court rooms of Hon'ble Judges who were hearing the service matters pertaining to Punjab Government employees got located on one floor of the High Court building, and the Court room of the Hon'ble Judges hearing the service matters pertaining to the Corporations, Boards, and Universities, in the State of Punjab, came to be located on some other floor in the High Court building. Same thing happened with the Court rooms of the Hon'ble Judges, who are assigned the service matters pertaining to State of Haryana, and those of the employees of the Universities, Boards and Corporations of the State of Haryana. It is in the aforesaid situation that I wrote a letter to Sh. G.B.S. Dhillon, the President of Hon'ble Punjab and Haryana High Court Bar Association, requesting that the matter be taken up with the Hon'ble Chief Justice because in the present situation, the Ld. Advocates have to run from one floor to

another floor of the High Court building, for attending various Courts, and sometimes, during this hectic race, the cases were adjourned, before the Ld. Counsel could reach the concerned Court or the cases of the Hon'ble Counsels were sometimes dismissed for want of prosecution as the Ld. Counsel could not reach the concerned Court well in time. I am pleased to state that with the intervention of our Hon'ble High Court Bar Association, the problem has been solved.

On the face of it, this problem appears to be a petty one, but this was a problem which confronted most of the Hon'ble Counsels practising in the Hon'ble High Court. I can well imagine that the Ld. Counsels practising in our District Courts, and also in the Hon'ble High Courts and District Courts in other States must be facing similar situations. I have written this chapter for the benefit of all such advocates, who are facing a similar difficulty.

CHAPTER-13

VACATIONS IN THE COURTS

This issue is not only a serious one, but controversial too. However, in view of the subject matter of my booklet, it is necessary for me to state my views on this issue as well. In our Hon'ble High Court, there will be summer vacation from 3rd June to 28 June, in the current year. The Hon'ble Law Minister of India, while participating in a discussion in the Parliament on this issue, has taken strong exception to very long vacations in the Courts of India. The Hon'ble Law Minister of India has also raised the objection that the Hon'ble High Courts and the Hon'ble Supreme Court of India are themselves deciding about the entitlement of the Courts to vacations, instead of such decision being left for the Government. As far as 1st objection is concerned, it requires to be discussed at length however, 2nd objection appears to have been raised just for the sake of objection. By giving the power to the Governments for deciding about the number of holidays/ days of vacation, the Judicial System will become slave of the Governments. Such a situation cannot be permitted in view of the salutary provisions contained in our Constitution pertaining to independence of the judiciary, which is a part of basic structure of our Constitution.

Coming back to the first objection taken by the Hon'ble Law Minister of India, this issue also came up for discussion during a function in which the Hon'ble Chief Justice of India replied to the aforesaid objection. The Hon'ble CJI produced some documents during his address, to substantiate his assertion that the Hon'ble Judges in India enjoy lesser number of holidays than those available to the Hon'ble Judges in other Countries. However, it appears to me that Hon'ble CJI has given incomplete answer. The quantum of leave, or the number of holidays, to which the Hon'ble Judges in other Country are entitled, cannot be examined in vacuum for finding out the answer to this question. What is required to be considered is the number of the Hon'ble Judges in those Countries, and the ratio of the backlog of Court cases in those countries. The Judicial System in our Country is crumbling under the weight of backlog of Court cases. This can also

not be overlooked that the Hon'ble Judges from various States are posted in the Hon'ble High Courts and the Hon'ble Supreme Court of India. They cannot go back to their homes or to their place, to meet their relatives every week or every month. They can do so only during long summer vacation etc. It is also imperative to note that most of Hon'ble Judges have to dictate judgments during vacation, as on working days in the Hon'ble Court, they are so busy that they do not find time to do so. The condition of the Lawyers practising in these Constitutional Courts is all the more worse. The lawyers cannot avail leave even in the state of emergency on a working day. There is nobody to take care of their Court cases, if they have to suddenly take leave. The clients do not appreciate their Counsel availing leave, on the date their cases are fixed in the Hon'ble Court. The Hon'ble Judges and Hon'ble Lawyers require holidays for the sake of their health, so that they may get themselves recharged with fresh energy during such vacations.

Now, I am going to give my views about the long summer vacations. This can also not be overlooked that during the one month-long vacation also, the urgent and emergency cases are accepted and considered by the Hon'ble Vacation Benches. However, it is also a fact that thousands of cases are adjourned, due to such long locations, which were otherwise likely to be heard during this one month long period in the month of June every year. Long vacations undoubtedly add to the backlog of cases.

I would also like to say that it is our legacy and culture to make sacrifices for our Country. When our Country was passing through a grave crisis of shortage of food grains, the Hon'ble Prime Minister, Sh. Lal Bahadur Shastri, exhorted the Countrymen to fast once a week, so that India may not have to beg for food grains from other Countries of the world. The entire Country acted upon the advice of the Hon'ble Prime Minister. It will be a matter of pleasure and pride in case our Hon'ble Chief Justice of India also by showing such a spirit of sacrifice, declares that as a token of their devotion and dedication to the cause of reducing the backlog of Court cases, the summer vacation in the Hon'ble High Courts as well as in Hon'ble's Supreme Court of India, during this year, shall only be for a Fortnight, instead of full

one month, and the Hon'ble Justice of India may request the Hon'ble High Courts also to consider extending the similar gesture. I am confident that the Hon'ble Chief Justice of India, by making such a declaration, shall create a new history on behalf of the Judicial System of our Country, because his Lordship is having a very strong will power and can take any initiative for the purpose of maintaining independence and stability of the Indian Judicial System.

CHAPTER-14
DELAY IN GETTING JUSTICE
(WHY IS PETITIONER PUNISHED?)

LET US TAKE SOME EXAMPLES :

A worker filed a Civil Writ Petition in the Hon'ble High Court in the year 2011, praying for issuance of a writ of Mandamus, for directing the Industry to take him back in service, because while dispensing with his services, the employer had violated the provisions contained in Section 25-G of the Industrial Disputes Act, 1947, by retaining some other junior worker in-service. Not only that, after the services of the petitioner were dispensed by the concerned industry, they had taken back in service, yet another worker, who was junior to him, thereby violating the provisions of Section 25-H of the aforesaid Act as well. The Hon'ble High Court had admitted the Civil Writ Petition filed by him for regular hearing in due course. Now, when the said petition is listed before the Hon'ble Court, for regular hearing, the Hon'ble Court disposes the said writ petition by making an observation that the petitioner has an alternative remedy available to him, and if so advised, he may avail such remedy. What the worker should do in such situation? After wasting the 20 years of his life in waiting for decision of the Hon'ble High Court, he has now been told to approach the Labour Court for getting relief of reinstatement or reemployment, as the case be.

Let us take another example. On sudden death of an employee during service, his son submits an application for grant of compassionate appointment. The Government, on one ground or the other, may be wrong or right, declines to give him appointment. He files a Civil Writ Petition in the Hon'ble High Court praying for issuance of direction to the Government to give him compassionate appointment. For one reason or the other, the petition comes for final hearing before the Hon'ble Court, after about 10 years. The Hon'ble High Court dismisses the writ petition, by making an observation that compassionate appointment is given for the purpose of helping the family in meeting the sudden crisis created on account of death of the bread-earner of the family. Now, more than 10 years have lapsed from

the date of death of father of the petitioner, therefore, no direction can be issued on his prayer for giving compassionate appointment, at this stage. Whether the petitioner should have been punished for delay in the Hon'ble Court, in hearing his case?

Let us take third example. One unemployed person who was arbitrarily and erroneously declared to be ineligible for a particular recruitment, knocks at the door of the Hon'ble High Court. The Hon'ble High Court issues a notice to the other side, in his writ petition. While issuing the notice of motion, the Hon'ble High Court issues an interim order to the effect that "the selection if any in this case shall be subject to the decision of this writ petition". The written statement or the affidavit in the case is filed after 3 to 4 years. The case is listed for hearing before the Hon'ble Court, and the Hon'ble Court is satisfied that the petitioner was fully eligible for participating in the recruitment process. Despite that, the Hon'ble Court makes an observation that now since the recruitment process is complete, therefore, at this stage, no direction can be issued to the respondents to permit the petitioner to participate in the written examination. The petition is accordingly dismissed. Whether this amounts to giving justice to the petitioner?

Let us take a fourth example. A candidate applies for recruitment to a post. He participates in the recruitment process. His name is included in the shortlisted candidates. However, before issuing to him an appointment letter, he is declared ineligible, by observing that there is some defect in the Caste Certificate submitted by him. He knocks at the door of the Hon'ble High Court. Hon'ble High Court issues an interim direction that one vacancy be kept reserved for him. His case is listed in the Hon'ble Court from time to time. The other selected candidates get the order of appointment. By the time the case comes up for final hearing in the Hon'ble Court, the recruitment process is over, and Hon'ble Court issues a direction to the respondents to give appointment letter to the petitioner. The Counsel for the petitioner requests the Hon'ble Court to issue order for giving consequential benefits also to the petitioner, since the less meritorious candidates had already been selected and appointed, a few years ago. The Hon'ble Court rejects his prayer, by observing that he had not

worked on the post during the intervening period. Whether such a decision can be treated as justice?

In all such situations, the million dollar question that arises before us is as to why it is only the petitioner who is always punished for the delay in the Judicial System to give justice? As a member of legal profession, I disagree with any of the aforesaid four decisions. In these cases, justice has not been served, but rather killed. In such situations, any other Hon'ble Judge might have given a different decision. Be that as it may, it cannot be denied that it is only the Judicial System which is responsible for such situation, because the cases do not come up for a very long time for final hearing. Many times, on account of the delay in the Judicial System, the decision itself becomes irrelevant. Then one would suddenly exclaim "Oh my god, You have blessed me too late".

CHAPTER-15

LITIGATION POLICY OF THE PUNJAB GOVERNMENT

Like other State Governments, the Punjab Government has also framed a litigation policy, which is titled as "Punjab Dispute Resolution and Litigation Policy-2010". The object of this policy is to tackle the backlog of cases pending in the Hon'ble Courts. It is conceded in the policy that the State Government is the biggest litigant in the cases pending before the Hon'ble High Court. The policy talks about the development of an alternative system for expeditious resolution of the disputes pending before the Hon'ble High Court. The policy also speaks about reducing to the minimum the appeals that are required to be filed in the Hon'ble Supreme Court of India against the decisions of the Hon'ble High Court. As per the policy, where in similar cases, some judgement has been rendered, then the State Government would refer to that judgement rendered in the similar case, while filing the written statement or reply affidavit, on the first date of hearing of the case after the issuance of notice of motion. It is also stated in the policy that it should be the endeavour of the concerned officer to give prompt reply to the legal notice served by the aggrieved party, and as far as possible, endeavour should be made to resolve the dispute, before it takes the shape of litigation. It is also stated in the policy that the Law Officers of the Government shall not ordinarily make any request in any case before the Hon'ble Courts, for getting adjournment. The concerned Department shall file its reply in the cases, on the very first date fixed for hearing, after issuance of notice of motion. However, in complicated cases, the endeavour should be to submit a reply in the Hon'ble Court, within a period of 12 weeks at the maximum.

The reality about implementation of this policy is before all of us. It has become habit on the part of the Law Officers of the State Government to continue to pray for adjournment, some times for 3 to 4 years, for filing written statements in a number of cases. As regards the similar cases, an Officer of the State always tries to distinguish the facts of the present case from those which were there in such similar case. In response to some very minor query by the Hon'ble High

Court, the stock reply by the Law Officer of the Government would be "Kindly allow me a short accommodation to seek instructions from the Government". There is no provision for taking any strict action against the officers for violation of the provisions of the aforesaid policy. In most of the cases, the Government does not file its reply in cases, until the Hon'ble Court issues some strict interim order, or orders that no further opportunity shall be granted for filing reply, or issues some interim order to the effect that in the event of reply not being filed before the next date of hearing, so much amount will be imposed as cost for delay in filing the reply. However, despite all this, the number of backlog of cases in the Hon'ble high Courts is increasing. In my humble opinion, until the Hon'ble Courts strictly discipline the Governments in the matter of filing of reply/affidavits within a prescribed time period, till then it will not be possible to tackle with the backlog of cases.

CHAPTER-16

LITIGATION POLICY OF THE HARYANA GOVERNMENT

The Haryana Government's Litigation Policy-2010 also declares that the object of policy is to tackle with the backlog of the pending cases. It is stated in the policy that Haryana Government shall present itself as a responsible litigant before the Hon'ble Courts. Like the policy of the Punjab Government, the Haryana Government's policy also declares that an alternate dispute resolution system shall be developed, and broad outlines of such alternative system of dispute resolution are stated in the framework of the policy itself. The endeavour, as stated in the policy, is that before the dispute takes shape of litigation, it may be resolved through mutual understanding. Further, like the policy of the Punjab Government, this policy also states that immediate steps would be taken to resolve the dispute, or to give reply, as soon as a legal notice is received from aggrieved party. The policy reiterates that in case some dispute is covered by some earlier decision in some similar case, in such situation, it would be worthwhile on the part of the Department to accept the claim of the aggrieved party outside the Court itself. This policy framed by the Haryana Government appears to be "Cut Copy-Paste Copy" of the Punjab Government Policy on litigation, or vice versa. This policy does not support any attempt on the part of its department to seek adjournment in any Court case. The policy declares the resolve of the Government to submit its reply affidavit in the Hon'ble Court, on the very first date of hearing, after issuance of notice by the Hon'ble Court. The policy states that strict action shall be taken against the officers who are found to have violated it.

Undoubtedly, the policy is very beautiful, when seen or read. However, even after lapse of more than 10 years, when the policy was framed, it cannot be said that the policy has produced any substantial results.

The backlog of Court cases in the Hon'ble High Court is going out of control. In case this backlog has to be controlled, then some new weapons of war would have to be discovered. The bull has to be taken

by horns. Some “out-of-the-box” solutions of the problem have to be found.

CHAPTER-17 MEDIATION AND CONCILIATION

It is my personal experience that the Mediation and Conciliation is a very effective process for resolving the disputes. Thanks to the intervention by some tactful mediator, the parties involved in the dispute are able to understand the view point of each other, as a result of which a meeting point is traced for arriving at an understanding. Both sides go back to their homes, after resolving the dispute, without any feeling of defeat.

However, as regards the contribution of the Mediation and Conciliation system in tackling with the backlog of the Court cases pending in the Hon'ble Court, this is very minimal. By availing the process of Right to Information Act, I have gathered some data from some Hon'ble High Courts. The Hon'ble High Court of Kerala has disclosed that in the duration of 8 years from 2015 to 2022, as many as 7885 disputes were referred to the Mediation and Conciliation Centre, out of which only 2030 dispute could be resolved. As per the information received from the Hon'ble Madras High Court, during the last 10 years, from 2013 to 2023, as many as 20358 disputes were referred to the Mediation Centre, out of which only 3695 disputes could be resolved by the concerned parties. The number of the backlog cases in this Hon'ble High Court, up to January, 2023 is as many as 2,31,805. The information collected from Hon'ble High Court of Sikkim (Gangtok) shows that 46 disputes were referred for Mediation during the last ten years, out of which only 10 disputes could be settled. The information from other Hon'ble High Courts is yet to be received.

CHAPTER-18
PUBLIC INTEREST LITIGATION (PIL)

The policy pertaining to Public Interest Litigation also finds mention in Haryana Government's Litigation Policy-2010, which states as under:

"8.Public Interest Litigations:

Where the State Government receive notices regarding Public Interest Litigation, the Government, even before filing of the written statement/ response, if it is required to do or to take some immediate steps to do the needful as per the averments in the writ petition, then the Government must take all remedial measures to do the needful and then status report may be filed along with the response on the first date of hearing. It would save the time of the Government as well as of the Hon'ble Courts."

As regards the policy of the Punjab Government, in para No. 9.2 thereof, the perception and approach of the Haryana Government towards Public Interest Litigations is stated as under:

"9.2 Public Interest Litigation (PIL):

Public Interest Litigations must be approached in a balanced manner. It is recognized that the increase in PILs stems from a perception of inaction on the part of the State. This perception must be changed. It is seen that several PILs are filed for collateral reasons including publicity and at the instance of third parties. Such litigation must be exposed as being not bonafide. PILs challenging public contracts must be seriously defended. However where PIL seems to be bonafide, the department may request the Court to allow the Department to take appropriate action."

I am in full agreement with the approach of the Punjab and Haryana Governments in their litigation policies, towards Public Interest Litigation. There is not even a whisper in these two Litigation policies that the public interest litigation results into increase in the backlog of cases pending in the Hon'ble High Court. From the information that I have received from the Hon'ble Karnataka High Court under the Right to Information Act, it is revealed that during the last 10 years, the figure of backlog or pending cases in Hon'ble

Karnataka High Court increased from 1,85,500 to 2,64,505, in January, 2023, whereas during this period of 10 years, only about 4315 Public Interest Litigations had been filed. As regards the Hon'ble High Court of Orissa, the figure of backlog of pending Court cases in the said Hon'ble High Court was 1,64,865, in January, 2023, wherein during the last 10 years, only 7003 Public Interest Litigations had been filed. This is also worth noticing that the Hon'ble Karnataka High Court has succeeded in curtailing the figure of backlog of pending cases during the last 10 years, and at the end of this 10 year period in January, 2023, the said figure has come down from 1,66,866 to 1,64,965. From these figures, it is revealed that disease is something else and treatment is being given for something else. The Public Interest Litigations are not at all responsible for increasing the backlog of cases. On the other hand, credit goes to PIL Petitioners for ushering an era of Constitutional Reforms, including in Election Laws, and selection of Chief Vigilance Commissioner etc. In my opinion, some "out-of-the-box" solution have to be found for tackling the backlog of Court cases, instead of blaming the PILs.

HARYANA STATE LITIGATION POLICY – 2010

1. Introduction

- 1.1** This Policy reflects the resolve of the State Government to bring about a visible and enduring qualitative and quantitative improvement in the manner in which litigation is perceived, managed and conducted in the State. It embodies the national concern that pendency and delays in our learned Courts should be reduced proactively by the Government.
- 1.2** It has been formulated by drawing upon the National Litigation Policy published by Ministry of Law, Govt. of India. A major part of its provisions applicable to the State have been incorporated mutatis mutandis.

2. Objective

- 2.1** To transform Government into an **Efficient and Responsible Litigant** so that it (a) manages and conducts litigation in a collusive, coordinated and time bound manner (b) Ensures that good cases are won and bad cases not pursued needlessly (c) Reduces overall Govt. Litigation load in Courts thereby providing relief to the judiciary.
- 2.2** To encourage and enable redressal of genuine grievances through alternate dispute redressal forum / institutions within the Government.
- 2.3** To provide for a substantive mechanism which would inter alia serve to monitor and control the implementation of the Policy, enforce accountability on and provide clarifications, to the implementers and stakeholders of the Policy and to consider changes in the Policy, depending on its performance and effectiveness.

3. Nature and Applicability of the Policy:

- 3.1** It shall be mandatory on all Government/ State Public Sector Undertaking/ Statutory Bodies personnel who directly or indirectly are associated with litigation, to follow provisions of the Policy.

3.1.2 The Policy shall serve as the main authoritative reference point for all questions of procedure, norm, and interpretation

3.2 The Policy shall have the force of an administrative regulation./

3.3 The Policy shall bind all participants stakeholders, personnel to enforceable performance, which may be prescribed.

3.4 The Law Department Manual, which is an evolving collection of guidelines, instructions, clarifications and information would continue to serve as a reference document in matters connected with litigation. However, those of its provisions which may come into conflict with any provision of this Policy would be deemed to have been superseded by the Policy with immediate effect.

3.4.1 The Law Department Manual is to be constantly reviewed and updated due to the changing legal scenario. A comprehensive updation will be done within the period prescribed by Government which would incorporate relevant portions of the Policy.

4. Implementation/ Control Structure

4.1 State Level Empowered Committee: There shall be a State level Empowered Committee under Chairmanship of CS comprising of Secretaries of the departments concerned and shall include representatives of AG, Home, Finance, LR. The Committee may invite any other department or expert to join the deliberations. The Committee shall aim to streamline the litigation and grievance redressal systems. The Committee shall have full powers to take decisions in respect of policy content and changes in procedures to be introduced. Decisions duly authorized by the Committee would be implemented directly by the department. Separate approval on file by the departments would not be necessary. This would minimize delays. In cases of decisions involving core policy changes, its recommendations will be referred to the Government. The Committee shall identify the major causes of litigation, and shall recommend suitable measures to the Government to

minimize litigation.

4.2 The Committee shall oversee the implementation of all aspects of this Policy. It shall either on reference by a Stakeholder or member of the Public or suo- moto take notice of observations in implementation of the Policy, including deviant or malafide behavior by any official and initiate corrective action. It shall enforce accountability of all stages of the litigation process and for this purpose introduce a comprehensive reporting and data flow system.

4.3 The Policy and decisions of the Empowered Committee shall be implemented by the FC Home/ Administrative of Justice. He shall be supported by a special cell to be constituted in the Home/ Admn. of Justice Department.

4.4 Department Level Policy Implementation Committee:

This would be a Second-Tier Committee at the Principal Secretary level of each Department, to regularly monitor and review the litigation arising in the departments. The Committee shall have representatives from offices of LR, Advocate General and Finance Department. The Committee shall have power to take decision in respect of cases where by financial implication is not very high. In case the Committee feels that certain policies/ rules need to be streamlined, it shall make its recommendations to the State Level Committee and also take up the matter for changing the rules/ procedures. The Committee shall meet once in a month.

4.5 District Level Policy Implementation Committee:

This would be a Third Tier Committee at the District Level to be headed by the Head of the Offices of various Departments at District Level. This Committee shall consist of the Departmental head and the District Attorney and shall monitor and review all cases in the same way as at the State level. The Committee shall meet at least once in a month. In matters not in its jurisdiction or requiring directions at Departmental HQ level or in matters needing policy clarification, this Committee would make a reference to the Departmental level Policy Implementation Committee.

- 4.6 Detailed terms of reference, powers and jurisdiction of these three Committees will be notified separately.
- 4.7 For greater accountability the Committees would take up critical appreciation on the conduct of cases. Good cases which are lost would be reviewed and subject to scrutiny to ascertain responsibility.
- 4.8 Home/ Administration of Justice Department will be the nodal agency to facilitate coordination and interaction between these Committees.

5. Prevention and Control of Avoidable Litigation

5.1 Setting up of Grievance Redressal System

A major cause of litigation is arbitrariness in decision making and lack of proper response to representations made by employees and parties. In service matters, most of the cases relate to relief not being given as per rules, instructions and policy decisions. In other cases there may exist more than one policy. In majority of such cases coming to the Courts, the Courts give directions to pass speaking orders in a time-bound manner. Before the matter reaches the Court, the affected party generally spends a lot of time and effort to redress its grievances through the normal administrative channel. In view of this all Departments shall set up effective grievance redressal Committees which would preempt a lot of unnecessary litigation.

- 5.1.1 It shall be mandatory for employees to seek redressal through this system, first, before going to the Courts.
- 5.1.2 A time limit of eight weeks may be fixed to decide a representation.
- 5.1.3 A Two-tier structure will be set up. In the first tier each department shall have a grievance cell at the State Level. The second tier would be at the district level. All cases and issues, at the request of the aggrieved party, shall be reviewed to redress genuine grievances.
- 5.1.4 The department level grievance cell / committee shall be headed by the HoD, and shall meet on a monthly

basis to re4view the efficacy of the grievance redressal system in the Department at the head quarters and field level. In case it is found that certain instructions by the CS or FD need to be reviewed, it shall refer the matter to the, as well as the Empowered Committee, so that decision on the same can be expedited. As the seniority matters are a major source of litigation, these shall be resolved by all departments expeditiously and seniority lists updated and printed/ published regularly.

5.2 Quick Action on Legal Notices/ Representation

5.2.1 As soon as Legal notice is served upon any department asking for a relief the same should be decided expeditiously in accordance with the relevant rules/ instructions and by passing a detailed speaking order.

5.2.2 Large number of cases comes before the Hon'ble High Court wherein grievances are that legal notice/ representations are not being decided or are delayed by the Government. Generally Hon'ble High Court directs Govt. to decide the representation within a specific time. If Govt. disposes of the notice at the first instance, it would reduce the burden of the Court.

5.3 In disciplinary matters while passing the orders in original jurisdiction or in appeals a detailed speaking order should be passed. Also the inquiry officer should follow all the procedures for conducting the inquiry so that no lapse occurs in the procedural part and orders are not set aside on that ground.

5.4 While deciding the cases relating to seniority of the employees, the decision should be taken strictly in accordance with the rules and it should be taken promptly so that interest of no employee is jeopardized due to delayed decision.

5.5 Covered Matters

A good number of cases are from the category of similar cases. Each Government Department will aim to consider and settle the claim a representational/ applicant employee/ citizen, if the claim is found covered by any decision of the Court. Many

service matters of this nature, can be disposed of at the level of the department itself without compelling the litigant to come to the Court. In this manner, the government departments would be acting as efficient litigants.

5.5.1 In similar cases, departments shall endeavour to settle the issue as per post-judicial proceedings formed in identical cases by different courts when attained finality to avoid multiplicity of same matters increasing rush of work in different courts.

5.6 Settlement of dispute through Alternative forums (Lok Adalat)

All pending disputes/cases litigation would be reviewed by the Department & District Policy implementation Committee with a view to settling them before the Lok Adalat/Special camps, in consultation with the Legal Aid Cell of Hon'ble High Court. This exercise shall be carried out periodically, preferably every three months. Further, permanent Lok Adalats shall be set up to settle disputes in an ongoing manner.

5.6.1. Every department should authorize some officers with sufficient powers to take final decisions so that minor disputes pending in different Courts can be settled through Lok Adalats with active participation of such officers. Moreover not attending of Lok Adalat by an officer deputed to do so would straight away invite disciplinary proceedings.

5.6.2. State empowered Committee and the Litigation Policy Implementation Committee would look into the ways and means for maximizing case/dispute disposal through Fast Track Courts, Gram Nyayalas, Evening Courts, Family Courts etc.

5.7 Guidelines regarding filing of Appeals

No Appeal at any level is to be filed without full application of mind to the order/judgement at hand.

5.7.1 Appeals will not be filed in cases where insignificant amounts are involved and when no question of Law is involved.

5.7.2 Principles governing filing of Appeals.

- (A) Appeals will not be filed against ex-parte ad interim orders. Attempt must first be to have the order vacated. An appeal must be filed against an order only if the order is not vacated and the continuation of such order causes prejudice.
- (B) Appeals must be filed intra court in the first instance. Direct appeals to the Supreme Court must not be resorted to except in extraordinary cases.
- (C) Given that Tribunalisation is meant to remove the loads from Courts, challenge to orders of Tribunals should be an exception and not a matter of routine.
- (D) In Service Matters, no appeal will be filed in cases where:
 - (a) The matter pertains to an individual grievance without any major repercussion;
 - (b) The matter pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent or financial implications.
- (E) Further, proceedings will not be filed in service matters merely because the order of the Administrative Tribunal affects a number of employees. Appeals will not be filed to espouse the cause of one section of employee against another.
- (F) Proceedings will be filed challenging orders of Administrative Tribunals only if
 - (a) There is a clear error of record and the findings has been entered against the Government.
 - (b) The judgement of the Tribunal is contrary to a service rule or its interpretation by a High Court or the Supreme Court.
 - (c) The judgement would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or
 - (d) If the judgement will have recurring implications

upon other cadres or if the judgement involves huge financial claims being made.

- (G) Appeals in Revenue matters will not be filed:
- (a) if the stakes are not high and are less than that amount to be fixed by the Revenue Authorities;
 - (b) If the matter is covered by a series of judgement of the Tribunal or of the High Courts which have held the field and which have not been challenged in the Supreme Court;
 - (c) Where the assesses has acted in accordance with long standing industry practice;
 - (d) merely because of change of opinion on the part of jurisdictional officers.
- (H) Appeals will not be filed in the Supreme Court unless:
- (a) the case involves a question of law;
 - (b) If it is a question of fact, the conclusion of the fact is so perverse that an honest judicial opinion could not have arrived at that conclusion;
 - (c) Where public finances are adversely affected;
 - (d) Where there is substantial interference with public justice;
 - (e) Where there is a question of law arising under the Constitution;
 - (f) Where the High Court has exceeded its jurisdiction;
 - (g) Where the High Court has struck down a statutory provision as ultra vires;
 - (h) Where the interpretation of the High Court is plainly erroneous.
- (I) In each case, there will be a proper certification of the need to file an appeal. Such certification will contain brief but cogent reasons in support. At the same time, reasons will also be recorded as to why it was not considered fit or proper to file an appeal.

6. Decision Mechanism for filing of Appeals.

6.1 The LR and Advocate General offices shall mention substantial

question of law involved in the cases, while giving their opinion to file further appeal as according to the Article 133 of the Constitution and provisions contained in the Code of Civil Procedure Appeal before the Hon'ble High Court and Supreme Court lies only if substantial question of law is involved and not on facts of the case. The instruction issued in this regard shall be strictly followed.

6.2 The government may not file Appeal which lack substantial question of law particularly where two learned subordinate Courts have recorded concrete findings of fact or where no evidence had been led on behalf of the government or where the amount is not of substance, however, the government may prefer appeal against the judgement and decrees passed by the learned Courts below before the Hon'ble High Court or the Hon'ble Apex Court where substantial question of law in any manner is involved, which requires adjudication by the Hon'ble Court.

6.3 Decision to file or not to file appeal takes a long time, and is invariably non-speaking. The reasons for the same are not given by the concerned departments. There is need to evolve an objective proforma, which needs to elaborate the issues involved, financial implications, policy implications etc. Final decision in this matter shall be taken by the Secretary of the Department, in consultation with Advocate General, but the reasons for filing/not filing must be given. This shall bring transparency, efficiency and cut down delays.

7. **Land Acquisition Cases:**

7.1 With the objection of reducing litigation connected with Land Acquisition compensation, Govt. have introduced "No Litigation" Incentive" vide its Revised Floor Rate Policy for acquisition of Land notified on 9.11.2010. It has been decided to pay an additional amount equal to 20% of the basic rate of land determined by the Land Acquisition Collector (excluding the interest and the Solatium components as an incentive for 'No Litigation' to such of the landowners who opt (a) not to

challenge the acquisition of their land, and (b) to accept the compensation amount as awarded and undertake not to seek a reference under Section 18 of the Act qua the amount of compensation. This incentive would still be available in cases where a reference is sought with respect to other issues i.e. (a) the measurement of land, (b) the persons to whom it is payable, or (c) the apportionment of the compensation among the persons interested. This measure is expected to have positive impact on decreasing litigation of this category. This will be duly monitored by the Committees set up under this Policy.

7.2 In cases where an Appeal is sought to be filed in Hon'ble High Court against compensation enhancement by the Reference Court for land acquired by State Govt. for one of its undertaking agencies like HUDA, HSIIDC, HSAAMB etc., the Administrative Department will ensure that the Appeal is filed by the State only and that under no circumstances, is there duplication with the concerned agency also filing an appeal. There can not be any divergence of interest between the State and its Agency in such cases.

8. Public Interest Litigation:

Where the State Government receive notices regarding Public Interest Litigation, the Government, even before filing of the written statement/ response, if it is required to do or to take some immediate steps to do the needful as per the averments in the writ petition, then the Government must take all remedial measures to do the needful and then status report may be filed along with the response on the first date of hearing. It would save the time of the government as well as of the Hon'ble Courts.

9. Control and Management of Litigation:

9.1 Every department of the Government shall have one senior Administrative Officer with legal background who shall be designated as Legal Nodal Officer. He will be responsible for proactive Management of the Court cases and constant monitoring of the proceedings of the Court cases. He will

ensure that there is no delay on the part of the department while conducting the cases in different Courts. The nodal officer would have an adequate staff. The Nodal Officer will be assisted by legal officers (ADA/ DDA/DA) on deputation to the Department. He shall also undergo suitable training for capacity building in the sphere of litigation management.

9.2 Pleadings & Counters:

Suits or other proceedings initiated by or on behalf of Government have to be drafted with precision and clarity. There would be no repetition either in narration of facts or in the ground.

- (A) Suits or other proceedings initiated by or on behalf of Government have to be drafted with precision and clarity. There should be no repetition either in narration of facts or in the grounds.
- (B) Appeals will be drafted with particular attention to the Synopsis and List of Dates which will carefully crystallize the facts in dispute and the issues involved. Slipshod and loose drafting will be taken serious note of. Nodal officers shall exercise control in this regard.
- (C) Care must be taken to include all necessary and relevant documents in the appeal paper book. If the court adversely comments on this, the matter will be enquired into by the Nodal Officer.
- (D) Effort will be made in time bound manner, to formulate and circulate Special formats for Civil Appeals, Special Leave Petitions, Counter Affidavits etc. by way of guidance and instruction as a Manual. This will include not only contents but also the format, design, font size, quality of paper, printing, binding and presentation. It will be the joint responsibility of the Drafting Counsel and the Law Officer/Advocate on Record to ensure compliance.
- (E) Counter Affidavits in important cases will not be filed unless the same are shown to and vetted by Law Officers. This should, however, not delay the filing of

- counters.
- 9.2.1. In cases where State is a party through Administrative Secretary and in which issue(s) of (a) Policy (b) inter departmental or inter State (c) connected with specific directions of the Court are involved the Administrative Secretary himself approve the reply/affidavit.
 - 9.2.2. It shall be ensured by the Nodal Officer/Legal Officers of the Department that there is no contradiction in the replies or any submission filed by Government respondents who may be filing replies separately.
 - 9.2.3. The replies shall be signed and filed by officers at appropriate levels. It shall not be below Deputy Secretary/Joint Secretary; Joint Director/HCS officer as the case may be in respect of Government or Department or District Administration respectively.

9.3 Limitation- Delays Appeals

Good cases are often lost because appeals are filed well beyond the period of limitation and without any proposer explanation for the delay or without a proper application for condonation of delay. It is recognized that such delays are not always bonafide particularly in case where high revenue stakes are involved.

- 9.3.1 Each Head of Department will be required to call for details of cases filed on behalf of the Department and to maintain a record of cases which have been dismissed on the ground of delay. The Nodal Officers must submit a report in every individual case to the Head of Department explaining all the reasons for such delay and identifying the persons/ causes responsible. Every such case will be investigated and if it is found that the delay was not bonafide, appropriate action must be taken. Action will be such that it operates as a deterrent for unsatisfactory work and malpractices in the conduct of Government litigation. For this purpose, obtaining of the data and fixing of responsibility will play a vital role. Data must be obtained on a regular basis annually, bi-monthly or quarterly.
- 9.3.2 Applications for condonation of delay are presently drafted in routine terms without application of mind.

This practice must immediately stop. It is responsibility of the drafting counsel to carefully draft an application for condonation of delay, identifying the areas of delay and identifying the causes with particularity.

- 9.3.3 Every attempt must be made to reduce delays in filling appeals/ applications. It shall be responsibility of each Head of Department to work out an appropriate system for elimination of delays and ensure its implementation.
- 9.3.4 The question of limitation and delay must be approached on the premise that every court will be strict with regard to condonation of delay.

10. IT based decision support & monitoring system for Litigation Management

- 10.1 In view of the excessively large number of cases and their numerous categories, there is need for extensive qualitative and qualitative monitoring of these cases. To monitor these cases and take timely decisions, it is essential that a comprehensive computerised database of these cases is created and maintained at all levels i.e district, High Court and Supreme Court. This will enable the Advocate General Office as well as the Secretaries/ Head of Departments and Nodal officers to easily keep track of the cases filed, the issues involved, and the importance/ urgency.
- 10.2 The database/ software shall be so designed that all the necessary particulars about the cases, including important documents/ images are uploaded, so that the officers monitoring the case may get complete idea about the case through the site. The judgement of the case and grounds of appeal / LR's opinion shall also be part of the database to facilitate decision making in appeal matters and eliminate delays.
- 10.3 The State Level computerisation shall be initiated immediately and made fully functional within six months and the District level computerisation within one year.
- 10.4 **IT bases Legal Resource Base**

10.4.1 There is need to facilitate online and offline access to case laws and relevant Acts, Book etc. To help the departments and their counsels prepare their cases. For this purpose, online access to computerised databases shall provided through suitable arrangement/ service provider.

10.4.2 Landmark judgements, especially in favour of the Government, shall be researched and made available on website Act wise. All acts, Rules and notifications, judgements shall be available on the website of the Department as well as a website to be developed for managing litigation.

10.4.2.1. **Exchange of Legal Resources:**

There shall be sharing of judgements/ orders passed by the Hon'ble Supreme Court. High Court against different departments so that while taking a decision in any matter they are kept in view. This shall be done by placing the important judgements on the website of the departments or through e-mails.

10.4.3 A databank of the decided case shall be maintained by properly cataloguing the same which may be an effective tool for reference while deciding the case by competent authority and for making reference while defending the cases before the courts.

11. Legal training for the department officers/ officials shall be a regular feature. The officers/ officials of the different departments of the Government will be imparted legal training by conducting appropriate training programmes regarding the Court procedure. Basic knowledge of computers and internet will be imparted mandatory for legal officers.

12. Proper Representation

12.1 It has also been experienced that many a time no body from the Government department comes present in the Court to attend the Court proceedings and the Department remains

unaware about the Court order. Further, relevant official record would not be available for the assistance of the Government Counsel representing the State in the Court. This practice must be stopped immediately. The concerned officer/ official is also required to submit a detailed report of the Court proceedings regularly to this higher authorities.

- 12.2 Law officer will ensure that the cases are duly represented on behalf of State of Haryana before the Hon'ble Court and also that there is no procedural lapse regarding submission of process fee and issuance of notice etc.

13. Avoiding Adjournments

Adjournments on behalf of State shall be minimized and pleadings completed as far as possible on first available date. This shall be overseen by responsible and accountable authority. Prevailing practice of seeking adjournment on first date of hearing despite the department concerned having been duly served months earlier, must be stopped immediately and responsibility be fixed by taking suitable remedial action against the erring officials. In case of any direction given by the Court which could be complied with even before the filling the response / written statement, then such directions should be complied with forthwith. The response/ written statement must be filed within the period stipulated in the order/ notice issued by the Hon'ble Court. Earned efforts be made that adjournments are avoided under all circumstances. IT solutions will bring out periodical report for all concerned authorities reminding them about due dates for passing orders/ filling replies.

14. Periodical review of the pending court cases.

- 14.1 All pending cases involving Government/ PSUs need to be periodically reviewed. The Office of Advocate General, District Attorney at District Level and the Law officer of the concerned Department shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious ones. MIS Reports

shall be prescribed which will give overview of litigations every month.

14.2 Cases will be grouped and categorized. The practice of grouping should be introduced whereby cases should be introduced whereby cases should be assigned a particular number of identities according to the subject and statute involved. In fact, further sub-grouping will also be attempted. To facilitate this process, standard forms must be devised which lawyers have to fill up at the time of filling of cases. Panels will be set up to implement categorization, review such cases to identify cases which can be withdrawn. These include cases which are covered by decisions of courts and cases which are found without merit withdrawn. This must be done in a time bound fashion.

14.3 About 60,000 writ petitions are pending in the High Court to which the State is party. Many of such petitions may have become infructuous. The State shall review all such cases and wherever the cases have become infructuous or covered or involve short points, the Registrar of the High Court may be informed so that such cases can be expeditiously disposed of.

15. Litigation at Apex Level

15.1 While Advocate General shall be responsible for defence of cases in the High Court; he shall also be responsible for defence of cases at National level. The litigation at the national level shall be directly under the control and monitoring of the Advocate General. The legal Cell at Delhi, looking after the litigation in Hon'ble Supreme Court and other statutory authorities, shall function under the guidance and administrative control of the Advocate General. The assignment of cases in the Supreme Court/ other Authorities to Standing Counsels shall be done by the Advocate General in consultation with Secretary of the concerned Department. In important cases, where senior private counsels have to be engaged, the terms and conditions of engagements shall be as settled by the AG office.

15.2 The legal cell at Haryana Bhawan New Delhi shall be

refurbished, strengthened and infrastructure upgraded to provide proper working facilities. The cases shall be equitably / rationally distributed amongst advocates and advocates-on-record to enable proper defence of cases. The communication between advocates-on-record and defending counsels shall be systematized and timely information of court matters to the counsels defending the cases at Delhi shall be ensured. Library, conference place and search facilities shall be provided at Haryana Bhawan to the counsels.

16. District Level Litigation

The District level litigation, in which, State Government is a party is mainly in respect of criminal cases. There is need to streamline the system of defence of cases, production of record, evidence, witnesses etc. There is need to monitor availability of official witnesses, and nodal agency shall be appointed at the District level and the State level to monitor availability of official witnesses. The District Attorney shall collect list of official witnesses to be examined in next one month in different courts in the District and ensure that either the official witness appears in persons or the witness is available for recording of evidence by way of video- conferencing at any other District Court in the State with prior intimation to the District Judge of the place where he is to be available(The District Judges shall be intimated about the procedure to be followed in this direction by the Hon'ble High Court). The evidence of official shall be preferably recorded by video-conference to avoid delay.

The State Nodal Agency will review the working of District Nodal Agencies so that there is no default in the availability of official witnesses for evidence on dates planned in advance. If for any inevitable reason, the availability of witnesses cannot be secured, intimation must be given in advance to the District Judge concerned. In such a situation the changed date may be intimated to the District Judge who may re-schedule the recording of the evidence accordingly and confirm the revised schedule to the

Nodal Agency. Centralized State Agency shall monitor working of District Nodal Agencies. Further, the IT based monitoring planned at the State level, needs to be implemented, at district level also.

Judgments in criminal cases, along with comments/recommendations of the District Attorney shall be submitted to the District Magistrate through the District SP of the SP concerned (SP/State Vigilance Bureau etc.) in single file, for decision regarding filing of appeal. Copy of the judgment, statements of witnesses and police file shall be put up as part of this file. This will help the District SP (or the SP concerned) to understand flaws in the investigation and take remedial measures. The Superintendent of Police concerned shall also be competent to issue directions/ grant approval for filing revision petition against any order of the Ilaqa Magistrate/ Trial Court in accordance with Section 397 of the Code of Criminal Procedure, 1973.

17. Coordination with the courts.

The Empowered Committee shall regularly interact and get feedback from Hon'ble High Court to improve System, and infrastructure thereby accelerating disposal of cases. The Hon'ble High Court may be requested to make e-filing of cases/ replies and documents mandatory. It will help in expeditious disposal of cases because most of the time, Department are not able to file replies in the absence of copies of Writ Petitions, Application, Interim Orders etc Since all the documents being filed in the Hon'ble High Court / Supreme Court are necessarily typed on computers, making e-filing mandatory shall not be much of a problem. Further, request be made to the Hon'ble High Court to allow sharing of the data on the website of the High Court, with the State Government, to enable better monitoring.

18. Dispute Settlement Committee

It has been noticed that there is lack of co-ordination between various government departments and sometimes also between the Boards/ Corporation/ Municipal Councils etc. This lack of co-ordination, departments generally try to shift the onus/ burden to

the other departments and such conflict create not only embarrassing situation, but even delay the adjudication of the important matters by the Hon'ble Courts. In view of such a situation, cases of overlapping jurisdiction/areas shall be resolved by the Empowered Committee. The Committee shall have the powers to resolve inter-se disputes between the departments. The government may frame guidelines, to be followed by such committee.

19. Amendment to Policy

The State Litigation Policy should be responsive to the changing requirements of the litigation system and its various constituents like Judiciary, Govt and the Public. The State Level Empowered Committee shall consider reasonable suggestions/ proposals for amendment to the policy as may be received from stakeholders in the litigation system at various levels with the objective of achieving of objectives of the Policy more effectively. The committee may recommend modification in the Policy as and when necessary on its own motion also.

20. Key Strategies

To sum up, the key strategies to streamline and minimize litigation are the following:

1. Avoiding Litigation- better decision making and quick response to representations.
2. Managing litigation through IT bases decision support system.
3. Capacity building.
4. Review and Dispute Settlements.
5. Improving infrastructure, quality of manpower, system and procedures.

PUNJAB DISPUTE RESOLUTION & LITIGATION **POLICY 2018**

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(JUDICIAL II BRANCH)

Notification

The 5th day of September 2018

No. 4/12/2010-6Judl2/ 2890 - This notification issues in supersession of Notification No. 4/12/2010-3Judl.2/160 dated 10th February, 2012.

1. Title

This Policy shall be called the Punjab Dispute Resolution & Litigation Policy, 2018.

2. Date of Coming Into Effect & Validity

This Policy shall come into force on the date of its publication.

3. Introduction

This policy addresses the pendency and backlog of cases in courts. The problem is complex and its solution needs a multi-pronged approach. A major portion of the litigation before the Courts involve writ proceedings against bodies which comes under the definition of State in Article 12 of the Constitution of India, such as the Government, public sector undertakings, statutory corporations, government companies etc. and such other entities by whatever name called. Hence this Dispute Resolution and Litigation policy has been framed by the Government of Punjab with the stated aims and objectives as set out hereinafter.

4. Aims and Objectives

- 4.1 The State Government recognizes that the Government and such State entities are a party in a large portion of litigation before the courts and the quasi-judicial authorities and it is necessary to create conditions which would minimize the institution of cases and reduce delays in settling litigation.
- 4.2 The policy seeks to ensure that the State and all such State entities effectively work to reduce future litigation and do not contribute to any delay in the ongoing litigation.
- 4.3 The State and such State entities shall, where feasible, encourage resolution of disputes with the government administratively or through an alternative dispute resolution system so that all disputes are not left to courts for ultimate decision.

5. Applicability:

- 5.1 This policy shall be applicable to all Departments of the State Government, as well as those bodies which comes under the definition of State in Article 12 of the Constitution of India, such as Public Sector Undertakings, Statutory Corporations, Statutory Bodies, Trusts, Government Companies etc. and such other entities by whatever name called. **(hereinafter collectively also referred to as 'the State/ State entity where need be for convenience)**
- 5.2 This Policy is a guide and a tool for reducing litigation and for pursuing and concluding litigation efficiently.

6. The Policy - Key Features

- 6.1 The State shall ensure efficient management of litigation and conduct itself as a responsible litigant.
- 6.2 The State shall take effective steps to reduce new disputes before the courts.
- 6.3 Existing policies and instructions shall be reviewed to bring them in line with the settled law and remove ambiguities and contradictions which become a cause for avoidable litigation.
- 6.4 Employees shall be encouraged to settle disputes at the level of the State itself or through an alternative dispute resolution

system.

6.5 Officers shall be trained to pass well-reasoned, speaking orders in accordance with the settled law after providing an opportunity of being heard to the stakeholders.

6.6 The State shall endeavour to avoid unwarranted litigation, especially in following types of cases:

I) Where the financial impact is less than two lakh rupees; unless there is a substantial question of law or policy also involved;

11) Where the matter may be resolved /disposed of by converting the pending litigation into a representation to the concerned Administrative Secretary/Head of Department for time bound orders.

111) Where employee's matters are already covered by judgments that have attained finality, the competent authority shall take a decision or to grant the same relief/benefit to the other similarly placed members of the cadre, whose claims are based on similar facts and points of law.

IV) Where the matter is such that no further or useful purpose will be served to the State in prosecuting such matter.

6.7 Appeals shall not be filed against ex-parte ad interim orders unless absolutely necessary. Instead, an attempt be made to have the order vacated. An appeal must be filed against an order only if the order is not vacated and the continuation of such order causes prejudice to interests of the state. Appeals must be filed to the Appellate court in the first instance. Direct appeals to the Supreme Court must not be resorted to, except in extraordinary cases.

6.8 No appeal shall ordinarily be filed in service matter cases where:

I) The decision is on a trivial matter and does not set a precedent and pertains to an individual grievance.

11) the decision pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent.

6.9 Appeals in Revenue matters shall ordinarily not be filed:

- I) If the financial implication of the matter is less than Rs. 2 lakhs unless it involves a *substantia_1* question of law or policy;
- II) If the matter is covered by judgments of the High Courts which have held the field and which have not been challenged in the Supreme Court; or that of the Supreme Court and the present case cannot be distinguished from the facts of those cases.

6.10 Appeals shall ordinarily not be filed in the Supreme Court unless:

- I) the High Court has struck down a statutory provision/ Government policy,
- II) the case involves a substantial question of law, involving the interpretation of a statute or under the Constitution of India;
- III) the findings of fact involved are so perverse that no reasonable judicial mind could have arrived at such conclusions;
- IV) Public finances are adversely affected;
- V) there is substantial interference with public justice;
- VI) the Court or forum concerned has exceeded its jurisdiction;
- VII) the interpretation of the High Court is plainly erroneous.
- VIII) the judgement will set a precedent which is contrary to Government policy/ rules / statutes.

6.11 Where matters are already covered by judgments that have attained finality, then the reply should fairly indicate such position. However, where there is a sound legal basis to distinguish a given case from past precedent, or apparently similarly placed persons then the Government should provide adequate reasons for taking a different stand.

6.12 The State shall take effective steps to reduce delay in filing replies, appeals / applications before the courts.

6.13 The resort to arbitration as an alternative dispute

resolution mechanism will be encouraged. However, while doing so, it needs to be ensured that such arbitration has to be cost effective, efficacious, expeditious, and conducted with high rectitude.

- 6.14 Inter-se litigation between different Departments of the State shall be resolved within the Government as per the guidelines issued by State Government circular letter No. 13/24/96-1PP-11/16403, dated 20-09-1996 and circular letter No. 12/113/05-5PP2/1993, dated 08-02-2006 of the Department of Personnel. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy,

7. Institutional Framework

7.1 Departmental Nodal Officer:

- I) Each Head of Department of the State shall appoint a Departmental Nodal Officer for litigation, who shall not be below the rank of a Deputy Director of the Department of Government of Punjab.
- II) Such Departmental Nodal Officer shall monitor and supervise the litigation of the State pending in various courts / quasi-judicial authorities and shall be responsible for active case management.
- III) The Departmental Nodal Officer shall ensure that all cases (pending cases and fresh) are entered into the software developed for the management of court cases by the concerned officials. He shall regularly monitor the progress of important cases and apprise Head of Department and Department Committee on Litigation (DCL) of significant cases, including contempt cases, that require any immediate intervention. Departmental Nodal Officer shall also pursue with concerned officials such cases, in which either undue delay or unnecessary adjournments are being sought.
- IV) Departmental Nodal Officers shall give top priority to

contempt cases and ensure that process should be initiated immediately on receipt of notice after apprising the higher officers of such cases. If the reply is to be filed after the compliance of the orders of the Hon'ble court, then the case should be put up for necessary compliance. If any appeal is to be filed against the main case, the process / decision for same should be got taken immediately.

- V) The Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, 1908 and such representations, complaints etc, having legal impact / cause of action / which may generate litigation, are given special attention and are responded to without delay by the concerned officials of the department State after being vetted by the Departmental Law Officer, in consonance with rules/ regulations/ policy of the department State and with the approval of the competent authority.
- VI) The Departmental Nodal Officer shall ensure that the State's officials and the Departmental Law Officer prepare a comprehensive draft reply or draft for appeal, as the case may be, well before the date of hearing after examining the entire relevant material including case law /instructions/ rules/ regulations pertaining to the case.
- VII) The Departmental Nodal Officer shall ensure that the concerned Superintendent / Assistant / Clerk of the State keep proper records of the cases filed and that copies retained by the State are complete and tally with what has been filed in the court. The Departmental Law Officer shall provide assistance to the Departmental Nodal Officer in this regard.
- VIII) The Departmental Nodal Officer shall keep the concerned authorities apprised about the court orders / directions so as to ensure their timely compliance / implementation and so as to discourage further unnecessary litigation. Accordingly, Each Head of Department of the State shall ensure that the directions issued by various courts are

implemented or challenged, as the case may be, within the stipulated time, so that aggrieved person is not compelled to file a contempt petition. Each head of department in the State shall ensure that speaking orders are passed in the wherein such directions are passed by the court. Where directions cannot be implemented in time due to any reason, time may be got extended by filing an application in the court.

- IX) The Departmental Nodal Officer shall be responsible for pointing out cases which have been decided ex-parte or where court has taken adverse notice of the delay in filing replies, and submit a report to Head of Department in each such case. He shall also identify the officials responsible for the lapse.
- X) The Departmental Nodal officer shall ensure that in cases, where the State has been unnecessarily made party, the court is apprised of the same, so that the State be exempted from filing reply.
- XI) The Departmental Nodal Officer shall ensure that in case of death of litigant, the matter be taken with the concerned court promptly as to whether the case is infructuous under the changed circumstances. Similarly, the court shall be apprised of the changes in existing rules / regulations / instructions / circulars/ Policy etc in relevant cases so as to clear any ambiguity.
- XII) The Departmental Nodal Officer shall ensure that data on day to day basis is uploaded on the website regularly, relating to:
- a) date of passing of the order of the court concerned in which some time bound directions have been issued by the court for compliance;
 - b) the date of receipt of the copy of the judgment/ order with the State and
 - c) action taken on the court judgment/order including filing of appeal, LPA etc.
 - d) action taken on the representation / legal notice (s),

received by the State.

so that the aggrieved person knows about the status of their cases, before they choose to approach Court to initiate contempt proceedings for non-compliance of the directions of the Hon'ble Court. This would help in containing contempt petitions with timely resolution of court directions and their timely implementation.

7.2 Nodal Officer in the Secretariat

Each Administrative Secretary shall designate Superintendent as a Nodal Officer for the litigation pertaining to his / her branch and the Nodal officer shall perform same duties as of Departmental Nodal Officer. The work of Nodal Officers in the Secretariat shall be regularly monitored by a senior Officer to be designated by concerned Administrative Secretary.

7.3 Departmental Law Officer

There shall be designated at least one Law Officer in the State entity in question. He will perform the following functions:-

- I) He shall liaise and coordinate with the Departmental Nodal Officer as well as with concerned officials of the State and assist in drafting of replies/appeals.
- II) He shall coordinate with the office of Advocate General/ Director Prosecution and Litigation (AG/DPL) to ensure timely vetting of replies/appeals.
- III) He shall endeavour to ensure that opinion of AG/DPL regarding filing of appeals is obtained well in time and is put up to the relevant authorities so that the appeal is filed in time.
- IV) He shall render timely legal advice which may be required by the authorities. However, the authority taking the decision shall apply his own mind while passing any orders.
- V) He shall report to the Head of Department of the State.

7.4 District Level Committee on Litigation

- I) There shall be a District level Committee on Litigation

comprising the following for the purpose of supervision of all cases pending in various courts/quasi judicial authorities within the district;

- a) Deputy Commissioner of the District.
- b) Head of Department at the District level (Convener)
- c) District Attorney.

II) Functions:

- a) The Committee shall meet once a quarter and review the status of cases, particularly old cases of the State pending in courts at District level. The Committee shall analyse the reasons for long pendency of old cases and take/ suggest corrective measures. District Heads shall ensure to put up the cases for review in the quarterly meeting of District Level Committee on Litigation.
- b) The Committee shall ensure that replies/appeals are filed without any delay.
- c) The Committee shall examine such cases in which there seems to be an inordinate delay in filing reply and cases where unwarranted adjournments are sought by the department and fix responsibility and recommend appropriate action in this regard to the State.
- d) The Committee shall make reference to the State entity concerned for guidance with regard to matters requiring directions from departmental headquarter level or in matters needing policy clarifications.
- e) The Committee shall ensure timely compliance/ implementation of court orders by officials of the concerned State entity at the district level so as to discourage unnecessary litigation.
- f) The Committee shall monitor the cases to be referred to Lok Adalat, as per procedure prescribed by the concerned State entity.

7.5 Department Committee on Litigation (DCL)

- I) There shall be a Department Committee on Litigation (DCL) comprising the following for the purpose of supervision of all legal cases within the State:
 - a) Administrative Secretary
 - b) Head of Department of the State/State entity (Convener)
 - c) OSD Legal/Law Officer
 - d) Departmental Nodal Officer
 - e) Head of any other Public Sector Undertaking, Authority, Agency concerned; if required

II) Functions:

- a) The Committee shall meet once a month and review the status of all pending cases of the State.
- b) The Committee shall ensure that replies/appeals are filed without any delay.
- c) The Committee shall ensure that Head of Department the State at District level put up the cases pending in various courts/quasi judicial authorities within the District in quarterly meeting of District level Committee on Litigation for review.
- d) In cases involving more than one department/ entity of the State, the committee shall ensure that reply/ appeal is not delayed because of differences in opinion or just because information has not been received from another State entity. The Administrative Secretary shall take up the matter with the concerned Administrative Secretary and if the matter remains unresolved, such case shall be placed before Empowered Committee on Litigation (ECL).
- e) The Committee shall examine such cases in which there seems to be an inordinate delay in filing reply and cases where unwarranted adjournments are sought by the State entity and fix responsibility and

take appropriate action in this regard.

- f) The Committee shall closely monitor the cases of high importance to the State including those affecting policies / rules / regulations / instructions of the State having substantial financial implications of more than Rs. 1 crores, and these matters will be referred to the Advocate General, Punjab and all litigation strategy in such matters including the engagement of counsel will be done with his concurrence only.
- g) The Committee shall, in consultation with Department of Legal Affairs, consider and take decisions regarding the pending cases that fall in the category of unwarranted litigation (as explained in para 6.6 above), as identified by Departmental Nodal Officer or Departmental Law Officer.
- h) The Committee shall also examine and bring to notice of the State entity any existing Rules, policies and instructions which lack clarity or are in conflict with other instructions etc. and are causing unnecessary and avoidable litigation.
- i) The Committee shall work out an appropriate system for elimination of delays and ensure Its implementation.
- j) It shall be the responsibility of the Administrative Department concerned to ensure that the replies on behalf of the State are filed in time and the cases are defended properly in the Court to safeguard the public interest/ Government interest at all costs.

7.6 Empowered Committee on Litigation (ECL)

- D) There shall be an Empowered Committee on Litigation (ECL) comprising the following, which shall meet once in every 3 months:-
 - a) Chief Secretary
 - b) Administrative Secretary, Home Affairs and Justice
 - c) Administrative Secretary, Finance.

- d) Advocate General
- e) Legal Remembrancer
- f) Director Prosecution and Litigation, Punjab
- g) Concerned Administrative Secretaries
- h) Secretary General Administration Department
(Convener)

11) **Functions:**

- a) The Committee shall oversee the implementation of all aspects of this policy.
- b) The Committee shall, from time to time, identify the major causes of litigation and shall make recommendations to the State Government for suitable corrective measures.
- c) The Committee shall resolve the legal disputes between different Departments/ Public Sector Undertakings of the State Government as per the guidelines enlisted for this purpose vide Punjab Government Circular Letter No, 13/14/96-1PP 11/16403, dated 20.09.1996 and Punjab Government Circular Letter No. 12/113/05-5PP2/1993 dated 08.02.2006. However, the Empowered Committee mentioned in the aforementioned letters shall be replaced by the Empowered Committee constituted under this policy.
- d) The committee shall examine the cases, where the judgment has attained finality and same relief/benefit is to be given to other members of the cadre, whose claims are based on similar facts and points of law. The committee formed for this purpose vide Government letter No 12/39/2002-5PP2/125 Dated 19.11.2014 by the Department of Personnel shall be replaced by the Empowered Committee constituted under this Policy.

8. **Mechanism for Implementation of Policy**

8-A **New Disputes / Issues**

- a) A majority of State litigation arises out of inaction or delay in taking timely action. Timely action is therefore of crucial

importance. In case of fresh claims, grievances received by a Department, the Officers concerned in consultation with the Departmental Nodal Officer and the Law officer, on a case to case basis, shall ensure taking a decision or implementing a decision within the parameters of law in a timely manner so that litigation can be avoided.

- b) A notice u/s 80 of the CPC, when received, is to be treated as an opportunity by the State to resolve the dispute, so that no person is unnecessarily driven to Courts. Such communications should be dealt on file by officials concerned within one week and be brought to the notice of the Departmental Nodal Officer, within seven working days after receipt of the same. Departmental Nodal Officer shall ensure that notices u/s 80 of CPC, are given special attention and are responded to within two months by the concerned officials of the department after being vetted by the Departmental Law Officer, in consonance with rules / regulations / policy of the department and with the approval of the competent authority.
- c) In addition to notices u/s 80 of CPC, complaints / representations, having legal cause of action and which may generate litigation, shall be fairly dealt with and reasoned speaking orders be passed by concerned officials/officers. Such complaints/representations are to be carefully examined and every reasonable endeavor should be made to satisfy the person aggrieved. Alternatively, such person must be explained/communicated the difficulties and grounds for the inability to redress his grievance as many a time, a citizen is aggrieved because he was simply not heard or his complaint not addressed. All such matters should be attended to in a timely manner and the decision conveyed to the person making the representation.
- d) In case of such complaints/representations, where more than one Department is involved, appropriate action can be taken after obtaining inputs from concerned Departments

- and the advice of their respective Law Officers.
- e) The legal strategy of all new cases/ disputes/ matters, including the engagement of counsel, fees etc. which are critical in nature, shall be only as per the directions of the Advocate General. These matters are:
- i. Cases, which raise important issues of constitutional law and / or challenge the vires or effect the implementation of State legislation; the State entity's Regulations or Rules etc.
 - ii. Cases, which may have a high impact on the revenues of the State/ the State entity and/or the State Exchequer, in excess of Rs. 2 cores at the District Court level at Rs. 50 lacs at the High Court level.
 - iii. Cases which pertain to important social or economic policy issues of Government.

8-B Review of Pending Litigation:

- a) There is also an urgent need to review pending litigation with the dual objective of weeding out unwarranted litigation while ensuring that critical cases are receiving the requisite attention.
- b) **Unwarranted litigation**—As explained in para 6.6 above such types of cases shall be placed before the DCL, which shall assess each such case and decide further steps for disposal / withdrawal / resolution by amicable settlement. Decisions in such matters will not be cited as precedent.
- c) **Critical Litigation**—Following type of cases fall in category of critical cases
 - i. Cases, which raise important issues of constitutional law and /or challenge the vires or effect the implementation of State legislation; Regulation or Rules etc.
 - ii. Cases, which may have a high impact on the revenues of the State and/or the State Exchequer;
 - iii. Cases which pertain to important social or economic

policy issues of Government.

Departmental Nodal Officer shall get the list of pending critical litigation cases prepared with an indication of the subject, impact of the case and a brief description thereof and place before DCL for determining the further course of action safeguarding the interest of State (financial and otherwise). A list of these pending matters will be escalated to the Advocate General, Punjab and all litigation strategy in such matters including the engagement of counsel will be done with his concurrence only.

- d) The department shall ensure that all court cases pending in various courts / quasi judicial authorities are uploaded on software developed for this purpose for proper monitoring.

8-C Alternative Disputes Resolution: The Government recognizes that in order to reduce the burden on the courts and make affordable justice accessible to the illiterate and indigent, it is necessary to encourage settling of disputes through alternative dispute resolution mechanisms such as Arbitration, Conciliation, Lok Adalats & Nyay Panchayats. Where both parties are genuinely interested in resolving the disputes, this mechanism can provide an effective, efficient & cost effective means of dispute resolution.

a) Arbitration

- i. The Arbitration and Conciliation Act, 1996 provides a comprehensive mechanism for settlement of disputes. Wherever feasible, the Departments shall provide for settling of disputes relating to work contracts and commercial contracts etc. under this Act.
- ii. The appointment of arbitrators shall be as per the provisions of the Act. If arbitrators are to be appointed as per agreement, it must be ensured that they have the requisite knowledge & skill to work as arbitrator regarding the subject matter of the dispute. It must also be ensured that the arbitrator is a person of integrity and

rectitude.

- iii. The Departments must avoid challenging the arbitration award on flimsy and frivolous grounds. A clear formulation of the reasons to challenge Awards must precede the decision to file proceedings to challenge the Awards. All efforts should be made to ensure that the Award is challenged within the time period specified under the Act, if so required.
- iv. Departmental Nodal Officer shall monitor the status of pending arbitration cases and apprise the Administrative Secretary/ Head of Department of the cases in which the progress is slow for one reason or the other.

b) Settlement through Lok Adalats

- i) The Government shall assist in organizing Lok Adalats from time to time. All Departments shall endeavour to refer cases to Lok Adalat for settlement if they are prima facie satisfied that there are chances of settlement through Lok Adalats under the Legal Services Authorities Act, 1987. However, while settling such disputes, the department shall ordinarily not object to grant of relief permissible under the rules and policies. However, it must be ensured that no relief is provided in violation of the Government Policies and Rules / Instructions. The genuine financial interest of the Government must also be safeguarded.
 - ii) District Committee on Litigation, already in existence, shall review and propose / recommend to the concerned Department, the cases to be referred to the concerned Lok Adalat, as per procedure prescribed.
- c) Nyaya Panchayats:** The Government shall endeavour to establish Nyaya Panchayats for reconciliation, mediation & dispute resolution of minor disputes at local level.

**8-D Case Management:
Replies and Pleadings etc.**

- a) After issuance of defence sanction, proper assistance shall be rendered by the Department to the concerned Law Officer in preparing reply/pleading and in pursuing the case in the Court concerned.
- b) Departmental Nodal Officer shall ensure that department officials in consultation with the law officer, shall furnish para-wise comments, supply the entire available relevant material including instructions/rules/regulations pertaining to the case to the law officer for preparing the reply, getting the same vetted well before the date of hearing to enable effective representation in court proceedings. The concerned officials of the department shall be responsible for providing correct and complete facts pertaining to the case.
- c) Unnecessary and frequent adjournments on account of non filing of reply/requisite documents must be avoided, The reply shall ordinarily be filed within six weeks in simple cases, and in complex cases, where multiple issues, multiple departments and large number of petitioners/respondents are involved, reply shall be filed within twelve weeks or within such time as may be granted by court. Repeated adjournments for filing replies should be avoided.
- d) Cases in which costs are awarded against the State as a condition of grant of adjournment will be viewed very seriously. Departmental Nodal Officer and the Law Officer shall report such cases to the Administrative Secretary/ Head of Department/ Director Prosecution and Litigation or the Advocate General as the case may be, setting out the reasons why such costs were imposed. The officials responsible for the default entailing the imposition of costs shall be identified and suitable action must be taken against them.

8-E Appeals In Civil Cases/Matters:

- a) As soon as the matter is disposed of/final order/judgment is passed, Advocate General/Director Prosecution and Litigation shall send the opinion regarding filing of appeal to the department concerned expeditiously (well within the period of limitation) along with clear note on
 - i) date of decision ii) limitation period iii) last date for filing appeal, to enable the department to take decision and proceed in the matter.
- b) Sanction to proceed further ought to be communicated by the Departmental Nodal Officer to concerned officials of the department who in consultation with the Departmental Law Officer shall take further steps to have the appeal drafted, vetted and filed in time.
- c) To avoid delay, since all orders of the Supreme Court, High Court of Punjab & Haryana and of the District Courts are uploaded on the website of the Court within 48 hours, there is no need to await a certified copy to take action upon the order whether by way of implementing or preferring an appeal.
- d) Appeals shall be drafted with particular attention to the Synopsis and List of Dates which will carefully crystallize the facts in dispute and the issues involved. Care must be taken to include all necessary and relevant documents in the appeal paper book. Any delays in filing of Affidavits should be avoided.

8-F. Appeals In Criminal Cases/ Matters:

Appeals in criminal matters shall be filed in appellate court as per guidelines given in Law Department Manual.

8-G. Legal Representation in courts / quasi judicial authorities

- a) The Government Departments shall be represented by Law Officers of the Government in the office of the Advocate General as per the directions of the Advocate General.
- b) The other State entities shall be represented by lawyers

from a panel of lawyers drawn up the State entity, which list shall be drawn up in consultation with the Advocate General and matters will be allocated to such lawyers by the Advocate General.

- c) If so required in the public interest, Government interest, the Department/ State entity may avail the services of other senior counsel/ experts for reasons to be recorded in writing as per the procedure prescribed, after taking the concurrence of the Advocate General.
- d) Any panel already in existence at the time of issuance of this policy shall be forthwith reviewed by the Advocate General and changes made therein as he may deem fit.
- e) It has been experienced that many a time no body from the State to present the Court to attend the court proceedings and the department remains unaware about the court order. To stop this practise, Departmental Nodal Officer in consultation with Departmental Law Officer shall evolve the requisite mechanism for ensuring that the cases are duly represented on behalf of the State entity.

8-H. Limitation

- a) The copy of the order available online should be downloaded for examining the same and for drafting the appeal, if so required.
- b) Some cases are lost because appeals are filed well beyond the period of limitation and without giving any proper explanation for the delay or without a proper application for condonation of delay. In order to draft application for condonation of delay, the Department officials in consultation with the Departmental Law Officer shall in all such cases must furnish the drafting counsel the reasons, date-wise to the extent possible, for the delay.
- c) If it is found that the cases have been dismissed on the ground of delay and the delay was not bona-fide, matter be inquired into to find the reasons for delay and to fix the responsibility. Disciplinary action must be taken against the

culpable.

9. Specialized Litigation

9.1 Works, Contracts and Projects

- a) Proceedings seeking judicial review including the matter of award of contracts or tenders - Such matters should be defended keeping in mind constitutional imperatives and good governance. Cases where projects may be held up, are to be defended vigorously keeping in view the public interest. Such cases must be dealt with and disposed off as expeditiously as possible. If interim orders are passed stopping such projects then appropriate conditions must be insisted upon for the Petitioners to pay compensation if the case is ultimately dismissed.
- b) Cases involving vires, or statutes or Rules and Regulations- In all such cases, proper affidavits should be filed explaining the rationale behind the statute or regulation and making appropriate averments with regard to legislative competence.

9.2 Public Interest Litigation (PIL)-

Public Interest Litigations must be approached in a balanced manner. It is recognized that the increase in PILs stems from a perception of inaction on the part of the State. This perception must be changed. It is seen that several PILs are filed for collateral reasons including publicity and at the instance of third parties. Such litigation must be exposed as being not bonafide. PILs challenging public contracts must be seriously defended. However where PIL seems to be bonafide, the department may request the court to allow the department to take appropriate action.

10. Digital system for litigation management

10.1 In view of the large number of cases and their numerous categories, there is need for extensive qualitative and quantitative monitoring of these cases. For effective monitoring and to take timely decisions, State Government shall endeavour to set up and maintain comprehensive computerised database

of these cases at all levels i.e. districts, departments, High Court. This will enable the Advocate General Office / Director Prosecution and Litigation as well as Administrative Secretaries/ Head of Departments and Departmental Nodal Officers to easily keep track of the cases filed, the issues involved, and the importance /urgency.

10.2 The database /software shall be so designed that all the necessary particulars about the cases, including the paper book and other important documents/images are uploaded, so that the officers monitoring the case may get complete idea about the case through the site. The judgement of the case and the grounds of appeal/LR's opinion shall also be the part of database to facilitate decision making in appeal matters and eliminate delays.

10.3 The state shall facilitate online and offline access to case laws and relevant Acts to help the departments and the law officers to prepare their cases. For this purpose, online access to computerised databases shall be provided through suitable arrangement.

10.4 Relevant landmark judgements shall be made available on the website for ready reference.

11. Training and Workshops

11.1 Training for the Departmental law officers and other concerned officials of the departments shall be a regular

11.2 feature. Law schools and legal experts shall be associated for organising training programs, seminars, workshops and in preparing/running refresher courses for law officers for improving their knowledge and skill.

11.3 Basic knowledge of computers and internet shall be made mandatory for law officers.



Dr. Nirmaljeet Singh Kaisi, IAS
Additional Chief Secretary to Government of Punjab
Department of Home Affairs and Justice

Endst. No. 4/12/2010-6Judl.2/2891

Dated, Chandigarh; the 05/9/2018

A copy is forwarded to the Controller, Printing and Stationery, Punjab, Chandigarh to publish this notification in the Extraordinary Government Gazette and to send 300 copies of this notification to this department for record.


Under Secretary to Govt. of Punjab,
Deptt. of Home Affairs and Justice

Endst. No. 4/12/2010-6Judl.2/2892-94

Dated, Chandigarh; the 05-09-2018

A copy is forwarded to the following for information and necessary action:-

1. The Registrar General, Punjab and Haryana High Court, Chandigarh;
2. Legal Remembrancer, Punjab, Chandigarh;
3. Director, Prosecution and Litigation, Punjab, Chandigarh.


Under Secretary to Govt. of Punjab,
Deptt. of Home Affairs and Justice



H.C. ARORA ADVOCATE

ABOUT THE BOOK

This book is a collection of thoughts emanating from author's mind for tackling the backlog of Court Cases.

ABOUT THE AUTHOR

The author of this book is a prominent lawyer in Punjab and Haryana High Court. He is a strong supporter of independence of Judiciary.



MUSKAN LAW HOUSE

M. 96536-70787 | Web. www.muskanlawhouse.com

E-mail : muskanlawhouseludhiana@gmail.com

MRP: 175