

HIGH COURT OF HIMACHAL PRADESH SHIMLA- 171 001



ANNUAL REPORT

FOR

THE YEAR 2019-20
(Updated upto 31.03.2020)



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REGISTRAR GENERAL,
High Court of Himachal Pradesh,
Shimla- 171 001.

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PART- I**INTRODUCTION, BRIEF HISTORY & BACKGROUND OF HIGH COURT OF HIMACHAL PRADESH****CHAPER-1****INTRODUCTION AND BACKGROUND**

In the constitutional scheme, our founding Fathers, while drafting the Constitution of India and more particularly the Preamble thereof, made a mention of the “Justice” being an essential ingredient of the Constitution of India. It gave precedence to Justice over liberty and equality and fraternity because as per them unless there is justice, liberty is meaningless and fraternity cannot be achieved in absence of justice. Justice and liberty are essential for securing equality.

For securing the justice, the Constitution of India provides a pivotal role to the Indian Judiciary so that it could act as a guardian of the Constitution of India and also securing justice to the people of the country. With a view to discharge the obligations having been cast upon it by the Constitution of India, the Indian Judiciary has always strived hard to come to the expectations of the people of the country and the founding fathers of the Constitution.

Within the limited resources at its command, the Indian Judiciary has been maintaining data with regard to institution and disposal of cases by it. But the Law Commission of India and various other legal experts have expressed their concern on the lack of appropriate judicial data base in High Courts for the purpose of research and policy formulation in area such as judicial infrastructure, manpower requirement of judiciary and budgeting and planning for court development etc. The then Hon'ble Minister of Law and Justice, Government of India, Shri D. V. Sadananda Gowda in his demi official letter dated 16.10.2015, addressed to the Hon'ble the Chief Justices of High Courts, has informed that with the computerization of High Courts and District & Subordinate Courts, it has now become possible for the High Courts to obtain real time data and develop the necessary data analysis tool to disseminate necessary information on functioning of the High Courts and District & Subordinate Courts. He has also informed that an Annual Report of each High Court can play an important role in highlighting the work of judiciary as a public institution.

Hon'ble the then Chief Justice, High Court of Himachal Pradesh, immediately on responding to the demi official letter dated 16.10.2015 of Shri D.V. Sadananda Gowda, the then Hon'ble Minister, Law and Justice, Government of India, on 2.11.2015, constituted a Committee of two Hon'ble Judges of the High Court of Himachal Pradesh, namely, “**Committee for Drawing Annual Report**” comprising Hon'ble Mr. Justice Tarlok Singh Chauhan and Hon'ble Mr. Justice Sureshwar Thakur, Judges, as Members of the Committee and the Central Project Coordinator, High Court of H.P. as the Secretary.

Hon'ble the Chief Justice was further pleased to direct that the Annual Report be

prepared for each financial year with quarterly updation and displayed on the website of the High Court of H.P.

BRIEF HISTORY OF HIGH COURT OF HIMACHAL PRADESH

Precisely, the former Princely States had different systems of Administration and set of laws and in most of the Princely States, the administration was run on the whims of the Rulers or Wazirs and their words were considered to be the law. Himachal Pradesh came to be formed as a result of integration of 26 Shimla and four Punjab hill States into a Centrally Administered Area on 15th April, 1948. On 1st April, 1954, the parts of Bilaspur were also merged with Himachal Pradesh having its Headquarters at Shimla. The head was the Chief Commissioner. The first Chief Commissioner was Mr. N. C. Mehta and he was assisted by his deputy Mr. E. Penderal Moon, ICS. On 30th September, 1948, an advisory council was formed for the advice of the Chief Commissioner for administrative functions.

The Central Government promulgated the Himachal Pradesh (Courts) Order, 1948 on 15th August, 1948. As per Paragraph 3 of this Order, the Court of Judicial Commissioner was established for Himachal Pradesh and such Court was housed at "**Harvingtan**" (Kelston area, Shimla). It was vested with the powers of a High Court under the Judicial Commissioner's Court Act, 1950. Besides the Court of Judicial Commissioner, two Courts of District and Sessions Judges and 27 Subordinate Courts were also set up. The Court of Judicial Commissioner started functioning on 15th August, 1948 and in the same year two Courts of District and Sessions Judges were also established. The Punjab High Courts Rules and Orders with suitable amendments were made applicable to the courts in H.P. On 29th April, 1967, two more District and Sessions Judges Courts, one for Shimla and other for Kangra were established.

However in the year, 1966, the Delhi High Court Act was enacted by the Government of India and w.e.f. May 1, 1967, the Government of India extended the operation of the said Act to the Union Territory of Himachal Pradesh, replacing the Court of Judicial Commissioner by the Himachal Bench of Delhi High Court, at Shimla and it started functioning in old High Court building known as "**Ravenswood**". At that time, Hon'ble Mr. Justice K. S. Hegde was the Chief Justice of the Delhi High Court. Hon'ble Mr. Justice S. K. Kapoor and Hon'ble Mr. Justice Hardayal Hardy constituted the first circuit bench of the Delhi High Court which held Court at Shimla in the building known as "**Ravenswood**".

The Himachal Pradesh attained the Statehood in the year, 1971, and established its own High Court with Headquarters at "Ravenswood", Shimla, having one Hon'ble the Chief Justice and two Hon'ble Judges. The first Chief Justice of the High Court of Himachal Pradesh was Hon'ble Mr. Justice M. H. Beg and the other two Hon'ble Judges were Hon'ble Mr. Justice D. B. Lal and Hon'ble Mr. Justice C. R. Thakur.



The Old High Court Building "Ravenswood"



The New Complex of High Court of Himachal Pradesh

Hon'ble Mr. Justice R. S. Pathak, Hon'ble Mr. Justice T. U. Mehta, Hon'ble Mr. Justice V. D. Misra, Hon'ble Mr. Justice P. D. Desai, Hon'ble Mr. Justice N.M. Kasliwal, Hon'ble Mr. Justice P. C. B. Menon, Hon'ble Ms. Justice Leila Seth, Hon'ble Mr. Justice S. K. Seth, Hon'ble Mr. Justice V. Ratnam, Hon'ble Mr. Justice G. C. Gupta, Hon'ble Mr. Justice S. N. Phukan, Hon'ble Mr. Justice M. Srinivasan, Hon'ble Mr Justice M. N. Rao, Hon'ble Mr. Justice D. Raju, Hon'ble Mr. Justice C. K. Thakker, Hon'ble Mr. Justice W.A. Shishak, Hon'ble Mr. Justice V.K. Gupta, Hon'ble Mr. Justice Jagdish Bhalla, Hon'ble Mr. Justice Kurian Joseph and Hon'ble Mr. Justice A. M. Khanwilkar, Hon'ble Mr. Justice Mansoor Ahmad Mir, Hon'ble Mr. Justice Suryakant and Hon'ble Mr. Justice V.Ramasubramanian were the other illustrious and eminent jurists who adorned the office of Hon'ble the Chief Justice of High Court of Himachal Pradesh and have left a distinct mark of their personalities on the working of the High Court.

Some of the sitting judges of this High Court brought laurels by adorning the office of Chief Justice of other High Courts. Hon'ble Mr. Justice Bhawani Singh adorned the office of Chief Justice of Jammu & Kashmir High Court, then Madhya Pradesh High Court and then Gujarat High Court. Hon'ble Mr. Justice Devinder Gupta became Chief Justice of Andhra Pradesh High Court. Hon'ble Mr. Justice Deepak Gupta became the first Chief Justice of Tripura High Court and later on adorned the office of Chief Justice of Chhatisgarh High Court. Hon'ble Ms. Justice Abhilasha Kumari became the first woman to become the Chief Justice of the Manipur High Court. Hon'ble Mr. Justice Sanjay Karol became the Chief Justice of High Court of Tripura and has been now sworn in as the Chief Justice of High Court of Judicature at Patna.

Hon'ble Mr. Justice M. H. Beg, Hon'ble Mr Justice R. S. Pathak, Hon'ble Mr. Justice

N. M. Kasliwal, Hon'ble Mr. Justice S.N. Phukan, Hon'ble Mr. Justice M. Srinivasan, Hon'ble Mr. Justice D. Raju, Hon'ble Mr. Justice C.K. Thakkar, Hon'ble Mr. Justice Kurian Joseph, Hon'ble Mr. Justice A.M. Khanwilkar and Hon'ble Mr. Justice Deepak Gupta, Hon'ble Mr. Justice Surya Kant and Hon'ble Mr. Justice V.Ramasubramanian, were elevated to the Apex Court. Hon'ble Mr. Justice M. H. Beg and Hon'ble Mr. Justice R. S. Pathak had the distinction of becoming Hon'ble Chief Justices of the Supreme Court of India. Hon'ble Mr. Justice R. S. Pathak also remained a Judge of International Court of Justice at Hague. Hon'ble Mr. Justice Lokeshwar Singh Pantia has also a privilege of elevation to Hon'ble Supreme Court of India, directly from the Judge of Hon'ble High Court of Himachal Pradesh.

At present, the august office of Hon'ble the Chief Justice is adorned by Hon'ble Mr. Justice L. Narayana Swamy, under whose able leadership the High Court of Himachal Pradesh as well as the Courts Subordinate to it, are progressing by leaps and bounds. Thus, though small, but this High Court has a place of pride in judicial milieu of our country. Now the strength of the Judges of the High Court of Himachal Pradesh is thirteen including the Chief Justice whereas the sitting Judges including Hon'ble the Chief Justice are nine.

HON'BLE JUDGES IN THE HIGH COURT OF HIMACHAL PRADESH
DURING THE PERIOD 01.01.2020 TO 31.03.2020.

1.	HON'BLE MR. JUSTICE L. NARAYANA SWAMY	HON'BLE THE CHIEF JUSTICE
2.	HON'BLE MR. JUSTICE DHARAM CHAND CHAUDHARY	HON'BLE JUDGE (upto 12.03.2020)
3.	HON'BLE MR. JUSTICE TARLOK SINGH CHAUHAN	HON'BLE JUDGE
4.	HON'BLE MR. JUSTICE SURESHWAR THAKUR	HON'BLE JUDGE
5.	HON'BLE MR. JUSTICE VIVEK SINGH THAKUR	HON'BLE JUDGE
6.	HON'BLE MR. JUSTICE AJAY MOHAN GOEL	HON'BLE JUDGE
7.	HON'BLE MR. JUSTICE SANDEEP SHARMA	HON'BLE JUDGE
8.	HON'BLE MR. JUSTICE CHANDER BHUSAN BAROWALIA	HON'BLE JUDGE
9.	HON'BLE MR. JUSTICE ANOOP CHITKARA	HON'BLE JUDGE
10.	HON'BLE MS. JUSTICE JYOTSNA REWAL DUA	HON'BLE JUDGE

PART- II**ORGANIZATIONAL INITIATIVES****CHAPER-3****MAIN ACTIVITIES / EVENTS / INITIATIVES****Main Activities/ Events /Initiatives during the quarter (01.01.2020 to 31.03.2020)**

1. Two newly appointed Judicial Officers in the cadre of District Judges/Additional District Judges were detailed for induction
2. Regarding Subordinate Court Staff, seven posts of driver i.e. one on regular basis and six on daily wages basis have been advertized.

CHAPER-4**FUNCTIONING OF GRIEVANCE REDRESSAL MECHANISM**

Whenever any public grievance is received either against any judicial officer or any member of the staff of H.P. Judiciary, the same is received in Secretariat of Hon'ble the Chief Justice. Thereafter, such grievances are forwarded to the Vigilance Branch on the directions of Hon'ble the Chief Justice and after conducting the inquiry, the grievances are effectively settled under the orders of Hon'ble the Chief Justice.

However, a web-based Grievance Redressal & Suggestions Mechanism is also available on the website of High Court of Himachal Pradesh. Any person can post his /her Grievance / Suggestion online also on this Mechanism and there are comprehensive provisions to deal with the Grievance & Suggestions received online.

Guidelines for dealing with the complaints against the Subordinate Judiciary

Guidelines for dealing with the complaints against the subordinate Judiciary have been upgraded and modified as under:

- A. *The complaint making allegations against members of the Subordinate Judiciary in the State should not be entertained and no action should be taken thereon, unless it is accompanied by a duly sworn Affidavit and/or verifiable material to substantiate the allegations made therein.*
- B. *If action on such complaint meeting the above requirement is deemed necessary, authenticity of the complaint should be duly ascertained and further steps thereon should be taken only after satisfaction of the competent authority designated by the Chief Justice of the High Court.*
- C. *If the above requirements are not complied with, the complaint should be filed/lodged without taking any steps thereon.*

PART- III

LAND MARK JUDGMENTS OF PUBLIC INTREST

CHAPER- 5

LANDMARK DECISIONS OF PUBLIC IMPORTANCE

High Court of Himachal Pradesh though a small High Court but has enjoyed a good reputation of delivering judgments and orders which are in the category of landmark judgments in the judicial history of our country. The High Court of Himachal Pradesh, has delivered various judgments and laid down many decisions of public importance, a few judgments delivered during the quarter 01.04.2019 to 30.06.2019, deserving mention are:

LAND MARK JUDGMENTS OF PUBLIC IMPORTANCE DELIVERED DURING THE QUARTER 01.04.2019 to 30.06.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
1.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.	Cr. Appeal No. 482 of 2017	Rajinder Kumar vs. State of H.P.	In a case of alleged rape of minor girl aged 14 years of age, while interpreting Section 375 IPC and Section 3 of the POCSO Act, it is held that the hostile statement of the prosecutrix and her mother cannot be taken as a ground to disbelieve the prosecution story especially when the scientific investigation and the link evidence available on record connect the accused with the commission of offence. The testimony of official witnesses supplies necessary links in support of the prosecution case, thus conviction of accused upheld. However, in the totality of the circumstances, more particularly, the age of the prosecutrix, instead of imprisonment for life, accused convicted for a period of 10 years and also to pay fine of Rs. 50,000/- under Section 376(2)(f) & (n) IPC.	2.4.2019.
2.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.	Cr. Appeal No. 532 of 2016.	Ravinder Sharma alias Ravi Vs. State of H.P. & connected appeal.	In a case where there were allegations of rape with a minor girl against the accused, it has been held that no benefit can be drawn from the lacunae, if any, in the defence, however, when the prosecution has proved its case qua abduction of the prosecutrix and subjecting her to sexual intercourse, the silence of the accused speaks in plenty qua his act, conduct and behaviour. Accordingly, conviction of principal accused upheld.	2.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
3.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge.	CWP No. 839 of 2019	Leela Devi Vs. State of H.P. & ors.	Held that the appropriate course available in the matter of cancellation of the income certificates was to have held inquiry by the issuing authority and in case the information furnished by the applicant or the complainant was proved to be incorrect, to have cancelled the same by affording the parties the opportunity of being heard. The petition accordingly dismissed.	23.4.2019
4.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge.	LPA Nos.173 and 174 of 2015.	Jai Singh vs. State of H.P.	When the direction was issued to respondents to prepare seniority list of DDT Beldars, after giving due publicity to the same. The claim of the petitioners qua their appointment against Class-IV posts on regular basis was declined on the ground that the appointments against public posts are governed by R & P Rules. Held that the writ Court has applied its mind twice; firstly at the time of disposal of the writ petitions and secondly when the review petitions were dismissed and the judgment, therefore, cannot be said to be legally and factually unsustainable. Appeals dismissed.	25.4.2019.
5.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge.	Cr. Appeal No. 220 of 2011	State of H.P. Vs. Asha Gupta and another.	Held that learned trial Judge has rightly held that the presence of 135 mg of Dextropropoxyphene hydrochloride based per unit is exempted from the ambit of manufactured drugs, therefore, capsules recovered from the accused do not fall within the mischief of ND & PS Act. Judgment of the trial Court accordingly upheld.	7.5.2019
6.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Chander Bhusan Barowalia, Judge.	Cr. Appeal No. 367 of 2017.	Sahil Singh vs. State of H.P.	Held that the prosecution must stand on its own legs and should not derive any strength from the weakness, if any, in the defence of the accused. The evidence of interested witnesses cannot be relied upon as they are being closely related or interested in the success of the prosecution case. The appeal accordingly allowed and accused acquitted.	15.5.2019.
7.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge.	CWP No. 2207 of 2017 & connected matters.	Sant Ram & ors. Vs. NTPC & anr.	Held that redetermination u/s 28 A is available only in respect of an award passed by the Court under Part-III of the Land Acquisition Act, comprising sections 18 to 28 A (both inclusive). Further held that since the petitioners are rustic villagers having no knowledge of legal intricacies, they have the right to resort to the remedy available to them u/s 28A of the Act, irrespective of the delay occurred to exercise such right.	28.5.2019.
8.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble	CWP No. 901 of 2019.	State of H.P. & ors. Vs. Davinder Chauhan.	Held that since the petitioner had completed 8 years of service on daily waged basis with 240 days in each calendar year in the interregnum i.e. in the year 2001, therefore, the respondents were under an obligation to	29.5.2019.

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Mr. Justice Vivek Singh Thakur, Judge.			regularize the services of the petitioner from the year 2002.	
9.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.	CWP No. 1242 of 2019.	Wing. Cdr. IBK Singh Memorial Society vs. SBI & ors.	Held that since the petitioner could avail the alternative remedies available to him in terms of the provisions contained in the SARFAESI Act, therefore, the petition under Article 226 of the Constitution of India is not maintainable.	10.6.2019.
10.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.	CWP No. 1302 of 2019.	Roshan Lal vs. State of H.P. & ors.	Held that since Divisional Commissioner was discharging the functions quasi-judicial in nature, it was expected to be prompt and quick in discharging the same, that too in a case where the petitioner being an elected Pradhan has been removed from his office.	17.6.2019.
11.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge.	CWP No. 1233 of 2019.	Sh. Garu Lal vs. State of H.P. & ors.	Held that against an order passed under Section 18 of the Land Acquisition Act by the Collector, remedy under 18(3) is to challenge the same by way of filing a revision petition and as such, the writ petition is not maintainable.	20.6.2019.
12.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CMP (M) No. 971/2017	Karam Chand and others vs Kishore Singh	Point involved The applicants filed application seeking condonation of 166 days delay in filing of the appeal on the ground that the impugned judgment and decree were passed on 23.12.2015 and certified copy of the same was applied on 26.12.2015 and the same was attested on 5.11.2016 and supplied on 7.11.2016 and as such the limitation for filing appeal was expired in the month of April, 2017. After receiving legal advice, an appeal was ultimately filed on 17.7.2017. Case of the applicants is that they were rustic villagers and did not know the intricacies of law and were not aware of the limitation, therefore, the delay of 166 days in filing of the appeal was sought to be condoned. Case of the respondents was that the impugned judgment and decree were passed on 23.12.2015 and both the parties filed the applications for obtaining certified copies on 26.12.2015. Serial No. of the application of the respondents was 11124 and serial number of the application of the applications was 11228. The copies were attested on 5.1.2016. It is alleged that the applicants have interpolated/tampered with the date of attestation as is apparent to the naked eyes whereby the month of attestation instead of 5.1.2016 has been changed to 5.11.2016. The colour of the	10.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>ink wherein the figure '1' added appears to be different from one appearing in the rest of the columns filled up by the Copying Agency.</p> <p>Conclusion-</p> <p>The applicants filed rejoinder to the reply filed by the respondents accompanying an application for withdrawal of the application for condonation of delay. The comments were sought from the learned Additional District Judge-1, Una, District Una, who commented that the applicants have not approached this court with clean hands by not disclosing the true and correct facts and have rather indulged in interpolation and tampering of records produced before this court. The parties approaching the Court must do so not only with clean hands but also with clean mind, clean heart and clean object. In the instant case not only the applicants made false averments but have further committed perjury by interpolating the dates in the judgment. The interpolation and tampering made by the appellants were calculated to embarrass and the court in the administration of justice. The Court directed to launch prosecution against the applicants for perjury. Consequently, the Registrar General of this Court was authorized to file a complaint in the court of concerned Magistrate against the applicants. Notice were ordered to be issued to the applicants in Form-I of the Contempt of Courts Act, 1966 to show cause why they should not be prosecuted and punished under the Contempt of Courts Act.</p>	
13.	Hon'ble Mr. Justice Tarlok Singh Chauhan	Cr.A. No. 1 of 2019	Mohinder Kumar vs Mast Ram Pathak	<p>Point involved</p> <p>Case of the appellant was that respondent was his good friend and had requested for financial assistance of Rs. 1,80,000/- which was required by him for running his business smoothly and properly. The appellant arranged this amount and handed over the same to the respondent. The respondent in turn issued a cheque bearing No. 523642 on 5.7.2014 amounting to Rs. 1,80,000/- drawn at State Bank of India, Branch at Kali Bari, Shimla in favour of the complainant. Upon presentation of the cheque by the appellant, the same was dishonoured on account of "insufficient funds". Legal notice was sent but the respondent did not make the payment hence he filed complaint under section 138 of the Negotiable Instruments Act, which was dismissed by the trial court, as such, the present appeal.</p>	9.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>Conclusion- Learned trial Magistrate has not at all kept in mind the presumptions as to negotiable instrument as envisaged under sections 118 (a) and 139 of the Act. The presumption under sections 118 (a) and 139 were rebuttable and the standard of proof required for such rebuttal was "preponderance of probability" and not proof "proved beyond reasonable doubt". The accused may adduce evidence to rebut the presumption, but mere denial regarding existence of debt shall not serve any purpose. In terms of section 4 of the Evidence Act whenever it is provided by the Act that the court shall presume a fact, shall regard such fact as proved unless and until it is disposed. The court shall presume a negotiable instrument to be for consideration unless and until after considering the matter before it, it either believes that the consideration does not exist or considers the non-existence of the consideration so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that the consideration does not exist. The trial Magistrate has failed to take into consideration the fact that once a cheque has been signed and issued in favour of the holder, there is a statutory presumption that it is issued in discharge of legally enforceable debt or liability. The appeal was allowed and the order passed by the trial court dated 20.11.2017 was set aside and the trial court was directed to decide the same afresh in accordance with law.</p>	
14.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CR No.11 of 2019	Janak Raj and another vs Sukhdev and others	<p>Point involved The plaintiffs filed a suit for declaration with consequential relief of permanent prohibitory injunction on 1.7.2013. Defendants contested the suit by filing written statement. Issues were framed and the parties led their respective evidence. Thereafter the plaintiffs filed an application for withdrawal of the suit with permission to file a fresh suit on the same cause of action. The moot question in this petition is whether non-joinder of a party can be said to be a formal defect within the meaning of Rule 1(3) of Order 23 of the Code of Civil Procedure entitling the plaintiffs for withdrawal of the suit with permission of the court to file a fresh suit on the same and similar cause of action or such part of the claim with liberty to institute a fresh suit in respect of the subject matter of such suit or such part of the claim.</p>	17.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>Conclusion- The provisions of order 23 rule 1 CPC cannot be applied mechanically. The parties cannot be vexed twice for the same cause of action. The plaintiffs themselves had not invoked the provisions of order 23 rule 3 (b), but their case has specifically been set out under order 23 rule 1 (3) (a), as would be evident from para 2 of the application. The plaintiffs nowhere pleaded that there are sufficient grounds for allowing the plaintiffs to institute a fresh suit for the subject matter of the suit or a part of the claim so as to invoke the provisions of order 23 Rule 1 (3) (b). Even otherwise, learned counsel for the plaintiffs has not been able to show any sufficient ground whereby the plaintiffs can be allowed to institute a fresh suit for the subject matter of the suit or a part of the claim. The petition was allowed and the impugned order was set aside.</p>	
15.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No.302/2017	Lal Chand vs The Trust Prabh Dayal Shah Moti Ram Shah	<p>Point involved A decree for possession was passed by the learned Civil Judge (Jr. Division), Kangra on 25.4.2000 in favour of respondent No. 1 and the same was affirmed in appeal by the ADJ, Kangra on 8.8.2006 and has thus attained finality. The decree holder filed an execution petition under order 21 rule 11 and 35 CPC for execution of the judgment and decree. The executing court issued warrant of possession in respect of the land in dispute and the report was called for. Though the possession of Khasra No.2502 was delivered to the decree holder, however, possession of Khasra No.1503 could not be delivered. Decree holder moved another application seeking fresh direction to the Bailiff for delivery of possession. The objector contested the application. The executing court allowed the application. Hence, the present appeal on the ground that since the decree holder is a trust, therefore, suit itself was not maintainable under sections 47 and 48 of the Indian Trust Act and as such judgments and decrees passed by the courts below were without jurisdiction.</p> <p>Conclusion- The provisions of Section 47 of the Indian Trust Act and Order XXI Rule 11 (2) CPC, when read conjointly, clearly provides that the court has to satisfy itself with the authority of the person, who has filed the execution petition. It is not necessary that the decree holder should sign an execution</p>	17.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				petition but the court should be satisfied that the person signing the execution petition was acquainted with the facts of the case. The execution petition preferred by the Secretary of the decree holder was found to be proper and legal and it was not necessary for the decree holder to have signed the execution petition. The appeal was dismissed with costs of Rs. 25,000/- ordered to be paid to the decree holders before 21.5.2019.	
16.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CWP No. 1147 of 2016 and analogous matters	Rajesh Kumar vs State	<p>Point involved</p> <p>This is two set of petitions. One by the serving or retired employees of the Himachal Pradesh Housing and Urban Development Authority pertaining to the grant of pensionary benefits and assailing the action of the LIC in refusal to pay pension/family pension to the petitioners or to the family(s) of the deceased member(s), who have retired or died w.e.f. April, 2014 onwards and have further assailed the consideration order passed by the LIC on 23.11.2015 pursuant to the orders passed by this Court in earlier writ petition filed by some of the petitioners being CWP No.8821 of 2014 alongwith connected writ petitions and other petition has been filed by the employer seeking directions to the LIC to pay the pension and uptodate DA to the retirees. The case of the LIC was that the contract of insurance is regulated strictly as per the terms of the contract. The premium was to be calculated as per actuarial basis valuation. The policy was sold in the year 2008 and it was specifically made clear to the policy holder that the premium cannot be calculated in advance. The method of calculation of annual premium was made clear to the HIMUDA.</p> <p>Conclusion-</p> <p>The master policy was never executed between the parties and the same was in fact submitted to the HIMUDA for the first time on 16.12.2009, as such, the LIC cannot fall back to any terms and conditions of the master policy and the case of the petitioners was required to be considered on the basis of revised scheme submitted by the LIC to HIMUDA. All pensionary benefits were to be determined in accordance with CCS (Pension) Rules, 1972 as adopted by the State Government of Himachal Pradesh for its employees. The pension was payable w.e.f. 1.4.2008 and no past arrears of pension components were</p>	25.4.2019

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				payable. No commutation was required to be paid and pension was to be DA-linked with family pension w.e.f. 1.4.2008. an insurance contract is a species of commercial transactions and must be construed like any other contract on its own terms and by itself albeit subject to the additional requirement of uberrima fides i.e. good faith on the part of the insured except that the other respects, there is no difference between the contract of insurance and any other contract. In order to determine the extent of liability of insurer, terms of insurance contract have to be strictly construed without venturing into extra liberalism that might result in rewriting of the contract or substituting the terms which were not intended by the parties. The petitions were allowed and the LIC was directed to pay pension and upto day DA to the retirees of the HIMUDA.	
17.	Hon'ble Mr. Justice Tarlok Singh Chauhan and Hon'ble Mr. Chander Bhusan Barowalia	CWP No. 2496 of 2018	Ramakant Sharma and others vs Bar Council of India and others	<p>Point involved</p> <p>The petitioner filed the petition against the resolution passed by the Bar Council of India in its meeting held on 15.09.2018, whereby it has ordered the maintenance of status quo as existed prior to 07.08.2018, while entertaining a petition filed by seven Members of the Bar Council of Himachal Pradesh for issuance of a writ in the nature of certiorari to quash and set aside order dated 15.09.2018 consequently upholding elections of the petitioners No. 1 to 3 as Chairman, Vice Chairman and Member Representative to Bar Council of India and that of petitioners No. 4 to 8 as members of various committees. The case of the respondents is that no approval was granted by the Bar Council of India to the elections of petitioners 1 to 3, therefore, the functions discharged by these three petitioners are not only illegal but are without any authority. Respondents raised objections that it is only the Hon'ble Supreme Court which has jurisdiction to give directions.</p> <p>Conclusion</p> <p>Initially the issue before the Hon'ble Supreme Court was only pertaining to identification of fake lawyers and the steps taken by respondent No.1 Bar Council of India to cause an enquiry and to find out fake lawyers. The apex court passed different orders from time to time. Respondent No.8 and other members kept silent for over 30 days. The elections were being held to the most elite and apex body</p>	26.4.2019

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				of the Advocates that too at the behest and on behalf of the elected Advocates themselves. The undated representation made at the behest and on behalf of respondent No.8 alongwith certain other elected members to respondent No.1 was clearly an afterthought and above all the same was not even maintainable. The orders passed by the Hon'ble Supreme Court are being thoroughly misconstrued by the respondents. Since the elections were to be notified after seeking approval and the results were to be published by the Bar Council of India, it deliberately and willfully chose not to publish the same despite the fact that there was no objection from any person or authority to the election from 7.8.2018 upto 10.9.2018. During this period, respondent No.8 with the active assistance and connivance of other private respondents No.4 to 8 and the original petitioners No.7 and 8 managed to muster and gather some other members and filed undated petition that too to the Bar Council of India and not before the Committee/Tribunal specially constituted for this purpose. Even, respondent No.1 after having accepted petitioners No.1 and 2 to have been duly elected as Chairman and Vice Chairman of the Bar Council of Himachal Pradesh was clearly estopped from accepting and thereafter dealing with the undated representation submitted by respondent No.8 by appointing a six members committee, the constitution of which was illegal itself. The petition was allowed and the election of petitioners No.1 to 3 is upheld and the order dated 15.9.2018 is quashed and set aside.	
18.	Hon'ble Mr. Justice Tarlok Singh Chauhan	C.R. No. 104 of 2018	Jai Luxmi Labour and Construction Cooperative Society Ltd. Vs. Dev Singh Negi	<p>Point involved</p> <p>The plaintiff/respondent filed a suit for recovery of Rs.19,36,189/- and the same is now pending adjudication before the learned Senior Civil Judge, Kinnaur at Reckong Peo. The moot question that arises for consideration in this petition under section 115 of the CPC is whether the notice under Section 76 of the Himachal Pradesh Co-operative Societies Act, 1968, even if held to be mandatory in the given facts and circumstances of the case, can be waived of by a party.</p> <p>Conclusion:</p> <p>There is no reason why the notice under Section 80 could not be waived if the authority thinks it fit to waive the said benefit. In Dhian Singh vs. Union of India</p>	29.4.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
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				AIR 1958 SC 274, the Hon'ble Supreme Court held that when objection as to validity of notice was not taken in the written statement nor an issue framed by the trial Court, an inference could be drawn that the objection under Section 80 had been waived. no suit can be instituted without service of notice if such service of notice is required statutorily as a condition precedent. The giving of notice is a condition precedent to the exercise of jurisdiction. But, this being a mere procedural requirement, the same does not go to the root of jurisdiction in a true sense of the term. The same is capable of being waived by the defendants and on such waiver, the Court gets jurisdiction to entertain and try the suit. The plea of waiver can always be tried by the Civil Court. In fact it is not suggested who else can try. The question whether, in fact, there is waiver or not would necessarily depend on facts of each case and is liable to be tried by the same Court if raised. The petition was dismissed.	
19.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CR No. 225 of 2017	Dinesh Kumar vs Bachna Ram (d) through LRs Uma Devi and others.	<p>Point Involved</p> <p>This revision petition is directed against the order passed by the learned reference Court whereby he rejected the application of the petitioner seeking his impleadment in the reference proceedings.</p> <p>Conclusion:</p> <p>The reference Court does not have the power to entertain an application under Order 1 Rule 10 CPC. It was further held that a person who has not made an application before the Land Acquisition Collector, for making a reference under Section 18 or 30 of the Land Acquisition Act, 1894, cannot get himself impleaded directly before the reference Court. no fault was found with the order passed by the reference court and consequently the petition was dismissed.</p>	1.5.2019
20.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CWP No. 181 of 2019	Bovel vs State of H.P.	<p>Point involved</p> <p>The petitioner is a representative of the Himachal Pradesh Parent Teachers Associations and aggrieved by the notification dated 14.01.2019 issued by the District Magistrate, Shimla, whereby the venue at Chhota Shimla near Police Station has been denotified for holding demonstration, rallies etc. has filed the instant writ petition for grant of certiorari to quash impugned order dated 14-01-2019 i.e. Annexure P-3.</p> <p>Conclusion:</p> <p>The petitioner is working as Contract</p>	4.5.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				Teacher with the Education Department of the State of Himachal Pradesh and, therefore, is not an industrial worker covered by the provisions of the Industrial Disputes Act, 1947, Industrial Employees Standing Orders, 1946, Trade Unions Act, 1926 and hosts of other legislation and, as such, has neither any fundamental nor statutory or a moral right to go on strike. The employees have no fundamental right to resort to strike. The right to carry out demonstration/dharna is otherwise subject to reasonable restrictions and can only be carried out so as to ensure that minimum inconvenience is caused to the public at large. The employees going on 'dharnas' or protests etc. cannot obstruct the free flow of traffic or cause inconvenience to the general public merely because the protesters have been able to muster-up a sizeable number will not give them the right to hold the general public to ransom, bringing the entire administration to a grinding halt and because of strike by teachers. The petition was dismissed.	
21.	Hon'ble Mr. Justice Tarlok Singh Chauhan and Hon'ble Mr. Chander Bhusan Barowalia	CWP No. 627 of 2019	Arpna Sharma vs State of H.P.	<p>Point involved</p> <p>The petitioners were appointed as Medical Officers and are serving in different rural areas of the State. In the National Eligibility-cum-Entrance Test (NEET) for post graduation that was conducted in the year 2017, the General Duty officers were held entitled for incentives of 10% and maximum 30% of the marks obtained for each completed year of service in any of the areas declared as difficult/remote/tribal/backwards by the State. However, the Medical Council issued a notification No. MCI-18(1)/2018-Med/100818, dated 05.04.2018, whereby the Postgraduate Medical Education Regulations, 2000, were further amended and were termed as Postgraduate Medical Education (Amendment) 5 Regulations, 2018, whereby the rural areas were also included for giving incentives in marks. The petitioners appeared and qualified the NEET for 2019 on 31.01.2019. The Government of Himachal Pradesh notified the Policy for regulating admissions to various Post Graduation and Super Specialty Courses in Medical Education applicable in the State of Himachal Pradesh, wherein for the first time incentives were provided to the General Duty Officers who had also served in the rural areas. However, for the purpose of incentive, this Policy was made applicable</p>	4.5.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
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				<p>prospectively. The petitioners prayed for issuance of a writ in the nature of certiorari/mandamus to give 10% incentive marks to the petitioners for the service rendered in rural area upto maximum of 30%.</p> <p>Conclusion: The principle of incentivisation flows from Regulation 9 (IV) of the Post Graduation Medical Education Regulation. The petitioners have qualified the NEET on 31.01.2019 and at that relevant time, they were entitled for incentive as per notification, dated 20.03.2017, as the present Policy has been notified much later, i.e. on 27.02.2019. Therefore, the petitioners cannot claim notification dated 27.02.2019 be applied to their cases retrospectively. The petitioners having qualified the examination knowing fully well that the incentive would be granted as per notification dated 20.03.2017, cannot now turn around and insist that incentive be granted as per the subsequent Policy notified on 27.02.2019. The petition was dismissed.</p>	
22.	Hon'ble Mr. Justice Tarlok Singh Chauhan	C.R. 196 of 2018	Indian Meteorological Deptt. Vs Miss Asha Pandit & others.	<p>Point involved Whether in a case where possession of the land has been taken under sections 16 and 17 of the Land Acquisition Act, 1894, can the application for release of land from acquisition still be held to be maintainable?, is the short question which arises for consideration in the instant revision petition. The land of respondent No.1 was acquired by respondents No.2 and 3 for the benefit of the petitioner.</p> <p>Conclusion: After possession has been taken pursuant to a notification under section 17(1), the land is vested in the Government and the notification cannot be cancelled under section 21 of the General Clauses Act, nor can the notification be withdrawn in exercise of the powers under section 48 of the Land Acquisition Act. Rather it was held that any other view would enable the State Government to circumvent the specific provision by relying upon a general power. It was also held that when the possession of the land is taken under section 17 (1) of the Act, the land vests in the Government and there is no provision by which the land statutorily vested in the Government reverts to the original owner by mere cancellation of the notification. In the instant case, once the land is vested in the State free from encumbrances, it cannot be divested. The</p>	23.5.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
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				petition was dismissed.	
23.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No.407 of 2018	Jaram Singh vs. Santosh and another	<p>Point involved</p> <p>The plaintiff filed a civil suit for permanent prohibitory and mandatory injunction against the defendants on the ground that he is owner in possession of the suit land and has constructed a house over the same. There is a passage and he has acquired the right of easement by way of necessity and prescription as there is no other alternative path. The defendant has alleged that there is already another alternative path existing on the spot and denied the passage over the suit land. The moot question that falls for consideration is: whether in absence of any relief for declaration can a suit for injunction be maintained?</p> <p>Conclusion:</p> <p>A suit for mere injunction is not maintainable when the suit is based on alleged prescriptive right without a prayer for declaration that the plaintiff has acquired such prescriptive right. The plaintiff who seeks permanent injunction based on easementary right will have to necessary seek for declaration that he has got such a right. Unless such a right is established and declared plaintiff cannot seek for permanent injunction. The appeal was dismissed.</p>	29.5.2019
24.	Hon'ble Mr. Justice Tarlok Singh Chauhan	Cr.MMO No. 167 of 2019	Ravi Shankar vs State of H.P.	<p>Point involved</p> <p>Petitioner was the accused of obstructing the complainant who while discharging her official duties as a constable in the HP police was deployed at District Bilaspur on 7.2.2013. The present petition has been filed under section 482 Cr.P.C. the petitioner has sought quashing of FIR No.23/2013 dated 7.2.2013 registered at Police Station, Sadar, District Bilaspur, H.P. under section 353, 332, 504 and 506 of IPC as well as consequential proceedings. The complainant, being Government employee, has compromised the matter. The moot question in this case is whether such a course is available to this Court?</p> <p>Conclusion:</p> <p>The power of the High Court in quashing of the criminal proceedings or FIR or complaint in exercise of its inherent power is distinct and different from the power of a criminal court for compounding offences under section 320 CrPC while exercising inherent power of quashment under section 482 crpr, the court must have due regard to the nature and gravity of the crime and its social impact. The allegations levelled by respondent No.2 as a public servant for an</p>	29.5.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				offence in discharge of her official duty cannot be treated to be in her individual and private capacity. However, taking into consideration the peculiar facts and circumstances of the case, more particularly the fact that respondent No.2 has sought specific permission from the District Magistrate as also from her department to compromise the matter and the same stand granted in her favour. The petition was allowed.	
25.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No.551 of 2002	Rashida Begum vs Phulan alias Shakuran Begum	<p>Point involved Plaintiff No.1 and defendant were daughters of plaintiff No.2, who had constructed a house over the plot. Both the daughters were living in the same building. Plaintiff No.1 was put in possession of the plot and the house by plaintiff No.2 except for the two rooms which were coming in the possession of the defendant and for that the plaintiff No.2 gave symbolic possession to plaintiff No.1. Since the defendant failed to vacate these two rooms despite being permissive possession, therefore, the suit was filed by the plaintiffs for possession claiming that the defendants possession over these two rooms was unauthorized and illegal. Defendant filed an appeal, which was allowed and the plaintiff has filed the present appeal against the judgment and decree passed by the first appellate court.</p> <p>Conclusion: The application filed by the plaintiff for leading additional evidence was under 41 rule 27 CPC remained undecided before the learned first appellate court. Under no circumstances, can it be said that the application filed by the plaintiff was rejected by the learned first appellate court. There is no provision of law whereby the application for leading additional evidence if not decided can be considered to have not been pressed before the concerned court until and unless there is some specific order to this effect.</p> <p>Now, the moot question is whether the present application can be permitted to be withdrawn by the plaintiff at this stage.</p> <p>The plaintiff was well aware of the fact that the gift in question was required to be accepted before the same could be considered to be legal one and it is for this precise reason that she moved the application. Therefore, the same cannot be deemed to have been dismissed.</p> <p>The three pillars of a valid gift under Muhammeden law are declaration</p>	

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1	2	3	4	5	6
				acceptance and delivery of possession. There can be a valid gift or property in the possession of lessee or a mortgagee and a gift may be sufficiently made by delivering constructive possession of the property to the donee. The donor may lawfully make a gift of the property in the possession of the trespasser and such a gift is valid provided the donor either obtains and gives possession of the property to the donee or does all that he can to put it within the powers of the donee to obtain possession. The appeal was allowed and the judgment and decree passed by the first appellate court is set aside and that of trial court is affirmed.	
26.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No.103 of 2003	Jagat Ram vs Ajit Singh	<p>Point involved: The plaintiff filed a suit for permanent prohibitory injunction on the ground that he along with other co-sharers was in possession of the suit land. The defendant being total strangers had no right, title or interest to interfere with the said possession and in case they were successful in such attempt during the pendency of the suit, then possession thereof be delivered to the plaintiff.</p> <p>Conclusion : The specific case of the plaintiff that he along with other co-sharers is in possession of the suit land, however, it needs to be noticed that the plaintiff himself on 31.10.1992 filed an application for appointment of a Local Commissioner. The plaintiff admitted the possession of the defendant over the suit land by moving this application. The local commissioner was appointed. the defendant was in possession of the suit land, therefore, even if he has been successful in obtaining possession of the suit land during the pendency of the suit, this court can conveniently mould the relief, while eventually decreeing the suit by granting decree of possession after taking into consideration the subsequent developments and changed circumstances and plaintiff cannot be compelled to file a fresh suit. The non filing of the replication which otherwise is not a matter of right, will not amount to deemed admission of fact of the written statement. The appeal was dismissed.</p>	31.5.2019
27.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CWP No. 2061/2018	S.C. Kainthla vs State of H.P.	<p>Point involved The main question raised in these writ petitions relates to inter se seniority dispute among three streams of H.P. Higher Judicial Service, the officers promoted on</p>	1.5.2019

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				<p>the bases of merit-cum-seniority under 50% quota, (ii) the officers promoted on the basis of limited departmental competitive examination under 25% quota, as it then existed and (iii) the direct recruits under 25% quota.</p> <p>conclusion: Directions were issued by the Hon'ble Supreme Court with respect to the recruitment to the Higher Judicial Service, i.e. cadre of the District and Sessions Judges, which was to be from three streams. Rules were also ordered to be framed by the High Court as early as possible. The grouse of the petitioners was that the directions issued by the Hon'ble Supreme Court in All India Judges' Association's case have not been followed in its letter and spirit by applying roster. The petitioners filed representations and writs in the High Court and one of the CWP No. 696/2010 was filed by the H.P. Judicial Services Officers Association. An I.A. No. 334/2014 filed by the petitioners and on 14.7.2016 and on the said date Hon'ble Supreme Court relegated the parties to work out their remedy in the writ petition pending before the High Court. It is clear from the record that when the petitioners sought to agitate the matter, it was only a stale or dead issue and it was more than settled that the issue of limitation or delay and laches has been considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation or erase the delay and laches. The petitioners are guilty since they have acquiesced in accepting the appointment of the private respondents from the date and day they came to be appointed and did not challenge the same in time. There has to be an element of repose and a stale claim, more particularly, to the one related to seniority and promotion, cannot be resuscitated. The petitions were dismissed.</p>	
28.	Hon'ble Mr. Justice Tarlok Singh Chauhan	Cr.A. No. 331/2018	M/s Bhagra Steel Pvt. Ltd. Vs Vivek Sharma and another	<p>Point involved: A complaint u/s 138 of the NIA was filed by the appellant against one Vivek Sharma and M/s Edge India Agrotech Ltd. On the ground that appellant-firm supplied steel to Vivek Sharma from time to time. Though some payment was made, but after</p>	7.5.2019

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				<p>settlement, Vivek issued two cheques, i.e. Cheque No. 804595 and 804597 for Rs. 6,75,000/- and 6,75,000/- respectively to discharge the liability. Vivek Sharma was acquitted whereas M/s Edge India Agrotech Ltd. Was convicted with direction to pay compensation of Rs. 13,70,000/- to the appellant. In appeal, learned Sessions Judge (Forest) set aside the judgment of conviction and even the order of sentence qua M/s Edge India Agrotech. Ltd. Only on the ground that no notice of accusation was put to the company and no statement u/s 313 Cr.P.C. was recorded.</p> <p>Conclusion: The findings of the Sessions Judge (F) are absolutely perverse as even the appeal before the Sessions Judge was being prosecuted on behalf of Vivek Sharma not only in the capacity of Managing Director-cum-Director, but even as an authorized signatory of the company. Once the Sessions Judge came to a firm conclusion that it was the company who was the prime accused then obviously, it was for the company to have defended itself. Section 141 of the Act uses the term person and refers it to a company. There is no trace of doubt that the company is a juristic person and is liable to be prosecuted and punished for criminal offences even though criminal acts may have been committed through its agent. A company is liable to be prosecuted and punished for criminal offences. Section 141 of the Act is concerned with the offences by the company. It makes the other persons vicariously liable for commission of offence on the part of the company. The vicarious liability can be attracted when the condition precedent laid down in Section 141 of the Act stands satisfied. An appeal was allowed and impugned judgment is set aside. The matter is remanded back to the learned Sessions Judge for fresh decision.</p>	
29.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No. 521/2006	Parmodh Sharma vs Onkar Singh Thakur	<p>Point involved: The plaintiff filed a suit for recovery of Rs. 2,00,000/- as damages on account of defamation against the defendant. It was dismissed by the trial court, however, in an appeal the suit was decreed by the first appellate court, hence the present appeal. Whether the judgment of appellate court can be sustained when there is no evidence on record to show that the reputation of the plaintiff had in any manner harmed/damaged with casts of omission and commission, if any, relatable to the</p>	31.5.2019

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				<p>appellant?</p> <p>Conclusion: Law of defamation is based on the principle that every man has a right to have his reputation preserved inviolate. The wrong of defamation may be committed either by way of writing, which is referred to as Libel or by way of speech. The question whether an imputation or accusation is defamatory or not is a mixed question of law and fact. It is not necessary to prove that the plaintiff directly or indirectly suffered from the scandalous imputations. Proof of intention, knowledge or reasonable belief on the part of the defendant regarding the possible harm to reputation is sufficient. Whether harm was actually caused or not is immaterial. Even the intention to cause harm to the reputation is not a necessary factor to be proved. It is enough, if it is shown that the defendant had reason to believe that the imputations are likely to harm the reputation. Freedom of speech and expression is not unfettered to allow defamatory statements injuring reputation and is subject to a reasonable restriction on freedom of speech and expression. There was no proof of reputation of the plaintiff being tarnished or lowered in the society. The appeal was allowed and the impugned judgment and decree was set aside and that of trial court was restored.</p>	
30.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CMP No. 6710/2018	The Liquidator Hamirpur Distt. Cooperative Marketing and Consumer Society Ltd. Vs State	<p>Point involved: The writ petition filed by the petitioner-Society was dismissed by this Court vide judgment dated 29.9.2009. As a matter of fact, the petitioner-Society had filed two writ petitions being CWP No.200/2005 and CWP No.3/2006. In CWP No. 200/2005, the petitioner-Society has challenged the proclamation of sale dated 16.2.2005, whereby its properties were sought to be put to auction to recover the amount of Rs.17,74,029/-. This amount was payable to the respondents-State towards arrears of sales tax. In CWP No. 3/2006, the petitioner-Society had prayed that the respondents be directed to put the entire property of the Society in an open auction and then settle its disputes. Since the sale proceeds amounting to Rs. 31,25,000/- realized out of the sale are lying deposited in the Registry of this Court, therefore, petitioner society has filed the instant application for release of the same.</p>	19.6.2019

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				<p>Respondent No.4 claimed that section 16-B overrides and creates a mandatory "first charge" on the property of the dealer and, therefore, respondent has preferential right to recover the amount towards sales tax. Respondent No.5 KCC Bank too has averred that since the properties of the petitioner-society stand mortgaged with the KCC bank, it has first charge over the sale proceeds.</p> <p>Conclusion: Section 16 (b) of the Act creates a statutory first charge that prevails over any charge that may be in existence. Therefore, the charge thereby created in favour of the State in respect of the sales tax dues of the petitioner-society prevailed over the charge created in favour of the KCC Bank in respect of the loan taken by the petitioner-society. Since respondent No.4 by virtue of section 16 (b) of the Act has a statutory first charge in its favour, which prevails over any charge that may be in existence, therefore, at the first instance is entitled to the sale proceeds realized out of the same. The application is disposed of.</p>	
31.	Hon'ble Mr. Justice Tarlok Singh Chauhan	CMP(M) No.716 of 2019	Rajinder Singh vs Het Ram Bakhirta and others.	<p>Point involved: The petitioner earlier had filed an RSA No. 402/2017 before this court which was decided on 13.9.2017, the review of that order has been sought by wayd of instant petition. This Court had clearly observed in the order dated 13.9.2017 that the applicant resorted to falsehood. The petitioner simply wants to ensure that the respondents are in someway or other harassed and driven to unnecessary and unwarranted litigation.</p> <p>Conclusion: Even this petition is highly time barred and has been filed after 1 year, 8 months and 8 days of the passing of the impugned order. The court rejected the plea that the respondents committed a fraud in filing the suit for specific performance as is now contended by the petitioner, more particularly, when the same was decreed in his/their favour by the trial Court and the appeal filed against the same by the present applicant/petitioner also stood dismissed. Normally, the meaning of fraud is to cheat the person with a view to gain something. 'Fraud' is false representation by one who is aware that it was untrue with an intention to mislead the other who may act upon. It to his prejudice and to the advantage of the representor. In Administrative Law, it has been extended to failure to disclose all relevant and material</p>	19.6.2019

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1	2	3	4	5	6
				facts which one has a positive duty to disclose. The court concluded that the plea of fraud is absolutely fallacious and cannot be accepted as the mere filing of a time barred suit (even if that be so) by itself cannot termed be a 'fraud' as there are adequate provisions under the law which entitle a party to seek enlargement of time or enlarge the time period by furnishing a fresh cause of action. The petition was dismissed.	
32.	Hon'ble Mr. Justice Tarlok Singh Chauhan	Cr.A. No. 499 of 2009	State Vs Rakesh Kumar	<p>Point involved</p> <p>Case of the prosecution is that the contraband was recovered from the exclusive and conscious possession of the respondent in the presence of two independent witnesses namely Karnail Singh and Sandip Singh, however, Special Judge erred in acquitting the respondent without taking into consideration that the officials witnesses examined by the prosecution were reliable and court below remained completely oblivious to the quantity of the contraband that had been recovered, which by sheer volume, size and weight could not have been planted.</p> <p>Conclusion:</p> <p>The prosecution tried to prove the case of the prosecution, however, when the statements of the official witnesses are read with other material that has come on record, then the case of the prosecution becomes doubtful because indisputably the premises belonged to respondent Rakesh Kumar and admittedly did not have any lock. The recovery has been effected from one Rakesh Kant and not Rakesh Kumar and there is nothing on record to show that Rakesh Kant and Rakesh Kumar are the one and the same person. There is nothing on record to even remotely indicate where and whose custody the samples that were separately drawn and sent to FSL, Kandaghat had been kept with effect from 16.03.1998 to 22.03.1998 and thereafter from 22.03.1998 to 30.03.1998 and could therefore conveniently be tampered with. More surprising is that the NCB forms had not been filled up at the time when the search of the premises was carried out and the contraband as is alleged to have been recovered, which in itself casts a serious doubt on the prosecution case, more particularly, when there is no reason forthcoming as to why the NCB forms were not filled up. the instructions issued by the Narcotics Control Bureau, New Delhi, are to be followed by the officer-in-charge of the</p>	26.6.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				investigation of the crimes coming within the purview of the NDPS Act, even though these instructions do not have the force of law. The appeal was dismissed.	
33.	Hon'ble Mr. Justice Tarlok Singh Chauhan	LPA No. 530 of 2011	Santosh Kumari vs State	<p>Point involved</p> <p>The petitioner was initially appointed on regular basis as Junior Scale Stenographer on 06.05.1988 with the Directorate of HIPA, whereas, appellant was appointed as Junior Scale Stenographer in H.P. Subordinate Services Selection Board, Hamirpur. The services of both of them were placed on deputation with the Himachal Pradesh Subordinate Services Selection Board on different dates. The appellant joined the Board on 09.12.1998, whereas, writ petitioner joined on 12.03.1999. Eventually, both of them were absorbed by the Board on 01.05.2001. However, the appellant was assigned seniority over and above the writ petitioner.</p> <p>Conclusion:</p> <p>The lis of the instant kind has to be decided on the basis of the pleadings i.e. petition, reply and rejoinder if filed after permission from the Court and by way of supplementary pleadings that may have been introduced by way of affidavit, supplementary affidavit and counter-affidavit etc., provided again the same have been filed with the express leave and permission of the Court or else all such affidavits have to be excluded from consideration at the time of hearing of the petition. If at all the appellant wanted to alter her defence, then the only course open to her was to have either sought permission to amend the reply and could not have been permitted to surreptitiously introduce an entirely different case by way of supplementary affidavit that too to file without obtaining leave of the Court or at best the remedy was to have filed a separate petition assailing therein the appointment of the writ petitioner. The appeal was dismissed.</p>	27.6.2019
LAND MARK JUDGMENTS OF PUBLIC IMPORTANCE DELIVERED DURING THE QUARTER 01.07.2019 to 30.09.2019					
1.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge	Cr. Appeal No. 565 of 2016	Mohan son of Ram Dass vs. State of H.P.	Appeal against sentence and conviction for the offence punishable under Section 302 IPC. Case of circumstantial evidence. Held that in a case of circumstantial evidence, the Court seized of the matter has to appreciate such evidence with all care and circumspection and rely upon only if chain of circumstances establishes the guilt of the accused alone and rule out all possibilities leading to the presumption of innocence of	15.7.2019.

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				the accused. Further held that there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused. Also held that a confession made by the accused under Section 25 of the Evidence Act cannot be proved against him and similarly confession made by the accused under Section 26 of the Evidence Ac, while in custody, cannot also be proved against him. Held that since the present is a case of sketchy evidence and does not connect the accused with the commission of offence, therefore, the accused is entitled to acquittal. Resultantly, the appeal accepted and accused acquitted.	
2.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge	Cr.Appeal No. 608 of 2017	Rakesh Shah @ Chillu Vs. State of H.P.	Appeal against conviction and sentence under Section 302 of the Indian Penal Code. Held that the present being not a case of direct evidence and rather hinges upon circumstantial evidence, it is onerous duty of the Court to find out as to whether the facts of the case and evidence available on record constitute the commission of an offence punishable under Section 302 IPC against the accused or not. Held that in a case of circumstantial evidence, the Court seized of the matter has to appreciate such evidence with all care and circumspection and rely upon only if chain of circumstances establishes the guilt of the accused alone and rule out all possibilities leading to the presumption of innocence of the accused. Further held that there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused. Also held that a confession made by the accused under Section 25 of the Evidence Act cannot be proved against him and similarly confession made by the accused under Section 26 of the Evidence Ac, while in custody, cannot also be proved against him. Held that since the present is a case of sketchy evidence and does not connect the accused with the commission of offence, therefore, the accused is entitled to acquittal. Resultantly, the appeal accepted and accused acquitted.	29.07.2019
3.	Hon'ble Mr.	Cr. Appeal	Jatinder Kumar Vs.	Appeal against conviction and sentence	24.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	No. 460 of 2017.	State of H.P.	under Section 376 IPC. Held that in such cases all duty holders, i.e. the investigator, prosecutor and of course, the adjudicator are expected to be more cautious to deal with the matter by observing all care and caution and circumspection particularly when the allegations of rape are against non else, but son of the prosecutrix. Further held that the allegations of are not always correct and sometime levelled falsely due to variety of reasons and that the statement of prosecutrix cannot be universally and mechanically applied to the facts of every case of sexual assault. No doubt it is well settled the own statement of the prosecutrix if inspires confidence is sufficient to bring guilt home to the accused, however, where her statement does not inspire confidence, the accused is entitled to acquittal. Further held that in this case the prosecutrix has contradicted the prosecution case and improved her earlier version on all material aspects while in the witness box as a result of which the accused has suffer mental agony and trauma on account of such heinous allegations levelled against him falsely and subsequently on account of his conviction one can imagine his predicament very well. Held that in the facts and circumstances of the case, the accused deserves acquittal and consequentially the appeal accepted and the accused acquitted.	
4.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	CWP No. 1919 of 2019.	Surinder Kumar vs. State of H.P.	Held that an elected representative has no right to claim that a particular employee is transferred to a particular station. Such choice has been left to be exercised by the Administrative Head(s) i.e. the executive and not by the legislators. Thus the transfer of an employee made on the basis of the D.O note has been ordered to be cancelled and quashed.	29.8.2019.
5.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	CWP No. 1937 of 2019.	Mrs. Neelam Kumari vs. State of H.P. & ors.	Held that in appropriate cases where the facts and circumstances are justified the accused is entitled to release on parole second time but for limited purpose.	26.8.2019
6.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	CWP No. 156 of 2019.	Neelam vs. State of H.P.	Held that when the petitioner is otherwise eligible to be appointed as PTA and she is working as such, there is no question to withhold her grant-in-aid by the respondent-Department. Hence, grant-in-aid, as per Grant-in-Aid, Rules, 2006 order to be released in her favour with immediate effect.	22.8.2019.

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
7.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	LPA No. 414 of 2011.	Babita Thakur vs. State of H.P. & ors.	Held that education being the fundamental right and the citizens should not be deprived of such valuable right guaranteed to them by our Constitution, on account of administrative inefficiency, indiscipline, lack of infrastructure, teachers and other staff in the schools situated in the State shall be taken care by the Directors of Education concerned.	20.8.2019
8.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	LPA No. 125 of 2010.	Sharwan Kumar & ors. Vs. The Financial Commissioner & ors.	Held that the Land Reforms Officer having failed to determine the question as to how much land was in actual and physical possession of the applicant-landlord well before the date of notification published in the official gazettee, the land landlord is entitled to exercise the right of resumption only in case he is having less than 1 ½ acres irrigated land or 3 acres un-irrigated land, as the case may be. The tenants having produced on record the documents showing that the applicant-landlord was in possession of more than 100 kanals of land, the same were not taken into consideration by Land Reforms Officer or the Appellate/Revisional Authorities. The tenants were never given an opportunity to exercise their right of selection/choice as envisaged under the provisions and thus Land Reforms Officer erred in law and the case remanded as such.	5.8.2019.
9.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No. 438 of 2017 a/w connected matters.	Praveena Devi vs. State of H.P. & ors.	Held that Section 5 of the Limitation Act is applicable only to the proceedings pending in the Courts alone and not before the quasi Judicial authorities, like the appellate authority under the Scheme framed by the respondent-State for making selection against the post of Anganwari workers/helpers	2.8.2019.
10.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge & Hon'ble Mr. Justice Vivek Singh Thakur, Judge.	LPA No. 224 of 2012.	State of H.P. vs. Dr. Suresh Sankhayan.	Held that in the event of the disciplinary authority disagrees with the inquiry officer on any article of charge before recording its own findings on such charge, it must record the tentative reasons for disagreement and given to the charged officer an opportunity to represent and also to make submissions before such findings are recorded by it. The disciplinary authority which has to take a final decision in the matter and to impose penalty must give an opportunity to the charged officer to represent before the findings on the charges framed are recorded by the disciplinary authority.	29.7.2019.
11.	Justice Dharam Chand	CWP No. 1491 of	Sh. Garu Lal vs. State of H.P. & ors.	Although, offence punishable under Section 324 IPC is not compoundable, however,	18.7.2019.

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	2019.		keeping in view the facts and circumstances of the case, the same can be compounded as the complainant has patched up the matter with the accused party.	
12.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	Cr. Appeal No. 106 of 2012.	State of H.P. vs. Narender Singh	Held that in a case of suicidal death all the ingredients of the commission of offence punishable under Sections 498A and 306 IPC must be established. The plea raised by the accused in his defence that while cooking food on the stove, her clothes caught fire appears to be plausible and nearer to the factual position and no evidence to the contrary has been proved by the prosecution. The appeal filed by the prosecution accordingly dismissed.	22.7.2019
13.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	Cr. Appeal No. 56 of 2017.	Prem Chand Vs. State of H.P.	Held that in a case registered under ND & PS Act, the joining of independent persons to witness the search and seizure is in the interest of fair trial, however, one should not lose sight of the fact that independent persons are not always available at all places and every time for being associated as witnesses by the I.O. In that eventuality, the testimony of the official witnesses if inspires confidence is sufficient to base conviction against the accused.	5.9.2019.
14.	Justice Dharam Chand Chaudhary, Judge & Hon'ble Ms. Justice Jyotsna Rewal Dua, Judge	CWP No. 2872 of 2018.	Krishna Kumari vs. State of H.P. & ors.	Held that Section 5 of the Limitation Act is applicable only to the proceedings pending in the Courts alone and not before the quasi Judicial authorities, like the appellate authority under the Scheme framed by the respondent-State for making selection against the post of Anganwari workers/helpers	10.9.2019.
15.	Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge	Cr.MMO No. 468 of 2019.	Saurav Sharma vs. State of H.P. & anr.	Although, offence punishable under Section 354-D IPC is not compoundable, however, keeping in view the facts and circumstances of the case, the same can be compounded as the complainant has patched up the matter with the accused party. Moreover, the chances of the success of the trial, if allowed to continue, are very bleak and to allow the proceedings to continue would amount to abuse of process of law.	30.8.2019.
16.	Hon'ble Mr. Justice Tarlok Singh Chauhan	RSA No. 481 of 2006	Chando vs Baldev Singh	Point involved The plaintiffs filed a suit for declaration and injunction against the defendants that they were owners in possession of 1/3rd share of the land described in the plaint stating that the land was earlier recorded to be owned and possessed by one Shero son of Shyama who was grand maternal father of the plaintiffs. It had been averred that Shero had one daughter Thakri Devi and the plaintiffs are sons and daughters of Smt. Thakri Devi who has already died, they	2.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>being Rajput by caste and governed by the agricultural custom of Kangra District had become owners and the suit land could not have been alienated by Shero by way of Will, sale, gift or any other manner except for legal necessity. It had been averred that Shero was the last holder of the suit property and the defendants without the consent and knowledge of Shero got a Will dated 30.03.1972 executed in their favour and mutation in that respect was also got attested after the death of Shero. It had been alleged that the Will was the result of fraud, coercion and was not binding upon the plaintiffs. The suit was dismissed by the trial court, however, and the appeal filed was partly allowed. Defendants as well as plaintiff both filed the appeals. The validity of the Will in favour of the defendants is no longer in question as the same has attained finality after the dismissal of RSA No. 565 of 2006. Therefore, the only question which remains to be considered is whether the whole of the suit property to the extent of the share of the deceased has been willed or only part thereof was willed away by the deceased.</p> <p>Conclusion-</p> <p>It has been clearly stated in the will that the defendants Chando and Bachittar shall be the owners of the whole property on which Shero was the owner in possession. The observation of the first appellate court that the land at Bhadpur to the extent which was under the tenancy of Shero is not effected in any manner by the Will as he was not the owner, is contrary to the record as Shero had died in the year 1986 by which time he had already become the owner of the property at Bhadpur after coming into force of the H.P. Tenancy and Land Reforms Act, 1972 and mutation of ownership had already been attested in his favour in the year 1976. In construing a document whether in English or in vernacular the fundamental rule is to ascertain the intention from the words used: the surrounding circumstances are to be considered; but that is only for the purpose of finding out the intended meaning of the words which have actually been employed. The true intention of the testator has to be gathered not by attaching importance to isolated expressions but by reading the Will as a whole with all its provisions and ignoring none of them as redundant or contradictory. The findings of the first appellate court are set aside and the appeal</p>	

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				was allowed.	
17.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RFA No. 367 of 2001	Rajindra Kumari vs Collector, Shimla	<p>Point involved The Government of Himachal Pradesh in the Department of MPP and Power vide notification dated 05.03.1988, published in H.P. State Gazette on 01.07.1989 under Section 4 of the Act had notified the acquisition of land in dispute situate at Jhakri for construction of residential accommodation for staff of Nathpa Jhakri Power Project. Since there was a dispute about the title compensation could not paid to the owners. The collector referred the dispute u/s 30 of the Act for adjudication to the District Judge. Private respondents have set up the plea of adverse possession. The reference court dismissed the claim set up by the original petitioners as also the private respondents.</p> <p>Conclusion- The petitioners, they have no right or locus standi to maintain the instant appeals in view of the judgment passed by the Hon'ble Supreme Court in Satluj Jal Vidyut Nigam vs. Raj Kumar Rajinder Singh (dead) through his LRs and others 2018 (11) SCI 383 wherein it has been categorically held that after the proceedings under the Abolition Act, the original petitioner Raj Kumar Rajinder Singh was found to be under personal cultivation of only 13 bighas 12 biswas whereas the other land in village Jhakri of 393 khasra numbers admeasuring 1011 bighas, 6 biswas was declared to have vested in the State under Section 27 of the Act. Reference Court on the basis of evidence available on record rightly concluded that the private respondents were rank trespassers, who had encroached upon the disputed land at the time of last settlement. The plea of adverse possession as also tenancy cannot be raised by the private respondents, because so long, as the relationship of landlord and tenant subsists, the tenant cannot set up any title by way of adverse possession, however, notoriously he may proclaim title in himself and deny the title of the landlord. The mere fact that the landlord takes no steps to contest the tenants hostile assertion improves in no way his position. It has been categorically found that the private respondents have no lawful title and have failed to establish the title by way of adverse possession. The possession, if any, has only been recorded after 1982-83, which means as on the date of notification the private respondents even if in</p>	2.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				possession would be deemed trespasser over the land. The appeals were dismissed.	
18.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	OSA No. 4001 of 2013	Om Prakash Sharma vs H P Tourism Development Corpn.	<p>Point involved</p> <p>The plaintiff filed a suit for recovery of a sum of Rs. 22,000 alongwith interest at the rate of 18% per annum from the date of filing of the suit till its realization. He was awarded the construction work of Yatri Niwas, Dharamshala. Formal agreement was executed between the parties. The plaintiff executed the work well within time and to the satisfaction of the defendant and the final bill was released only on 21.5.2001. The plaintiff raised claim for escalation under clause 10 CC of the agreement but the same was not released to him. The claim of the plaintiff was dismissed by the learned Single Judge hence the present appeal.</p> <p>Whether a suit for money for remuneration for work done would amount to a suit for enforcement of debt and consequently payment in writing would extend the period of limitation under section 19 of the Limitation Act.</p> <p>Conclusion-</p> <p>A debt is a sum that one person is bound to pay to another. Debt normally has one or other of two meanings it can mean an obligation to pay money or it can mean a sum of money owed. The learned Single Judge took note of the limitation as prescribed under Article 18 without considering section 19 of the Limitation Act. Defendant is a public authority. It does not lie to the public authority like the defendant raising such plea to deprive a just claim of the plaintiff though the suit is within time. Even though a public authority is not prohibited from raising such a plea and the court is otherwise duty bound to decide such plea when raised, but such plea should not ordinarily be taken up by a Government or a public authority, unless of course the claim of the plaintiff is not well founded and by reason of delay in filing a suit, the evidence for the purpose of resisting such a claim has become unavailable. Statutory authorities which existed for to discharge statutory functions in public interest should be responsible litigants and cannot raise frivolous and unjust objections nor act in a callous and high handed manner. The appeal was allowed and the plaintiff is held entitled to the entire amount of Rs. 18,79,871 with interest at the rate of 6% per annum from</p>	5.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				the date of filing of the suit till its realization.	
19.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO (MVA) No. 246 of 2016	Reliance General Insurance Co. Ltd. Vs Renuka Massey and others	<p>Point involved Aggrieved by the award passed by the learned Motor Accident Claims Tribunal-II, Sirmaur District at Nahan, H.P., whereby the appellant has been directed to pay a sum of Rs. 12,53,200/- with interest at the rate of 7.5% per annum from the date of petition, to the date of realization, the appellant-Insurance Company has filed the instant appeal on the ground that the tribunal erred in ignoring the law laid down by the Hon'ble Supreme Court.</p> <p>Conclusion- Learned trial Court by placing reliance on the statement of PW4 Paramjit Singh came to the conclusion that it was the driver of the Car who was driving the vehicle in rash and negligent manner. But this statement is contrary to the pleaded case of the claimants themselves. Whether it is a case of contributory negligence or composite negligence as contended by the learned Senior Counsel for the respondents. It is settled law that there is a difference between contributory and composite negligence. In case of contributory negligence, a person who has himself contributed to the accident cannot claim compensation for the injuries sustained by him in the accident to the extent of his own negligence; whereas in the case of composite negligence, a person who suffered has not contributed to the accident but due to the outcome of combination of negligence of two or more other persons. In case of contributory negligence, the injured need not establish the extent of responsibility of each wrongdoer separately nor it is necessary for the Court to determine the extent of liability of each wrongdoer separately. It is only in the case of contributory negligence that the injured himself has contributed by his 5 negligence in the accident. Extent of his negligence is required to be determined as damages recoverable by him in respect of the injuries have to be reduced in proportion to his contributory negligence. There can be no dispute that the compensation awarded by the learned Tribunal is now required to be determined in accordance with the decision of a Constitutional Bench of the Hon'ble Supreme Court in Pranay Sethi's case. The appeal is partly allowed and instead of an amount of Rs.12,53,200/- as awarded by the learned Tribunal below, the claimants were held entitled a sum of Rs. 9,39,310/-</p>	8.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				plus interest @ 9% per annum till the date of actual payment.	
20.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No. 16 of 2019	Mohamad Gulzar vs Yaseen	<p>Point involved</p> <p>The tenant aggrieved by the order of eviction passed by the Rent Controller and affirmed by the Appellate Authority filed the petition. The premises in question were sought to be evicted on two grounds, i.e. bonafide requirement and arrears of rent.</p> <p>Conclusion-</p> <p>The scope of revisional jurisdiction which court can exercise must borne in mind, as the Constitution Bench of the Hon'ble Supreme Court in (2014) 9 SCC 78 laid down certain broad principles for exercise of revisional jurisdiction. It is settled law that the landlord is the best judge to determine as to what is his requirement and how best he should use the premises. He has complete freedom in the matter. It is no concern of the Court to dictate to the landlord how and in what manner he should live or utilize the premises which otherwise belongs to him. The building in question consists of 30-35 rooms and six shops and out of which three shops are vacant, but then there is nothing on record to suggest the location of these shops and mere fact that these shops are still vacant would not in any manner cast a doubt on the bona fides of the landlord. The petition was dismissed.</p>	4.7.2019
21.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 2680 of 2015	Kunal Brahma vs The Board of Trustees of IRMT and others	<p>Point involved</p> <p>The petitioner was appointed as an Administrator with the respondent-Trust purely on contractual basis for a period of one year. He continued to serve the respondents up till 1.3.2015 when his services came to be terminated. Aggrieved by the order of termination filed the writ petition.</p> <p>Conclusion</p> <p>Since the appointment of the petitioner was purely on contractual basis for a period of one year including probation period, he has no right to continue or claim continuity in service, especially, when his services are not being replaced by another contract employee. The respondents had never offered to the petitioner that he would continue in service or that his services would be regularized. There is a clear distinction between public employment governed by the statutory rules and private employment governed purely by contract.</p>	9.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				The court cannot sit in the arm chair of the administrator to decide whether more reasonable decision or course of action could have been taken in the circumstances. The termination of the petitioner is in terms of the order of appointment and, therefore, it is not by way of punishment as a punitive measure. Accordingly, the need to conduct an inquiry into the alleged misconduct does not arise and the termination of services in terms of the contract has to be held to be valid. The petition was dismissed.	
22.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 480 of 2004	Hiru and others vs Mansa Ram and others	<p>Point involved</p> <p>The plaintiffs filed a suit for declaration against the defendant on the ground that they are owners in possession of the suit land as non occupancy tenants since the time of their father on payment of ½ produce as rent to defendant No.1. Defendants hatched a conspiracy against the plaintiffs and executed GPA taking undue advantage of wrong entries and alienated suit land to defendants No.2 and 3. Trial court dismissed the suit an appeal filed by the plaintiff was allowed. Hence, the instant appeal.</p> <p>Conclusion:</p> <p>Though the plaintiffs produced receipts regarding the payment of rent, but it is more than settled that the tenancy is a bilateral agreement between the parties and in absence of payment of rent, there can be no valid tenancy. There is no agreement of tenancy in the instant case. The purpose of proving an admission of a party is not to contradict a statement given by the party as a witness to the case. The purpose is to prove the case of the party who relies on the admission. It is true that a statement on oath of the party making an admission will have to be considered alongwith the admission and unless an explanation as to the circumstances in which the admission was made is given or it is otherwise proved that the admission was erroneous; the statement contrary to the admission must be taken to be reliable. The plaintiffs were found in possession of the land in dispute as tenants as admitted by Hiru himself and since the vestment under the H.P. Tenancy and Land Reforms Act is automatic on coming into force of the Act, had become owners thereof on the appointed day. Nothing wrong was found with the judgment and decree passed by the learned first appellant and accordingly, the appeal was</p>	10.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				dismissed.	
23.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 2937 of 2015	Sunit vs State	<p>Point Involved Interviews for the post of Anganwari Worker at Anganwari Centre Devthana by the Integrated Child Development Project Officer, Sangrah, District Sirmaur, were held during the year 2007, in which petitioner was selected. Her appointment was challenged by respondent No.5. Resultantly, selection of the petitioner was set aside by the DC Sirmaur. Petitioner assailed the order before Div. Commnr. Shimla, who dismissed the appeal on 9.7.2009. Petitioner filed a writ petition and in compliance to the directions passed by this court, issue of income of petitioner was got verified. The report was received that family income of the petitioner during the year 2007 was Rs. 11,00/- . However, the Sub Divisional Magistrate found the income of the petitioner to be Rs. 16,300/- or more.</p> <p>Conclusion: The petitioner was found not to have approached the authorities and even the High Court with clean hands. In certificate Ex.R-5/1, income of the petitioner was shown to be Rs. 16,150/- per annum. As per Annexure R-5/2, the total income of the husband of the petitioner for these 98 days alone was Rs. 12,740/- against the prescribed income of Rs. 12,000/- . As per the report of Patwari, annual income of the family is assessed at Rs. 11,000. Also as per report of Naib Tehsildar, the joint family income of petitioner was Rs. 11,000/- . The reports of the Patwari and Naib Tehsildar were found to be false and the same were issued solely with the intention to illegally help the petitioner. In this case, departmental inquiry apart from any other action that may be taken was ordered to be initiated against both these officials. As such, petitioner was not found to be fit to be selected as Anganwari Worker. The petition was dismissed with costs of Rs. 25,000/- ordered to be paid to respondent No.5.</p>	12.7.2019
24.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 630 of 2005	Union of India and another vs Balak Ram and others	<p>Point involved The plaintiff filed a suit that he and defendant No.3 were the co-owners of the land in dispute. Defendant No.3, in the year 1987, applied for the exchange of the land to the extent of 1 bigha and 7 biswas out of the suit land though he was having the share of only 7 biswas without the consent of the plaintiff and other recorded co-owners. The exchange was allowed by the Deputy Commissioner, Shimla on</p>	16.7.2019

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				<p>14.7.1987 and the mutation was attested on the basis of these order on 22.1988 in favour of defendant No.2. The suit was dismissed by the trial court and on an appeal, the first appellate court allowed the same.</p> <p>Conclusion: The State being a public authority has been prohibited from raising such a plea, unless the claim of the plaintiff is not well founded and by reason of delay in filing a suit, the evidence for the purpose of resisting such a claim has become unavailable. Frivolous and unjust litigations by Governments and statutory authorities are on the increase. Statutory authorities which existed for to discharge statutory functions in public interest should be responsible litigants and cannot raise frivolous and unjust objections nor act in a callous and high-handed manner. Trial court dismissed the suit on the ground that the same was not within limitation. Defendant No.3 was only having a minuscule share in the joint property to the extent of only 7 biswas of land in the suit land and was not legally competent to have applied for the exchange of the land with the State of Himachal Pradesh. There is nothing on record to prove that the plaintiff was dispossessed from the suit land at any point of time prior to filing of the suit, therefore, could have been insiutted the suit only when on the basis of the order of Dy. Commr. Defendants No.2 and 3 threatened to take the possession, therefore, the suit was not time barred. The appeal was dismissed.</p>	
25.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 209 of 2007	Sheru (deceased) through LRs Hind Rustam and others vs Zannat and others	<p>Point involved The plaintiffs filed a suit against the order of Divisional Commissioner whereby they were directed to get the question of title raised by the defendants decided by the civil court. Claim of the plaintiffs was that they along with defendants were co-owners in possession of the suit land and the order passed by the Div. Commr. Is without application of mind being wrong, illegal and contrary to the factum on spot and as such decree of injunction against the defendants restraining them from interfering in their possession was prayed for. The suit was dismissed by the trial court, however, the judgment and decree passed by the trial court was reversed by the learned first appellate court.</p> <p>Whether there has been misreading of evidence by the learned First Appellate Court in recording the findings in regard to</p>	18.7.2019

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1	2	3	4	5	6
				<p>adverse possession?</p> <p>Conclusion: Adverse possession is a hostile possession by clearly asserting hostile title in denial of the title of the true owner. A person who claims adverse possession has to show (a) on what date he came into possession; (b) what was the nature of his possession; (c) whether the factum of possession was known to the other party; (d) how long his possession is continued; and (e) his possession was open and undisturbed. It has to be remembered that the person pleading adverse possession has no equity in his favour since he is trying.</p> <p>Property held in common, by two or more persons, whatever be its nature or origin, is said to be joint property and the owners thereof joint owners. Joint property envisages a community of interest and a commonality of possession vested in the entire body of owners called co-sharers. A co-sharer asserts joint title and possession even, where other co-sharers/joint owners are in separate possession of different parcels of land and as a natural consequences.</p> <p>Since defendants No.1 and 2 are co-sharers in the suit land and have taken up the plea of adverse possession against another co-sharer, who is not in physical possession of the suit land, it was incumbent upon them to establish that they are not only in open and unequivocal denial of the title of the plaintiffs but such denial or repudiation was to the knowledge of the plaintiffs.</p>	
26.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 7777 of 2012	Puran Mal and others vs M/s Birla Textiles Mills	<p>Point involved As per the directions of the Hon'ble Supreme Court, certain industrial units, including that of the appellant set up under the name of M/s Birla Textile Mills, Being a hazardous/noxious/heavy/large industry falling within the category of H(a) and H(b) of the Delhi Master Plan, was to be closed w.e.f. 30.11.1996 and relocated outside Delhi. With regard to the workmen employed by the Industry amongst other benefits, they were held entitled to six years wages. Certain issues crept up between the management and workmen. The Government made reference u/s 10 of the Industrial Disputes Act. The award was passed, which was assailed. The petitioners, who had earlier not assailed the award passed by the Labour Court have filed the instant petition for setting aside the award and granting the same benefits as</p>	22.7.2019

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1	2	3	4	5	6
				<p>were granted by this court o the workers as per judgment passed in LPA No. 69 of 2008.</p> <p>Conclusion: The normal rule is that when a particular set of employees is given relief by Court, all other identically situated persons should be treated alike by extending same benefit since not doing so would amount to discrimination and be violative of Article 14 of the Constitution of India. However, this normal rule is subject to well recognized exceptions in form of laches, delays and acquiescence which would be valid grounds to dismiss their claim. But the said exception would not apply to those cases where judgment pronounced by Court was judgment in rem with intention to benefit all similarly situated persons irrespective of whether they ahd approached court or not. In such situation, obligation is cast upon authorities themselves to extend benefit to all similarly situated persons. But where judgment was in personam, those who intend to get benefit of said judgment must satisfy court that their petition does not suffer from either laches, delays or acquiescence. The judgment in LPA was a judgment in rem and, therefore, the petitioner being fence sitters cannot claim any benefit on the basis of said judgment. The petition was dismissed.</p>	
27.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No.2753/2016 and connected matters	Sandeep Keshav vs State of H.P.	<p>Point involved The petitioners are teaching and non teaching faculty of St. Thomas School, a non-aided school. The moot question in these writ petitions is whether the writ petitions are maintainable?</p> <p>Conclusion: The school is affiliated to CBSE and is imparting education and is discharging public functions and would be amenable to the jurisdiction of the High Court under Article 226 of the Constitution of India but how far the writ jurisdiction under Article 226 of the Constitution of India can be exercised in relation to the grant of pay scales as per the CBSE regulation and in relation to disciplinary action initiated against the erring teachers is the question that is required to be still answered. The CBSI is only a society, registered under the Societies Registration Act, 1860 and the school affiliated to it is not a creature of the statute and hence is not a statutory body. Even though the school is affiliated to CBSE but being unaided is not State within the meaning of Article 12 of the</p>	22.7.2019

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1	2	3	4	5	6
				Constitution. If the rights are purely of a private character no mandamus can be issued. If the management of the school is purely a private body with no public duty mandamus would not lie. The petitions were dismissed.	
28.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 138 of 2019	Kaushalya Devi and others vs Punjab Wakf Board and another	<p>Point involved</p> <p>Plaintiff filed suit for declaration in which defendants raised objection that the property in question was a Wakf Property and, therefore, only the Wakf Tribunal had the jurisdiction to try the case. Trial court for want of notification decided the issue against the defendants and partly decreed the suit. In an appeal, the appellate court came to the conclusion that the civil court had no jurisdiction to entertain the suit</p> <p>Conclusion:</p> <p>The Tribunal is constituted for the termination of any dispute, question or other matter relating to a Wakf or Wakf property, which arises under the Wakf Act. The bar of jurisdiction of Civil Court is confined only to those matters which are required to be determined by the Tribunal under the Wakf Act, 1995. Thus Civil Court possess the jurisdiction to entertain the suit and proceedings which are not required by or under the said Act to be terminated by the Tribunal. It has been held that whether the suit property is Wakf Property or not, is a question that has to be decided by the Tribunal and, therefore, the jurisdiction of the Civil Court is clearly barred. The appeal was allowed.</p>	22.7.2019
29.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.311 of 2018	The Editor, Divya Himachal and others vs Dr. Sukhdev Sharma and another	<p>Point involved</p> <p>The plaintiff filed a suit for libel claiming therein damages to the tune of Rs. 10,00,000/- on the ground that the defendants, who are the Editor, Publisher, Printer and Correspondent of Divya Himachal on 31.1.2007 falsely and maliciously printed and published a news item under the heading of "Swaran Bhasam Kand Main Chheh Nilambit" and thereby projected that the plaintiff along with others has been suspended, whereas, no such order of suspension was passed against him or any other person. Suit of the plaintiff was decreed awarding damages to the tune of Rs. Three lakhs. The appeal filed was also dismissed.</p> <p>Conclusion:</p> <p>A newspaper has no privilege beyond any other member of the community in commenting upon any matter of public interest and no privilege whatsoever attaches to its position. When the defendant</p>	25.7.2019

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				<p>in a case for damages, takes the plea of fair comment, he is not required to justify the comment and it is sufficient for him if he can satisfy the Court that it is a "fair" comment. If the words complained of, are justified as comment and the words also contain allegations of fact, the defendant is required to prove that such allegations of fact are true and it is not sufficient for him to plead that he bonafide believed them to be true. In other words, the distinction between comment and allegations of fact must always be borne in mind in determining whether the plea of fair comment can be sustained. It is the duty of a journalist to only publish complaint which he is satisfied is true. The news items were published on different dates. The court found that the publications made in the newspaper are nothing but the handy work of defendants No.1 to 3 themselves and having published scandalous imputations against the plaintiff, they have to pay the price for the same. The appeal was dismissed.</p>	
30.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.184 of 2003	Mahesha Devi &Ors vs Satya Devi	<p>Point involved: Plaintiffs filed a suit for declaration claiming themselves to be the owner in possession of the suit land. The suit was decreed and the plaintiffs were declared to be co-owner in possession of the suit land and the sale deeds were declared wrong, null and void and mutations sanctioned on the basis of these documents were expunged from the revenue record and the defendants were restrained permanently from claiming any right, title or interest and from alienating the land. The appeal filed was dismissed by the District Judge, Kangra.</p> <p>Conclusion : The plaintiffs had taken a specific plea regarding power of attorneys having been executed fraudulently and under misrepresentation. Sufficient evidence were placed on record which goes to indicate that even as per the admitted case of the defendants themselves, the plaintiffs had executed power of attorney only for the purpose of contesting the earlier litigation with Smt. Ranjan Devi. This is so stated by PW-1 Satya Devi in her examination-in-chief and a specific suggestion was given in cross-examination to the plaintiff that power of attorney was executed only for the purpose of contesting the limitation with Smt. Ranjan Devi. Once the defendants themselves acknowledged and admitted that the power of attorney even though termed as General Power of Attorney was</p>	26.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				executed with the sole intention and purpose of only defending the litigation instituted by one Smt. Ranjan Devi, then there was no further question of defendant No.1 selling the property in favour of defendants No.2 and 3 on the basis of the said power of attorney. The appeal was dismissed.	
31.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 2646 of 2015	Sat Dev Singh vs State of H.p.	<p>Point involved</p> <p>The land of the petitioner was acquired by the Himachal Pradesh Power Corporation Ltd. by way of negotiation vide sale deed dated 24.09.2009 for the purpose of construction of Renukaji Dam Project. In case the negotiated rates of the land being acquired for dam and reservoir area are enhanced the same rates were to be paid to the petitioner. Subsequently, respondents No.2 to 5 acquired the land of other persons/land owners of the same area for same purpose wherein such persons were granted the enhanced amount of compensation. However, the petitioner was not paid the enhanced amount.</p> <p>conclusion:</p> <p>In the undertaking given by the respondents it was clearly mentioned that HPPCL has offered rates for land to be acquired through negotiations vide its orders dated 6.12.08 and agrees that in case the negotiated rates for land being acquired for dam and reservoir area are enhanced the same rates will be paid to the petitioner. Respondent No.2, which is 'State' within the meaning of Article 12 of the Constitution of India and is a public institution has conducted itself of untrustworthiness out of its own mouth by resorting to litigation like a cantankerous litigants by raising technical plea. Respondents No. 2 to 5 have acted irresponsibly though they were expected to litigate within expected judicial norms. Respondents No. 2 to 5 like belligerent litigants could not resist the temptation of litigation and have fought their legal battle as if it was a war. The battle otherwise is "uneven" as on one side is a public institution whereas on the other side is a private individual. The court concluded that public money has been wasted because of the adamant behaviour of the officers of respondent No.2 due to litigious attitude adopted by those officers in pursuing the instant litigation before this court. The petition was allowed with costs of Rs. 1,00,000/-.</p>	30.7.2019
32.	Hon'ble Mr. Justice Tarlok	CWP No. 4736 of	Padam Prakash Sharma vs Powergrid	<p>Point involved:</p> <p>Aggrieved by the non-grant of interest on</p>	31.7.2019

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	Singh Chauhan, Judge	2013	Corpn. of India	<p>the delayed amount of gratuity, the petitioner has filed the instant petition.</p> <p>The moot question is whether the action of the respondents in withholding the gratuity of the petitioner is justified?</p> <p>Conclusion:</p> <p>Sub-section (3-A) of section 7 of the Act states that in case the date the same becomes payable under sub-section (3) of section 7, the employee would be entitled to simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long term loans as the Government may by notification specify. There is one exception to the payment interest under sub-section (3) of section 7 of the Act. The aforesaid exception is provided for in the proviso under sub-section (3-A) of section 7 that no interest would be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed on this ground. In the instant case while the petitioner was in service with the respondent-corporation, a departmental inquiry had been initiated against him and the same continued even after his superannuation and eventually culminated into an order of penalty of censure against the petitioner which was imposed vide order dated 18.3.2013. As the gratuity payable to the petitioner on attaining the age of superannuation was withheld because of the fault of petitioner himself for which he was charge-sheeted and ultimately a minor penalty of censure was imposed, his claim for interest on the gratuity amount is totally misconceived. The petition was dismissed.</p>	
33.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 2818 of 2008	HP Housing and Urban Development Authority vs Dr. K.K. Parmar.	<p>Point involved:</p> <p>Petitioner sought eviction of the respondent by taking recourse to proceedings under Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971. It was averred that the respondent had encroached upon the land of the petitioner by raising two toilets and unauthorized construction in the land of the petitioner and, therefore, has sought eviction. The case of the respondent was that he was given defective plot with various problems, therefore, he had filed a complaint before the District Consumer Forum, Dharamshala. His claim was allowed and the petitioner was directed to pay Rs. 1,50,000/- as damages. The respondent challenged the jurisdiction of the Collector on the ground that the</p>	1.8.2019

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1	2	3	4	5	6
				<p>petitioner itself had admitted before the State Consumer Forum and the National Consumer Forum by filing reply that the matter was of complex nature; therefore, the same could only be adjudicated before the Civil Court.</p> <p>Conclusion: The collector seems to have been unnecessary influenced by the fact that the petitioner itself had admitted before the District Consumer Forum and the State Consumer Commission that the questions involved in the case were of complex nature making the dispute of civil nature, little realising that the dispute before the District Consumer Forum and the State Consumer Commission was altogether different whereas the plain and simple case before the Collector was that the respondent had encroached upon the land belonging to the petitioner by raising two toilets and further raising unauthorised construction over its land. Even the Divisional Commissioner has not gone into the question as to why and how the jurisdiction of the Collector to entertain the eviction petition was barred and further has simply dittoed the order passed by the Collector. 13. Above all, both the authorities have failed to take note of Section 15 of the Act which specifically bars the jurisdiction of the Civil Court to entertain any suit or proceedings in respect of eviction of any person who is in unauthorised occupation of any public premises. The petition was allowed.</p>	
34.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 688 of 2008	Kuldeep Singal vs Rakesh Kumar and others	<p>Point involved: The plaintiff filed a suit for declaration on the ground that by way of Will executed by Chetu in his favour, he had become owner of the suit land, however, on presentation of the will, it was illegally rejected by the revenue officer. Case of the plaintiff was that provisions of section 118 of H.P. Tenancy and Land Reforms Act, 1972 were not applicable in his case. The suit was dismissed by the trial court and the appeal filed also stands dismissed.</p> <p>Conclusion: The sole basis on which the plaintiff has based his suit is the Will executed in his favour on 25.10.1994. Whether the plaintiff can claim right to the property contrary to the provisions of Section 118 of the Act as admittedly the plaintiff is not an 'agriculturist'. The reason being that no doubt the Will is stated to have been executed on 25.10.1994, but the fact of the matter is that Chetu admittedly died on</p>	2.8.2019

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1	2	3	4	5	6
				14.9.2004 and therefore, the Will came into operation only after the death of Chetu i.e. on 14.9.2004. The difference between a transfer and a Will are well recognised. A transfer is a conveyance of an existing property by one living person to another. A Will does not involve any transfer, nor effect any transfer inter vivos, but is a legal expression of the wishes and intention of a person in regard to his properties which he desires to be carried into effect after his death. While a transfer is irrevocable and comes into effect either immediately or on the happening of a specified contingency, a Will is revocable and comes into operation only after the death of the testator. The appeal was dismissed.	
35.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 307 of 2018	Rajinder Singh vs Het Ram Bakhirta and others.	<p>Point involved: The petitioner was appointed as a Care Taker purely on contract basis on 14.06.2012 and when his services were sought to be dispensed with, he approached this Court and is now working by virtue of interim order passed by this court. The petitioner claimed parity for regularization as in the case of one Leela Dhar.</p> <p>Conclusion: The respondent is a State within the meaning of Article 12 of the Constitution of India and while granting employment, it requires to scrupulously ensure that the constitution mandate is followed. It is more than settled that all eligible persons who are aspiring to secure public employment must be considered for employment to such posts through open competitive process or else the person appointed will have to be treated as a back door entrant. The petition was dismissed. The appointment of the petitioner was a limited one. The respondent at the given time had never offered to the petitioner that he would continue in service or that his services would be regularized. The petitioner had voluntarily accepted the appointment granted to him subject to the condition stipulated in the appointment letter. The appointment subject to the conditions has been accepted with his eyes wide open, therefore, now he cannot turn around claiming higher rights ignoring the conditions subject to which the appointment had been accepted. The petition was dismissed.</p>	9.8.2019
36.	Hon'ble Mr. Justice Tarlok Singh Chauhan,	RSA No. 447 of 2000	Jeet Ram and others vs Kansu Ram and others.	<p>Point involved: The plaintiffs filed a suit for possession of the suit land on the ground that they are</p>	13.8.2019

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1	2	3	4	5	6
	Judge			<p>owners of the land and defendants No.1 to 3 were in possession thereof with the consent of the plaintiffs and since the permission stands withdrawn by the plaintiffs, through registered notice dated 11.8.1985, as such, the possession of defendants No.1 to 3 is unlawful from the date of withdrawal of the consent. The trial court held the plaintiffs to be the owners of the suit land and, therefore, were held entitled to a decree of possession. In appeal, the defendants were held entitled to protection of section 53-A of the Transfer of Property Act. Plaintiff as well as defendants both filed the appeal.</p> <p>Conclusion: Nothing on record was found to suggest that even though the defendants are in possession of the suit land and had done some act in furtherance of the contract or that the defendants had performed or were willing to perform their part of the contract. Cause of action consists of a bundle of facts which would be necessary for the plaintiff to prove in order to get a relief from the Court. However, because the causes of action for the two suits are different and distinct and the evidences to support the relief in the two suits are also different then the provisions of Order 2, Rule 2, C.P.C. will not apply. If the cause of action on the basis of which the previous suit was brought does not form the foundation of the subsequent suit and in the earlier suit the plaintiff could not have claimed the relief which is sought in the subsequent suit, the later namely, subsequent suit will not be barred by Rule contained in Order 2 Rule 2 of CPC. Both the learned Courts below have considered the pleadings and evidence and after discussed them threadbare, have reached to a conclusion that even though the findings of the appellate Court to the extent of it confer protection upon the defendants under Section 53-A of the Transfer of Property Act, are erroneous and have been set aside, but the remaining findings being based on correct appreciation of the pleadings and evidence cannot be faulted with and, therefore, are upheld. Plea of adverse possession is not sustainable when an alternative plea for retention of possession by operation of Section 53-A of Transfer of Property Act is made as first plea by a plea of part performance of the contract on basis of argument. Adverse possession being totally inconsistent with</p>	

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1	2	3	4	5	6
				the second plea of retention of possession by operation of Section 53A of Transfer of Property Act. The appeal of the plaintiffs was allowed and the appeal of the defendant after modification was dismissed.	
37.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No.7957 of 2010	Dhanpat Lal Sharma vs Bhakra Beas Management Board	<p>Point involved Petitioner filed the instant petition with the prayer that the respondent Board may be directed to consider the petitioner for promotion to the post of Joint Director (Legal) from the date when the respondent No.2 was promoted to the said post with all consequential benefits. Case of the respondents was that since promotion of respondent No.2 was purely on adhoc bases, therefore, the petitioner has got no legal and vested rights in claiming such promotion.</p> <p>Conclusion: Admittedly, there are no statutory rules governing the field for promotion to the post of Joint Director/Personal-cum-Legal. In absence of any other valid rule, promotions are to be made on the general well accepted principles of seniority-cum-merit and the general principle of determination of seniority is that it is to be reckoned from the period of initial appointment, i.e. continuous period/length of service should be taken into consideration. The petitioner admittedly is senior to respondent No.2 and this fact is not even disputed by either of the respondents. The instant case reflects a sordid, despotic and nepotic function of respondent, who in the most brazen and blatant manner has flouted and defied the mandate of law by indulging in favouritism in appointing respondent No.2 while totally ignoring the case of the petitioner, who was not only senior to respondent No.2, but was also a regular employee of the respondent Board, as compared to respondent No.2, who was simply on deputation. The petition was allowed with costs of Rs. 50,000/-.</p>	13.8.2019
38.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.233 fo 2007	Rattan Chand (deceased) through LRs vs Rishi Kesh & anr.	<p>Point involved: Plaintiffs filed a suit for permanent prohibitory injunction against the defendants, which was dismissed by the trial court and the appeal filed also stands dismissed.</p> <p>Whether partition deed was required to be ignored from consideration for want of registration as required under section 17 of the Registration Act, 1908 and also for want of payment of required stamp duty under the Stamp Act and the partition deed could not have been relied for want of required</p>	27.8.2019

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1	2	3	4	5	6
				<p>proof of their execution as required under section 69 of the Indian Evidence Act, 1872?</p> <p>Conclusion: The questions being mixed questions of law and facts cannot be permitted to be raised for the first time in the second appeal. The records revealed that the questions raised in this appeal had, in fact, never been agitated either before the learned Trial Court or before the learned first Appellate Court. It was otherwise settled law that a settlement between the members of the family should generally be given sanctity and the party should be bound the same. It was further held that even if the family settlement was not registered, it would operate as complete estoppel against the original plaintiff, who is a party to such family settlement. The appeal was dismissed.</p>	
39.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	COPC No. 31 of 2016	S.S. Kuthlehra vs Narinder Chauhan and another	<p>Point involved: The issue in the earlier petition filed before this court was that whether in case of AMIE Engineers i.e. Diploma Holder Engineers, who had qualified AMIE, the three years service had to be counted only after they qualified AMIE or even the previous service could be counted. This court had directed the State to rework the seniority list in terms of the judgment of the Hon'ble Supreme Court in (2007) 5 SCC 535 wherein it had been held that only the service rendered by the Diploma Holder Engineers after having passed both parts of AMIE can be taken into consideration for reckoning three years experience. The contention of the petitioners in all these three petitions is that the respondents have deliberately and willfully not complied with the judgment in S.S.Kuthlehra's case in a manner it ought to have been complied with.</p> <p>Now, the moot question is whether the action of the respondents would amount to contempt for which they need to be prosecuted and punished under the Contempt of Courts Act.</p> <p>Conclusion: Unless willful or deliberate disobedience of the order of the Court is committed, the charge of contempt cannot be brought home. Even bona fide misinterpretation of the Court judgment/order cannot attract contempt. A party can be held guilty in case disobedience of the judgment or order is willful or deliberate. It is duty of the Court to punish a person who tries to obstruct the course of justice or brings to disrepute the</p>	27.8.2019

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1	2	3	4	5	6
				institution of Judiciary. However, this power has to be exercised not casually or lightly, but with great care and circumspection. Contempt proceedings serve a dual purpose of vindication of the public interest by punishment of the contumacious conduct and coercion to compel the contemnor to do what the law requires of him. This Court while exercising contempt jurisdiction would not venture to go into contentious issues regarding the mode and manner in which the judgment is/was required to be implemented, more particularly, as the same is likely to affect the outcome of the petitions that have already been filed before various Courts and Tribunals regarding the same issue. No case of deliberate or willful contempt was found by this court. The petitions were dismissed.	
40.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 132 of 2004	Roop Ram vs Tara Devi	<p>Point involved Aggrieved by the judgment and decree passed by the learned first appellate Court whereby he reversed the judgment and decree passed by the learned trial Court, the plaintiff has filed the instant regular second appeal.</p> <p>Whether the learned first Appellate Court has misapplied the law pertaining to the existence of suspicious circumstance surrounding the execution of the Will.</p> <p>Conclusion: Even though the learned trial Court held that Mathi was not wife of Megha, however, said finding was reversed by the learned first appellate Court and rightly so because the learned trial Court in coming to such conclusion had insisted upon mathematical precision and proof of marriage. It has specifically come on record that Megha and Mathi lived as husband and wife for more than 25 years and, therefore, a strong presumption of wedlock arises in their favour. The learned first appellate Court is absolutely right in observing that whether it was wife Mathi or Mitha or there was a age difference between the two, the fact remains that Megha was not a bachelor and had a wife, who was none-else than Mathi, who lived with him for over 25 years till he breathed his last and it was for this reason that the mutation in respect of Kanshia's landed property bequeathed in favour of Megha came to be sanctioned in favour of Mathi after mutation in favour of Janki was rejected. The appeal was dismissed.</p>	28.8.2019
41.	Hon'ble Mr. Justice Tarlok Singh Chauhan,	RSA No. 461 of 2000	Ram Nath vs Chander Nath	<p>Point involved Defendants No.1 to 3 are the appellants, who aggrieved by the judgment and decree</p>	2.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Judge			<p>passed by learned first Appellate Court whereby it reversed the judgment and decree of the learned trial Court and decreed the suit of the plaintiff, have filed the instant appeal.</p> <p>Whether the learned District Judge could introduce and rely upon the theory of Hindu Law where the parties are governed by custom like the persons of District Kinnaur? and Whether the first Appellate Court could comment upon the judgment of the earlier District Judge who had allowed the appeal and had remanded the case back to the trial court without their being no review petition pending before it?</p> <p>Conclusion</p> <p>The parties are tribals and in terms of sub section (2) of Section 2 of the Hindu Succession Act, 1956, are governed by custom as the applicability of Hindu Succession Act has been specifically excluded to the tribals in their case as would be evident from the bare perusal of sub-section (2) of section 2 of the Hindu Succession Act. In terms of clause (2) in Kinnaur, only the son has the right on the property and in terms of clause (4) if children are born to two or more married wives of a person, then they will be entitled to the equal inheritance. Learned first Appellate Court has not at all relied upon the theory of Hindu Law as canvassed by the appellants and to the contrary has solely relied upon the custom governing the parties. Once it is admitted case of the appellants themselves that the parties are governed by the custom, then the substantial question of law No.2 is superfluous, especially when the applicability of Wajib-ul-Arz has not been denied by the appellants. The appeal was dismissed.</p>	
42.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No. 41 of 2019	Mandeep Singh vs Gian Chand	<p>Point involved</p> <p>Whether the eviction of petitioner/tenant can be ordered for settling married son of the respondent/landlord under section 14 (3) (a) (i) of the H.P. Urban Rent Control Act even if the same is not covered under section 14 (3) (d) of the Act?</p> <p>Conclusion:</p> <p>In view of the law laid down by the Hon'ble Supreme Court and by this Court, it can conveniently be held that the eviction of the tenant can be sought for settling his son under section 14 (3) (a) (i) of the Act even if the same is not covered under section 14 (3) (d). Landlord wanted to get his son settled at Solan. There can be no reason to</p>	18.7.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				doubt the bona fide of the landlord as the landlord is a senior citizen aged about 83 years and requires someone to look after him and his property. The tenant has failed to lead any evidence or produce on record any positive material to show and establish that the requirement of the landlord is neither genuine nor bonafide. The petition was dismissed.	
43.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 620 of 2007	Harbans Singh and others vrs Wattan Singh and others	<p>Point involved The plaintiffs filed a suit for declaration to the effect that the suit land being Hindu coparcenary property is jointly owned and possessed by the parties and the plaintiffs are having ½ share in it and the Will claimed by the defendants alleged to have been executed by Pohlo Ram in their favour and the mutation sanctioned in their favour on 4.8.1990 on the basis of said Will, are nullity and not binding upon the plaintiffs, with a consequential relief of permanent injunction restraining the defendants to oust the plaintiffs from the joint possession of the suit land. The suit was dismissed by the trial court. The appeal filed by the plaintiff was allowed.</p> <p>Conclusion: The plaintiffs have not raised the pleas as contemplated under order 6 rule 4 CPC as apart from using the words like fraud, undue influence, not genuine, there are not specific particulars that have been set forth.. It is more than settled that a vague or general plea can never serve this purpose and the party pleading must therefore be required to plead the precise nature of the influence exercised, the manner of use of the influence and the unfair advantage obtained by the other. If a caveator alleges fraud, undue influence, coercion etc. in regard to the execution of the Will, such pleas have to be proved by him and only where the circumstances surrounding the execution of the Will may raise a doubt as to whether the testator was acting of his own free Will, then it is a part of the initial onus of the propounder to remove all reasonable doubts in the matter. The defendants have failed to dispel the suspicious circumstances. The mere fact that it is registerd will not mean that the statutory requirements of proving the will need not be complied with. The appeal was dismissed.</p>	5.9.2019
44.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	Cr.A. No. 251 of 2018	Pankaj vs State of Himachal Pradesh	<p>Point involved On account of the diversion views and conclusions drawn by the Hon'ble Members of the division Bench that the present appeals</p>	5.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>have been assigned to this court for disposal. The accused persons were convicted and sentenced under different sections. Prosecution examined as many as 26 witnesses to prove its case.</p> <p>Conclusion: Conviction can be founded on the sole testimony of the prosecutrix unless there are compelling reasons seeking corroboration. It is also equally settled that corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under the given circumstances. However, it has to be borne in mind that a case of sexual assault has to be proved beyond reasonable doubt as any other case and there is no presumption that the prosecutrix would always tell the entire story truthfully. The prosecutrix resiled from her earlier statement and has not corroborated the one as recorded under section 164 CrPC. Although, the statement of a witness recorded under section 164 CrPC during investigation is also a previous statement like a statement recorded/s 161 CrPC but it has some higher value than the statement recorded u/s 161 CrPC by the police since it was recorded by a Magistrate. Statement of a witness u/s 164 CrPC cannot be treated as a substantive piece of evidence as the statement of the witness is recorded where the accused have hardly any occasion to cross examine him. It can be used only to corroborate the statement of witness or to contradict him. The appeals are allowed.</p>	
45.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 670 of 2008	Jogindra vs Ram Lal	<p>Point involved Plaintiff filed a suit for recovery of Rs. 70,000/- as damages from the defendant. The suit was decreed by the trial court, however, in an appeal by the defendant, the suit was dismissed.</p> <p>Whether it is necessary for the appellant, who is the claimant in suit, to implead every person guilty of tort/wrong so long as the party against whom the suit is pressed is one of the tort feasers acting in concert? and Whether a complete and effective relief granted by learned Trial Court which has no possibility of the decree becoming in executable or infructuous can be set aside merely on the ground of non-joinder of party of some of the wrong doers who are family members as son and wife of respondent/defendant and had committed the illegal act of causing injury to the appellant/plaintiff in concert?</p>	9.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>Conclusion: Two or more persons become joint tortfeasors (wrongdoers) by either committing a tort in concert or by the principle of vicarious liability (as in the case of master and servant or principal and agent). Under the Law of Torts, joining wrongdoers are jointly and severally liable for the whole of the damages. Where the liability is joint and several, the person aggrieved has the choice of suing either of the joint tortfeasors or both of them. But, where only one of the tortfeasors (master) is sued, not on the ground that he committed any wrong, but on the ground that he is vicariously liable for the tort committed by the other tortfeasor (servant), then to make the master liable, it is necessary to prove that the servant (who is not sued) acted in the course of employment and acted negligently. A perusal of the relevant portion of the plaint extracted above, leave no matter of doubt that the plea of the plaintiff is not founded against the action of joint tortfeasors or wrongdoers but is founded against an individual action of the defendant alone. The appeal was dismissed.</p>	
46.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 318 of 2007	Suresh Kumar vs Laxmi Devi	<p>Point involved The plaintiff filed a suit for permanent injunction. The trial court dismissed the suit, however, in an appeal; the suit of the plaintiff was decreed. "1. Whether the impugned judgment and decree passed by the Ld. Lower Appellate Court is sustainable especially when the Ext. PW-1/C was not registered as required under law? 2. Whether any reliance can be placed upon Ex. PW-1/C an agreement of sale especially when it was not admissible in evidence without its registration? 3. Whether the plaintiff has proved the possession upon the suit land especially when the true owners had later on filed the suit for injunction against the appellants qua the same property?"</p> <p>Conclusion: An agreement for sale by itself does not create any interest or charge in a property agreed to be sold and it is for this purpose that the agreement for sale is not treated as a conveyance for the purpose of Registration Act and, therefore, not compulsorily registered under Clause (b) of sub-section(1) of Section 17 of the Registration Act. The suit filed by the plaintiff was for injunction and the Courts below were only required to see as to</p>	9.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				whether the plaintiff was in actual and physical possession of the property so as to entitle her to claim injunction. The defendants could have opposed the claim only if they could have proved a better title than the one possessed by the plaintiff and were in possession. On failure to do so, the learned first appellate Court committed no error in decreeing the suit of the plaintiff. The plaintiff herein was not a party to the suit instituted by Basheshwar Prasad and others against the defendants herein. Once that be so, then obviously, neither the suit nor the pleadings therein nor result thereof can be used against the plaintiff. The appeal was dismissed.	
47.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No. 230 of 2018	Bhupinder Singh Negi vs Naresh Joshi	<p>Point involved: The landlord filed a rent petition under section 14 of the H.P. Urban Rent Control Act, 1987 before the Rent Controller seeking eviction of the tenant on the ground that he had ceased to occupy the demised premises without any reasonable and probable cause after his transfer from GPS Beolia, Shimla to GPS, Naini, Tehsil Rampur. The eviction petition was allowed.</p> <p>Conclusion: The initial burden to show that the tenant has ceased to occupy the building continuously for 12 months is always on the landlord. He has to adduce tangible evidence to prove the fact that as on the date of filing the petition, the tenant was not occupying the building continuously for 12 months. Once such evidence is adduced, the burden shifts on the tenant to prove that there was reasonable cause for his having ceased to occupy the tenanted premises for a continuous period of 12 months. From the evidence, it revealed that the landlord has discharged the initial onus regarding the tenant having ceased to occupy the demised premises. The tenant has not led cogent and convincing evidence be it oral or documentary to suggest that it was his family, who actually residing in the demised premises. The petition was dismissed.</p>	22.7.2019
48.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.464 of 2006	Asha Devi vs Dau Dayal	<p>Point involved: Whether a decision rendered under the provisions of order 17 rule 3 CPC is a decree and will operate as res judicata and bar a second suit for the same relied. If so, whether the findings of the learned courts below that the case is not hit by res judicata are sustainable in the eyes of law and whether the learned courts below have arrived at a right conclusion by holding that the order dated 25.3.2000 will not bar a</p>	28.8.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>second suit oblivious of the fact that the issues No.1 and 2 framed thereof have been decided against the plaintiff in the subsequent suit inter se the parties regarding the same subject matter and cause of action?</p> <p>Conclusion: The plaintiff prior to filing the instant suit had filed a civil No.83/2000, Dau Dayal vs Asha Devi for permanent and mandatory injunction against the defendant before the Ld. Senior Sub Judge, Kullu and the same was dismissed under order 17 rule 3 CPC on 25.3.2000 when the plaintiff failed to lead any evidence despite several opportunities. The subject matter in both the suits was the same. As per the settled law, a decision rendered under the provisions of order 17 rule 3 CPC will operate as res judicata and bar a second suit for the same relied. i.e. mandatory injunction, therefore, the suit out of the present appeal emanates clearly not maintainable and barred by res judicata. The appeal was allowed and the suit of the plaintiff was dismissed.</p>	
49.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 405 of 2016		<p>Point involved: Aggrieved mainly by the quantum of compensation, the appellant has filed the instant appeal. One Kala while working as cleaner in a truck sustained fatal injuries and died on the spot in motor vehicle accident on account of rash and negligent driving of driver. An amount of Rs. 26,96,000/- along with interest @ 9% per annum from the date of filing of the petition till its realization was awarded in favour of the claimant.</p> <p>Conclusion: The compensation awarded by the Tribunal is now required to be determined in accordance with the decision of Constitution Bench of the Hon'ble Supreme Court in National Insurance Co. Ltd. Vs Pranay Sethi. The owner of the vehicle even though denied the monthly salary of the deceased to be Rs. 11,500/- but he did not appear in a witness box. In view of section 106 of the Indian Evidence Act, salary paid to the deceased was within the knowledge of the employer; therefore, burden was upon the owner to prove the exact monthly salary paid to the deceased before his death. The appeal was partly allowed and the impugned award is modified to the extent that the claimants would now be entitled to a total compensation of Rs.25,73,300/- instead of Rs. 26,96,000/-</p>	

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				alongwith interest @ 9% per annum to be apportioned amongst the claimants.	
50.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 434 of 2018		<p>Point involved: The claimants are aggrieved by the inadequacy of the award as passed by the learned Motor Accident Claims Tribunal-IV, Kangra at Dharamshala have filed the instant appeal for enhancement of compensation. The claimants filed a claim petition on account of death of Arun Pathania, who was aged about 31 years at the time of accident and was working as Fireman in Indian Army earning Rs. 13,0204/- per month. The Tribunal awarded an amount of Rs. 9,00,000/- alongwith interest @ 9% per annum.</p> <p>Conclusion: The Tribunal while assessing the compensation has not taken into consideration the tax component and in terms of the judgment of the Hon'ble Supreme Court in Pranay Sethi's case, the actual salary should be read as actual salary less tax. The monthly income of the deceased was worked out to be Rs. 13,204/- and since he had a permanent job and was 31 years at the time of accident, an addition of 50% of the actual salary would have to be taken towards future prospects and thus, his total monthly income would work out to be Rs. 19,806/- and annual income to be Rs. 2,37,672/- and after deduction of 10% income, annual income would work out to be Rs. 2,30,672/- and thereafter deduction @ 1/3rd towards his personal expenses Rs. 76,890/- will have to be taken. The claimants after applying multiplier of 16 would be entitled to Rs. 24,60,512/- and plus amount on other heads, the claimants were held entitled to Rs. 25,70,512/-. The appeal was allowed.</p>	
51.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 39 of 2010	United India Insurance Co. Ltd vs Kumta Devi	<p>Point involved: Whether in spite of the clear case set up by the claimants that deceased Shri Santosh Kumar while employed as driver was murdered and since his death was not resultant to any accident arising out of or in the course of the employment, the claim was covered within the provisions of Section 3 of the Workmen's Compensation Act and the claimants were entitled to claim any compensation? And whether due to bouncing of the premium cheque, since premium amount was not credited in the account of insurer and the policy of insurance stood cancelled from the date of its inception, any liability for payment of compensation money, by indemnification of</p>	10.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>owner of vehicle could be foisted on the insurer?</p> <p>Conclusion: Not only the driver Santosh Kumar but even the hirer of the vehicle i.e. Shri Dharam Paul had both been murdered. The legal representatives of Dharam Paul had filed petition under Section 163 of the Motor Vehicles Act and was awarded compensation. The award passed by the learned MACT was assailed by the Insurance Company i.e. appellant herein by way of FAO No. 537 of 2008 on the same and similar ground as taken in the instant appeal, however, the appeal was dismissed vide a detailed judgment dated 18.12.2015, titled as United India Insurance Company Ltd. Vs. Sh. Talaru Ram & Ors., reported in 2017 ACJ 425. The insurance Company assailed this Judgment before the Hon'ble Supreme Court, however, the same also came to be dismissed. The objects of both the enactments i.e. Workmen's Compensation Act and Motor Vehicles Act are beneficial enactments operating in the same field and, hence the judicially accepted interpretation of the word death in the Workmen's Compensation Act is fully applicable to the interpretation of the word death in the Motor Vehicle Act. The workmen in this case was present at the spot and his death occurred only because of his employment. It is only in the course of his employment that he alongwith Dharam Paul had been travelling to Narkanda from Kingal and was murdered at Narkanda. Therefore, his presence at the spot is arising out of and in the course of employment only. Since, he died at the spot; this Court is of the opinion that in this case, the manner of his death whether it is by a murder or an accident is really immaterial. since the Insurance Policy was valid on the date of accident, therefore, the appellant-Insurance Company cannot avoid its liability only on the ground that the policy so issued had been subsequently cancelled on account of dishonour of cheque. The appeal was dismissed.</p>	
52.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 4874 of 2012	Suman Bala vs Hindustan Petroleum Corporation Ltd.	<p>Point involved: Aggrieved by the non-selection of the petitioner for distributorship of LPG under Rajiv Gandhi Gramin LPG Vitruk Yojna, the petitioner has filed the petition with the prayer for quashing the officer letter dated 21.4.2012 with direction to respondents No.1 and 2 for issuance of allotment letter for distributor for setting up award of Rajiv</p>	13.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>Gandhi Gramin LPG located at Gwalthai, TXehsil Shri Naina Deviji, District Bilaspur.</p> <p>Conclusion: The Court should not ordinarily exercise the extraordinary jurisdiction vested under Article 226 of the Constitution of India in such matters, particularly, when they relate to contractual matters. The case of the petitioner was rejected as she had failed to meet the requirement of clause 9 of the advertisement. The petitioner on or before the date of application was not having land in her own name or in the name of her family unit, therefore, no fault could be found in the action of the respondents whereby they have rejected the application of the petitioner. The petition was dismissed.</p>	
53.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 1773 of 2019	Dr. Sidharth Sood vs State of H.P. and others	<p>Point involved: Aggrieved by the action of the respondents whereby it has decided to conduct the selection of Senior Resident on the basis of the notification dated 22.6.2019 instead of notification dated 25.9.2012 as was initially advertised, the petitioner has filed the instant petition with the prayer to quash notification dated 22.6.2019 qua the clause 7.2.4 being arbitrary, discriminatory, irrational and unjustified as it provides for selection to the post of Senior Resident solely on the basis of marks obtained in the MBBS and PG Course together with marks of publication</p> <p>The only moot question in this petition is whether the rules of the game/criteria for selection, i.e. mode of selection has been changed midway as claimed by the petitioner.</p> <p>Conclusion: The State has taken a conscious decision though belatedly on 5.9.2019 to fill up the posts on the basis of the new policy and the reasons for the same communicated to the Sr. Addl. A.G. vide communication dated 5.9.2019. there is no vested right of promotion, but only a right to be considered for promotion in accordance with the Rules which prevail on the date on which the consideration for promotion takes place. There is no rule of universal application to the effect that vacancies must necessarily be filled in on the basis of the law which existed on the date when they arose. In the instant case, the game i.e. the selection is yet to commence and the mere fact that the petitioner has applied pursuant to the advertisement cannot by itself confer any right upon the petitioner to claim that the</p>	17.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				selection should be conducted only on the basis of old notification of 2012 and not as per the policy decision. The petition was dismissed.	
54.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 488 of 2012	United India Insurance Co. vs. Nirjala Devi	<p>Point involved: The petitioner filed a claim petition u/s 166 of the Motor Vehicles Act, seeking therein compensation amount on account of death of her son Ravi Kumar in an accident involving jeep No. HP-19B-0480 which took place on the intervening night of 15/16th June 2010. Learned Tribunal held the petitioner to be entitled to a sum of Rs. 4,18,000/- alongwith interest @ of 8% per annum. Case of the appellant is that the vehicle in question was a goods carriage vehicle and the deceased at the time of accident was travelling in the rear open luggage space of the vehicle and was travelling as unauthorized gratuitous passenger, therefore, the liability could not have been fastened upon the Insurance Company.</p> <p>Conclusion: The offending vehicle was not meant for carrying passengers other than the one specified in the policy of the insurance. In the case of a gratuitous passenger, the Insurance Company is not liable to make any payment of compensation as the same contravenes the terms of the policy. As per settled law, if the insurance company has no liability to pay at all then it cannot be compelled to pay the compensation amount and later on recover it from the owner of the vehicle. The appeal was allowed and the award insofar it fastened liability to pay the award on the appellant was set aside.</p>	24.9.2019
55.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 1364 of 2017	Vikram Singh vs MD, H.P. Tourism Development Corpn.	<p>Point involved: The petitioner was purely appointed on contract basis by the respondents w.e.f. 2012 to 2013 at different intervals. The moot question is whether the appointment limited by contract can confer any right to the post after the expiry of the time and limit of the contract.</p> <p>Conclusion: The Hon'ble Supreme Court in State of H.P. and another vs Kaushal Kishore Shukla 1991 (1) SCC 691 held that appointment limited by time does not confer any right to the post and on expiry of time limit, the appointment ceased automatically and the person holding such post can have no right to continue in such post. In another pronouncement, Hon'ble Supreme Court held that where a person is employed under a contract, it is the contract which will</p>	24.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				govern the terms and conditions of service and not the rules framed under Article 309 of the Constitution of India governing condition of service to the post on which he is employed. Therefore, it is clear that the petitioner did not have any right to continue after expiry of his term for which he had been appointed. The petition was dismissed.	
56.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 201 of 2009	State of H.P. vs Guddi Devi and others	<p>Point involved: On 1.10.2005 deceased Hem Singh was working on road near Kholighat alongwith other beldars. While hammering the stone, he suddenly fell down and became unconscious and thereafter died. Respondents approached the Commissioner for grant of compensation who awarded a sum of Rs. 3,73,800/- as compensation.</p> <p>Whether the Commissioner under the Workman Compensation Act was not justified to deduct the advance payment paid by the department at the time of death whereas such advance payment should have been deducted by the Commissioner when the final award was passed?</p> <p>Conclusion: The only claim put forth by the appellants is that the department had paid DCRG, GIS, leave salary, ex-gratia, etc. of Rs. 1,29,888/- to the widow of the deceased Hem Singh, therefore, this amount was liable to be deducted out of the total compensation and having failed to do so, the impugned award is unsustainable. Neither the Workmen's Compensation Commissioner nor this Court, in appeal, has any jurisdiction to give any credit for any direct payment of any nature made to deceased workman's dependents, including any payment in the nature of ex-gratia compensation, whether made under any statutory provision or under any contract. If an employer pays dependents ex-gratia, under an agreement, which is not registered, even then the same is not liable to be deducted from actual amount of compensation. The appeal was dismissed.</p>	6.8.2019
57.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No. 36 of 2018	United India Insurance Co. vs. Jyoti Kumari and others	<p>Point involved: Claimants filed a claim petition under section 22 of the Employee's Compensation Act seeking compensation alongwith 50% penalty and interest @ 12% per annum before the Commissioner on account of death of their sole bread earner, who was driver by profession and he was engaged by the employer as a driver on his vehicle. The Commissioner awarded the</p>	3.9.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>compensation of Rs. 9,02,300/- alongwith interest @ 12% per annum.</p> <p>Whether the learned Commissioner while passing impugned order erred in awarding huge compensation amount to the claimants payable by the appellant when from the material and evidence on record, it was proved that owner used to pay Rs. 2500/- as the monthly salary to deceased and his income taken @ \$. 9,000/- per month was based on guesswork without any basis and therefore, is the compensation amount is liable to be slashed considerably?</p> <p>Conclusion:</p> <p>It has come on record that the deceased was getting salary of Rs. 6,000/- per month apart from Rs. 100/- as daily allowance. In view of section 106 of the Indian Evidence Act, salary paid to the deceased was within the knowledge of the employer. If any allowance is paid in consideration of the work done by the employee, even if it is paid to facilitate the employee to meet his daily needs, it will have to be taken as part of the wages. Similarly, if any allowance is being paid to an employee by the employer to meet any special needs of circumstances (relating to his employment) that will have also be a part of the wages. The Insurance Company failed to prove that the deceased had consumed liquor with the knowledge and consent of the employer. Since the vehicle was duly insured with the company, therefore, the employer was not disqualified to get indemnified of liability of payment of compensation. The appeal was dismissed.</p>	
LAND MARK JUDGMENTS OF PUBLIC IMPORTANCE DELIVERED DURING THE QUARTER 01.10.2019 to 31.12.2019					
1.	Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice	LPA No. 19/2019 with OSA 2/2019	Savita Sharma vs. Master Abeer Singh and others	<p>Point Involved:</p> <p>Order 7 Rule 11 of the CPC. Whether Court can reject the plaint only on mere asking or whether the pleadings have to be examined.</p> <p>Held:</p> <p>Court has to examine the pleadings of the parties while rejecting or accepting the application under Order 7 Rule 11 of the CPC. It is only on mere asking of the parties that the Court has to reject the plaint under Order 7 Rule 11 of the CPC. Under Order 7 Rule 11 of the CPC the Court is required to read the entire plaint as a whole to arrive at a conclusion whether it discloses a cause of action and if it does so then the plaint cannot be rejected.</p>	16.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
2.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 2591 of 2018	Kaushalya Devi vs State of H.P. and others	<p>Point involved:</p> <p>The petitioner filed the present petition against the selection of the private respondent, who had been selected on furnishing different certificates by the different authorities and these certificates have been challenged by the petitioner. The Court during the pendency of the petition on 20.8.2019 directed the Director, Elementary Education to file his personal affidavit with regard to the certificates annexed with the petition as Annexures P-13 & P-14, respectively and was directed to state as to: (i) Whether the institution mentioned in the certificate is recognised and if so by whom and under what provisions of law. (ii) Whether it is permissible for a candidate to pursue regular study in +2 and at the same time appear for the examination as mentioned in this certificate. With regard to income certificates, the Deputy Commissioner, Sirmaur was directed to submit his personal affidavit.</p> <p>Conclusion-</p> <p>The Deputy Commissioner reported that in the instant case, the then patwaris as well as Naib Tehsildar did not strictly adhere to the provisions laid down in para 28.8 and 28.9 of the H.P. Land Record Manual. These officials failed to realize that the offices being held by them are public offices which are meant for use and not for abuse and in case repositories of such offices spoil the rule, then the law is not that powerless and would step in to not only quash such arbitrary actions, but would also ensure that such abuse is not repeated in future. Being Officers of the State, they could not have acted like a private individual, who is free to act in a manner whatsoever he likes, unless interdicted by law. It needs no reiteration that the State and its Officers have to strictly fall within the four corners of law and all their activities are governed by rules, regulations, instructions etc. The Deputy Commissioner, District Sirmaur at Nahan, H.P. is directed to hold a departmental inquiry against the erring officials and take the same to its logical end and complete the same before 31.03.2020. In addition thereto, the Deputy Commissioner, District Sirmaur at Nahan, H.P. may of his own or through the concerned authority initiate appropriate action including criminal action against the Society for Child Relief and Women</p>	1.10.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				Welfare, Nahan, District Sirmaur, which has issued the diploma in Nursery Teacher Training. The petition was disposed of.	
3.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	LPA No.27 of 2016	Gulshan Kumar vs State	<p>Point involved:</p> <p>Departmental proceedings against the appellant were initiated for which he was served a memorandum. The appellant filed a writ petition, which was dismissed by the learned Single Judge.</p> <p>Conclusion-</p> <p>Learned Single Judge after taking into consideration the entire material on record has drawn a specific conclusion that the version put forth by the appellant regarding the accident was a cock and bull story and, as a matter of fact, an accident had occurred because of the gross negligence of the appellant. Insofar as the reliability and adequacy of the evidence is concerned, this Court cannot venture into re-appreciation of the evidence and act as third Appellate Authority. It was found by the Court that not only the Disciplinary Authority, but even the Appellate Authority and thereafter the learned Single Judge considered the case threadbare in its entirety. The LPA was dismissed.</p>	21.10.2019
4.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No.1200 of 2019	Kishori Lal vs State	<p>Point involved:</p> <p>The elected Managing Committee of respondent No.4-Society had vide resolution No. 1313 dated 19.1.2019 resolved to request the respondent No.3 to appoint Departmental Administrator in the Society to run its day to day affairs. However, respondent No.3 without taking any cognizance of the above referred resolution of the Society, issued show cause notice dated 8.3.2019 and 13.3.2019 to the then Managing Committee. Respondent No.3 ordered the removal of the elected Managing Committee by invoking the provisions of Section 37 (1) (a) of the H.P. Cooperative Societies Act, 1968. The contention of the petitioners is that once the provisions of Section 37 (1) (a) had been invoked, then respondent No.3 without adhering to the other provisions of section could not have resorted to Section 35-A of the Act which empowers the Registrar to constitute new Committee only in a situation where a committee constituted in accordance with the provisions of the Act, rules and byelaws does not exist.</p> <p>Conclusion-</p>	23.10.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				Having invoked the provisions of Section 35-A (1) of the Act, no fault can be found with the action of respondent No.3. existence of an alternate remedy, whether adequate or not, does not alter the fundamentally discretionary nature of the High Court's writ jurisdiction and therefore does not create an absolute legal bar on the exercise of the writ jurisdiction by a High Court. The decision whether or not to entertain an action under its writ jurisdiction remains a decision to be taken by the High Court on an examination of the facts and circumstances of a particular case. Section 35-A that the same can be invoked by the Registrar only where in any co-operative society, a committee constituted in accordance with the provisions of the Act, rules and bye-laws does not exist, but the same cannot be invoked in the cases of Society where there exists a Managing Committee and the same has been superseded by the Registrar himself by invoking the powers of Section 37 of the Act. The respondent No.3 cannot take advantage of his act of superseding the Committee to justify his action by appointing a new Committee under Section 35-A of the Act. The action of respondent No.3 is clearly in violation of the law and cannot therefore be sustained. The petition was allowed.	
5.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	LPA No. 4077 of 2013	Lekh Ram and another vs Hari Krishan and others	<p>Point involved</p> <p>Respondent No.1 had raised a loan under low housing Scheme for construction of house in the year 1988 from the State of Himachal Pradesh. He could not re-pay the loan. The Government of H.P. ordered the outstanding loan amount of Rs.11,885/- due from him to be recovered as arrears of land revenue. He filed a civil suit, which was dismissed and the appeal preferred by him was also met with the same fate. An RSA filed by respondent No.1 was also dismissed and he was permitted to file an appeal before the Commissioner. The appeal was allowed by the commissioner. Appellants filed a writ petition, which was dismissed by the writ court. On 9.8.1991 appellants and proforma respondent No.4 purchased the land. The moot question is : Whether the sale was in conformity with law or not?</p> <p>Conclusion-</p> <p>Respondent No.1 had taken a loan of Rs.10,000/- and the outstanding loan at the relevant time was Rs.11,885/-. However,</p>	25.10.2019

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1	2	3	4	5	6
				1/3rd share of the land detailed in the order of the Divisional Commissioner was put to sale. The value of this land was far-higher and much more than the outstanding loan amount and it is more than settled that only that much of the property can be attached and put to sale, as would be sufficient to satisfy the claim of outstanding amount against the debtor. The appeal was dismissed.	
6.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No. 20 of 2019	Satish Kumar vs Jagat Ram	<p>Point involved</p> <p>Petitioners filed petition for eviction of the respondent on two grounds i.e. arrears of rent and that the respondent has ceased to occupy the tenanted premises. The petition was allowed by the Rent Controller and the respondent was found to be in arrears to the tune of Rs. 12.859. Respondent did not deposit the arrears of rent within 30 days and on appeal, Appellate Authority maintained the order of eviction but further allowed 30 days time to the respondent to deposit the arrears of rent.</p> <p>Conclusion-</p> <p>The Appellate Authority did not consider the pre-requisite require of proviso 3 of Section 14 (2) regarding the deposit of the amount. Where the arrears or rate of rent has been determined by the learned Rent Controller, even though same may not be termed to be amount due, the same has to be deposited in the 30 days from the date of order of the Rent Controller or else the appeal would not be maintainable. Rent Controller had the jurisdiction to decide the petition, so he could decide it rightly or wrongly and the tenants if aggrieved had a right to assail the same before the Appellate Authority. However, while doing so, they were first required to comply with the third proviso to Section 14(2) of the Act at the time of filing of the appeal and only then was the appeal maintainable before the Appellate Authority. The Petition was allowed.</p>	30.10.2019
7.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	LPA No.4009 of 2013	Sanjay Bhagwati vs Ved Parkash and others	<p>Point involved</p> <p>Respondent No.1 filed an application before respondent No.5 for supply of certain information. The information was supplied, however, aggrieved by the incorrect and misleading information, respondent No.1 filed an appeal. The matter was agitated by respondent No.1 at different level and ultimately, a writ petition was filed, which was allowed and a penalty of Rs. 10,000/-</p>	5.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>and compensation of Rs. 50,000/- were imposed and ordered to be paid by the appellant and respondent No.5 and action under the provisions of right to information Act was directed to be taken.</p> <p>Conclusion</p> <p>The incorrect information was supplied to the petitioner. He brought to the notice of appellant. The appellant did not bother to verify the facts and informed that the information sought for by him was supplied to him. The letters did exist and were handed over to the Pradhan, yet no endeavour was made by the Pradhan, Gram Panchayat to trace out these letters and even the appellant without applying his mind and without bothering to see whether the information being sent by the Pradhan was correct or not was equally guilty of having given a false information. It was the duty of respondent No.1 as per section 5 of section 5 of the Right to Information Act to ensure that correct information is supplied to respondent No.1. Even otherwise, Right to Information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of the RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of Section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption.</p>	
8.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	LPA 68 of 2017	State of H.P. vs Gulabu Devi	<p>Point involved</p> <p>The writ petitioner approached this Court by filing CWP No. 5903 of 2014 for the grant of financial assistance under the Scheme on the ground that her husband was a freedom fighter and had participated in the freedom struggle for which he was not only jailed, but even his property was also confiscated and the family had to remain underground for long period of time. He was also awarded with 'Tamara Patra' on the 25th Anniversary of the Independence day of 15th August, 1972. The writ petition was allowed by the writ court and the petitioner was held entitled to financial assistance.</p> <p>Conclusion:</p> <p>The 'Scheme' in question has been formulated with a view to acknowledge the</p>	5.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				services rendered to the Nation by patriotic citizens during the freedom movement, who had suffered in one way or the other and compensate them for their sacrifices for the sake of the country. The husband of the petitioner in this case unfortunately expired on 12.6.1997. The respondents have adopted hyper technical approach while dealing with the case of the writ petitioner and have ignored the basic principle/objects of the Scheme. Case of the petitioner has been rejected by ignoring the mandate of law and the Scheme. The least the State could have done was to have respected and rewarded its Freedom Fighters and not to have indulged in technicalities and procedural wrangles thereby depriving the petitioner of the benefits only because of red tapism. The appeal was dismissed.	
9.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.671 of 2008	Dhani Ram vs Khem Chand	<p>Point Involved</p> <p>The plaintiff filed suit for permanent prohibitory and mandatory injunction against the defendant, which was dismissed, however, in an appeal, the judgment and decree were set aside by the appellate court. The defendant while filing written statement had specifically set up the plea of compromise and while filing replication, the plaintiff did not deny that no settlement or compromise has been arrived at and the only defence taken was that the suit land was not mentioned in the document.</p> <p>Conclusion:</p> <p>No objection was taken at the time when the compromise came to be exhibited in the testimony. Not only this, the plaintiff cross-examined all the witnesses including the defendant on the basis of the photocopy of the compromise. In such circumstances, it was not open for the learned first appellate court to have held the compromise to be inadmissible in evidence as per the law laid by the Hon'ble Supreme Court in R.V.E. Venkatachala Gounder vs Arumigu Viswesarasami & V.P. temple and another, (2003) 8 SCC 752. The judgment of the first appellate court was set aside the case was remained back for decision afresh.</p>	6.11.2019
10.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Anoop Chitkara,	CWP No.3052 of 2019	The Karot Agriculture Cooperative Society Ltd. Vs State of H.P.	<p>Point involved</p> <p>Aggrieved by the exoneration of respondent No.4 in an inquiry by the Asstt. Regr. Cooperative Societies, Hamirpur, the petitioner filed an appeal, which was allowed. The decision was challenged by</p>	7.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Judge			<p>respondent No.4 by filing revision, but the same was dismissed on the ground of maintainability. Respondent No.4 filed CWP No.1306/2010. It was allowed. The moot question is whether such course could have been adopted by respondent No.2 especially when the petition filed by respondent No.4 was admittedly time barred.</p> <p>Conclusion:</p> <p>If a proceeding is initiated after expiry of period of limitation, it has to be dismissed, even though no such plea has been raised or defence has been set up. The limitation goes to the root of the matter and if suit, appeal or application is barred by limitation, the Court or adjudicating authority has no jurisdiction, power or authority to entertain such suit, appeal or application and to decide it on merits. As such, respondent No.2 had no jurisdiction or authority to even entertain the petition which was time barred and was not accompanied by a separation application for condonation of delay. The petition was allowed and the impugned order was set aside.</p>	
11.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No. 140 of 2019	Govind Ram vs Shakuntla Sharma	<p>Point involved</p> <p>The respondent filed a suit for specific performance of contract dated 4.7.1993. The suit was partly decreed by the trial court for a specific performance of the agreement. The and decree passed by the trial court has been affirmed right upto the Hon'ble Supreme Court. An execution petition was filed, to which objections were filed by the petitioner. Executing court dismissed the objection petition.</p> <p>Conclusion:</p> <p>It is well settled that only objection that can be raised before the Executing Court is as regards the decree being a nullity in the true sense and not the objection as regards its invalidity. The court passing the decree does not lack inherent competence, but has jurisdiction over a suit, the decree passed by such a court would be in the exercise of its jurisdiction. Having lost right upto the Hon'ble Supreme Court and having dragged the decree holder and a litigation for nearly 25 years in a suit instituted on 6.12.1994, the petitioner cannot be permitted to drag on the litigation like unscrupulous litigants in the hope that the other party will tire out and ultimately would settle with them by paying a huge amount</p>	18.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				or enter into an unconscionable bargain. the petitioner by keeping the proceedings alive cannot be permitted to gain undeserved and unfair advantage. The petition was dismissed.	
12.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No.2209 of 2018	Ram Lal Sharma vs Union of India	<p>Point involved</p> <p>Aggrieved by the order of dismissal of OA by the Central Administrative Tribunal, Chandigarh Bench, the petitioner has filed the petition for the grant of writ in the nature of certiorari and the order of dismissal dated 14.8.1991 passed by respondent No.2 may kindly be set aside and so also the order dated 8.9.2011 passed by the Central Administrative Tribunal.</p> <p>Conclusion:</p> <p>The petitioner had approached the Tribunal after a long lapse of time. In Civil Appeal No. 6640 of 2019, Prahlad Raut vs All India Institute of Medical Sciences, the Hon'ble Supreme Court held that the petitioner therein approached the Tribunal after a long lapse of time and the petition was dismissed as being barred by Section 21 of the Act. The object of limitation is to put a quietus on stale and dead disputes. A person ought not to be allowed to agitate his claim after a long delay. Once there is cessation of employer-employee relationship by an order of termination, the cause of action would necessarily arise when the order of termination is passed.</p>	21.11.2019
13.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Bhusan Barowalia, Judge	CWP No.1707 of 2018	Naval Kishore vs H.P.University	<p>Point involved</p> <p>The petitioner filed the petition with the prayer that the paper (XII) Cost Accounting, paper (XII) Business, Finance and Management Accounting, paper (XIV) Indian Economics and Management (II) may be got evaluated from some independent examiner and the petitioner may kindly be granted the marks on the basis of such evaluation by an independent examiner being appointed by the Court.</p> <p>Whether even in absence of any legal right to demand revaluation as of right, has the petitioner been able to carve out a case of grave injustice for interference?</p> <p>Conclusion:</p> <p>In absence of any provision under the statute of statutory rules/regulations, the court should not generally direct evaluation. The petitioner had appeared for improvement of his division in B.Com I and</p>	22.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>II on the basis of such improvement, has scored more than 45% marks which even as per the University can be granted to him provided the petitioner surrenders the old detailed marks card. The petitioner cannot claim a right of re-evaluation as there is practically no material on record to suggest that even after giving the correct answer the petitioner was not awarded any marks. The petition was partly allowed and the petitioner was held entitled to the improvement marks obtained in the improvement of division in B.Com I and II subject to his surrendering the old detailed card.</p>	
14.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No. 3102 of 2019	Sahil vs State of H.P.	<p>Point involved</p> <p>The petitioners in these petitions applied for the post of constable and were called for physical and other standards and physical efficiency test in June, 2019. After qualifying the test, they were called for personality test-cum-interview. However, the petitioners were not interviewed on the ground that on the date of filling up the application forms, their names were not registered with the Employment Exchange.</p> <p>Conclusion:</p> <p>Hon'ble Supreme Court in <i>Excise Superintendent Malkapatnam, Krishna District A.P. vs K.B.N. Visweshwara Rao and others</i>, (1996) 6 SCC 216, while interpreting the provisions of section 4 (1) of the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, held that selections cannot be restricted only to the candidates sponsored by the Employment Exchange, rather names should also be called for by publication in newspaper having wide circulation and display on office notice boards or announcement on radio, television and employment news bulletins. Such procedure would subserve fair play and would be in consonance, rather complying the provisions of Articles 14 and 16 of the Constitution of India. The petitions were allowed and the respondents were directed to interview the petitioners.</p>	22.11.2019
15.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Chander Bhusan,	CWP No.2139 of 2018	Anil Kumar vs Union of India and others	<p>Point involved</p> <p>The respondents invited the applications for filling up of the posts of Constable/Driver in CISF. The petitioner after qualifying the physical entrance test, written test and interview was issued and offered appointment letter. When the petitioner</p>	28.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Barowalia, Judge			<p>reported for duty he was not permitted to join on the ground that at one time petitioner had involved in a criminal case in the past and while applying for the post of Constable/Driver he did not disclosed the same. The moot question is whether any exception to the action of the respondents can be taken when admittedly the petitioner had made a false declaration.</p> <p>Conclusion:</p> <p>CISF shoulders the great responsibility of maintaining law and order and public order in the society. People repose great faith and confidence in it. It must be worthy of that confidence. A candidate wishing to join the police force must be a person of utmost rectitude. He must have impeccable character and integrity. A person having criminal antecedents will not fit in this category. The information given to the employer by the petitioner as to his pendency of the criminal case was not true and there was suppression and false declaration of the required information. The petition was dismissed.</p>	
16.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.410 of 2008	Subhadra vs Kamla Devi and others	<p>Point involved:</p> <p>Plaintiffs filed a suit for declaration and permanent injunction to the effect that plaintiff No.1 is the only legally wedded wife of late Shri Ram Gopal as the marriage was solemnized according to Hindu rites and customs. The suit was decreed and the appeal filed by the defendant was dismissed</p> <p>Conclusion :</p> <p>Plaintiff No.1 indisputably is the wife of deceased Ram Gopal as the specific case of defendant No.3 is that she had contracted second marriage with the deceased Ram Gopal in the year 1985 and has also given birth to two children. Therefore, marriage performed by defendant No.3 with deceased Sh. Ram Gopal cannot be recognized in view of section 5 of the Hindu Marriage Act. It is settled law that a void marriage is no marriage. It is a marriage which does not exist from its beginning. No legal consequences flow from a void marriage. Once, the marriage is void, therefore, the same cannot be approbated or ratified.</p>	3.12.2019
17.	Hon'ble Mr. Justice Tarlok Singh Chauhan,	CWP No.2651 of 2017	Bandna Kumari vs BBMB and others	<p>Point involved</p> <p>Aggrieved by the order of her termination dated 30.12.2017, the petitioner has filed</p>	5.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Judge			<p>the instant petition with the prayer that impugned order dated 30.10.2017 may be quashed and set aside and the respondent be directed to release the vacation salary to the petitioner. The petitioner had been engaged as School Mother in BSL Senior Secondary School, Slapper District Mandi, H.p. as a part time worker for discharging the duties for duration of four hours in a day during the school time. Whether the petitioner has any right to file the instant petition.</p> <p>conclusion:</p> <p>The petitioner was engaged for short spell of 89 days with intermittent breaks till and including the month of March, 2017. There is a clear distinction between public employment governed by statutory rules and private employment governed purely by contract. The test for deciding the nature of relief "damages or reinstatement with consequential relief" is whether the employment is governed purely by contract or by a statute or statutory rules. The petitioner is in private employment governed by contract. Therefore, the only remedy, if any, available to the petitioner for the redressal of her grievances is by way of civil suit. Where the relation of master and servant is purely contractual, a contract of personal service is not specifically enforceable, having regard to the bar contained in section 14 of the Specific Relief Act, 1963. Even if the termination of the contract of employment is found to be illegal or in breach, the remedy of the employee is only to seek damages and not specific performance. The petition was dismissed.</p>	
18.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No.330 of 2005	Yash Pal & Ors vs Meena Ram	<p>Point involved:</p> <p>The plaintiff filed a suit for declaration and permanent prohibitory injunction against Santan Singh predecessor-in-interest appellants qua the suit land on the ground that the plaintiff was recorded as gair maurusi tenant of the suit land under State of H P in the year 1966-67 and thereafter conferred proprietary rights of the suit land vide mutation No.66, however, illegal, fraudulent and wrong attestation of mutation No.67 and reflection of the same in subsequent revenue entries, casts a cloud on the right, title and interest of the plaintiff. The trial court decreed the suit and the</p>	6.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>appeal filed was dismissed.</p> <p>Conclusion:</p> <p>The trial court had framed a specific issue qua limitation and the same was decided against the defendant. This issue was again raised before the first appellate court and the same was also rejected by the first appellate court. The findings recorded by both the courts below are against the settled proposition of law that even a void order or decision cannot be said to be non-existent in all cases and in all situations. Ordinarily, such an order will, in fact, be effective inter se parties until it is successfully avoided or challenged in the higher forum. Vide mutation No.67, 3/4th share out of the suit land was mutated in favour of Jaswant Singh by way of sale in the revenue record. No doubt the mutation in itself does not confer title but it would be noticed that the plaintiff was fully aware of the revenue entries and his title being under cloud because after attestation of the mutation No.67, there are consistent revenue entries in the form of jamabandis in favour of Jaswant to which presumption of truth is attached. The appeal was allowed and the judgments and decrees passed by both the courts below are set aside.</p>	
19.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CR No.96 of 2019	Ved Prakash vs Rajneesh Kumar and another	<p>Point involved:</p> <p>The defendant-counter claimant aggrieved by the order dated 27.6.2019 passed by District Judge, Shimla, whereby he condoned the delay in filing appeal against the judgment and decree dated 17.1.2015 in the counter claim preferred by the plaintiffs has filed the instant revision petition.</p> <p>Conclusion:</p> <p>Suit, in which the defendant had filed counter claim, was dismissed in default, however, vide judgment and decree dated 17.1.2015, the counter claim was decreed. The plaintiff filed an appeal alongwith an application for condonation of delay, which was allowed by the first appellate court. No Hard and fast rule has been or can be laid down for deciding applications for condonation of delay but over the years it is observed that liberal approach needs to be adopted in such matters so that substantive rights of parties are not defeated only on ground of delay. From the record, it is clear that the plaintiffs were not only fully aware of the pendency of the counter claim on</p>	9.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				22.3.2012, yet this fact has been deliberately and willfully concealed and not stated in the application for restoration. Person who seeks equity must come with clean hands. Since the respondent had not approached the court with clean hands and had suppressed the material facts, the petition was allowed and the order passed by District Judge is set aside.	
20.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Chander Bhusan Barowalia, Judge	CWP No. 1320 of 2016	State of H.P. vs P.C. Sharma	<p>Point involved:</p> <p>The State has filed the instant petition whereby the Tribunal below allowed the petition for correction of date of birth from 28.5.1957 to 28.5.1958. The respondent earlier filed petition seeking the same relief, which was disposed with the direction to the State to decide the request of the petitioner after making a fact finding inquiry and the respondent was required to produce that entry in the record.</p> <p>Conclusion:</p> <p>Despite the clear cut direction of this court, the petition rejected the case of the petitioner only on the ground of delay after referring to Rule 56 of the Fundamental Rules. Once the judgment has attained finality, then it is not open to the petitioners to argue what has been specifically held against them in the earlier litigation as they did not chose to challenge the same. Important consideration of public policy is that the decision pronounced by the court of competent jurisdiction should be final unless or until modified or reversed by the appellate authority and the very principle underlying the same is that no one should be made to face the same kind of litigation twice because such a process would be contrary to consideration of fair play and justice. It was not permissible for the petitioners to have sat over the order of this court and such an attitude tantamount to contempt of court and arbitrariness as it is not possible for the executive to scrutinize the order of the court. The petition was dismissed.</p>	9.12.2019
21.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	LPA No. 152 of 2011	Kultar Chand Sharma vs State of H.P.	<p>Point involved:</p> <p>The petitioner challenged the office order dated 19.5.2005 whereby respondent No.2 issued a revised final seniority list of Sr. Asstts. Wherein he was placed lower than the writ respondents No.3 to 5. The writ filed by him was allowed by the Learned Single Judge. As such, the present appeal.</p>	22.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>Conclusion:</p> <p>The private respondents were appointed in the Department of Rural Development and the petitioner was appointed on 2.3.1987 as a Clerk and thereafter was promoted as Sr. Asstt. on 10.4.1997 and placed on deputation as Sr. Asstt with respondent No.2. Private respondents were promoted in the parent Department as Sr. Asstts much later to the petitioner. Their services were also placed on deputation with respondent No.2 and petitioner and private respondents were observed on 1.5.2001. Rule of service jurisprudence is that if a government servant holding a particular post is transferred to same post in the same cadre, the transfer will not wipe out his length of service in the post from which he has been transferred and the period of his service in the post before this transfer has to be taken into consideration in computing the seniority in the transferred post. In the absence of a provision, ordinarily the length of service is taken into account in determining seniority. The appeal was dismissed with costs of Rs. 30,000/-.</p>	
22.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 636 of 2019	Dr. Sanghamitra Sadhu vs Union of India.	<p>Point involved:</p> <p>Fellowship grant for a period of two years was approved in favour of the petitioner with certain terms and conditions. Petitioner submitted her first seminar to respondent No.2 on 12.12.2017. Thereafter, since she was in family maternity leave was sanctioned in her favour upto 27.8.2018. After resumption of fellowship, petitioner presented second seminar and she was granted six months time. However, she filed representation for reconsidering her fellowship extension, which was rejected by respondent No.1 and recovery was ordered. Petition filed by the petitioner before the Gauhati high Court was dismissed on account of lack of jurisdiction. Hence, the present petition.</p> <p>Conclusion:</p> <p>As per terms and conditions, for in-service scholars, who want to come for two years, the fellowship would be awarded for a period of two years subject to the condition that continuation of the fellowship for the second year would only be granted if the external evaluation report of the work done by the fellow during the first year is found to be positive. The petitioner was granted extension on account of non-submission of</p>	29.11.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				progress report within time. The petitioner has not assailed the extension given to her. The petitioner was under illusion and misconception that she is pursuing second year of fellowship. She had been granted six months time to enable her to continue the work on the research project undertaken by her. The petition was dismissed.	
23.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No.732 of 2019	Rajesh Kumar Jhanji vs State of H.P.	<p><u>Point involved</u></p> <p>The petitioner filed the present petition with the prayer to issue a writ of mandamus directing the respondents to sanction grant-in-aid for the petitioner for the period he has worked on the post of Lecturer on PTA basis.</p> <p><u>Conclusion:</u></p> <p>The petitioner was not able to spell out any right under which he is entitled to the relief claimed and he is urging a plea of negative parity, which cannot be claimed and enforced in a court of law as it is a legal right that can be enforced in a court of law. In case an undue benefit has been conferred on someone inadvertently, it cannot be similarly granted to others. If a wrong is committed in an earlier case, it cannot be perpetuated. The petition was dismissed.</p>	2.12.2019
24.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	Cwp No. 388 of 2017	Satish Chandra Mishra vs Union of India and others	<p><u>Point involved:</u></p> <p>The petitioner filed the present petition with the prayer that appointment of respondent No.6 to the post of director and extension granted to him may kindly be set aside by issuing a writ in the nature of quo warranto.</p> <p><u>Conclusion:</u></p> <p>Since the petitioner has prayed for a writ of quo warranto, therefore, the only question required to be determined is whether such a writ can be issued when the appointment in question has not been made under any statutory rules or provisions. While dealing with the nature of writ of quo warranto has held in no uncertain terms that before a citizen can claim a writ of quo warranto, he must satisfy the court that the office in question is a public office and is held by usurper without legal authority. Writ of quo warranto can be issued only when person holding public office lacks eligibility or when appointment is contrary to statutory rules. The appointment in question to the post was not made in violation of some statutory provisions or of rules having the force of</p>	16.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				law, but has been made in pursuance to the administrative instructions which have been issued by the Government's executive powers and having no force of law. The petition was dismissed.	
25.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWPOA No. 3137 of 2019	Nishant Kumar vs State of H P and others	<p>Point involved:</p> <p>Father of the applicant while serving as JBT under respondents died on 27.7.2004. Mother of the applicant submitted no objection if the service on compassionate ground is provided to her son (petitioner), who submitted his case for compassionate ground in the year 2010. The respondents rejected the case of the petitioner on the ground that his case was not covered under the criteria fixed by the Govt. for employment on compassionate ground.</p> <p>The moot question is whether despite there being no provision, the petitioner can still be appointed on compassionate grounds <i>de hors</i> the policy?</p> <p>Conclusion:</p> <p>There is no right to compassionate appointment as it is exception to general rule that appointment to any public post in service of State must be made in accordance with Articles 14 and 16 of the Constitution and that is the reason that there has to be strict adherence to the terms and conditions of the policy relating to compassionate appointment. Once, the policy itself provides for appointment on compassionate ground only to the widow, the benefit under the same cannot be extended to any other person save and except the one mentioned in the policy. The petition is dismissed.</p>	16.12.2019
26.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP 3061 of 2019	Ms. Shriram Veritech Solutions Pvt. Ltd. vs	<p>Point involved</p> <p>The Department of Excise and Taxation issued an online tender on the E-Tender Portal. Pre-bid meeting was held on 9.10.2019, in which M/s Kantas Track Pack India Ltd raised the issues of relaxation in the eligibility criteria but M/s Shriram Veritech Solutions did not participate. The respondents issued corrigendum in which issues raised during pre bid meeting were addressed. The petitioners alleged that the respondents unilaterally, arbitrarily and in colourable exercise of power once again amended clause 8 (1) of the tender.</p> <p>Conclusion:</p> <p>It is settled law that the procedure adopted</p>	18.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				by the tendering authority should be fair, just and reasonable. The petitioners were not at all aggrieved by the other terms and conditions of the tender and even qua clause-8 the only objection of explanation, which the petitioners sought was the manner in which 8 years experience in manufacturing and supply of polyester based Excise Holograms to one State or more than one States is to be calculated or was it mandatory to have 8 years of experience of supplying Holograms to State Excise Department only or other Government Departments to be included. The petitioner did not make a grievance regarding the 8 years of experience. Like other individuals, the officials of the respondents can also commit mistake and unless and until the action is questioned on the ground of malafide, bias, favouritism etc., the same is not open to judicial review. The petitions were dismissed.	
27.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No. 1237 of 2019	Rajneesh Kanwar vs State of H.P.	<p>Point involved:</p> <p>The petitioner after joining the respondent department as TGT served at various places. He was deputed as BRCC at Block Bijhar, District Hamirpur and was directed to join within a period of 15 days. He made a representation and requested that he was not in a position to join the deputation as BRCC due to his adverse family circumstances.</p> <p>Whether an incumbent can be transferred on deputation without his consent.</p> <p>Conclusions:</p> <p>It is more than settled that no person can be sent on deputation without his consent and, therefore, the petitioner under no circumstance can be compelled to join as BRCC, at Block Bijhar, District Hamirpur. The concept of deputation is well understood in service law and has a recognized meaning. "Deputation" has a different connotation in service law and the dictionary meaning of the word deputation is of no help. Deputation is deputing or transferring an employee to a post outside his cadre. Since no consent was obtained from the petitioner, the petition was allowed and the impugned transfer orders were quashed.</p>	19.12.2019
28.	Hon'ble Mr. Justice Tarlok Singh Chauhan,	CWP No.9945 of 2014	K.G. Thakur vs State of H.P.	<p>Point involved:</p> <p>The petitioners were appointed with Himachal Pradesh Science & Technology</p>	19.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
	Judge			<p>Entrepreneurs Park in H.P. University. Later on HP-STEP was merged with the University as approved by the State Govt. The petitioners requested that they may be allotted GPF numbers. However, the university stated that the petitioners were entitled to the revised contributory pension scheme instead of old pension scheme w.e.f. 15.5.2013 and since the petitioners were merged with the University on 24.2.2012, therefore, their claim was not acceded to.</p> <p>Conclusions:</p> <p>The petitioners were merged into the main stream of the University only on 24.2.2012, whereas, the revised CPS was implemented by the University on the analogy of the State Govt. instead of old pension scheme w.e.f. 15.5.2013. Therefore, the claim of the petitioners for allotment of GPF number under old pension scheme is definitely not tenable, more particularly, when the revised contributory pension scheme was not applicable to the petitioners while they were serving the erstwhile HP-STEP. A person who has suffered, or suffers from legal injury can challenge the act/action/order, etc. in a court of law. A legal right means an entitlement arising out of legal rules. They petitioners have not suffered any legal injury whereby they can challenge the action of the respondent before this court. The petition was dismissed.</p>	
29.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	RSA No. 707 of 2008	Mohinder Kumar vs Kamal Parkash	<p>Point involved:</p> <p>The plaintiffs filed suit for permanent prohibitory injunction and mandatory injunction with further prayer for vacant possession after demolishing the structure. The suit was decreed by the trial court and restrained the defendants from raising any forcible illegal construction or causing any type of interference on the suit land. In an appeal filed by the defendants held the plaintiff to be owners of the suit land but dismissed the suit for mandatory injunction on the ground that the plaintiff had acquiesced to the construction raised by the defendants and the plaintiff was held entitled to compensation instead of decree for possession by demolition.</p> <p>Whether delay in approaching the court would bar the grant of relief of injunction.</p> <p>Conclusions:</p> <p>Delay may be a bar to the granting of an</p>	21.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				injunction even if it does not amount to a proof of acquiescence. Where during the construction of the building the plaintiff kept warning the defendant not to cause an obstruction, but did not bring his suit for an injunction to compel the demolition of the building until about a year after the completion of the defendant's building. Injunction is an equitable relief and delay defeats equities. Where there is absolutely no satisfactory explanation for the delay, normally the court cannot grant injunction. A mandatory injunction is a discretionary relief and delay is a factor which has to be taken into account while granting it where a case for grant of this relief is made out. The plaintiff despite knowledge permitted the defendants to raise construction over his land and did not raise a singly little finger for not days but for months, therefore, he is not entitled to a decree for mandatory injunction. The appeal was dismissed.	
30.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	CWP No. 2668 of 2019	Rajinder Kumar vs State	<p>Point involved:</p> <p>Case of the petitioner is that he was serving as a daily wager since 2003 in the various Departments and since October, 2010, he is serving under the Deputy Commissioner, Una in Bachat Bhawan, however, his services so far have not been regularized. Case of the respondents is that the services of the petitioner are engaged for 89 days to the post of Chowkidar and completion of 89 days, he is put on one day break and thereafter being engaged for 89 days.</p> <p>Conclusions:</p> <p>The practice of engaging workmen for a period of 89 days on each occasion and thereafter giving them one day break and thereafter re-engaging them, has been repeatedly deprecated by the Hon'ble Supreme Court. No doubt the appointment of the petitioner cannot be said to be regular, but at the same time, it cannot also be held that he has been illegally appointed and having put in 10 years or more services, his services are required to be regularized. The petition was allowed.</p>	23.12.2019
31.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice C.B. Barowalia, Judge	CWP No. 1529 of 2019	Manoj Thakur vs State	<p>Point involved:</p> <p>The petitioner joined the services of the respondent-Bank as a driver on 17.7.99 and thereafter promoted to the post of Asstt. Manager on ad hoc basis. Bank issued a show cause notice to the petitioner that he had issued bank loan to one Chet Ram in which discrepancies were found. His juniors</p>	26.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>were promoted to the post of Assistant Manager, whereas, the case of the petitioner was kept in a sealed cover.</p> <p>Conclusion:</p> <p>It is a trite law that it is only when a charge memo in a disciplinary proceedings or a charge-sheet in the criminal prosecution is issued to the employee it can be said that the departmental proceedings/criminal prosecution is initiated against an employee. The sealed cover procedure is to be resorted to only after the charge memo is issued. In the instant case as only FIR had been lodged and no charges had been framed on the date the sealed cover procedure was resorted to. The petition is allowed and the respondents are directed to promote the petitioner from the date his juniors were promoted with all consequential benefits.</p>	
32.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. C.B. Barowalia, Judge	CWPOA No. 195 of 2019	Sheela Devi vs State of H.P.	<p>Point involved:</p> <p>Whether the services of an employee appointed on contractual basis in temporary capacity can be counted towards qualifying service for the grant of pension after his services have been regularized?</p> <p>Conclusions:</p> <p>A per rule 17 of the CCS (Pension) Rules, 1972, if a person is initially engaged by the Govt. on contract for a specified period and is subsequently appointed to the same or another post in a sustentative capacity in a pensionable establishment without interruption of duty, he may opt either to retain the Government contribution in the Contribution Provident Fund with interest thereon or to agree to refund to the Govt. the monetary benefit. Taking of work on contractual basis for long amounts to adopting the exploitative device. Not to count the contract period in case it has been rendered before regularization would be highly unjust, impressible and irrational to deprive such employees benefit of the qualifying service. No discrimination can be made qua the employees, who rendered services prior to regularization in the capacity of contractual employees and were regularized only because they had put in the requisite number of years of service on contractual basis like their counterparts who had rendered services in the capacity of work charged employees, contingency paid fund employees or non-pensionable establishment of course for that matter even</p>	26.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				on ad hoc basis. The petition was allowed.	
33.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 915 of 2016	Suman Aggarwal vs Municipal Council	<p>Point involved:</p> <p>The petitioner approached respondent No.1, without advertisement, with the proposal for constructing a shop under self financing scheme. Respondent No.1 entertained such request and asked the petitioner to deposit a sum of Rs. 10,000/- as earnest money and the balance amount was to be paid at the time of possession of shop. When the shop was not allotted to the petitioner, he filed the instant petition.</p> <p>Conclusions:</p> <p>Where the Government is dealing with the public, whether by way of giving jobs or entering into contracts or issuing quotas or licences or granting other forms of largesse, the Govt. cannot act arbitrarily at its sweet will and like a private individual, deal with any person it pleases, but its action must be in conformity with standard or norm which is not arbitrary, irrational or irreverent. The petitioner herein applied for allotment of the shop which was to be constructed by respondent No.1. There was no credible mechanism in place to have even entertained the application of the petitioner. Respondent No.1 could not have whimsically, arbitrarily and contrary to the rules allotted the shop to anyone. The petition was dismissed with costs of Rs. 50,000/-.</p>	27.12.2019
34.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 3998 of 2019	Indira Thakur and another vs State	<p>Point involved:</p> <p>The petitioners were appointed as Staff Nurses in the year 1997. A complaint was made by one Anil Thakur on 4.7.2016 to the Medical Superintendent, Kamla Nehru Hospital alleging therein that on 26.5.16 an incident of baby exchange had taken place in the hospital and requested for a thorough probe into the incident. The Inquiry Officer was appointed, who after conducting detailed inquiry submitted the same to the Disciplinary Authority. The later pointed out certain alleged discrepancies in the inquiry reported and asked the I.O. to submit inquiry report. Thereafter, Disciplinary Authority without setting aside the inquiry report ordered denovo inquiry, hence the present petition.</p> <p>Conclusion:</p> <p>Disciplinary proceedings against employees conducted under the provisions of CCS (CCA) Rules, 1965 or under any</p>	31.12.2019

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				corresponding Rules are quasi judicial in nature and as such it is necessary that orders in such proceedings are issued by the competent authorities in accordance with the Rules as the order issued by such authorities attribute to a judicial order. Once the inquiry report had been submitted by the Inquiry Officer, the Disciplinary either had to accepted the same or after setting aside the inquiry report could have asked for inquiry. Since the Disciplinary Authority had not set aside the inquiry report, therefore, the petition was allowed and the impugned order was quashed and set aside.	
LAND MARK JUDGMENTS OF PUBLIC IMPORTANCE DELIVERED DURING THE QUARTER 01.01.2020 to 31.03.2020					
1.	Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice	CWP No. 1871/2017	Hem Raj versus State of HP and others	<p>Point involved: The petitioner, by the medium of this petition had challenged the order of appointment of respondent No. 3 as a Member of Himachal Pradesh Public Service Commission dated 5.5.2017 with a further prayer to direct the respondent/State to frame guidelines and parameters for appointment of Chairman and Members of the Himachal Pradesh Public Service Commission</p> <p>Held: the appointment of respondent No.3 has been made by adopting and following the due procedure as mandated by the Constitution of India. In the FIR on the allegations of corruption registered against respondent No. 3, she has been discharged by the Special Judge. There is no challenge to the said order of the Special Judge. It appears that the petitioner has been used by some person to file petition against respondent No. 3 to challenge her appointment. The petitioner has also not been able to establish from where he collected the judicial papers/records in respect of respondent No. 3 and the copies of papers whereby she has been discharged. Thus, it is held that the petitioner has not come to the Court with clean hands, clean soul and clean mind. We are inclined to impose cost on the petitioner for filing such petition, but the petitioner being a law student and law abiding citizen, we refrain from doing so.</p> <p>It has been observed that We hope and trust that the State of Himachal Pradesh must step in and take urgent steps to frame memorandum of procedure, administrative guidelines and parameters for the selection and appointment of the Chairperson and</p>	1.1.2020

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				Members of the Commission, so that the possibility of arbitrary appointments is eliminated.	
2.	Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice	Arb. 15/2019	Virender Singh and another vs. State	<p>Point Involved: The Arbitration Appeal was directed against the judgment dated 29.11.2019, passed by the learned Single Judge of this Court in Arbitration Case No. 58 of 2019, whereby OMP Nos. 448 and 343 of 2019 were allowed and the objections in Arbitration case No. 58 of 2019 was held not entertainable within the ambit of the prohibition contained in Section 19 of the Micro Small and Medium Enterprises Development Act, 2006 for short 'MSMED Act', and for setting aside the Arbitral Reference No. 52 of 2017 being perverse, illegal and against the public policy</p> <p>Held: Though the award was well within the knowledge of the appellant despite that the appellant had made default for not complying with the provisions contained in Section 19 of the MSMED Act. As observed earlier that when there is a Special Act and a special mechanism is provided for covering the field, the General law will have to give-way. Under these circumstances, it is held that the learned Single Judge has rightly dismissed the objections of the appellant being not entertainable for non-compliance of Section 19 of the MSMED Act.</p>	10.1.2020
3.	Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice	CWP 2196/2019	Deepak Kumar versus Punjab National Bank	<p>Point involved: The appointment of respondents No. 3 to 5 to the post of Part Time Sweeper in the Punjab National Bank in District Kangra, and Chamba, HP was under challenge in this petition on the ground that the experience certificate produced by th petitioner was not taken into consideration by the Bank at the time of interview</p> <p>Held: petitioner himself had participated in the interview as such he is estopped from challenging the selection process. a person who seeks equity must do equity. A person who, seeks equity must come with clean hands. He who comes to the Court with false claims, cannot plead equity nor the Court would be justified to exercise equity jurisdiction in his favour. A person who seeks equity must act in a fair and equitable manner. No sympathy and equitable consideration can come to his rescue. The equity or compassion cannot be allowed to bend the arms of law in a case where an individual himself has not done equity. Reference in this regard is made to the judgment rendered by the Hon'ble Supreme</p>	10.1.2020.

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				Court in Chairman and Managing Director FCI and others versus Jagdish Balaram Bahira and others, AIR 2017 SC 3271. As far as the selection of private respondents is concerned, it was held that it is for the respondent-Bank to initiate action against the said respondents or to condone the same.	
4.	Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice	CWP No. 1440/2020.	Sushma Kuthiala versus State of HP	Point involved: The question was whether the Notification issued by the Government whereby the Deen Dayal Upadhyay Hospital, Shimla (hereinafter referred to as "the DDU Hospital"), has been declared as Dedicated COVID Health Centre and Dedicated COVID Hospital for the area in and around Shimla is in public interest or not. Held: The Court found that the respondents/State has taken all possible steps and preventive measures against the spread of Novel Corona virus till date and a conscious policy decision has been taken to declare the DDU Hospital as Dedicated COVID Hospital on the basis of an expert opinion affirmed by the High Level Review Committee, which cannot be interfered with at this stage.	14.5.2020
5.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWPOA 2527 of 2019	Dharam Parkash vs State of H.P.	Point involved: The petitioner was appointed as Beldar in the year 1993 and regularized after 10 years. Respondent No.2 was appointed as Beldar on compassionate ground on 1.12.2009 and shortly thereafter was ordered to be regularized vide order dated 2.12.2010. Conclusion: In making the appointments or regulating the other service conditions of the staff of the house-hold establishment of the Governor, his Excellency the governor exercises an administrative power and while exercising such power can definitely be interfered with on well known grounds like discrimination, malafide. Respondent No.1 has failed to take into consideration the fact that this discretion can only be exercised if there is a power to do so and the same in the given circumstances cannot be contrary to law. The absence of arbitrary power is the first postulate of rule of law upon our whole constitutional edifice is based. In a system governed by law, discretion when conferred upon an executive authority must be	2.1.2020

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				confined within clearly defined limits. If the discretion is exercised without any principle or without any rule, it is a situation amounting to the antithesis of rule of law. Discretion means sound discretion guided by law or governed by known principles of rules, not by whim or fancy or caprice of the authority. The petition was allowed, appointment of respondent No.2 was set aside and the petitioner was directed to be considered if found fit and eligible to be appointed as Peon from 23.1.2015.	
6.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	FAO No.326 of 2012	Archna vs Satish Kumar	<p>Point involved: The marriage between the parties was solemnized on 21.2.2007 however on account of matrimonial discord; the petitioner-respondent filed a petition for divorce. Since the appellant did not appear despite due service of notice, an ex parte decree of divorce was passed by the court below. The appellate filed an application u/o 9 rule 13 CPC for setting aside ex parte decree of divorce but the same was dismissed.</p> <p>Conclusion- The appellant received summons on 27.5.2009 from the court in which the date was fixed for 30.5.2009 but she did not choose to appear on the ground that petitioner had asked not to appear since the conciliation proceedings were under progress. But this plea was negated by the court below. Appeal for setting aside the decree of divorce has been filed after 5 months after the prescribed period of limitation. The appeal was required to be filed within 30 days after passing of the ex parte decree under section 15 of the Hindu Marriage Act. The appeal was dismissed.</p>	3.3.2020
7.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Anoop Chitkara, Judge	CWPOA No.138 of 2019	Lokinder Dutt Sharma vs The Board of Directors HP Horticulture Procedure Marketing.	<p>Point involved: The petitioner was working with respondent and retired from the post of Dy. GM on 31.3.2014 and after his retirement he was served with charge-memo. Whether after the retirement of an employee the departmental proceedings in absence of any provision in the byelaws could have been initiated and whether such power and authority could have been exercised on the basis of the amended byelaws which admittedly had been amended after the petitioner already retired from service. Whether the respondents by amending the byelaws after the petitioner had retired from</p>	18.3.2020

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				<p>service could have ordered disciplinary inquiry.</p> <p>Conclusion- The bye-laws that were in force at the time of retirement of the petitioner known as the H.P. Horticultural Produce Marketing and Processing Corpn. Ltd., Employees Service Bye-Laws, where was no provision for conducting departmental enquiry against the petitioner and it is only vide amendment carried out in the bye-laws on 29.9.2014. Once the petitioner had retired from service on attaining the age of superannuation, then in absence of any rule, there was no authority vested with the respondents for initiating disciplinary proceedings on the basis of the amended Rules, which under no circumstance could have been made applicable to the case of petitioner because the order of retirement had attained finality.</p>	
8.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No.1978 of 2019	Sunita Devi vs State of H.P.	<p>Point involved: In the instant case the transfer of the petitioner was proposed, processed and thereafter approved by the Minister concerned leaving no room for the administrative head to take an independent decision in the matter. The moot question in this petition is the scope of writ petition where the order of transfer are proposed thereafter followed with the administrative department and finally got implemented by the Minister himself, leaving little virtually or no scope for any discretion or decision for the administrative department.</p> <p>Conclusion- The transfer is never meant to be a punishment but nobody can deny the fact that many times incompetent and inconvenient officials are transferred. The elected representative cannot have a right to claim that a particular employee should be posted at a particular station. This choice has to be made by the administrative head, i.e. the Executive and not by the legislators. Where an employee is to be posted must be decided by the administration. It is for the officers to show their independence by ensuring that they do not order transfers merely on the asking of an MLA or Minister. They can always send back a proposal showing why the same cannot be accepted. Whenever any transfer is ordered not by the departments, but on the recommendations of a Minister or MLA, then before ordering the transfer, views of the administrative department must be ascertained. The petition was allowed.</p>	18.03.2020

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1	2	3	4	5	6
9.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWPOA No.4595 of 2019	Naresh Thakur & Others vs State	<p>Point involved</p> <p>The petitioners were initially appointed as Clerks on daily wages in the year 1986-87 without any sanctioned posts for studies/research work in the Projects funded by the Govt. of India in HIPA. In the year 2003, 4 posts of Investigators were created by abolishing existing 4 posts of Dy. Director. The petitioners were offered these appointments and they accepted the same unconditionally. The petitioner filed writ petition seeking regularization of their services in accordance with the policy framed by the Govt. on 11.12.1997. However, the petition was disposed of with direction to respondent No.2 to consider the representation of the petitioner, but the same was rejected.</p> <p>Conclusion-</p> <p>Since the petitioners unconditionally accepted their appointment as Investigators in the year 2003 and having accepted the same are stopped from filing the present petition. Raking up the issue before the High Court and Tribunal and repeated rejections thereafter would not furnish a cause of action to the petitioners to file the instant petition. The subsequent rejection of representation will not furnish a cause of action or revive a dead issue or time barred dispute. The petition was dismissed.</p>	6.1.2020
10.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge	CWP No. 537 of 2018	Kedar Singh Negi vs HP High Court and others	<p>Point involved:</p> <p>The petitioner was appointed on 5.12.2002 as Peon on adhoc basis. Subsequently, he was ordered to be regularized alongwith two other persons. These two persons were allotted GPF Account Number and the petitioner was kept out of GPF account and is continuing with the Contributory Pension Scheme.</p> <p>Whether the services of an employee appointed on ad-hoc basis followed by regular appointment is to be counted for the purpose of pensionary benefits?</p> <p>Conclusion:</p> <p>Respondent No.1 recommended the case of the petitioner for allotment of GPF number in his favour. It is settled principle of law that if adhoc service is followed by regular service in the same post, the said service can be counted for the purpose of increments and it is also settled that any service that is counted for the purpose of increment, will count for pension also. The taking of work on adhoc basis for long amounts to adopting the exploitative device. The petitioner was not only deprived from</p>	7.1.2020

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				the due emoluments during the period he served on less salary on adhoc basis but he was also deprived of counting of the period for pensionary benefits. Not to count the ad hoc period in case it has been rendered before regularization would be highly unjust, impermissible and irrational to deprive such employees benefit of the qualifying service. The petition was allowed and the respondents were directed to count the services rendered by the petitioner on ad hoc basis prior to his regularization towards qualifying service for the grant of pension and thereafter allot GPF account number.	
11.	Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge and Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge	CWP No.570 of 2018	Varun Khari vs State	<p>Point involved: The petitioner is Inspector, Income Tax Deptt. and has been allotted Govt. accommodation at New Shimla. The Member Secretary, H P State Commission for Women sent a letter to the Chief Commissioner, H.P. requesting not to transfer the petitioner from Shimla and the accommodation may not be vacated as requested by the petitioner. The Commission stated in the reply to petition that the orders are neither judicial nor quasi judicial and are only in the form of request made to Chief Commissioner of Income Tax on the basis of the complaint and the endeavour was to get the dispute amicably settled between the parties. The moot question is whether the impugned orders even if taken to be in the form of request could have been passed by the Commission.</p> <p>Conclusion: The functions of the Commission have been enumerated in section 10 of the Act and the same nowhere authorizes the Commission to pass orders of the nature as have been passed by the Commission. The Commission is a creation of the statute and therefore is bound to act within the four corners of the state that created it. It is settled principle that the functions of the Commission are social or charitable and there is no provision of the Act that confers jurisdiction or authority on the authority to pass orders of maintenance. While doing so the Commission had patently transgressed its limits and committed a patent illegality and violated the provisions of the Act. The procedure adopted by the State Commission i.e. respondent No.2 is without any authority as the Commission is not entitled to issue the impugned advisories to the employer of the writ</p>	20.2.3030

Sl. No.	Coram	Nature of the case with No.	Title of the case	Subject matter of the decision in brief	Date of Decision
1	2	3	4	5	6
				petitioner that too without any information. The petition was allowed.	

PART- IV

INFRASTRUCTURE DEVELOPMENT

CHAPTER-6

STATUS OF INFRASTRUCTURE OF HIGH COURT

(Updated upto 31.03.2020)

1. Details of High Court Complex in the State:

Sl. No	As on	Number of Court Complex available	Number of Court complex(es) in Government owned building	Number of court complex(es) in self owned building	Number of court complex(es) on rent
1.	31.03.2020	1	0	1	0

2. Details of Court Hall in High Court:

Sl. No	As on	Number of court halls required	Number of court halls available	Number of court halls in government owned building	Number of court halls in self owned building	Number of court halls on rent
1.	31.03.2020	13	13	0	13	0

3. Details of Funds allotted for infrastructure for financial year 2018-19: (Data as per record of HPPWD)

Sl. No	Head of Account	Sanctioned Budget (Rs. In Lac)	Expenditure (Rs. In Lac)
1.	Demand No.03 Administration of Justice (Plan & Non Plan)	1093.07	219.55 Lac (upto 02.2020) The final position of funds has not been supplied yet due to Covid-19

4. Details of Court Complexes/Court Halls of H.P. High Court which are under construction:
NIL

5. Details of Renewable Energy Enabled Court Complex (es):

Sl. No.	As on	Total number of court complexes	Court complexes which are at least 100% renewable energy enabled	Court complexes which are at least 50% renewable energy enabled	Court Complexes which are at least 25% renewable energy enabled
1.	31.03.2020	1	0	0	0

Please Note: In the High Court of Himachal Pradesh a Solar Power Plant of 100 kWp capacity has been installed and commissioned in May,2016 which would cater to the energy requirement of the High Court of Himachal Pradesh to a great extent.

Screen shot showing the work of solar energy in Progress in the Administrative Block of H.P. High Court.



6. Details with regard to differently abled friendly court complex(es):

Sl. No.	As on	Number of court complex(es)	Number of court complex, which is differently-abled friendly
1.	31.03.2020	1	NIL (As per Harmonised Guidelines of the Rajiv Raturi Vs. UOI Hon'ble Supreme Court of India case High Court does not qualify as Differently abled friendly.)

Please Note: Entry points at the High Court Complex for differently-abled persons are accessible. Lifts have also been provided for the facility of differently abled persons. The curb cuts and slopes have been provided at all the entrance gates for easy access of wheel chair users. There are separate washrooms for ladies and gents at each floor of the High Court Complex.

7. Details with regard to Residential Accommodation for Hon'ble Judges:

Sl. No	As on	No of residential accommodation required	No of residential accommodation available	No of owned residential accommodations	No of government owned residential accommodations	No of residential accommodation taken on rent
1.	31.03.2020	11	11	06	05	0

Please Note: Bungalows Nos 1,2,4,5 & 6 alongwith outhouses at Harvington, Shimla-1, Set No. 14 at Richmond alongwith outhouse, Armsdell building and Curzon House are in the possession of High Court of Himachal Pradesh. Bungalow No.5 at Harvington has been allotted to the Vice Chancellor, Himachal Pradesh National Law University.

8. Residential accommodation which are under construction: Nil

9. Closed Circuit Television Cameras (CCTV):

There are 25 CCTV Cameras installed in the premises of High Court of Himachal Pradesh, out of which 22 are day night cameras, 1 is night vision facility camera, 1 is audio facility camera and 1 analog outdoor camera.

10. Diesel Generator Sets (DG sets):

One Diesel Generator Set each of sufficient capacity has been installed in main court building of H.P. High Court and Administrative Block of H.P. High Court.

STATUS OF INFRASTRUCTURE DISTRICT/SUBORDINATE COURTS

1. Details of Court Complex(es) in the State:

Sl. No	As on	Number of Court Complex available	Number of Court complexes in Government owned building	Number of court complexes in self owned building	Number of court complexes on rent
1.	31.03.2020	53	11	42	0

2. Details of Court Complex(es) on rent in the State: NIL

3. Details of Court Halls in the state:

Sl. No	As on	Number of court halls required	Number of court halls available	Number of court halls in government owned building	Number of court halls in self owned building	Number of court halls on rent
1.	31.03.2020	32 (upto year 2020 and beyond)	161	21	140	0

4. Details of Court Halls on rent: NIL

5. Details of Funds allotted for infrastructure: (Data as per record of HPPWD)

Sl. No	Financial Year	Funds allotted for Infrastructure (from all sources including Central, State or any other source)	Funds utilized	Extra funds demanded for infrastructure	Funds surrendered	Funds re-appropriated from infrastructure funds to other activities.
1	2019-2020	Demand No.03 Administration of Justice (Plan & Non Plan)	219.55 Lac (upto 02.2020) The final position of funds has not been supplied yet due to Covid-19	-	-	-

6. Details of Court Complex(es)/Court Halls which are under construction:

06 nos. Court Halls at Amb and 02 nos. Court Halls at Karsog are under construction.

7. Details of Renewable Energy Enabled Court Complexes: NIL

Sl. No.	As on	Total No. of court complexes	Court complexes which are at least 100% renewable energy enabled	Court complexes which are at least 50% renewable energy enabled	Court Complexes which are at least 25% renewable energy enabled
1.	31.03.2020	53	4	9	13

Please Note: Out of total 53 court complexes, Solar Power Plants have been installed at 26 court complexes. The process of installation of remaining court complexes is underway.

8. Details with regard to differently abled friendly court complexes:

Sl. No.	As on	Number of court complexes	Number of court complexes which are differently-abled friendly
1.	31.03.2020	53	10 court complexes are partly differently-abled friendly

Please Note: None of the court complexes in Himachal Pradesh qualify as differently abled friendly as per Harmonised Guidelines of Rajiv Raturi vs. UOI in Supreme Court of India case. However, copy of the said judgment and Harmonised guidelines have been forwarded to all the District and Sessions Judges in H.P. for necessary action. Also, all the Sessions Divisions have been requested for making public buildings /places accessible for persons with disabilities. This has been done in the wake of Accessible India Campaign (Sugamya Bharat Abhiyaan). The process of making all the court complexes differently abled friendly as per Harmonized Guidelines of Rajiv Raturi vs. UOI in Supreme Court of India case is underway.

9. Details with regard to Residential Accommodation for Judicial Officers:

S. N	As on	No of residential accommodation required	No of residential accommodation available	No of owned residential accommodations	No of government owned residential accommodations	No of residential accommodation taken on rent	No of Judicial officers without residential Accommodation
1.	31.03.2020	64 (upto 2020 and beyond)	114	88	26	10	NIL

Note: The aforementioned availability of residential accommodation is as per the existing working strength of the Judicial Officers holding Courts. The remaining judicial officers are posted in the Hon'ble High Court and on deputation with the State Government who have been provided accommodation by the state government.

10. Details of Residential Accommodation on Rent:

Sl. No	As on	Number of residential accommodation on rent	Number of residential accommodation on rent for the period				
			Less than 1 year	1-3 years	3-5 years	5-10 years	10 years and above.
1.	31.03.2020	8	4	5	1	0	0

11. Residential accommodations which are under construction: NIL

12. Construction of New Block of the High Court (Phase-II) has not begun due to the ban imposed by Hon'ble National Green Tribunal in the core area of Shimla.

CHAPER- 7

SANCTIONED STRENGTH, WORKING STRENGTH AND VACANCIES OF JUDGES IN HIGH COURT AND DISTRICT / SUBORDINATE COURTS

i) Working Strength of Hon'ble Judges (including Hon'ble the Chief Justice) in High Court of Himachal Pradesh as on 31.03.2020.

Sl. No.	Sanctioned strength	Working strength (Including Hon'ble the Acting Chief Justice)	Vacancy position
1.	13	09	04

ii) In the cadre of District Judges/Additional District Judges as on 31.03.2020

Sl. No.	Sanctioned strength	Working strength	Vacancy position
1.	55	51	04

iii) In the cadre of Senior Civil Judges as on 31.03.2020

Sl. No.	Sanctioned strength	Working strength	Vacancy position
1.	48	48	0

iv) In the cadre of Civil Judges as on 31.03.2020

Sl. No.	Sanctioned strength	Working strength	Vacancy position
1.	72	54	18

CHAPTER- 8

STATUS OF COMPUTERISATION OF HIGH COURT AND DISTRICT SUBORDINATE COURTS

(updated as on 31.03.2020)

- **Introduction:**

High Court of Himachal Pradesh has taken various steps for its own computerization and of District and Subordinate Courts in Himachal Pradesh in terms of the National Policy and Action Plan prepared by the e-Committee and otherwise also.

COMPUTERIZATION OF HIGH COURT

- 1). The work of computerization in the High Court of H.P. was started in March, 1994 under the auspices of the National Informatics Centre (N.I.C.), Government of India.
- 2). At the very beginning, one Computer System with 32 terminals was provided in the High Court.
- 3). Subsequently, one more Pentium (Pro) computer and one Pentium-3 Computer systems were added.
- 4). Later on 20 more terminals were also added and equal number of printers were also provided.
- 5). Subsequently more Personal Computers were also added and other computer infrastructure was also provisioned.
- 6). Ninety five (95) Slim Clients, 95 UPSs and 50 H.P. Laser Jet printers along with other computer hardware were purchased in the High Court of H.P under the e-Courts project in the year 19.06.2009 which has considerably upgraded the computer infrastructure in High Court of H.P.
- 7). Twenty one (21) desktop PCs of latest configuration have also been purchased in the year 2013 for further up-gradation of the computer infrastructure in High Court of H.P.
- 8). Thirty Three (33) Desktop PCs. (Including 12 Nos. PC's for Digitization / Scanning) and 13 Printers have also been purchased during the financial year 2014, with a view to further upgrade the Computer infrastructure in the High Court of H.P.
- 9). In order to make further addition in the Computer infrastructure in High Court of Himachal Pradesh, 30 All-in-one Desktop PCs and 13 Laser jet Printers were purchased in the year 16th June, 2015
- 10). One SAN Storage of 10 TB has been purchased in March, 2016 for a consideration of Rs. 27,49,320/- (Rs. Twenty Seven Lacs Forty Nine Thousand Three Hundred and Twenty only) for use in High Court of H.P. and the same has been installed.

- 11). In the month of May, 2017 five Intel i5 Desktops, one Multifunctional Device (MFD) with 10 Duplex Network Printer have been purchased.
- 12). In the month of August, 2017, following old unserviceable hardware was auctioned:

Sl. No.	Name of article	Date of purchase	Qty. (Nos.)
Computer Systems			
1	HCL Intel Celeron TM Processor @600 MHz	22.11.2000	16
2	HCL Pentium-IV Computer :Intel Pentium-IV,2.4 GHz	31.03.2004	3
3	HCL Celeron Computers	31.03.2004	30
Printers			
4	HP Laserjet 6L Pro Laser Printers	22.11.2000	15
5	HP Officejet 7408 Colour Printer	22.11.2000	1
Scanner			
6	HP Scan Jet 4300 C	22.11.2000	16
Dot Matrix printers			
7	DMP Printer Wipro LQ 1050+DX Gold, 24 Pin, 132 Col.	02.06.2003	5
8	DMP Printer Wipro LQ DSI 5235	27.03.2004	6
LAPTOPS			
9	Compaq Laptop Notebook, 2111	31.03.2004	1
10	Compaq Laptop NX 9010	27.03.2004	5
11	HP Laptop 6710	31.03.2004	5
UPS			
12	UPS (Off-line 1 KVA)	22.11.2000	16
13	UPS	31.03.2003	4
14	UPS – 500 VA with 120 minutes backup.	22.11.2000	19

- 13). In the month of November, 2017, 14 number of i3 Desktops of Dell Make have been purchased.
- 14). In the month of March, 2018, following old unserviceable hardware was auctioned:

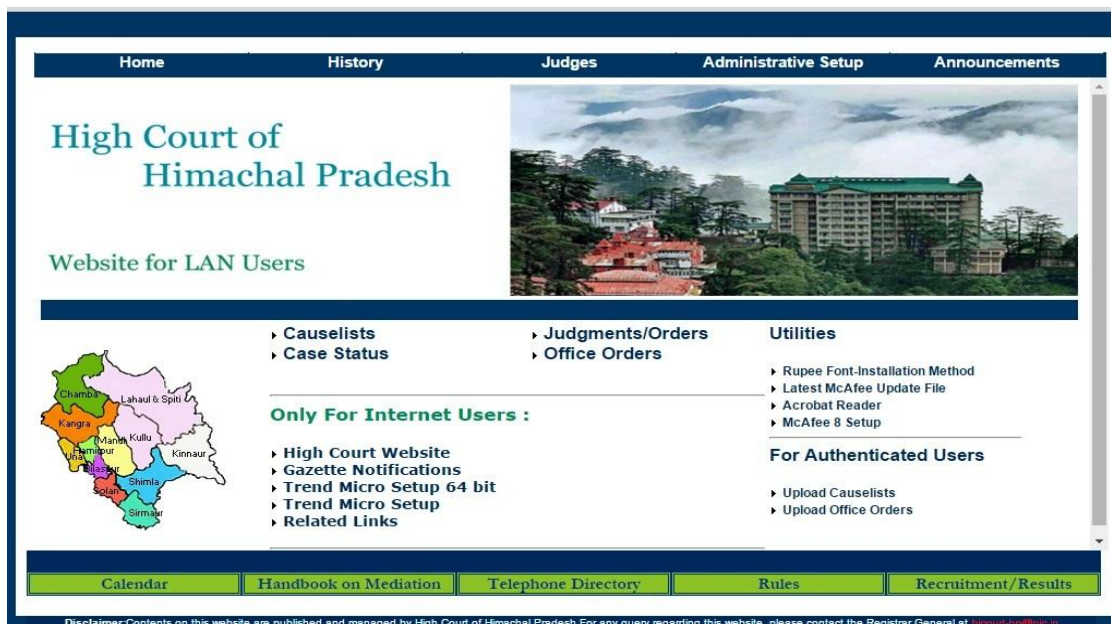
<u>Sl. No.</u>	<u>Name of article</u>	<u>Date of Purchase</u>	<u>Qty. (Nos.)</u>
1	Dell Optiplex 170 L Celeron based PC purchased by the GAD Branch	13.12.2005	2
2	Dell Optiplex 6X620 P-IV with HT PC purchased by the GAD Branch	30.03.2006	9
3	Dell Optiplex GX620 P-IV with HT purchased by the GAD Branch	16.12.2006	7
4	Dell Optiplex 170 L Celeron based PC purchased by the GAD Branch	16.12.2006	2
5	Dell Optiplex GX620 P-IV with HT PC purchased by the GAD Branch	16.12.2006	2
6	Dell Optiplex 620GXSD21B P-IV, 3 GHz, 80 GB HDD, 2 GB, DVD RW	Received from the erstwhile Administrative Tribunal 17.03.2006	2

7	Dell Optiplex 620GXSD21B P-IV, 3 GHz, 80 GB HDD, 2 GB, DVD RW	17.03.2006	18
8	Dell Optiplex 620GXSD20B P-IV, 3 GHz, 80 GB HDD, 2 GB, DVD RW	17.03.2006	2
9	Dell Optiplex 620GXSDC (P4 with 17inch TFT)	29.03.2006	7
10	HCL Intel Celeron TM Processor @600 MHz	22.11.2000	3
Total			54
11	LENOVO N 100 Series Model 0768 GZQ	30.03.2007	2
12	LENOVO 3000 Model Type No.Y410 T5250W41024120 PiVCW 3b775742Q	30.03.2007	1
Total			3
13	Cisco Layer 2 WS-C2960G-24TC-L	30.03.2010	2
14	Dlink DES 3226S	25.05.2004	1
Total			3
15	HP 1008	13.03.2009	1
Total			1
16	Libert UPS online with 30 min backup 6 KVA	02.06.2003	1
17	Tiny Triton 10 KVA online UPS with 1 hour backup	26.03.2004	1
Total			2

- 15). In the month of March, 2018, 54 numbers of i3 Desktops of Dell make have been purchased.
- 16). In the month of March, 2019, 51 numbers of i3 Desktops, 40 number of Brother Duplex network printers, 5 numbers of Cannon Image printers, 1 Scanner (Cannon), 1 flatbed Scanner (Cannon), 5 Display Board 32" of Samsung make, 1 Dell Power Rack Server and 1 HP Rack Server, have been procured.
- 17). 9 numbers of iPad AIR 10.5" 256 GB have been procured for use Hon'ble the Chief Justice and Hon'ble Judges and 1 Samsung Galaxy Tab-A 595N, has been procured for paperless working.
- 18). 5 five number of Media Player Thin Client PC SG-PS have been procured for Display Boards procured earlier.
- 19). Case Management Information System (CMIS) was implemented in the High Court of H.P. in May/June, 2013 which is based on LAMP (Linux, Apache, My SQL and PHP) platform.

- 20). It has replaced the earlier LOBIS (List of Business Information System) which was based on FoxBASE technology.
- 21). The data of CMIS has now been migrated to CIS 1.0 for High Court and made operational.
- 22). Two websites one internal and one on-line are being maintained in High Court of Himachal Pradesh.
- 23). The internal web site, which is accessible on the LAN of the High Court, provides the facilities of History of High Court of H.P, Judges Profile, Announcements, Cause lists, Case Status, Judgments /Orders besides Calendar, Handbook on Mediation, Telephone Directory, Rules & Recruitment Results etc.
- 24). Web Services have been developed and launched to reflect statistics of High Court on NJDG.
- 25). Dspace software has been customized and implemented in High Court for storing the digital records of disposed cases.
- 26). Customization of Dspace software for storing digital records of pending cases is in progress.

Screen Shot of Internal Website High Court of H.P.



Screen Shot of External Website of High Court of Himachal Pradesh (<http://hphighcourt.nic.in>)

The screenshot shows the official website of the High Court of Himachal Pradesh. The header includes the court's name, location (Ravenswood, Shimla - 171 001), and a search bar. The main content area is divided into sections for Causelists, Orders, Judgments, and Latest Announcements. A map of Himachal Pradesh is displayed, highlighting the locations of various district courts. The footer contains a disclaimer and contact information.

● **Online web site of the High Court of H.P., provides on the Home Page itself:-**

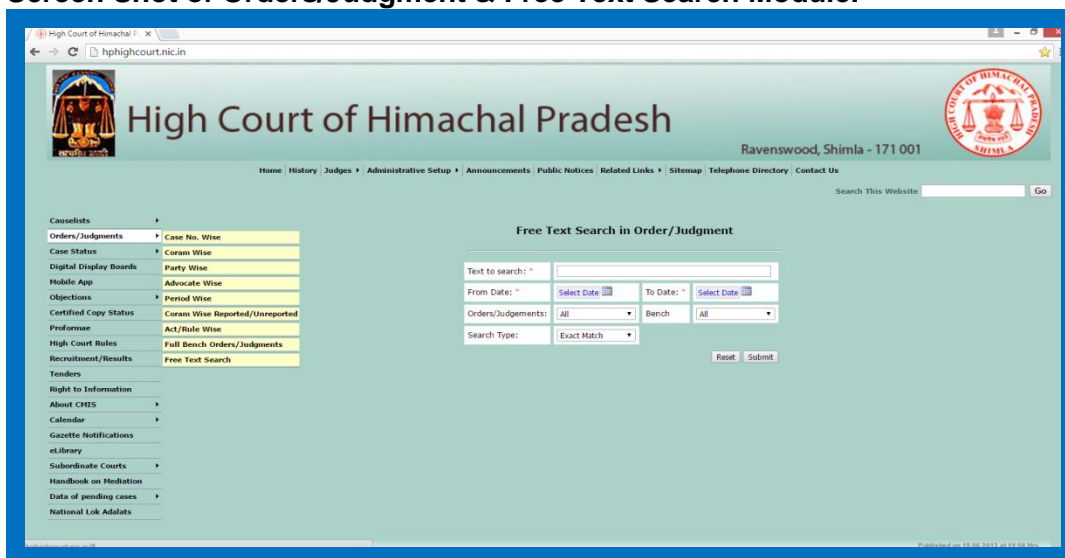
- 1). The history of High Court of Himachal Pradesh;
- 2). Profiles of Hon'ble sitting and former Chief Justices and Hon'ble Judges of the High Court of H.P.;
- 3). Profiles of Registrar General, Other Registrars and Central Project Coordinator;
- 4). Administrative set up of High Court of Himachal Pradesh;
- 5). Announcements;
- 6). Related links;
- 7). Contact details;
- 8). Cause-lists;
- 9). Orders/Judgments;
- 10). Case Status;
- 11). High Court Rules;
- 12). Recruitments/Results;
- 13). Tenders;
- 14). Information required to be provided under the Right to Information Act;
- 15). Information about CMIS;
- 16). Telephone Directory;
- 17). Calendars;
- 18). Gazette Notifications;
- 19). Information relating to Subordinate Courts;
- 20). Handbook on Mediation;
- 21). Offline Case Filing Module;
- 22). Live Digital Display System about the cases being taken up before the Hon'ble Courts;
- 23). Facility of downloading the Android Application for accessing information on Digital Display system through Android based smart phones;
- 24). Common Objections;

- 25). Objection Module has been upgraded with information on proposed date of supply of copy and has been integrated with SMS Service to Advocates;
- 26). Certified Copy ready Module;
- 27). Common forms used in High Court of Himachal Pradesh; and
- 28). Link for Case Status Mobile App.
- 29). The Home page of the on-line web site also provides a map of the Civil & Sessions Divisions in H.P. and merely on clicking any particular Civil and Sessions Division, one is straightaway directed to the website of that particular Civil & Sessions Division and such person can access the information available on the website of the particular Civil & Sessions Division.
- 30). Grievance Redressal and Suggestion Mechanism.

- **A facility of searching the Orders/Judgments is available on the external website on the basis of:-**

- 1). Case Number wise;
- 2). Coram wise;
- 3). Party wise;
- 4). Advocate wise;
- 5). Period wise;
- 6). Act/Rule wise;
- 7). Free text search,
- 8). Full Bench Search.
- 9). Facility of filtration of reported/unreported Judgments is also available.
- 10). Interim orders and judgments are being uploaded on the web site of High Court of Himachal Pradesh from where these can be downloaded by the parties.

- **Screen Shot of Orders/Judgment & Free Text Search Module.**



- High Court Website has been redesigned and Old website of Hon'ble High Court of Himachal Pradesh has been replaced with new responsive website.

- **SMS and e-mail messages:**

At different stages of the cases, auto generated SMS & e-mail alerts are sent to the Advocates and parties, if they have got registered their email addresses and mobile numbers in the CIS.

- **Modern Digital Display System in High Court**

- 1). Modern Digital Display System has been installed in High Court of Himachal Pradesh, for live Display of the cases being taken up before the Hon'ble Courts for the convenience of the Advocates and litigants with facility of simultaneous display of such information on the website of High Court and Smart phones with android applications.
- 2). Modern Digital Display System is also having facility of display of messages about mediation during the period when the Hon'ble Courts are not sitting.
- 3). Digital Display Boards in two sizes (32 inches display - 23 Nos & 52 inches display - 10 Nos) have been installed at various locations v.i.z., inside & outside the Court Rooms, Corridors, Reception Area, Bar Room, Canteen and Judicial Branch (New Administrative Block).



- **Digital Signature Certificates**

The Digital Signatures Certificates for Hon'ble Judges in High Court of H.P have been purchased. Digital Signatures Certificates for Class-I & II Officers/ Officials of High Court of Himachal Pradesh have also been purchased and are being used for procurement and other purposes etc.

- **Video Conferencing**

- 1). Video conferencing Unit has also been set up at the High Court level, which is extensively being used for video conferencing with Hon'ble Supreme Court of India, National Legal Services Authority and the Presiding Officers of the Subordinate Courts etc.
- 2). Document Presenter has also been installed in the VC Unit in High Court of Himachal Pradesh paving the way for using such V.C. Units for recording of evidence through Video Conferencing.

- **SAN Storage**

Since, present storage capacity of Computer Server of the High Court of Himachal Pradesh was likely to be over, hence, one SAN storage of 10 TB capacity alongwith SAN switches has been purchased by the High Court of H.P. at a cost of Rs. 27,49,320/- from M/s. HPSEDCL and the same has been installed.

- **Leased Line Facility at High Court of Himachal Pradesh**

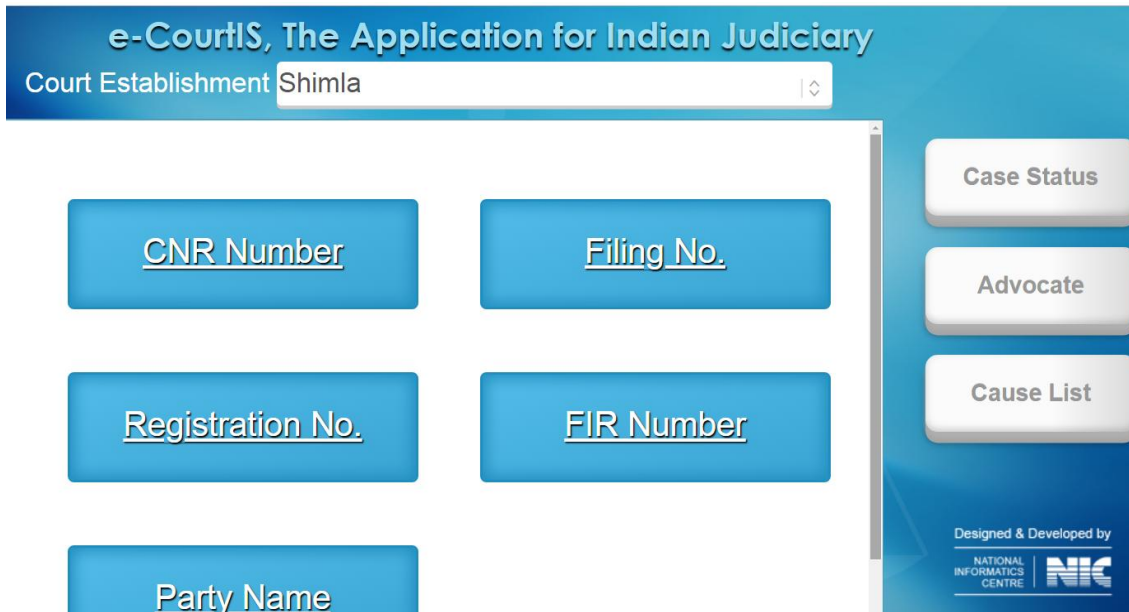
Prior to 2013, there were only two leased line circuits of two Mbps each, in order to cater to the needs of the High Court of H.P., but the same were highly deficient, hence, in the year, 2013, a leased line of 20 Mbps on OFC has been made operational here, whereas other two leased lines of 4 Mbps are being used as backup line to the main line of 20 Mbps leased line.

- **Kiosks for Display of Case Status & Cause Lists etc.**

Two Kiosks, one in the Bar Room of High Court of Himachal Pradesh and one at the main entrance of Court Building have been installed, which provide information as follows:

- 1). Case Information;
 - i. Case Number wise;
 - ii. Party wise;
 - iii. Advocate wise.
- 2). Get Filing Number;
- 3). Upload Query;
- 4). Cause Lists;
- 5). Office Information.

- **Screen shot of Home Page of the Kiosk**



- **Digitization / Scanning in High Court of H.P**

- 1). An amendment being Second Amendment of 2013 has been carried out in Himachal Pradesh High Court (Scrutiny, Maintenance of Judicial Records, Administrative and Executive Business) Rules, paving the way for scanning/digitization of Court record of the High Court of H.P.
- 2). Twelve (12) High Speed Scanners (Kodak IL 420) and twelve (12) Desktop PCs. with latest configuration have been purchased for for use in the digitization/scanning project.



- 3). Two officials of the High Court, having computer knowledge, were sent to Hon'ble Bombay High Court for getting training in scanning/digitization of Court record.



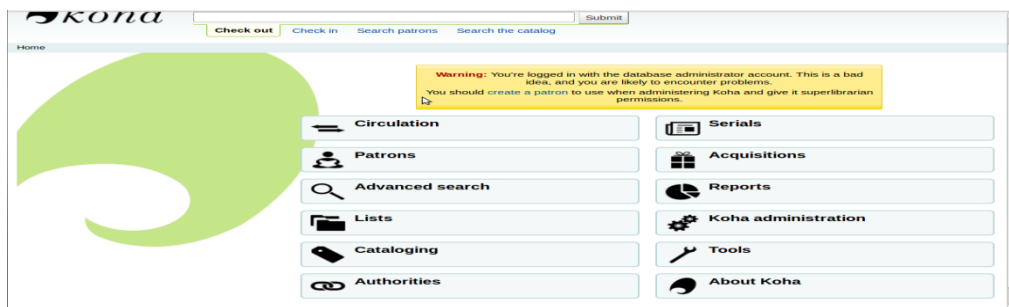
4. The project for digitization was initiated in the High Court of Himachal Pradesh in the year 2013 when 12 scanners were purchased. However, the project did not pick up the desired speed for want of Manpower. Efforts were made to outsource the project by inviting bids in response to tender for digitization. However, the heavy cost of proprietary Document Management Software (DMS) to the tune of Rs.92 lakh was a big discouragement for outsourcing the project. Taking guidance from the eCommittee, a project was initiated to customize the Open Source DMS namely D-space. After efforts by dedicated team, we have been able to customize D-space version 6.1 and now the digitized record is being stored in D-space version 6.1. The pace of digitization has also picked up as more Manpower has been deployed for the project. As on 31.03.2020, **1,18,055 files comprising of 75,21,856 pages** have been scanned.
5. Initially, D.M.S (Document Management System) was locally developed for the purpose of scanning and digitization and the scanned / digitized record was stored in the same. Now Dspace software has been customized and implemented in High Court for storing the digital records of disposed cases.
6. Going by this infrastructure, slow pace of scanning and digitization and high cost, it has been decided in the meeting of Hon'ble State Court Management Systems (SCMS) Committee to outsource work of scanning and digitization. The Detailed Project Report in this regard has been submitted to the State Government for allocation of funds.

eOffice in High Court

- The fruits of Digitization should not limit only to case record, but should also extend to administrative record. A step forward, in order to improve efficiency and accountability in the official working we have implemented eOffice on Pilot basis, initially in the Establishment Branch of this Registry. After successful implementation of eOffice suite in the Establishment, efforts are being made to go paperless in other branches of this Registry.

Converting High Court Library into e-Library

As a pre-cursor to converting High Court Library into e-Library, KOHA has been implemented and so far **24,137** text books have been entered in KOHA, Open Source Integrated Library System, till 30.06.2019, by the Library Section of this Registry.



koha
OPEN-SOURCE INTEGRATED LIBRARY SYSTEM

Username:

Password:

Library:

Add MARC record

Show MARC tag documentation links

Change framework:

0

000 ? - LEADER

▲ 00 fixed length control field *

001 ? - CONTROL NUMBER

▲ 00 control field

003 ? - CONTROL NUMBER IDENTIFIER

▲ 00 control field *

005 ? - DATE AND TIME OF LATEST TRANSACTION

▲ 00 control field *

006 ? - FIXED-LENGTH DATA ELEMENTS--ADDITIONAL MATERIAL CHARACTERISTICS

▲ 00 fixed length control field

007 ? - PHYSICAL DESCRIPTION FIXED FIELD--GENERAL INFORMATION

▲ 00 fixed length control field

008 ? - FIXED-LENGTH DATA ELEMENTS--GENERAL INFORMATION

▲ 00 fixed length control field *

020 ? - INTERNATIONAL STANDARD BOOK NUMBER

▲ a International Standard Book Number

▲ c Terms of availability

100 ? - MAIN ENTRY--PERSONAL NAME

▲ a Personal name

- **Citizen Centric Services as available on the website of High Court.**

1). The following citizen centric services are being provided to the Advocates and general public by the High Court of H.P. through High Court Website etc:

Sl. No.	Citizen Centric Services being provided by High Court of H.P.
1.	Case Status;
2.	Availability of cause list on internet;
3.	Court Orders / Judgments
4.	Live Digital Display System about the cases being taken up before the Hon'ble Courts
5.	Android Application for accessing information on Digital Display system through Android based smart phones
6.	R.T.I. Information;
7.	Public Notices etc;
8.	Common Objections;

9.	Objection Module whereunder System generated scrutiny objections are conveyed to the Advocates through SMS and e-mail;
10.	Certified Copy ready Module whereunder system generated Certified copy ready status is being sent through email and SMS to all the Advocates and litigants, if mobile numbers and e-mail ids are got registered by them.
11.	Common forms used in H.P. High Court;
12.	Case Status Mobile App.
13.	Offline Case Filing Module;
14.	Web based Grievance Redresses and Suggestions Mechanism.
15.	Mediation messages on the Digital Display Boards
16.	Kiosks in Bar Room and main entrance of Court building providing different information about courts cases.
17.	SMS Services
18.	Web based e-Court fee System.

- **E-Court Fee System in High Court of Himachal Pradesh & Subordinate Courts**

The Government of H.P. has already amended H.P. Court Fee Act and also framed e-stamping Rules, 2015 besides entering into an agreement with M/s Stock Holding Corporation of India (SHCIL). The e-Court Fee System in High Court of Himachal Pradesh has already been inaugurated and made functional. Notification regarding authorization of all the Stamp Vendors in Himachal Pradesh as “Authorized Collection Centres” of Stock Holding Corporation of India for electronic payment of court fee has been issued by the State Government. Facility has been introduced on website of High Court as well as District Courts, whereby one can pay court fee electronically.

- **Creation of Cadre of Information Tech. Staff**

- 1). The Government of Himachal Pradesh has created 13 posts of Technical Manpower (one post of Computer Programmer and 12 posts of Assistant Programmers) on contract basis and Rules with regard to the recruitment and promotion for filling up aforesaid posts have been framed one (1) post of Computer Programmer in High Court of H.P. & 12 posts of the Assistant Programmers (one each in Districts Courts and one in High Court) have been filled up, to attend the technical work.
- 2). The matter with regard to creation of more Technical posts is pending with the Government of Himachal Pradesh, Shimla.

- **Mobile Applications :**

- 1). Android Based Mobile Application for the High Court of H.P. has been developed by the State NIC with High Court of Himachal Pradesh NIC Unit and Computer Branch of High Court of Himachal Pradesh. The said application is having following features:
 - i) Case Search Facility based on:
 - (a.) Case Number
 - (b.) Party's Name

- (c.) Lawyer's Name
- ii) Unique facility of storage of case information details and viewing the same in Offline mode.
 - iii) Facility of downloading Orders/Judgments
 - iv) Automatic alerts for next date of listing in respect of cases saved with the aid of the App.
 - v) Facility of adding more cases in the tally of saved cases and also for alerts.
 - vi) Causelists.
 - vii) Digital Display Boards.
 - viii) This App is very useful for Litigants and Lawyers.
- 2). NIC Unit of High Court of Himachal Pradesh, State NIC Centre and Computer Branch of High Court of Himachal Pradesh have also developed Mobile Application on Personal Management Information System (PMIS) of the Judicial Officers, Officers/ Officials of High Court of Himachal Pradesh and commissioned.
 - 3). Personal Management Information System (PMIS) has been implemented in High Court of Himachal Pradesh & the same is likely to be implemented in District & Subordinate Courts.
 - 4). Web based Grievance Redressal and Suggestions Mechanism has been developed and commissioned.

Migration of Data from CMIS to High Court CIS 1.0:

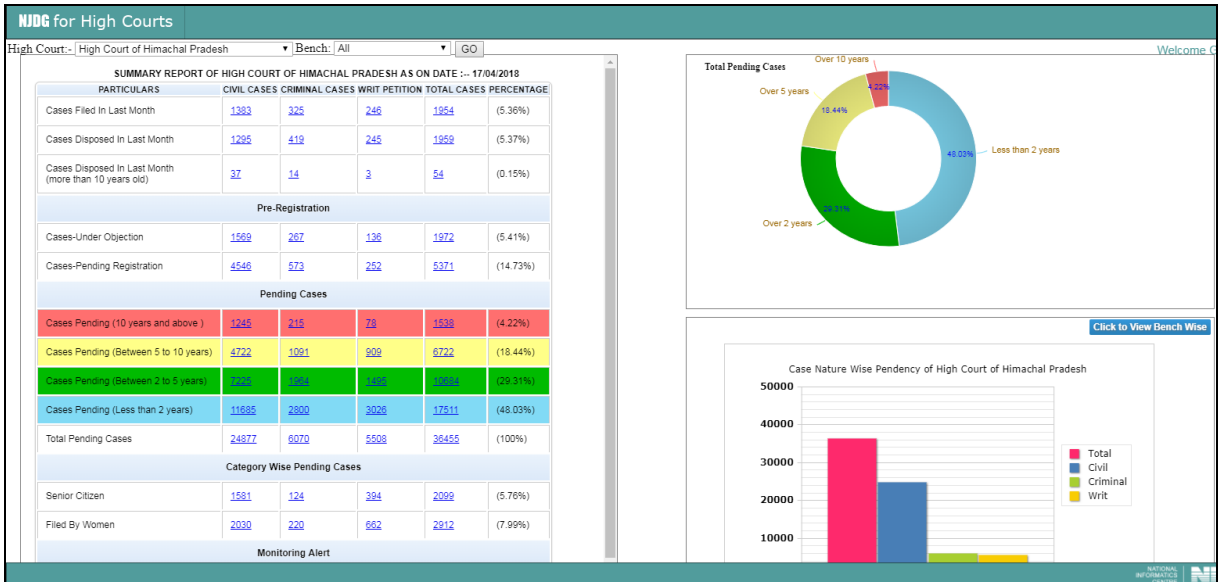
The case data has been successfully migrated from CMIS Software to High Court CIS 1.0 Software developed by NIC Pune under the auspices of Hon'ble eCommittee. This was daunting task but the dedicated efforts of our Technical Team and crucial planning of the Central Project Co-ordinator in close co-ordination with the Registrar (Judicial) made it possible. Not only we have successfully migrated to High Court CIS 1.0, but we have also developed more than twenty periphery modules.

Our success in this regard can be judged from the fact that High Court of Jammu & Kashmir, Punjab & Haryana High Court, High Court of Gauhati, High Court of Jharkhand, High Court of Uttrakhand, High Court of Rajasthan and High Court of Judicature at Allahabad have requested to share the Periphery Modules, so that such best practice may be implemented at the respective High Courts. Our latest achievement in this regard is the integration of Display Boards with High Court CIS 1.0 giving three different instances of the display inside and outside Court Rooms, as well as on the website.

Benefits of implementation of CIS 1.0 in High Court:

- Migration from CMIS to High Court CIS 1.0 has helped to attain uniformity of software through country.
- Case data is replicated on daily basis and can be viewed on public portal i.e. National Judicial Data Grid (NJDG). Total count of pending cases and monthly disposed cases are available on

NJDG portal. Case type wise and age wise graphical chart of pending cases is also available on the Dash Board of NJDG portal. Screenshot is given below:



- High Court CIS 1.0 display module has been customized for automatic calling and completion of cases. Screenshots given below:

12-12-2017		High Court of Himachal Pradesh, Shimla				11:16 am	
Court No.	Cause List Reference	Counsel of Parties (Mr/Ms)	Court No.	Cause List Reference	Counsel of Parties (Mr/Ms)		
CJ	-----		7	SB 906	ASHOK K		
1	SB 533	TA JANESH GU	8	Not In Session			
2	SB 514		9	-----			
3	DB 516	DUR VERMA, A	10	-----			
4	SB P-1	THORE, AG	11	-----			
5	Not In Session		12	-----			
6	SB 522	INGH, DIVYA	13	-----			

- Record Room Module is also available in High Court CIS 1.0 and entries are being made by the Record Keeper therein.
- Lower Court case detail can directly be fetched from District Court CIS to High Court CIS by using CNR number.
- Following Management Reports are available in High Court CIS 1.0:
 - Section wise Pendency Report;
 - Stage wise Pendency Report;

- c) Judge wise Disposal Report;
- d) Section wise Disposal Report.
- Backlog Record can also be entered using Legacy Data Module.
- Automatic merging of Cause List Module has been developed by the Technical Team of High Court.
- Through Appeal Filing module data from Subordinate Courts CIS 3.1 can be fetched to HC CIS based upon CNR number or Case No. The entire case details such as party names, address, CNR NO, Case No, Date of decision, etc. will be fetched from the Subordinate Courts CIS 3.0, thereby reducing the time and labor of filing users for making entries in the software.
- A functionality has also been developed in CIS HC by the technical team of High Court wherein copy of Final Orders/Judgments for Subordinate Court cases whose appeal are filed in High Court will be automatically mailed to Judicial Officers of the concerned Subordinate Court after the case is Disposed off at High Court.

COURT FEE CALCULATOR

- Case type wise Court Fee Calculator for civil and criminal cases has been developed and made available on the High Court Website.

LIMITATION CALCULATOR

- Case type wise Limitation Calculator has been developed for civil and criminal cases and made available on the High Court Website.

FILE INSPECTIONN MODULE

- File Inspection SMS module has been developed by the technical team of this High Court. It consists of two parts:
 - **File Inspection Apply:** Whenever any request for file inspection is received, the inspection user will enter the required information in the inspection apply module.
 - **File Inspection Ready:** When the file is ready to be inspected, the inspection user can select the date on which the requested user can visit the High Court and inspect the file. The requested user is informed about the date of inspection through SMS.
 - **eGate Pass**
 - A module has been developed by the technical team of this High Court for online generation of gate pass. The eGate Pass is hosted on website of High Court where users can generate the eGate pass. An additional feature of QR Code has also been added to eGate Pass to provide authenticity.

COMPUTERIZATION OF DISTRICT COURTS

- **Computer Hardware(under e-Courts Project, Phase-I):**

Under the National Action Plan for Computerization (Phase-I of e-Courts Project) as framed by Hon'ble e-Committee, Supreme Court of India, 100 Subordinate Courts have been computerized whereas LAN was laid in 101 Court Rooms. Under Phase- II of the e-Courts Project, additional hardware to the 100 covered courts and new hardware to 49 uncovered courts has been provided. LAN has also been laid in the 49 uncovered courts.

- **Digitization / Scanning of Judicial Record of Subordinate Courts in H.P**

There is a provision for digitization of the old judicial record of the Subordinate Courts by provisioning funds under the 14th Finance Commission. But the State Government has not provided any funds for the purpose despite a demand of 14 crores to be spent over a period of five years. A detailed proposal (project specific demand), was sent to the State Government to provide funds to the tune of Rs.6,41,20,000/- to be spent on purchase of Scanners, Computers, Network Attached Storage, Server and Manpower. In response to the proposal submitted by this Registry, the State Government has allocated an amount of **Rs. 150 lakh** for scanning and digitization of scanning and Digitization of judicial record of Subordinate with the condition that the scanning and digitization of judicial record may be done in a phased manner from a competent service provider/agency, on out sourcing basis, selected through a competitive process and no staff /manpower may be hired for the digitization work. Civil & Sessions Division Shimla was selected as pilot location for Scanning and Digitization of judicial record of subordinate Courts. But keeping in view the slow pace and high cost of in-house scanning and digitization at High Court, Hon'ble State Court Management Systems (SCMS) Committee has decided to outsource work of scanning and digitization. A detailed Project Report with regard to scanning and digitization of old judicial record of High Court as well as Subordinate Court has been submitted to the State Government for allocation of funds.

- **Digital Signature Certificates**

The Digital Signatures Certificates for all the Judicial Officers in Himachal Pradesh have been purchased. The guidelines for optimum use of Digital Signatures Certificates for Judicial Officers are also being prepared and circulated amongst Judicial Officers.

- **Connectivity:**

Initially, Leased line connectivity was been provided in ten (10) headquarters of Civil & Sessions Divisions out of total eleven (11) Civil & Sessions Divisions. HIMSWAN connectivity has been provided at Civil & Sessions Division, Shimla. VPNoBB connectivity has also been provided to Subordinate Courts. Recently eCourts WAN connectivity under Phase- II of eCourts Project

has also been provided to 43 Court Complexes. Leased line connectivity was been provided in ten (10) headquarters of Civil & Sessions Divisions has been disconnected after eCourts WAN connectivity has been made functional.

- **Process Re-Engineering**

- 1). In compliance to the directions of Hon'ble e-Committee, Supreme Court of India, two Committees was constituted to carry out the work of Process Re-engineering to reorganize, restructure and simplify the processes and procedures to make them more litigant friendly and to speed up the disposal of cases.
- 2). The Process Re-engineering Report has already been submitted to Hon'ble e-Committee, Supreme Court of India, New Delhi vide email communication dated 31.01.2014 and such report has been graded as excellent by Hon'ble e-Committee vide demi official letter dated 3.2.2014.
- 3). On the basis of observations made by Hon'ble Mr. Justice Madan B. Lokur, in his Lordship's demi official letter dated 3.2.2014, the exercise for amendment of the relevant Rules as per the Process Re-engineering Report is almost at the final stage and the same were exhibited in a "**Workshop on Process Re-Engineering exercise**" of the Registrars General of High Courts and Law Secretaries of States, held on **11th June, 2016** in Vigyan Bhawan, New Delhi.
- 4). Vide DO letter dated 11.06.2016 received from Hon'ble Mr. Justice Madan B. Lokur, Judge, Hon'ble Supreme Court of India, New Delhi, 2 to 4 chapters in total of the civil court and criminal court rules has been directed to be drafted by each High Court for preparation of Model Rules and the Rules on the topics allotted to High Court of Himachal Pradesh have been drafted by Worthy Registrar General and Worthy Registrar (Rules), High Court of Himachal Pradesh and have been sent to Hon'ble e-Committee and the same have been amended vide notification dated 05.01.2017.

- **Drupal Template:**

Web sites have been launched in Drupal Template at the headquarters of all the eleven Civil & Sessions Divisions wherein various information & citizen centric services are being provided to the Advocates & general public. Certified Copy Status Report and Pendency Reports are being generated from CIS.

Screen shot of the Home page of the Website of District Courts, Shimla.

- **Case Information System (CIS):**

The Case Information System (C.I.S) Pune Version) has been implemented in in Subordinate Courts, (97 Court Establishments as per NJDG) of District & Subordinate Courts in Himachal Pradesh.

- **Migration of Data to CIS 3.1:**

The exercise for migration of Data from C.I.S. 1.0 (Pune Version) to C.I.S. 2.0 N.C. and then to CIS 3.0 and now to 3.1 version has been successfully completed and the data has also been replicated on NJDG at all the locations in Himachal Pradesh.

- **Software for Generating Monthly Statement Reports of Subordinate Courts:**

A Software named Vigilance Software has been developed by the Technical Team of High Court comprising of following 25 different Reports for District & Subordinate Courts. The procurement of approved number of hardware and daily replication of data on eCourts Portal and National Judicial Data Grid (NJDG) has made it possible for us to analyze the data, but only Establishment wise. There is no provision in NJDG whereby the data may be analyzed District wise or in consolidated form for the entire State. In order to achieve this purpose, we have dedicated a Server at High Court where the data of all Establishments is daily copied from the NJDG Server, and then consolidated by way of "Schema". Twenty-five reports have been developed to provide information to Vigilance and Inspection Branch for monitoring and policy making.

- 1) **District wise Reports-** User can see entire case data of pending cases of the concerned District. Further the report can be filtered- Judge wise, Case Type wise, Year wise etc. Details of the case data can also be viewed as below:

Pendency Status

Select District

Select JudgeName

Select CaseType

Cases Count (All)

Pendency		
Civil	Criminal	Total
6911	7756	14667

Year Wise(Pending->Total)

Pendency			
Judge Name(Court Name)	Civil	Criminal	Total
Sh. Bahadur Singh(District and Sessions Court, Bilaspur)	524	137	661
Sh. Vikas Bhardwaj(District and Sessions Court, Bilaspur)	196	213	409

Sh. Vikas Bhardwaj(Addl. District and Session Court,Ghumarwin)	289	85	374

Smt. Parveen Chauhan(Judicial Magistrate, Bilaspur)	0	2289	2289
Ms. Monika Sombal(Judicial Magistrate, Bilaspur)	0	2671	2671

Ms. Upasna Sharma(Judicial Magistrate, Ghumarwin)	1	960	961
Ms. Deepika Thakran(Judicial Magistrate, Ghumarwin)	0	510	510
Sh.Sandeep Singh Sihag(Judicial Magistrate, Ghumarwin)	0	895	895

Ms. Upasna Sharma(Civil Judge, Ghumarwin)	1094	0	1094
Ms. Deepika Thakran(Civil Judge, Ghumarwin)	1221	0	1221

Case Details (Sh. Vikas Bhardwaj) (Year Wise)

Show entries

Search:

Sr. No.	Year	Civil	Criminal	Total
1	2011	4	0	4
2	2012	2	0	2
3	2013	10	3	13
4	2014	19	5	24
5	2015	16	5	21
6	2016	51	19	70
7	2017	110	36	146

Showing 1 to 8 of 8 entries

Case Details(Pending->Both->2017)				
Sr No	Case No	Pet Name	Res Name	Reg Date
1	Civil Misc. Petition/1/2017	State of HP	Munshi Ram	2017-01-08
2	NDPS Act/1/2017	State of HP	Rakesh Kumar	2017-01-08
3	M.A.C.T/1/2017	Basant Singh	Naveen Kumar alias Bobi	2017-01-08
4	Hindu Marriage Act/1/2017	Rajani Devi	Joginder Pal	2017-01-08
5	Civil Appeal/2/2017	Rikhi Ram	Sunka Ram	2017-01-08
6	Civil Appeal/3/2017	State of HP	Munshi Ram	2017-01-08
7	Session Trial/39/2017	State of HP	Amin Chand alias Bunty	2017-01-10
8	Hindu Marriage Act/4/2017	Jyoti Devi	Som Dutt	2017-01-21
9	Criminal Misc. Petition/1/2017	Jasbeer Singh	Piar Singh	2017-02-02
10	Criminal Misc. Petition/2/2017	Rattan Singh	State of HP	2017-02-02

Showing 1 to 10 of 146 entries

Previous 1 2 3 4 5 ... 15 Next

Case Details			
Case Type	Civil Misc. Petition		
Filing No	7/2017	Filing Date	08-01-2017
Registration No	1/2017	Registration Date	08-01-2017
CRN No	HPBI020000122017		

Case Status	
First Hearing Date	10-01-2017
Next Hearing Date	09-05-2018
Stage of Case	-----
Court No & Judge	Sh. Vikas Bhardwaj(Addl. District & Sessions Judge)

Petitioners & Advocates	
Petitioners	State of HP
Advocates	Sh. Vinod Bhardwaj Dy. DA

- 2) **Tailor Made Reports-** it consists of 22 different types of pendency, institution and disposal reports of Subordinate Court eg. District wise pendency, Age wise pendency, Category wise pendency, Status of Case etc.

The Reports are based on the data available on NJDG as on 12-12-2017

Report No	Report Title
Report 1	Statement showing the pendency of Civil & Criminal cases in Session Courts in Himachal Pradesh
Report 2	Statement showing the pendency of Civil & Criminal Cases in the Magisterial Courts Courts in Himachal Pradesh
Report 3	Statement showing the pendency of Civil & Criminal Cases in all Civil and Sessions Divisions in Himachal Pradesh
Report 4	Statement showing the Institution and Disposal of Civil & Criminal cases in all Civil and Sessions Divisions in Himachal Pradesh from date to date
Report 5	Statement showing the Institution and Disposal of Civil & Criminal cases in the Session Courts in Himachal Pradesh as on date
Report 6	Statement showing the Institution and Disposal of Civil & Criminal cases in the Magisterial Courts in Himachal Pradesh from date to date
Report 7	District wise Institution and Disposal of cases in all Civil and Sessions Divisions of Himachal Pradesh during a Year
Report 8	Age wise Status of Cases in Terms of Pendency in all Civil and Sessions Divisions of Himachal Pradesh
Report 9	District wise Institution and Disposal of cases during the year in Himachal Pradesh
Report 10	Age wise Status of Cases in Terms of Pendency in Himachal Pradesh(Consolidated)
Report 11	Bifurcation of Pending cases in Himachal Pradesh(Consolidated)

- 3) **Monthly Statement Report-** The monthly Statement Reports for each District, Judge wise and Court wise can now be generated in the High Court on the basis of NJDG data. A Software Programme has been developed by the Technical Team of High Court for generating monthly statement reports of Subordinate Courts and same has been shared with the Technical Team of all District Courts. The District & Sessions Judges have been requested to generate monthly Disposal Statements/reports from December, 2017 to February, 2018 and check the generated reports with the Manual Statements/reports.

District

CIVIL		CRIMINAL	
Establishment	Court Name	Establishment	Court Name
<input type="text" value="Civil Judge Senior Division, E"/>	<input type="text" value="2 - Smt. Parveen Chauhan - I"/>	<input type="text" value="Civil Judge Senior Division, E"/>	<input type="text" value="2 - Smt. Parveen Chauhan - I"/>

As on Date:

Monthly Statement

1 / 3



Statement Showing Court-wise/District-wise number of Civil and Criminal Cases instituted, disposed off and pending for the month of March, 2018																		
Name of Presiding Officer: Smt. Parveen Chauhan, Civil Judge (Sr. Division)-cum-Chief Judicial Magistrate.																		
Number of working days during the month:																		
Number of witnesses examined:																		
Nature of Cases	Age-wise Pendency of cases from last month											Total of cols. (a) to (j) of column No.2	Institution during the month			Total of (a) to (c) of Column N.4	Total number of cases for disposal column N. 3 & 5	
	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008		2007 and above	New Institution	By restoration			By Transfer
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)		(l)	(a)	(b)			(c)
1	2											3	4			5	6	
CIVIL WORK(District or Court-wise)																		
1. Civil Suits	25	171	109	108	96	50	34	21	9	3	0	1	627	13	0	0	13	640
2. Rent Cases	0	0	0	2	1	1	0	0	0	0	0	0	4	0	0	0	0	4
3. Arbitration Case	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	1
4. Succession Act	1	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2
5. Executions	5	10	27	26	21	17	10	7	12	0	0	0	135	2	0	0	2	137
6. Hindu Law Cases	1	6	3	3	2	0	0	0	0	0	0	0	15	0	0	0	0	15
7. WC Act/ Payment of Wages Act	2	3	14	10	4	5	6	3	4	0	0	0	51	1	0	0	1	52
8. Guardian & Ward Act	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
9. Other Cases	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
10. Miscellaneous Application	35	170	66	51	27	16	9	3	3	0	0	0	380	17	0	0	17	397
TOTAL	69	360	220	200	151	89	60	34	28	3	0	1	1215	34	0	0	34	1249
CRIMINAL WORK(District or Court-wise)																		
1. Police Challans	43	86	102	94	127	151	116	142	106	61	6	1	1035	5	0	0	5	1040
2. Local & Spl Laws	3	6	8	1	2	2	4	1	5	8	0	0	40	3	0	0	3	43
3. Excise Cases	10	21	22	25	15	11	16	24	11	3	0	0	158	2	0	0	2	160
4. ND & PS Cases	2	10	2	0	2	5	2	5	2	0	0	0	30	0	0	0	0	30
5. Complaint Cases	9	19	6	4	9	4	2	2	4	1	0	0	60	0	0	0	0	60
6. NI Act Cases	29	138	135	63	59	41	16	14	6	2	1	0	504	8	0	0	8	512
7. Food Cases	0	0	0	0	0	0	0	0	3	3	0	0	6	0	0	0	0	6
8. Forest Cases	0	0	0	0	1	0	0	1	2	1	1	0	6	0	0	0	0	6
9. 125/127 CRPC Cases	3	16	12	12	10	2	0	1	0	0	0	0	56	0	0	0	0	56
10. Domestic Violence Act	3	12	6	5	7	1	2	0	0	0	0	0	36	1	0	0	1	37
11. Bail Applications	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
12. Executions	4	11	20	8	7	2	1	2	1	3	0	0	59	1	0	0	1	60
13. Petty Cases	0	0	0	0	0	0	0	0	0	0	0	0	0	38	0	0	38	38
14. Other Cases	14	42	32	16	69	66	25	9	1	2	0	0	276	1	0	0	1	277
15. Miscellaneous Application	17	21	12	11	8	1	0	1	1	0	0	0	72	33	0	0	33	105
16. Juvenile Cases	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	138	382	357	239	316	286	184	202	142	84	8	1	2339	92	0	0	92	2431
GRAND TOTAL	207	742	577	439	467	375	244	236	170	87	8	2	3554	34	0	0	126	3680

- 4) **Consolidated Monthly Report-** This Report displays opening balance, institution, disposal and pendency for the selected month for all the Districts.
- After successful completion of this exercise necessary direction will be issued to switch over from manual to automatic generation of Monthly Disposal Statement.

- **Upgradation of RAM:**

In 79 Desktop PCs installed in the District & subordinate Courts in H.P., which were having lesser RAM, have been upgraded upto 2 GB RAM.

- **Citizen Centric Services as available on the website of District Courts:**

- 1). Various citizen centric services such as auto generation of cause list and its availability on the internet, case status, availability of copies of orders and judgments on the internet, auto-generation of filing receipts etc. are being provided to the litigating public before the Courts Subordinate to the High Court of Himachal Pradesh, where computerization has been done under Phase-II of the e-Courts Project.
- 2). It is the mandate of e-Courts Mission Mode Project to provide following 28 Citizen Centric Service to the litigant public:

Sl. No	CITIZEN CENTRIC SERVICES
1.	Filing at Judicial Service Center and generation of Receipt containing filing number.
2.	Scrutiny objections on the District Court website.
3.	Push SMS and E-mail facility on filing, registration, listing and disposal of case.
4.	Single Window at JSC for filing of process fee and collection of dasti summons. E-mail summons can be generated in E-Filing Cases.
5.	Only date of framing of issues is to be reflected. Framing of issues is to be done by Ld. Judge.
6.	Copies of Oral Evidence to be uploaded on Website, which can be downloaded by Lawyers/ Parties after using login and password for their cases.
7.	Template for writing judgments giving name of court, title, name of parties and date of filing of case
8.	Judgments are to be stored in the Server, which can be accessed by authorised persons from Court or Copying Agency etc.
9.	Judgment on Internet Website with search facility.
10.	Forms for generation of statements, reports and the registers in the prescribed format (abiding by the statutory requirement) to be made available on Intranet (LAN)
11.	Automatic Caveat Checking
12.	Cause List on Internet (with Searchable Fields)
13.	Court Diaries and Court Calendars to be generated automatically.
14.	Performance Assessment Reports to be generated on set parameters accessible to the Judge himself and his inspecting judges.
15.	
16.	Case Status on Internet: 1. Case number 2. Case Title 3. Advocate name 4. Court 5. Location of Court 6. Next date of hearing 7. Purpose of listing 8. How many times listed for same purpose? 9. Lower Court details, if matter is pending in higher court. 10. If matter is pending in lower court then information as to whether any appeal /revision has been filed against an order/judgment.
17.	Orders are to be stored in the Server, which can be accessed by authorised persons from Court or Copying Agency etc.
18.	Daily Orders on Internet Website.

19.	Website for each District Court 1. Websites for each district court. Templates to be designed by NIC. 2. Updation and customization should be user friendly. 3. Court Forms, requirements and sample pleadings for litigants and lawyers on Website. 4. Judges on Leave information on District Court Website with details about Courts handling his/her cases. 5. List of Police stations with concerned Courts to which those police stations are attached. 6. Information regarding pecuniary and territorial jurisdiction of courts. 7. Information on Section/Act wise punishment and bailable/ non-bailable.
20.	Appointment of Court Commissioners and filing of Reports by them. Accounting software (In periphery) to take care of expenses incurred and commission fee paid.
21.	21. Complete Court Fee structure on the district court website.
22.	
23.	
24.	
25.	23. Applying and supplying of Certified Copies at JSC with status on the District Court Website.
25.	Written Statement Filing Date/ Status on the Internet.
26.	LAN based Enquiry Kiosks at Court Complexes and web-based Kiosks at other important places in districts/ Talukas.
27.	SMS & IVRS Enquiry Facility
28.	Digitally signed release/bail orders /stay orders be sent to Jails/departments to ensure immediate compliance.

- 3). A network of different Citizen Centric Services has been created in the Courts Subordinate to the High Court of Himachal Pradesh, Sl. No. wise detail whereof is given here-in-under Court Complex wise, as on 30.09.2017:

SN	Court Complex	Judicial District Name	No of Citizen Services Started	Citizen Centric Services Started
1	Bilaspur.	Bilaspur	14	1,3,4,6,7,8,9,10,11,15,16,17,18,21
2	Ghumarwin.		13	1,4,6,7,8,9,10,11,15,16,17,18,21
3	Chamba.	Chamba	13	1,3,6,7,8,10,11,15,16,17,18,21,25
4	Dalhousie.		12	1,6,7,8,10,11,15,16,17,18,21,25
5	Hamirpur.	Hamirpur	15	1,3,4,6,7,8,9,10,11,13,15,16,17,18,21
6	Barsar.		14	1,4,6,7,8,9,10,11,13,15,16,17,18,21
7	Nadaun .		0	0 (Not covered under e-Courts Project)
8	Dharamshala.		13	1,2,3,4,7,8,10,11,13,15,16,17,18,23
9	Kangra.	Kangra	13	1,2,4,7,8,10,11,13,15,16,17,18,23
10	Dehra.		13	1,2,4,7,8,10,11,13,15,16,17,18,23
11	Palampur.		13	1,2,4,7,8,10,11,13,15,16,17,18,23
12	Nurpur.		0	0 (Not covered under e-Courts Project)
13	Baijnath.		13	1,2,4,7,8,10,11,13,15,16,17,18,23
14	Jawali.		13	1,2,4,7,8,10,11,13,15,16,17,18,23
15	Indora.		13	1,2,4,7,8,10,11,13,15,16,17,18,23
16	Kinnaur Rampur. at		Kinnaur at Rampur	14
17	Reckong Peo.	13		1,6,7, 8, 11, 13,14, 15, 16, 17,18,21,25
18	Anni.	13		1,6,7,8,11,13,14,15,16,17,18,21,25,
19	Kullu.	Kullu	18	1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15,16,17,18, 21, 26, 28.
20	Manali.		16	1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 21, 26, 28.
21	Keylong		0	0 (Not covered under e-Courts Project)
22	Mandi.	Mandi	15	1,3,4,6,7,8,10,11,13,15,16,17,18,21,23
23	Sunder Nagar.		14	1,4,6,7,8,10,11,13,15,16,17,18,21,23
24	Gohar.		14	1,4,6,7,8,10,11,13,15,16,17,18,21,23

25	Karsog.		14	1,4,6,7,8,10,11,13,15,16,17,18,21,23
26	Joginder Nagar.		14	1,4,6,7,8,10,11,13,15,16,17,18,21,23
27	Sarkaghat.		14	1,4,6,7,8,10,11,13,15,16,17,18,21,23
28	Shimla.	Shimla	0	0 (Not covered under e-Courts Project)
29	Theog.		11	6,7,8,10,11,13,15,16,17,18,21
30	Chopal.		11	6,7,8,10,11,13,15,16,17,18,21
31	Jubbal.		11	6,7,8,10,11,13,15,16,17,18,21
32	Rohru.		11	6,7,8,10,11,13,15,16,17,18,21
33	Nahan.	Sirmaur	17	1,3,4,6,7,8,9,10,11,12,13,15,16,17,18,21,25
34	Paonta Sahib.		15	1,4,6,7,8,9,10,11,12,13,15,16,17,21,25
35	Rajgarh.		15	1,4,6,7,8,9,10,11,12,13,15,16,17,21,25
36	Sarahan.		0	0 (Not covered under e-Courts Project)
37	Solan.	Solan	14	1,3,7,8,9,10,11,12,13,15,16,17,18,21,25
38	Kasauli.		13	1,7,8,9,10,11,12,13,15,16,17,18,21,25
39	Nalagarh.		13	1,7,8,9,10,11,12,13,15,16,17,18,21,25
40	Arki.		13	1,7,8,9,10,11,12,13,15,16,17,18,21,25
41	Kandaghat.		13	1,7,8,9,10,11,12,13,15,16,17,18,21,25
42	Una.	Una	17	1,3,4,6,7,8,9,10,11,12,13,15,16,17,18,19,23
43	Amb.		16	1,4,6,7,8,9,10,11,12,13,15,16,17,18,19,23

- **Judicial Service Centers**

The Judicial Service Centers have been opened in twenty five (28) Court complexes in the State where litigants are provided all kinds of possible help.

- **SMS Services:**

- 1). SMS service to provide information to Advocate and Litigants about cases has been started in the District as well as Taluka
- 2). A screen shot of the SMS Module available at the Headquarters of Distt. Courts Complexes:

SMS Service in District Courts of H.P.

The screenshot displays the SMS Court interface. The top-left panel shows a login form with fields for 'Username' and 'Password', and buttons for 'Login' and 'Reset'. The top-right panel shows the 'Establishment Name' selection screen with a dropdown menu and an 'Add' button. The bottom-left panel shows the 'SMS Transaction Report' table with columns for 'No.', 'Name', 'Mob No.', 'Case No.', 'Filing No.', 'Message', and 'Date'. The bottom-right panel shows the 'Establishment Name' selection screen with a dropdown menu and an 'Add' button.

- **Tri-partite Memorandum of Understanding (MOU):**

A tri-partite Memorandum of understanding (MOU) on the issue of computerization under Phase-I of the e-courts Project has been signed by the H.P. State Govt., High Court of H.P. and the Central Govt. Vide such M.O.U. the State Government has agreed to provide funds for the sustenance of the project after the completion of Phase-I of the e-Courts project.

In the second phase of e-Courts Project a tri-partite Memorandum of Understanding (MOU) has been received vide D.O. letter dated 06.06.2016 from Hon'ble Mr. Justice Madan B. Lokur, Judge, Hon'ble Supreme Court of India, New Delhi and the same has also been signed by the Central Project Coordinator, on behalf of High Court of Himachal Pradesh and the Joint Secretary (Home) to the Government of Himachal Pradesh, on behalf of Govt. of H.P. and Joint Secretary, Ministry of Law and Justice, Government of India, New Delhi vide letter dated 22.08.2016.

- **New Laptops to the Judicial Officers –**

The laptops were earlier provided by Hon'ble e-Committee, Hon'ble Supreme Court of India, New Delhi in collaboration with the NIC, New Delhi, to the Judicial Officers in the State of H.P. in the year, 2007. These laptops had outlived their lives and required immediate replacement. A decision was taken by the High Court of H.P. for disposal of such old laptops and these laptops have been disposed off by charging their scrap value at the rate of 6% from the Judicial Officers, because the book value of such laptops had been reduced to zero level.

The H.P. State Legal Services Authority has purchased 130 new Laptops of Dell Latitude 3550 and provided the same to the Judicial Officers in the state of H.P. Eleven (11) Judicial Officers were provided new Laptops by the High Court of H.P. The matter with regard to providing of Laptops to remaining Judicial Officers in the State has been initiated and same shall be provided shortly.

- **Converting District Court Libraries into e-Libraries-**

- 1). KOHA has been implemented in Library of High Court of Himachal Pradesh and the entries of the law books available in High Court of Himachal Pradesh Library have been made and a report in this behalf has been sent to the Library of Hon'ble Supreme Court in the end of year, 2015.
- 2). Process shall be started for converting the District Court Libraries into e-libraries on receipt of the hardware required for this purpose because at present no hardware is available in the district court libraries.

- **Uploading of data on the NJDG (National Judicial Data Grid)-**

- 1). The data on the NJDG (National Judicial Data Grid) is being uploaded on regular basis in respect of those Courts which have been computerized and the efforts are being made to reduce the pendency of undated cases to zero level.
- 2). The data on the NJDG (National Judicial Data Grid) is being uploaded on regular basis.
- 3). Various instructions/guidelines have also been issued to control the menace of undated cases in respect of all the computerized Courts including circuit courts.

- 4). The High Court of H.P has introduced an innovative idea of appreciating on monthly basis, the Presiding Officers and staff of those Courts which maintain zero (0) level of undated cases and these steps have brought down the level of undated cases below five (5) percent notwithstanding the fact that there has been frequent connectivity issues in the state of H.P. which act as a stumbling block in replication of data to N.J.D.G. on daily basis either due to cut etc. of the OFC/ cable etc., or otherwise.
- 5). A secure link to NJDG has been provided to the Hon'ble Administrative Judges, District & Sessions Judges in H.P. and the Registrar General and Registrar (Vigilance) for the purpose of effective monitoring and decision making/analysis at the District and High Court level respectively.
- 6). In order to enable Judicial Officers to monitor pendency of old cases, especially those pending for more than 5/10 years, an SMS module has been introduced, wherein daily SMS is sent to each Judicial Officer, informing daily progress and pendency of cases. Similar message with consolidated data is sent to each District Judge for Division and Registrar (Vigilance) for State.
- 7). Data can be analyzed from NJDG but only establishment wise, whereas the requirement of Vigilance and Inspection branch is of analyzing data for each Judicial Officer. To make this happen, a Vigilance Software for generation of various kinds of periodical reports qua institution, disposal, pendency etc. in respect of Subordinate Courts has been developed. This has made possible availability of latest statistics on the click of mouse. Monthly disposal statements have also been automated.

MAINTAINING ONLINE ACCOUNTS

- Technical Team of this Registry in collaboration with the NIC Pune has successfully customized and integrated the ePay Portal developed by the the Hon'ble Supreme Court of India with HIMKOSH, a payment gateway of the Government of Himachal Pradesh, using DDO Codes for making online payment. ePay Application for making online deposit of Fine, Judicial deposits, Court fee and Penalties has been made functional in all the Subordidnate Courts.
- **Mapping of Court Complexes:**
 - 1). A mobile application has been prepared by Hon'ble e-Committee and circulated to all High Courts for mapping each Court Complex.
 - 2). This will benefit litigants particularly those coming from other districts.
 - 3). The e-Committee has mapped all the Court Complexes on the basis of the information provided by the CPCs.
 - 4). Necessary inputs, feedbacks and suggestions, so received from the System Officers / System Assistants, deployed in the District Courts have been sent to the Hon'ble e-Committee from time to time.

5). On the directions of Hon'ble e- Committee, longitudes and latitudes of Court Complexes have been displayed on the websites of District Courts.

- **Unique I.D. for Judicial Officers**

- 1). Unique ID numbers have been created for the Hon'ble the Chief Justice, Hon'ble Judges, Judicial Officers in Himachal Pradesh, former Chief Justices, former Judges and the former Judicial Officers.
- 2). Directions have also been issued to the District Judges for entering the Unique IDs. of Judicial Officers on the C.I.S. and in pursuance of such directions the Unique ID numbers of Judicial Officers have been entered in the CIS.

- **Establishment Codes:**

- 1). The sixteen digit Establishment Codes were conveyed by the High Court of H.P. to the Courts Subordinate to it and the same have been entered in CIS by all the Courts.

- **Video Conferencing Facility**

- 1). The Video Conferencing facility (hardware based) has been made operational in all the headquarters of Eleven (11) Civil & Sessions Divisions in Himachal Pradesh.
- 2). Software based V.C has also been made operational at all thirty two (32) Sub – Divisional/ Tehsil level Courts
- 3). The instructions have already been issued to the Distt. & Sessions Judges for using the VC Units for the purpose of remand and also for recording the statements of expert witnesses.
- 4). The instructions have also been issued to the Distt. & Sessions Judges for preserving the Video – clippings of the evidence recorded through the mode of Video Conferencing.
- 5). On the basis of e-mail received from Hon'ble e-Committee, instructions have been issued to the District & Sessions Judges in H.P., Nodal Officers in each Court Complex and also the Technical Manpower deployed at the District Courts for extensively using the V.C Units for recording evidence and granting remand etc., and also for preserving Video Clippings of the evidence recorded through VC and for maintaining proper record of the evidence recorded and remand etc., granted through Video Conferencing.

Video Conferencing Rooms



Video Clippings of evidence being recorded by Ld. Distt. & Sessions Judge, Shimla, through Video Conferencing



- 6). On the direction of Hon'ble SCMS Committee a committee of three Judicial officers was constituted to examine Video Conferencing guidelines received from Hon'ble Delhi High Court. The said Committee has submitted its report and same has been circulated amongst all the Judicial Officers in the State.
 - 7). Guidelines have already been prepared for recording evidences of Judicial Officers through VC mode & the same has been issued to all the District & Sessions Judge, in H.P.
- **Document Presenters for V.C. Units:**

- 1). With a view to use the V.C. units extensively for recording evidence of the expert witnesses and also of the Judicial Officers etc., through the mode of Video Conferencing, twenty three (23) numbers of Document Presenters for seven (7) number hardware based V.C. units installed at the headquarters of the seven (7) Civil & Sessions Divisions and sixteen (16) numbers software based V.C. units at sub divisional/ tehsil level Courts where V.C. units have been set up have been purchased and installed.
- 2). The matter with regard to procurement of Document Presenter for remaining four (4) number hardware based V.C. units and sixteen (16) number of software based V.C. units is near completion.

- **Official e-mail ids to the Judicial Officers:**

The Official e-mail ids on NIC mail domain i.e., mail.gov.in., have been provided to all the Judicial Officers in State of Himachal Pradesh and instructions have also been issued to all the Judicial Officers in Himachal Pradesh to get in touch with the official email id and take optimum use of these email ids., for official purposes.

- **Diesel Generator Sets (DG Sets):**

DG Sets have been installed at the following 21 locations in Himachal Pradesh under Phase-I of eCourts Project.

Sl. No.	Name of Court Complex	Number of Court Rooms	Rating of DG Set.
1.	Judicial Court Complex, Bilaspur.	5	5 KVA
2.	Judicial Court Complex, Ghumarwin.	5	5 KVA
3.	Judicial Court Complex, Una.	8	5 KVA
4.	Judicial Court Complex, Amb.	3	5 KVA
5.	Judicial Court Complex, Hamirpur.	8	5 KVA
6.	Judicial Court Complex, Dharamshala.	12	5 KVA
7.	Judicial Court Complex, Kangra.	3	5 KVA
8.	Judicial Court Complex, Dehra.	3	5 KVA
9.	Judicial Court Complex, Palampur.	3	5 KVA
10.	Judicial Court Complex, Chamba.	4	5 KVA
11.	Judicial Court Complex, Mandi.	8	5 KVA
12.	Judicial Court Complex, Sundernagar.	2	5 KVA
13.	Judicial Court Complex, Kullu.	5	5 KVA
14.	Judicial Court Complex, Solan.	6	5 KVA

15.	Judicial Court Complex, Nalagarh.	3	5 KVA
16.	Judicial Court Complex, Kasauli.	2	5 KVA
17.	Judicial Court Complex, Sirmaur at Nahan.	6	5 KVA
18.	Judicial Court Complex, Paonta Sahib	3	5 KVA
19.	Judicial Court Complex, Rohru.	3	5 KVA
20.	Judicial Court Complex, Kinnaur at Rampur.	4	5 KVA
21.	Judicial Court Complex, Reckong Peo.	2	5 KVA

- Under Phase- II of eCourts Project DG sets of 5 KVA for Network Rooms of 43 Court Complexes in Himachal Pradesh have been procured.

Severs

- Dell Power Rack Server, one each for District Court Complex Kangra at Dharamshala and Shimla, have been procured and provided in March, 2019.
- 6 numbers of Dell Tower Server, one each for District Court Complexes Bilaspur, Hamirpur, Mandi, Una Solan and Sirmaur at Nahan have been procured and provided in March, 2019.

- **Computer Infrastructure in the Courts not covered under e-Courts Project Phase-I:**

- 1). One Desktop PC along with one laserjet Printer and one UPS has been provided to each court, which have not been covered under the e-Courts Project, Phase-I, in Himachal Pradesh.
- 2). Like-wise each circuit court except circuit court at Sarahan (Sirmaur) has also been provided with one Desktop PC, one UPS and one Laserjet Printer.

Renewable Energy.

- Fund to the tune of Rs. 30,00,000/-, have been received from the Department of Justice, Govt. of India, Ministry of Law & Justice for installation of Solar Power Plants in two Court Complexes viz. Theog, under Civil & Sessions Division Shimla and Palampur, under Civil & Sessions Division Kangra. Installation of Solar Power Plant at both location is complete. Solar Power Plant at both the locations have been made functional.
- In addition to above, 23 Court Complexes of Distt./ Sub-Divisional Courts in Himachal Pradesh have been identified for installation of Standalone SPV Power Plants. work These SPV plants are being set up by HIMURJA and work is in progress.

Display Board Software for Subordinate Courts.

- Display Board Software for Subordinate Court has been customized by the technical team of High Court of H.P. and has been successfully implemented at all the Subordinate

Courts. The real time Cause List data from Subordinate Court live servers is automatically

replicated at High Court Data Center. The Subordinate Court Display Boards are displayed on High Court and their respective Subordinate Courts website.

Copying Module for Subordinate Courts.

- Copying module for Subordinate court has been developed by the technical team of High Court of H.P. In this module an sms is sent when request for copy is submitted and when the copy is ready.

District Court management System (DCMS)

- District Court management System (DCMS) has been successfully implemented in all the Districts in the State. The information required to be furnished on daily basis includes:
 - Total cases fixed.
 - Cases fixed for evidence.
 - Witnesses examined in civil and criminal cases.
 - Arguments heard/ part heard.
 - Disposal of miscellaneous applications as well as main cases being contested or uncontested.
 - JustIS Mobile Application has been successfully implemented for the Judicial Officers of the Subordinate Courts.
- JustIS Mobile Application**
- JustIS Mobile Application has been successfully implemented for the Judicial Officers of the Subordinate Courts.

PHASE-II OF E-COURTS PROJECT

- **Nomination of Distt. Computer Committee and Nodal Officers:**

On the directions of Hon'ble e-Committee, Distt. Computer Committees have been constituted in every Civil & Sessions Divisions and Nodal Officer for each Court Complex has also been appointed and information in this behalf has been shared with the Hon'ble e-Committee.

- **List of Nodal Officers:**

Sl. No.	District	Nodel officer	E-mail id	Mobile No

1	Bilaspur	Sh Hitender Sharma	hitenderkumar@aij.gov.in	<u>9418475371</u>
2	Ghumarwin	Sh Vikrant Kaundal	vikrant.kaundal@aij.gov.in	9418955554
3	Chamba	Sh. Sh.Umesh Verma	<u>umesh.verma@aij.gov.in</u>	<u>9816570009</u>
4	Dalhousie	Sh. Ashok Kumar	ashok.vatsal@aij.gov.in	8998356889
5	Hamirpur	Ms. Neha Dahiya	<u>nehak@aij.gov.in</u>	<u>9816381857</u>
6	Nadaun	Sh. Subhash Chander Bhaseen	subhash.bhaseen@aij.gov.in	9418315036
7	Barsar	Sh. Nishant Verma	Nishant.verma@aij.gov.in	9816496001
8	Dharamshala	Ms. Kanika Gupta	Kanika.gupta86@aij.gov.in	9805455409
9	Baijnath	Sh. Vikas Gupta	vikas.gupta84@aij.gov.in	9418524222
10	Palampur	Ms. Akanksha Dogra	akanksha.dogra@aij.gov.in	7807844055
11	Dehra	Ms. Pushp Lata	pushp.lata87@aij.gov.in	7018301096
12	Jwali	Ms. Anita Sharma	anita.sharma84@aij.gov.in	9816634903
13	Indora	Sh. Baljeet Singh	baljeet87@aij.gov.in	9816027185
14	Nurpur	Sh. Nitin Mittal	nitinmittal@aij.gov.in	9805262491
15	Kangra	Sh. Kuldeep Sharma	kuldeep.sharma87@aij.gov.in	9459420001
16	Rampur Bushahr	Sh. Ramnik Sharma	ramniksharma@aij.gov.in	<u>9816437501</u>
17	Anni	Sh.Ravi	ravi.1990@aij.gov.in	8506926009
18	Reckong Peo	Sh. Hoshiar Singh Verma	<u>hoshiarverma@aij.gov.in</u>	<u>9418139191</u>
19	Kullu	Sh. Sachin Raghu	cjm-kul-hp@gov.in	9418013223
20	Manali	Ms. Upasna Sharma	<u>jmic-kul-hp@gov.in</u>	9816166101
21	Keylong	Sh. Arvind Kumar	<u>cjm-lsp-hp@gov.in</u>	8219799052
22	Mandi	Sh. Hans Raj	<u>hans.raj71@aij.gov.in</u>	<u>9418108284</u>
23	Jogindernagar	Sh. Ashok Kumar-II	ashok.kumar84@aij.gov.in	9418300507
24	Karsog	Miss. Madhvi Singh	madhvi.singh@aij.gov.in	9418509158
25	Sarkaghat	Sh. Harmesh Kumar	<u>harmesh.kumar@aij.gov.in</u>	9418407233
26	Sundernagar	Sh. Hakikat Dhanda	hakikatdhanda@indianjudiciary.gov.in	9418501234

27	Gohar	Miss. Vatsala Chaudhary	vatsala.chaudhary@aij.gov.in	8894035555
28	Shimla	Ms Abha Chauhan	abha.chauhan@aij.gov.in	<u>9816053962</u>
29	Chopal	Sh Vivek Kaisth	vivek.kaisth@aij.gov.in	9418412440
30	Jubbal	Vacant		
31	Rohru	Sh. Sandeep Singh Sihag	sandeep.sihag@aij.gov.in	9418046699
32	Theog	Sh Surya Prakash	suryap@aij.gov.in	9418109220
33	Nahan	Sh. Partap Singh Thakur	pratap@aij.gov.in	9816300222
34	Rajgarh	Sh. Nav Kamal	nav.kamal@aij.gov.in	8894599212
35	Paonta Sahib	Smt. Vijay Lakshmi	vijay.lakshmi@aij.gov.in	9418076744
36	Sarahan	Sh. Nav Kamal	nav.kamal@aij.gov.in	8894599212
37	Solan	Rajesh Chauhan	chauhanrajesh@aij.gov.in	7018520003
38	Arki	Prashant Singh Negi	prashant.negi@aij.gov.in	9418223002
39	Nalagarh	Kapil Sharma	kapil.sharma76@aij.gov.in	9418032111
40	Kandaghat	Deepika Thakran	deepika.thakran@aij.gov.in	9717925939
41	Kasauli	Neha Sharma	neha.sharma@aij.gov.in	9418545915
42	Una	Sh. Jia Lal Azad	jl.azad@aij.gov.in	9418480492
43	Amb	Ms. Rosy Dahiya	rosy.dahiya@aij.gov.in	8360946890

Under Phase- II of eCourts Project funds have been received from the Department of Justice, Ministry of Law & Justice, Government of India, for procurement of different components. Under Phase-II of eCourts Project, procurement process is near completion and efforts are being made to complete procurement process at the earliest. Component wise allocation of budget and status of procurement of hardware under Phase- II of eCourts Project is as under:

STATUS REPORT ON PROJECTS UNDER E-COURTS PHASE-II, AS ON 31.03.2020.					
Sr. No.	Description		Funds Received from eCommittee (Rs.)	Expenditure (Rs.)	Un-utilized funds in (Rs.)
1	4 Desktop PC for each 100 Court Rooms (three i3 & one i5)	100 Courts covered under Phase I	14700000.00	13011000.00	1689000.00
	LAN for 100 Court Rooms		3200000.00	3200000.00	0
2	4 Desktop PC for 49 Court Rooms (three i3 & one i5)	49 Courts covered under Phase II	7200000.00	6375390.00	824610.00

	LAN for 49 Court Rooms		3200000.00	3115720.00	84280.00
3	Display Board Monitors with Thin Clients	All Operational Courts 118	4720000.00	4634157.00	85843.00
	Extra Monitor with Splitter		1062000.00	1001980.00	60020.00
	Duplex Laser Network Printer		4956000.00	4945355.00	10645.00
	MFD Network Printer		1210000.00	1066472.00	143528.00
	Information Kiosk District Level Court Complexes		4006000.00	4006000.00	0
	Software Development & Tech. Support team for CPC (1 year)				
4	Decentralized Components	Installation of Solar Power Plants	3000000.00	2519790.00	480210.00
5	Projector with Screen	Computerisation of State Judicial Academy (SJA)	55000.00	54400.00	600.00
	i5 Computers		1302000.00	1250850.00	51150.00
	Printers (MFD + Duplex)		84000.00	76500.00	7500.00
	LAN Points		432000.00	432000.00	0
	Flatbed Scanner with ADF		28000.00	28000.00	0
	UPS 10 KVA		200000.00	200000.00	0
	USB HDD (1 TB)		7500.00	7400.00	100.00
	DG Set		300000.00	0	300000.00
	Studio Based VC		320000.00	0	320000.00
6	DLSA: i5 Computer	District Legal Services Authority (DLSAs & TLSCs)	462000.00	443850.00	18150.00
	DLSA: i3 Computer		770000.00	765600.00	4400.00
	DLSA: MFD Duplex Network Printer		319000.00	279400.00	39600.00
	DLSA: LAN Points		712800.00	709797.00	3003.00
	DLSA: UPS 1 KVA		330000.00	161623.00	168377.00
	TLSC: i3 Computer		2730000.00	2730000.00	0
	TLSC: MFD Duplex Network Printer		1131000.00	1066800.00	64200.00
	TLSC: LAN Points		1684800.00	1684800.00	0
	TLSC: UPS 1KVA		1170000.00	1170000.00	0
7	Kiosks for Taluka C.C.s (32 Nos. *Rs.110000)	Funds for existing Court Complexes and New Court Complexes (C.C.s)	3520000.00	3520000.00	0
	Projector with Screen for all C.C.s (43 Nos.*Rs 55000)		2365000.00	2365000.00	0
	USB Hard Disk for all C.C.s (43 Nos.*Rs 12000)		516000.00	515140.00	860.00
	DG Set for Network Room for all C.C.s (43 Nos.*Rs 300000)		12900000.00	10180250.00	2719750.00
	UPS for Network Room for all C.C.s (43 Nos.*Rs 80000)		3440000.00	3332500.00	107500.00

8	600 VA (596 nos.)UPS for Computers provided to Subordinate Courts	Funds for UPS for Subordinate Courts and VC for remaining Court Complexes and Jails	1668800.00	1442320.00	226480.00
	Video conferencing for remaining Court Complexes and Jails		6825000.00	5445562.00	1379438.00
9	Justice Clocks for Court Complexes	Funds for Justice Clocks for Court Complexes	1300000.00	0	1300000.00
			91826900.00	81737656.00	10089244.00

PART- IV
HUMAN RESOURCE DEVELOPMENT & JUDICIAL TRAINING

CHAPER-9**HUMAN RESOURCE DEVELOPMENT****❖ TRAINING OF JUDGES / JUDICIAL OFFICERS & ACTIVITIES OF STATE JUDICIAL ACADEMY****Establishment**

Himachal Pradesh Judicial Academy initially came into being on 22nd September, 2005, vide State Governments Notification No. Home –B (E) 3-17/2003-II dated 22nd September, 2005, pursuant to the order passed in CWP No. 324/2003. The State Government vide Notification No. Home (E) 3-17/2003-II dated 24th November, 2005, spelt out the key objects of setting up the Himachal Pradesh Judicial Academy which, inter-alia, include:

- i) To impart induction training to newly recruited Judicial Officers.
- ii) To impart refresher and orientation training and education to Judicial Officers.
- iii) To provide training to ministerial staff of Judicial Courts from time to time.
- iv) To provide such other judicial training and education related services, as may be necessary to improve the efficiency of the justice delivery system.
- v) To organize refresher, orientation or any other type of training in justice and law related subjects to Officers and Officials outside the Judiciary, if so requested or required.

Board of Governors of the Judicial Academy:

The Governing Body of Himachal Pradesh Judicial Academy was constituted vide Notification No. Home-B (E)3-17/2003-II dated 28th September, 2005. The State Government amended the constitution of board of governors vide notification No. Home-B (E)3-17/2003 dated 28th April, 2010, in partial modification of its earlier notification dated 28.09.2005, in consultation with the Hon'ble High Court of Himachal Pradesh. At present, the Board of Governors consists of:-

- | | | |
|----|---|-----------|
| 1. | Hon'ble Mr. Justice L. Narayana Swamy, Chief Justice,
High Court of Himachal Pradesh | Patron |
| 2. | Hon'ble Mr. Justice Tarlok Singh Chauhan,
Judge, High Court of Himachal Pradesh | Member |
| 3. | Hon'ble Mr. Justice Sureshwar Thakur,
Judge, High Court of Himachal Pradesh | President |
| 4. | Hon'ble Mr. Justice Vivek Singh Thakur, Judge, High Court of
Himachal Pradesh, | Member |

5.	Hon'ble Mr. Justice Ajay Mohan Goel, Judge, High Court of Himachal Pradesh	Member
6.	Advocate General, Himachal Pradesh	Member
7.	Additional Chief Secretary, Department of Administration of Justice (Home) to the Govt. of Himachal Pradesh	Member
8.	Additional Chief Secretary-cum-Principal Secretary (Finance) to the Government of Himachal Pradesh.	Member
9.	Sh. Virender Sharma, Director, Himachal Pradesh Judicial Academy.	Secretary

Redefined activities of the Academy:

The activities of H.P. Judicial Academy were redefined vide State Governments Notification No. Home-B (E)3-17/2003 dated 1st July, 2013.

1. **Research**

To associate the Judicial Officers in the research work in order to provide evidence about the judicial process and development. The training programme/ refresher programme should be followed by "impact assessment" by taking the feedback from the judicial officers. Thereafter, the OSD-Legal Research and Rules {now the Registrar (Rules)}, High Court of H.P. will process the same and prepare the research paper, for being placed before the H.P. Judicial Academy's Committee and Board of Visitors for overall working of Judicial Officers Training Institute, National Law School and all matters relating thereto. The Law Students of Final Year from the Law Colleges should also be associated in research work. H.P. Judicial Academy to devise modules in this regard.

1. **Teaching**

To make aware the Practitioners in other fields as well as the next generations about the laws and the judicial system. The Judicial Academy to evolve a module for the innovative teaching about the laws and the judicial system in association with State Legal Services Authority.

2. **Policy Input**

To assist the development of judicial policies through research and provide a high level forum for policy discussion between the Judges, Academicians and the policy makers with a view to provide ultimate benefits to the society as a whole and to prepare a draft paper in this regard.

3. **Professional Development**

To start professional development courses of short duration, for practicing lawyers. Some of

these courses are to be designed to fulfill the need on educating practitioners about the judiciary prior to applying for judicial posts. The other short duration professional development courses should provide Legal Practitioners with new skills and understanding of judicial functions. To devise modules in this regard, by taking up the matter with the Bar Council of H.P.

4. **Public Debate**

To hold programmes of public discussion about the key role of the judiciary in law and society by holding seminars in collaboration with the H.P. Legal Services Authority and Para Legal Volunteers working with the District Legal Service Authorities in the State by devising modules.

Other Activities:

Himachal Pradesh Judicial Academy, in addition to above, is also undertaking the following activities:

- Publishing the “e-News-letter” and “Him News- Law Journal”.
- Editing and preparing the ILR (H.P. Series).

Vision:

To bring excellence in Judicial Education and Training.

Objectives:

The key idea behind establishment of Himachal Pradesh Judicial Academy is to improve the skills, enhance the knowledge and to bring functional and attitudinal change in the Judicial Officers as well as ministerial staff of the Himachal Pradesh Judiciary and other functionaries of the State Government discharging judicial and quasi-judicial functions. The main objectives of imparting training are as follows:-

- 1). To update the knowledge of Judicial Officers, functionaries of the State Government and ministerial staff of State Judiciary as well as that of State Government.
- 2). To co-ordinate with National Judicial Academy and other State Judicial Academies in India to share knowledge and information.
- 3). To bring functional and attitudinal change in the participants.
- 4). To impart training in Information and Communication Technology to all the Judicial Officers and ministerial staff of the State Judiciary.
- 5). To improve the skills and knowledge of participants to enhance their efficiency and productivity.
- 6). To organize and conduct training programmes for the stakeholders of the justice delivery system.
- 7). To impart trainings in Court/Case and Time Management in order to ensure speedy justice.

Methodology:

To make the trainings meaningful and result oriented, the methodology of trainings is based on:

- 1). Lectures coupled with interactive sessions;
- 2). Practical sessions;
- 3). Power point presentations;
- 4). Paper presentations;
- 5). Group discussions;
- 6). At the end of every training, an evaluation-methodology has been adopted to ascertain the grasp-rate of every participant; and
- 7). Emphasis is being laid on employing modern tools and techniques in justice delivery system.

Aim of Trainings:

1. Induction Training Programmes:

The main objectives of imparting induction training for the newly recruited / selected/ appointed Judicial Officers, inter-alia, include;

- To enhance the skill and knowledge of the newly appointed Judicial Officers, which would help them in performing their duties and functions efficiently.
- To ensure uniformity and predictability of decisions.
- To bring functional and attitudinal change.
- To build institutional spirit and a sense of common purpose.
- To recognize the problems confronting the Judiciary and problems faced by the people and find better solutions to access to justice.
- To expose them to the practical court work.
- To make them learn court and case management in the court.

2. In-service training programmes:

The aim and object of organizing in-service orientation, refresher training programmes and workshops inter-alia include:-

- To enhance the skill and update the knowledge of the trainee-participants;
- To bring functional and attitudinal change;
- To strengthen the ethics; and
- To motivate the trainee-participants to achieve excellence

Feedback of the trainings organised:

The Academy takes feedback from the quarters where the officers undergoing induction training are attached to know whether they have become capable of holding the post independently or not. They are sent to respective stations for holding courts independently only if the feedback is

positive. Training period is extended on the receipt of negative feedback. The Academy also takes feedback forms from the participant-officers/ officials on various points pertaining to the lectures, discussions etc., during the trainings/ workshops/ conferences. These feedback forms are sent to Registrar (Rules) in accordance with State Governments Notification No. Home-B (E)3-17/2003 dated 1st July, 2013, for processing and preparing the research paper, which is placed before the Board of Governors of the H.P Judicial Academy for perusal.

Construction of Judicial Academy Campus at Ghandal

The Construction of Phase-I of Himachal Pradesh Judicial Academy campus at Ghandal is in full swing and the construction work of Hostel Block has been completed.

The Hostel Block of Himachal Pradesh Judicial Academy was inaugurated by His Lordship, Hon'ble Mr. Justice T.S. Thakur, Chief Justice of India, in the august presence of Shri Virbhadra Singh, Hon'ble Chief Minister, Himachal Pradesh, Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of Himachal Pradesh and Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh (Hon'ble President of Himachal Pradesh Judicial Academy) on 19th August, 2016. Shri Kaul Singh Thakur, Hon'ble Minister for Health & Family Welfare, Revenue, Law & Legal Remembrance and Medical Education, Himachal Pradesh, Hon'ble Mr. Justice Sanjay Karol, Hon'ble Mr. Justice Dharam Chand Chaudhary, Hon'ble Mr. Justice Tarlok Singh Chauhan, Hon'ble Mr. Justice P.S. Rana (now retired), Hon'ble Mr. Justice Sureshwar Thakur, Hon'ble Mr. Justice Vivek Singh Thakur, Hon'ble Mr. Justice Ajay Mohan Goel, Hon'ble Mr. Justice Sandeep Sharma and Hon'ble Mr. Justice Chander Bhusan Barowalia, Hon'ble Judges of the High Court and many other distinguished guests graced the occasion.

The construction of Administrative Block and Staff Hostel is also in full swing and nearing completion.

Place of Functioning of Academy:

Himachal Pradesh Judicial Academy has shifted to its new campus at Ghandal and has started functioning from its headquarters at Ghandal, P.O. Shakrah, Sub Tehsil Dhami, District Shimla- 171011 (Himachal Pradesh).

Organization of the Academy:

Himachal Pradesh Judicial Academy is being manned by the following officers/ officials:

- | | |
|---|-------------|
| 1. Director | - one post |
| 2. Joint Director- cum-Permanent Faculty Member | - one post |
| 3. Deputy Director | - one post |
| 4. System Analyst | - one post |
| 5. Superintendent Grade-II | - one post |
| 6. Personal Assistant | - one post |
| 7. Senior Assistant | - one post |
| 8. Senior Scale Stenographer | - two posts |
| 9. Junior Scale Stenographer | - one post |

	145	
10. Steno-Typist	-	one post
11. Accounts Clerk	-	one post
12. Clerk	-	two posts
13. Daftari	-	one post
14. Driver	-	seven posts
15. Conductor	-	one post
16. Peon	-	three posts
17. Peon-cum-Chowkidar	-	one post
18. Chowkidar-cum-Cook	-	one post
19. Safai Karamchari-cum-Mali	-	one post
20. Safai Karamchari	-	one post

Implementation of Paperless working

The Judicial Academy is making all efforts to implement the paperless working. With this aim, the Academy is sending all the letters, reading material, I.L.R. (H.P. Series) to the Judicial Officers of the State of Himachal Pradesh through e-mail. The Judicial Academy is also uploading the reading material, audio/ video lectures, important judgments of Hon'ble Supreme Court & Hon'ble High Court and important articles on the website of the Judicial Academy, which can be viewed/ listened by the Judicial Officers.

Help Desk in the website of the Academy

The Judicial Academy has launched the Help Desk in the website of the Academy to provide a platform to the judicial officers to share their knowledge and experience to help others in effective discharge of their duties. The judicial officers will also have an opportunity to ask the questions, if any, through the Help Desk, which will be answered by the Judicial Academy.

Ever since its inception, H.P. Judicial Academy has always tried to organize trainings, workshops and conferences according to the need of the hour and also on the burning issues, which are needed not only to sensitize the Stakeholders but also to create public awareness. Judicial Academy under the dynamic leadership of Hon'ble the Chief Justice (Hon'ble Patron of Judicial Academy) and the Hon'ble President of Judicial Academy and also with the blessings of all other Hon'ble Judges of the Hon'ble High Court of Himachal Pradesh, is moving ahead with the determination to achieve the cherished goals of the Academy.

Calendar of Training Programmes/ Workshops organised

Himachal Pradesh Judicial Academy with a view to enhance the skill of the Human Resources available with H.P. Judiciary and also the functionaries of the state government performing quasi Judicial functions has organized various Orientation/ Advance Courses/ Workshops/ Conferences for the Judicial Officers, Officers and Officials of the Registry of Hon'ble High Court of Himachal Pradesh, ministerial staff of the State Judiciary and also for the officers/ officials of the State Government discharging judicial and quasi-judicial functions.

Detail of Trainings organized by the Himachal Pradesh Judicial Academy during the quarter from 01.04.2019 to 30.06.2019

Himachal Pradesh Academy has organized various Orientation/ Refresher Courses/ Workshops/ Conferences for the Judicial Officers and ministerial staff of the State Judiciary. The Calendar depicting the orientation/refresher trainings/ workshops/ conferences conducted is as follows:

S. No.	Trainings/Workshops	Period		Venue	No. of participants
		From	To		
1	Induction Training Programme for the newly appointed Civil Judges	12.01.2019	15.06.2019	Academy	5
2.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	08.04.2019	09.04.2019	Academy	15
3.	Training Programme on "Issuance of Processes" for Ahlmads and Summary Clerks working in Subordinate Courts	11.04.2019	12.04.2019	Academy	21
4.	Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	22.04.2019	24.04.2019	Academy	15
5.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	29.04.2019	30.04.2019	Academy	15
6.	Induction training Programme for newly appointed Additional District and Sessions Judge	01.05.2019	29.06.2019	Academy	1
7.	Training Programme on "Legal Services Management System" for Data Entry Operators of HP State Legal Services Authority	06.05.2019		Academy	18
8.	Training Programme on "Issuance of Processes" for Ahlmads and Summary Clerks working in Subordinate Courts	06.05.2019	07.05.2019	Academy	20
9.	Course on "PC&PNDT Act, NDPS Act and Mental Healthcare Act" for Senior Civil Judges and Civil Judges	11.05.2019	12.05.2019	Academy	40
10.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	13.05.2019	14.05.2019	Academy	15

11.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	27.05.2019	28.05.2019	Academy	15
12.	Training Programme on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	29.05.2019	31.05.2019	Academy	39
13.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	03.06.2019	04.06.2019	Academy	15
14.	Induction Training Programme for the promoted Additional District and Sessions Judges	06.06.2019	15.06.2019	Academy	3
15.	Course on "PC&PNDT Act, NDPS Act and Mental Healthcare Act" for Senior Civil Judges and Civil Judges	08.06.2019	09.06.2019	Academy	47
16.	Training Programme on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	10.06.2019	12.06.2019	Academy	38
17.	Training Programme on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	13.06.2019	15.06.2019	Academy	38
18.	Training on "CIS National Core Version 3.0" for the Ministerial Staff working in Subordinate Courts	17.06.2019	18.06.2019	Academy	15
19.	Training Programme on "Advanced CIS 3.1" for Mater Trainers	19.06.2019		Academy	9
20.	Course on "Juvenile Justice" for the Members of Juvenile Justice Board, Chairmen & Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	20.06.2019		Academy	11
21.	Training Programme on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	24.06.2019	26.06.2019	Academy	37

22.	Training Programme on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	27.06.2019	29.06.2019	Academy	36
	Total				468

Statistical data of trainings organized by the Academy

The statistical data of training programmes organized by the Academy during the quarter from **01.04.2019 to 30.06.2019**, is as follows:-

Type of Training	No. of events organized	No. of participants imparted training
Induction Training Programme for newly appointed Civil Judges	1	5
Induction Training Programme for newly appointed Additional District and Sessions Judge	1	1
Induction Training Programme for promoted Additional District and Sessions Judges	1	3
Orientation/ Advance Courses/ Judicial Colloquium/ Conferences/ Workshops for the Judicial Officers	2	87
Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	1	15
Orientation/ Refresher Courses for the Ministerial Staff working in the Subordinate Courts	.2	41
Training Programmes on "CIS National Core Version 3.0" for the Ministerial Staff working in the Subordinate Courts	6	90
Training Programme on "Advanced CIS 3.1" for the Master Trainers	1	9
Training Programme on "Legal Services Management System" for Data Entry Operators of HP State Legal Services Authority	1	18
Training Programmes on "Functions and Duties of Panchayati Raj Institutions" for the Officers and Officials of H.P. Panchayati Raj Department	5	188
Course on "Juvenile Justice" for the Members of Juvenile Justice Board, Chairmen & Members CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	1	11
Total	22	468

Types of Trainings/Workshops/Conferences organized

The detail of key training programmes organized by the Academy during the quarter from **01.04.2019** to **30.06.2019**, is as under:-

- Induction Training Programme for the newly appointed Civil Judges.
- Induction Training Programme for newly appointed Additional District and Sessions Judge
- Induction Training Programme for promoted Additional District and Sessions Judges
- Two days Courses on “**PC&PNDT Act, NDPS Act and Mental Healthcare Act**” for Senior Civil Judges and Civil Judges
- Two days Trainings on “**CIS National Core Version 3.0**” for the Ministerial Staff working in Subordinate Courts
- Three days Training Programmes on “**Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2**” for the Ministerial Staff working in Subordinate Courts of Himachal Pradesh
- Two days Training Programme on “**Issuance of Processes**” for Ahlmads and Summary Clerks working in Subordinate Courts of Himachal Pradesh
- Training Programme on “**Legal Services Management System**” for Data Entry Operators of HP State Legal Services Authority
- Training Programme on “**Advanced CIS 3.1**” for the Master Trainers
- One day Courses on “**Juvenile Justice**” for the Members of Juvenile Justice Boards, Chairmen and Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions
- Training Programmes on “**Functions and Duties of Panchayati Raj Institutions**” for the Officers and Officials of H.P. Panchayati Raj Department.

Nomination of Judicial Officers for attending the Conferences/ Workshops:

The judicial officers of the State of Himachal Pradesh attended the trainings/ conferences/ workshops at various institutions as detailed below:

Sr. No.	Name of the Academy where training attended	No. of trainings for which officers were nominated	No. of officers who attended the trainings
1.	National Judicial Academy	2	2
2.	Other Judicial Academies/ Institutions	1	1

Details of Trainings organized by the Himachal Pradesh Judicial Academy during the quarter from 01.07.2019 to 30.09.2019

Himachal Pradesh Academy has organized various Orientation/ Refresher Courses/ Workshops/ Conferences for the Judicial Officers and ministerial staff of the State Judiciary. The Calendar depicting the orientation/refresher trainings/ workshops/ conferences conducted is as follows:

S. No.	Trainings/Workshops	Period		Venue	No. of participants
		From	To		
1	Training Programme on “Functions and Duties of Panchayati Raj Institutions” for the Officers and Officials of H.P. Panchayati Raj Department	02.07.2019	04.07.2019	Academy	30
2	Course on “Juvenile Justice” for the Members of Juvenile Justice Board, Chairmen & Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	08.07.2019		Academy	33
3	Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	15.07.2019	16.07.2019	Academy	30
4	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	19.07.2019	20.07.2019	Academy	20
5	Course on “Juvenile Justice” for the Members of Juvenile Justice Board, Chairmen & Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	22.07.2019		Academy	30
6	Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	25.07.2019	27.07.2019	Academy	24
7	Conference on “Narcotic Drugs and Psychotropic Substances Act” for the District and Sessions Judges, Additional District and Sessions Judges, Superintendents of Police and Public Prosecutors (38 JOs, 7	28.07.2019		Academy	61

	Pos, 16 PPs)				
8	Training Programme on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	29.07.2019	31.07.2019	Academy	30
9	Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	02.08.2019	03.08.2019	Nahan	15
10	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	02.08.2019	03.08.2019	Nahan	9
11	Course on “Juvenile Justice” for the Members of Juvenile Justice Board, Chairmen & Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	05.08.2019		Academy	32
12	Training Programme on “Use of Video Conferencing Facilities” for the Judicial Officers and Police Officers (40 Judicial Officers & 4 Police Officers)	10.08.2019	11.08.2019	Academy	44
13	Course on “Juvenile Justice” for the Members of Juvenile Justice Board, Chairmen & Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	19.08.2019		Academy	10
14	Training Programme on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	21.08.2019	23.08.2019	Academy	30
15	Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	02.09.2019	03.09.2019	Hamirpur	15

16	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	02.09.2019	03.09.2019	Hamirpur	7
17	Training Programme on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	05.09.2019	07.09.2019	Academy	30
18	Training Programme on “Juvenile Justice” for Principal Magistrates of Juvenile Justice Boards	08.09.2019		Academy	9
19	Training programme on “Criminal Law and Procedure” for the HPAS Officers	16.09.2019	20.09.2019	Academy	22
20	Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	23.09.2019	25.09.2019	Academy	24
21.	Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	02.09.2019	03.09.2019	Una	15
22.	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	02.09.2019	03.09.2019	Una	15
	Total				535

Note: Induction Training Programme for the newly appointed Civil Judges has also been started from 09.08.2019 onward, which is being attended by 4 officers.

The statistical data of training programmes organized by the Academy during the quarter from 01.07.2019 to 30.09.2019, is as follows:-

Type of Training	No. of events organized	No. of participants imparted training
Orientation/ Advance Courses/ Judicial Colloquium/ Conferences/ Workshops for the Judicial Officers (87 Judicial Officers, 11 Police Officers & 16 Public Prosecutors)	3	114
Training programme on “Criminal Law and Procedure” for the HPAS Officers	1	22
Training Programme on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	3	90
Orientation/ Refresher Courses for the Ministerial Staff working in the Subordinate Courts	4	51
Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	4	75

Training Programmes on “Functions and Duties of Panchayati Raj Institutions” for the Officers and Officials of H.P. Panchayati Raj Department	1	30
Course on “Juvenile Justice” for the Members of Juvenile Justice Board, Chairmen & Members CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	4	105
Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	2	48
Total	22	535

Types of Trainings/Workshops/Conferences organized

The detail of key training programmes organized by the Academy during the quarter from **01.07.2019 to 30.09.2019**, is as under:-

- Induction Training Programme for the newly appointed Civil Judges.
- Training Programme on “**Use of Video Conferencing Facilities**” for the Judicial Officers and Police Officers
- One-day Conference on “**Narcotic Drugs and Psychotropic Substances Act**” for the District and Sessions Judges, Additional District and Sessions Judges, Superintendents of Police and Public Prosecutors
- One-day Training Programme on “**Juvenile Justice**” for Principal Magistrates of Juvenile Justice Boards
- Five-day Training programme on “**Criminal Law and Procedure**” for the HPAS Officers
- Two days Trainings on “**CIS National Core Version 3.1**” for the Ministerial Staff working in Subordinate Courts
- Three-day Training Programmes on “**Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2**” for the Ministerial Staff working in Subordinate Courts
- Two-day Training Programme on “**Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary**” for Superintendents working in Subordinate Courts
- One-day Courses on “**Juvenile Justice**” for the Members of Juvenile Justice Boards, Chairmen and Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions
- Three-day Training Programmes on “**Functions and Duties of Panchayati Raj Institutions**” for the Officers and Officials of H.P. Panchayati Raj Department
-
- Three-day Training Programme on “**Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions**” for Functionaries of Cooperative Societies

Nomination of Judicial Officers for attending the Conferences/ Workshops:

The judicial officers of the State of Himachal Pradesh attended the trainings/ conferences/ workshops at various institutions as detailed below:

Sr. No.	Name of the Academy where training attended	No. of trainings for which officers were nominated	No. of officers who attended the trainings
1.	National Judicial Academy	7	10
2.	Other Judicial Academies/ Institutions	2	4

Detail of Trainings organized by the Himachal Pradesh Judicial Academy during the quarter from 01.10.2019 to 31.12.2019

Himachal Pradesh Academy has organized various Orientation/ Refresher Courses/ Workshops/ Conferences for the Judicial Officers and ministerial staff of the State Judiciary. The Calendar depicting the orientation/refresher trainings/ workshops/ conferences conducted is as follows:

S. No.	Trainings/Workshops	Period		Venue	No. of participants
		From	To		
1	Training on "CIS National Core Version 3.1" for the Ministerial Staff working in Subordinate Courts	30.09.2019	01.10.2019	Chamba	15
2	Training Programme on "Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary" for Superintendents working in Subordinate Courts	30.09.2019	01.10.2019	Chamba	4
3	Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	03.10.2019	05.10.2019	Academy	29
4	Judicial Colloquium on "Prevention of Human Trafficking" for the Judicial Officers, Police Officers and Public Prosecutors (56 JOs, 6 Pos & 12 PPs)	20.10.2019		Academy	74
5	Training Programme on "Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions" for Functionaries of Cooperative Societies	21.10.2019	23.10.2019	Academy	25
6	Training Programme on "Mediation" for the Senior Civil Judges and Civil Judges	03.11.2019		Academy	42
7	Training Programme on "Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions" for Functionaries of Cooperative Societies	14.11.2019	16.11.2019	Academy	21
8	Training on "Investigation of ND&PS Cases" for Police Officers	18.11.2019	19.11.2019	Academy	30
9	Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	25.11.2019	27.11.2019	Academy	29
10	Training on "Investigation of ND&PS Cases" for Police Officers	28.11.2019	29.11.2019	Academy	29
11	Training on "Sharing of Best Practices" for the Civil Judges of Odisha	01.12.2019	06.12.2019	Academy	40
12	Training on "Juvenile Justice System" for Chairpersons and Members of Child Welfare Committees and Members of	16.12.2019	18.12.2019	Academy	18

	JJBs				
13	Training on "Investigation of ND&PS Cases" for Police Officers	20.12.2019	21.12.2019	Academy	25
14	Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	26.12.2019	28.12.2019	Academy	30
	Total				411

Note:

1. Induction Training Programme for the newly appointed Civil Judges has also been started from 09.08.2019 onward, which is being attended by 4 officers.
2. Induction Training Programme for the newly appointed Additional District and Sessions Judges has also been started from 28.12.2019 onward, which is being attended by 2 officers.

Statistical data of trainings organized by the Academy

The statistical data of training programmes organized by the Academy during the quarter from 01.10.2019 to 31.12.2019, is as follows:-

Type of Training	No. of events organized	No. of participants imparted training
Orientation/ Advance Courses/ Judicial Colloquium/ Conferences/ Workshops for the Judicial Officers (98 Judicial Officers, 6 Police Officers & 12 Public Prosecutors)	2	116
Training Programme on "Sharing of Best Practices" for the Civil Judges of Odisha	1	40
Training Programme on "Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2" for the Ministerial Staff working in Subordinate Courts	3	88
Training on "CIS National Core Version 3.1" for the Ministerial Staff working in Subordinate Courts	1	15
Training Programmes for Ministerial Staff working in Subordinate Courts	1	4
Courses on "Juvenile Justice" for the Members of Juvenile Justice Board, Chairmen & Members CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions	1	18
Training on "Investigation of ND&PS Cases" for Police Officers	3	84
Training Programme on "Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions" for Functionaries of Cooperative Societies	2	46
Total	14	411

Types of Trainings/Workshops/Conferences organized

The detail of key training programmes organized by the Academy during the quarter from 01.10.2019 to 31.12.2019, is as under:-

- Induction Training Programme for the newly appointed Additional District and Sessions Judges
- Induction Training Programme for the newly appointed Civil Judges.
- One-day Judicial Colloquium on “Prevention of Human Trafficking” for the Judicial Officers, Police Officers and Public Prosecutors
- One-day Training Programme on “Mediation” for the Senior Civil Judges and Civil Judges
- Training on “Sharing of Best Practices” for the Civil Judges of Odisha
- Two days Trainings on “Investigation of ND&PS Cases” for Police Officers
- Two days Trainings on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts
- Three-day Training Programmes on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts
- Two-day Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts
- One-day Courses on “Juvenile Justice” for the Members of Juvenile Justice Boards, Chairmen and Members of CWCs, Probation Officers, Members of Child Protection Societies, Member of the District Child Protection Units, Special Juvenile Police Units and Child Welfare Police Officers and Managerial Staff of Child Care Institutions
- Three-day Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies

Nomination of Judicial Officers for attending the Conferences/ Workshops:

The judicial officers of the State of Himachal Pradesh attended the trainings/ conferences/ workshops at various institutions as detailed below:

Sr. No.	Name of the Academy where training attended	No. of trainings for which officers were nominated	No. of officers who attended the trainings
1.	National Judicial Academy	10	25
2.	Other Judicial Academies/ Institutions	3	5

Detail of Trainings organized by the Himachal Pradesh Judicial Academy during the quarter from 01.01.2020 to 31.03.2020

Himachal Pradesh Academy has organized various Orientation/ Refresher Courses/ Workshops/ Conferences for the Judicial Officers and ministerial staff of the State Judiciary.

The Calendar depicting the orientation/refresher trainings/ workshops/ conferences conducted is as follows:

S. No.	Trainings/Workshops	Period		Venue	No. of participants
		From	To		
1	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	03.01.2020	04.01.2020	Academy	22
2	Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	06.01.2020	08.01.2020	Academy	20
3	Training Programme on “Ubuntu-Linux 16.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	16.01.2020	18.01.2020	Academy	30
4	Training Programme on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	20.01.2020	21.01.2020	Academy	29
5	Training Programme on “Ubuntu-Linux 16.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	10.02.2020	12.02.2020	Academy	29
6	Training Programme on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	14.02.2020	15.02.2020	Academy	30
7	Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts	17.02.2020	18.02.2020	Academy	22
8	Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	24.02.2020	26.02.2020	Academy	29
9	Training Programme on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	28.02.2020	29.02.2020	Academy	30
10	Training Programme on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	04.03.2020	05.03.2020	Academy	30
11	Training Programme on “Duties and Responsibilities of Nazirs and Newly Introduced applications in Judiciary” for Nazirs working in Subordinate Courts	06.03.2020	07.03.2020	Academy	32
	Total				303

Note:

1. Induction Training Programme for the newly appointed Civil Judges is going on since 09.08.2019, which is being attended by 4 officers.
2. Induction Training Programme for the newly appointed Additional District and Sessions Judges was also started from 28.12.2019 onward, which is being attended by 2 officers.

3. Another Induction Training Programme for the newly appointed Civil Judges has also been started from 03.01.2020 onward, which is being attended by 10 officers

Statistical data of trainings organized by the Academy

The statistical data of training programmes organized by the Academy during the quarter from 01.01.2020 to 31.03.2020, is as follows:-

Type of Training	No. of events organized	No. of participants imparted training
Training Programme on “Ubuntu-Linux 14.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts	2	59
Training on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts	4	119
Training Programmes for Ministerial Staff working in Subordinate Courts	3	76
Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies	2	49
Total	11	303

Types of Trainings/Workshops/Conferences organized

The detail of key training programmes organized by the Academy during the quarter from 01.01.2020 to 31.03.2020, is as under:-

- Induction Training Programme for the newly appointed Additional District and Sessions Judges
- Induction Training Programmes for the newly appointed Civil Judges.
- Two days Trainings on “CIS National Core Version 3.1” for the Ministerial Staff working in Subordinate Courts
- Three-day Training Programmes on “Ubuntu-Linux 16.04 & LibreOffice-Writer/Calc 4.2” for the Ministerial Staff working in Subordinate Courts
- Two-day Training Programme on “Duties and Responsibilities of Superintendents and Newly Introduced applications in Judiciary” for Superintendents working in Subordinate Courts
- Two-day Training Programme on “Duties and Responsibilities of Nazirs and Newly Introduced applications in Judiciary” for Nazirs working in Subordinate Courts
- Three-day Training Programme on “Work and Duty and Procedure to Perform Judicial/Quasi-judicial Functions” for Functionaries of Cooperative Societies

Nomination of Judicial Officers for attending the Conferences/ Workshops:

The judicial officers of the State of Himachal Pradesh attended the trainings/ conferences/ workshops at various institutions as detailed below:

Sr. No.	Name of the Academy where training attended	No. of trainings for which officers were nominated	No. of officers who attended the trainings
1.	National Judicial Academy	6	9
2.	Other Judicial Academies/ Institutions	5	15

PART- VI

STATE LEGAL SERVICES AUTHORITY AND DISTRICT LEGAL SERVICES AUTHORITIES

CHAPTER-10

WORKING OF STATE LEGAL SERVICES AUTHORITY AND DISTRICT LEGAL SERVICES AUTHORITIES AND STATUS ON LEGAL-AID TO POOR. NUMBER OF BENEFICIARIES OF DIFFERENT CATEGORIES.

In the State of H.P., Legal Services Institutions came to be set up as per the mandate of Legal Services Authority Act, 1987 in the following manner:-

- i. **State Legal Services Authority:-** State Legal Services Authority has been functioning in H.P. having its office at Shimla. **Hon'ble the Chief Justice is Patron-in-Chief and Hon'ble Mr. Tarlok Singh Chauhan is the Executive Chairman of the Authority.** Besides the staff of the State Legal Services Authority, two Judicial Officers, one in the rank of District & Sessions Judge being the Member Secretary and the other in the rank of Civil Judge (Senior Division)-cum- Chief Judicial Magistrate being the Administrative Officer are looking after the work of the said Authority.
- ii. **H.P. High Court Legal Services Committees:-** In order to manage the affairs of the legal services in High Court of H.P., there exists a legal services Committee headed by Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh. The Registrar (Vigilance), High Court of H.P. acts as the Secretary of such Committee.
- iii. **District Legal Services Authority:-** In all the eleven Civil and Sessions Divisions, there exist District Legal Services Authorities headed by the District & Sessions Judge as a Chairman and one Officer in the rank of a Civil Judge (Senior Division)-cum Additional Chief Judicial Magistrate as a Secretary of such Authority.
- iv. **Sub Divisional Legal Services Committees:-** At sub-divisional level, the senior most Judicial Officer acts as the Chairman of the Sub –Divisional Legal Services Committee and Superintendent of the Court of senior most Judicial Officer is Secretary of such Committee.

National Legal Services Authority (Lok Adalat) Regulations, 2009:

Organising Lok Adalats is the main function of H.P. State Legal Services Authority. One of the objects of the Legal Services Authorities Act, 1987 is to reduce litigation in Courts and provide speedy and cost effective justice by means of conciliation. Lok Adalats are being organized as per Section 19 of the Legal Services Authorities Act, 1987 and National Legal Services Authority (Lok Adalat) Regulations, 2009 in all the courts from High Court to Sub Divisional level. Lok Adalats for pre-litigation matters are also being organized periodically. Mobile, Mega and National Lok Adalats as

per guidelines and directions of NALSA are also being organized. The Schedule of the Lok Adalats is prepared in advance for the calendar year after getting the same approved from the Hon'ble Executive Chairman.

As per directions of NALSA, National Lok Adalats have been conducted subject matter-wise in all the Courts every month in the year, 2016 and are also being organised in 2017, encouraging the litigants to sort out their differences amicably which would pave the way for achieving the object of the Legal Services Authorities Act, 1987.

Permanent Lok Adalats have also been constituted in the State of H.P. at Kangra at Dharamshala, Mandi, Shimla, Una as per Section 22-B of the Legal Services Authorities Act.

Assistance by way of Legal Aid:

Legal aid is the medium of assistance to people who are otherwise unable to afford legal representation and access to the justice. As per Section 2(1)(c) of the Legal Services Authorities Act, legal services can be provided for conducting legal proceeding which may be before Courts or Tribunals or any other authority and includes legal advice also. In the State of Himachal Pradesh, the legal services are being provided to the needy and marginalized persons, as enumerated in Section 12 of the Legal Services Authorities Act, 1987 and Regulation 15 of the H.P. State Legal Services Authority Regulations, 1996.

Preparation of Panel of Legal Practitioners (under Regulation 21 of H.P. State Legal Services Authority Regulations, 1996):

The Panel of Legal Practitioners for providing legal aid is being maintained within the State of H.P. at the following levels:

- Sub Divisional Legal Services Committees
- District Legal Services Authorities
- High Court Legal Services Committee

The advocates, after judging their suitability are identified by Sub Divisional Legal Services Committees, District Legal Services Authorities and High Court Legal Services Committee as the case may be. The feedback from former District Judges is taken before forwarding the panel to H.P. State Legal Services Authority for approval. The panel is examined and approved by Hon'ble the Executive Chairman. The Counsel are provided to the parties after considering their request. If need be, counsel of choice is also provided by the Sub Divisional Legal Services Committees, District Legal Services Authorities and High Court Legal Services Committee as the case may be.

At present, **1231** lawyers have been appointed under the Regulations *ibid* who are rendering legal aid to the needy persons and being paid Rs. 4000/-, 6000/- and 10,000/- per case at Sub Divisional Courts, District level Courts and High Court, respectively.

Although, the remuneration of legal practitioners has been increased, yet the people are not getting quality legal services as senior advocates are unwilling to take up legal aid matters due to pre-occupation or other reasons. Thus, efforts are being made to impress upon the legal fraternity

about the Constitutional mandate that free and competent legal services is the Fundamental Right of all the citizens and it is the duty of the legal fraternity to render competent legal assistance.

National Legal Services Authority (Free & Competent Legal Services) Regulations, 2010:

In order to provide Free Legal Services to the persons entitled under Section 12 of the Legal Services Authorities Act, 42 Front Offices have been established one in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The Front Offices are manned by the Retainer Lawyers and Para Legal Volunteers. The Retainer Lawyers and Para Legal Volunteers are providing legal services to the litigants and general public.

Monitoring Committees as per Clause 10 of NALSA (Free & Competent Legal Services), Regulations, 2010 have been constituted in all District Legal Services Authorities and Sub Divisional Legal Services Committees so that competent persons are appointed to render legal aid and assistance.

National Legal Services Authority (Legal Aid Clinics) Regulations, 2011

National Legal Services Authority (Legal Aid Clinics) Regulations, 2011 provide that subject to financial resources available, the District Legal Services Authority shall establish Legal Aid Clinics in all Villages, or for a cluster of villages, depending on the size of such Villages, especially where the people face geographical, social and other barriers for access to the legal services institutions. In order to provide easy access to legal services, Legal Aid Clinics (now renamed as Village Legal Care and Support Centres VLCSCs) have been opened in **893 Gram Panchayats** in the **Panchayat Bhawans** being located at suitable places for cluster of villages. The basic infrastructure facilities like table and two chairs have been provided by the Gram Panchayats for the VLCSCs and ***no expenditure on setting up of such centres has been incurred from NALSA or State Govt. Grant/ Funds.***

Since, the VLCSCs are to be manned by Para Legal Volunteers and Retainer Lawyers, training is being imparted to PLVs in phased manner. A Retainer Lawyer and PLV are manning these Centres. Besides legal advice, other services like preparing applications for Job Card, awareness under MNREGs scheme and for various other kind of services such as helping village people in drafting petitions, representations and for filing up applications for various benefits available under Govt. Schemes are being provided by them. The PLVs also accompany the village people who are in need of legal services to Govt. Offices, Legal Services Institutions for redressal of the their grievances. Sign Boards have been affixed in most of the Clinics.

Legal Services Clinics in Jails

Legal Services Clinics in jails have been established in all the District Jail/Sub Jails in the State of Himachal Pradesh. These Clinics are manned by the Para Legal Volunteers (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e.

10.00 am to 5.00 pm and render Legal Services to Jail inmates.

Special Cells/Clinics For North-Eastern Region Students

Special Cells/Clinics for North Eastern students have been set up at Solan, Hamirpur and Kangra at Dharamshala. These Cells are manned exclusively by students from North East. The detail of Special Cells is as under:-

1. NIT Hamirpur
2. Govt. Degree College, Dharamshala
3. CSK Himachal Pradesh Krishi Vishvavidyala, Palampur, District Kangra
4. Sri Sai University Palampur, District Kangra
5. Dr. Y.S. Parmar, University of Horticulture and Forestry Nauni, District Solan
6. Baddi University, Baddi, District Solan
7. Bhojia Dental College and Hospital Bhud, Baddi, District Solan.

Legal Aid Counsel for bail and remand (The H.P. Legal Aid Counsel Scheme, 2003):

Scheme of Legal Aid Counsel has been framed for the purpose of providing legal assistance to the prisoners exclusively. In the State of Himachal Pradesh, **136** Legal Aid Counsel have been appointed at District & Sub Divisional level who are available to the prisoners at the time of remand or bail.

Spreading Legal Awareness:

A large section of our society is still illiterate. They have no knowledge of their rights. There is need to make them fully aware of their rights. These people also suffer from some kind of inhibition in approaching the legal services centres. Therefore, legal awareness is necessary to these socially disadvantaged people to bring them into the mainstream. With awareness, they will be in a position to safeguard their rights. The H.P. State Legal Services Authority has framed H.P. Legal Literacy Camps Scheme, 2005 and legal awareness is being spread by way of following means:-

Legal Literacy Camps (Vidhik Saksharta Shivar) :

Calendar for holding of Legal Literacy Camps is called from the District Legal Services Authorities and Sub Divisional Legal Services Committees and the camps are being organized in every nook and corner of the State.

The focus of discussion in the awareness programmes is mainly on Domestic Violence, Sexual abuse of women and children, Juvenile Justice, Gender discrimination, Sexual harassment at work place, Protection and Maintenance of Senior Citizens and Parents, Child Marriage Act, Hindu Succession Act, Marriage Laws, Dowry, H.P. Panchayati Raj, Poverty Alleviation Schemes, Mediation, Consumer Protection Act etc. Interactive sessions follow the programmes and feed back is gathered from the participants. New topics are also assigned from time to time to District

Legal Services Authorities and Sub Divisional Legal Services Committees to make the people aware of the latest laws in the awareness camps.

The H.P. State Legal Services Authority has published a Book नागरिको के विधिक एवं संवैधानिक अधिकार and Pamphlets of Legal Services and these books and Pamphlets are distributed to the participants in the Legal Awareness Camps.

Legal Literacy Campaign in Schools:

H.P. State Legal Services Authority has published four text books v.i.z., two books namely 'Lessons in Law' in English and two books in Hindi namely 'Kanooni Path' for the students of 9th and 11th classes to provide a general idea about the Constitution of India and its functioning particularly on the Fundamental Rights and Duties, Human Rights, Judicial System, Alternative Dispute Resolution etc.

Training of Panel Lawyers by Master Trainers

A calendar of training of Panel Lawyers has been prepared and training is being provided to them by Master Trainers trained by NALSA as per Training Manual-I of NALSA.

Since, the PLVs are the work force of legal services institutions, as such, in Himachal Pradesh, **6367 PLVs** have been identified and trained for manning VLCSCs, Front Offices, legal literacy camps and for other schemes and are being deputed wherever their assistance are required. They also visit Police Stations to render necessary legal assistance to the victims. **1013 Retainer Lawyers** have been identified to man such centres. For other VLCSCs, Retainer Lawyers of the nearby panchayats have been requested to guide the persons telephonically as and when they are approached by the PLVs of such centres.

Teaching of Fundamental Duties in the Schools:

As per resolution in the 12th All India Meet of the State Legal Services Authorities held at Lucknow on 8-9th March, 2014 that Fundamental Duties shall be the focus in all Legal Literacy Camps and efforts will be made by the State Legal Services Authorities to get 'Lessons in Law' incorporating Fundamental Duties included in the School curriculum, **11242** teachers were trained as a Resource Persons who are teaching Fundamental Duties to the students in their respective schools.

Legal Literacy through Afforestation Drive:

H.P. State Legal Services Authority has adopted the Project of Sensitization of the school children about the importance of Forest and Environmental issues especially Afforestation, Plastic and Garbage issues, as the State Project for the year, 2014-2015 as a consequence of the focus of the 12th All India Meet of the State Legal Services Authorities held at Lucknow on 8th-9th March, 2014 on this aspect. It is the fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living

creatures and thus, State Project was adopted with a view to sensitize and make the students aware about the Forest and Environmental issues by involving the students in plantation to inculcate a sense of belonging towards environment in them.

In order to achieve the desired goal, the H.P. State Legal Services Authority, in association with Forest and Education Departments, Government of Himachal Pradesh decided that students of all the schools above Primary level, would plant one tree in the area to be selected by the Forest Department. **1,27,434** students of **3501** schools/ colleges planted more than **2,00,000** plants on 220.48 Hect. Land.

Hon'ble Executive Chairman, H.P. State Legal Services Authority impressed upon about 150 Advocates of High Court to be part of the Afforestation Project and pursuant thereto about 150 to 200 Advocates voluntarily agreed to conduct audit of this project and inspect sites during winter vacations. Such inspection has been carried out by the Advocates during winter vacations and submitted their reports in a function organized in the New Auditorium of High Court of Himachal Pradesh, with regard to fencing, maintenance of sites, survival rate of plants and also gave their suggestions for proper maintenance of the sites in the presence of officers of Forest and Education Departments. No amount has been spent by the H.P. State Legal Services Authority for plantation.

In order to create belongingness in the students, painting & slogan writing on Afforestation and Environmental Issues and Essay Competition on Fundamental Duties at School & District was conducted. State level function was organized on 10th & 11th October, 2015 and the winning students in all categories were awarded prizes by His Excellency, the Governor of Himachal Pradesh.

National Legal Services Authority (Legal Services to the Workers in the Unorganized Sector) Scheme, 2010:

The legal awareness camps are being organised periodically for workers in the unorganized sector. The Mobile Court Van is deputed at regular intervals to the places where workers in unorganized sector are engaged for work to make them aware of their legal rights and about the different welfare schemes of the Govt. meant for them. Camps are organized exclusively for workers of unorganized sector.

Visit to Jails:

In view of the judgment in **writ petition(C) No.559 of 1994 titled as R.D. Upadhyay Vs State of Andhra Pradesh and Others, AIR 2006 S.C.,1946**, whereby the State Legal Services Authorities have been directed to take necessary measures to inspect Jails periodically to monitor that the directions regarding children and mothers are complied with in letter and spirit, the Member Secretary, H.P. State Legal Services Authority, periodically visits jails. The Chairmen, District Legal Services Authorities also visit the jails every month in their respective District Headquarters. Besides Legal Aid Counsel also visit jails every week and render necessary legal assistance.

Visits to Observation Homes :

As per the direction of Hon'ble Supreme Court of India in case titled **Sampurna Behrua Vs. U.O.I. and Ors. {W.P.(C) No.473/ 2005}**, all the District Legal Services Authorities are visiting Observation Homes and other Ashrams.

National Legal Services Authority (Legal Services Clinics in Universities, Law Colleges and other Institutions) Scheme, 2013:

The H.P. State Legal Services Authority as per directions of NALSA has taken up the initiative to open Legal Services Clinics in all educational institutions and have requested all the DLSAs to open such clinics in every educational institution in their District. Till today, Legal Services (Aid) Clinics have been established in **21** Institutes. The details thereof is as under:-

Sl. No	Educational Institutions	District
1	Shoolini University	Solan
2	Green Hills Engineering College	Solan
3	Bahra University	Solan
4	L.R. Institute of Legal Studies, Solan	Solan
5	Career Point University	Bhoranj, Hamirpur
6	Manav Bharati University	Solan
7	Maharaja Agresen University	Baddi, Solan
8	I.E.C. University	Baddi, Solan
9	Himcapes College of Law	Una
10	H.P. College of Law	Kala Amb, Nahan
11	H.P. University Regional Centre	Mohli Khaniara, Dharamshala
12	Jawalaji Degree College	Jawalakukhi
13	DDM Sai Law College	Hamirpur
14	Govt. Degree College, Khundian	Kangra
15	Govt. Degree College, Dada Siba	Kangra
16	Govt. Degree College, Haripur Guler, Distt Kangra	Kangra
17	Govt. Degree College Dhaliara, District Kangra	Kangra
18	M.S.C.N.D.C. Thural, District Kangra	Kangra
19	APG University, Shimla	Shimla
20	Gautam College, Hamirpur	Hamirpur
21	H.P. University Institute of Legal Studies, Ava Lodge Campus, Shimla	Shimla
22	Govt. Post Graduate College, Chamba	Chamba
23	Shri Sai University, Palampur, District Kangra	Kangra
24	Govt. Degree College, Banjar, District Kullu	Kullu
25	Jawahar Lal Nehru Govt. College, Haripur, District Kullu	Kullu
26	Govt. Degree College Kullu	Kullu

With the creation of posts of Secretaries, District Legal Services Authorities, the Students will be involved for the benefit of persons living in rural areas, workers in unorganized sector etc. The Law students will be familiarized to the problems faced by masses ignorant about their rights and remedies under law.

National Legal Services Authority (Legal Services to the Mentally ill Persons and Persons with Mental Disabilities) Scheme, 2010:

Mentally ill persons and persons with mental disabilities are one of the legal beneficiaries as per provisions of the Legal Services Authorities Act, 1987. The Member Secretary, H.P. State Legal Services Authority and the Chairmen, District Legal Services Authorities periodically inspect Mental Hospital and during inspection it was found that two inmates who had recovered from their illness were still lying in the hospital as their near or dear ones did not come forward to take their custody. H.P. State Legal Services Authority took up the matter with the Tamil Nadu State Legal Services Authority and Ministry of External Affairs, Govt. of India to take steps for their custody, so that they are united with their families. Due to such efforts, the Russian National was deported to her Country.

Scheme for Legal Services to Disaster Victims through Legal Services Authorities:

All the DLSAs have been requested to execute the scheme and do the needful in the event of disaster. A tragic incident took place in Village Kotla, Tehsil Banjar, District Kullu, H.P. due to devastating fire on the night of 15.11.2015 in which about 80 houses were turned into ashes. The loss has been assessed in crores. For the rehabilitation of the villagers, help and aid was provided by the State Government, Non-Government Organization and other Institutions.

In order to render assistance to the victims of fire disaster, the Hon'ble Executive Chairman of H.P. State Legal Services Authority accorded permission to depute a team of Para Legal Volunteers of nearby Gram Panchayats for helping the victims of fire disasters at Village Kotla, Tehsil Banjar, District Kullu H.P. Pursuant thereto, the Chairman, District Legal Services Authority, Kullu, H.P. was requested by the Authority to render assistance in terms of NALSA Scheme for Legal Services to Disaster Victims through Legal Services Authority. Pursuant thereto, the Para Legal Volunteers appointed in the nearby Gram Panchayats were deputed to help the victims of fire disaster by providing legal services and strengthening the capacity of victims for managing the disaster at all level and to coordinate with the Government and Non-Governmental Organizations to provide legal aid to the victims in need.

As per the report submitted by the Chairman, DLSA, Kullu, the victims were assisted in the following manner:-

- i) On 23.11.2015, the victims were assisted for preparing of F.D. and mark sheets of 8th and 10th classes students. (The documents were burnt in fire).
- ii) On 24.11.2015, the victims were assisted by rendering legal services of preparing Bank Pass Books, F.Ds., Pass Book of Bharat Gas and mark sheets of 8th and 10th classes. (The documents were burnt in fire).
- iii) On 25.11.2015, victims were assisted for preparing of Bank Pass Books, F.Ds., Pass Book of Bharat Gas and mark sheets of 8th and 10th classes. (The documents were destroyed in fire).
- iv) On 26.11.2015, the victims were assisted for preparing of Bank Pass Books, A.T.M. Cards, MNREGA Pass Books etc. and other help was also provided to them.

- v) On 27.11.2015, victims were helped in preparing of Bank Pass Books, FD and preparing WILLS before the Tehsildar (The documents were destroyed in fire).
- vi) On 28.11.2015, the victims were assisted for preparing of Bank Pass Books, F.D. and mark sheets of 8th and 10th classes as also MNREGA Pass Books, ATM cards etc. (The documents were destroyed in fire).

On 29.11.2015, the Core Group consisting of Additional District Judge, Kullu, with some Advocates and Doctors of Zonal Hospital, Kullu etc. visited the disaster/incident spot to involve in the relief work as well as to coordinate the relief and rehabilitation work. The Core Group was associated by Sub Divisional Magistrate, Banjar. They visited Govt. Primary School, Kotla, situated near the disaster village, which was being used as Camp for providing relief to victims and counselled the victims of disaster.

On 29.11.2015, a legal awareness programme in the relief camp of the victims was also organised by the **Chairman, Sub Divisional Legal Services Committee, Lahaul & Spiti at Kullu** on the Legal Rights of the victims alongwith a team of Advocates of Kullu. The Chairman and members of the team interacted personally with the victims about the relief and rehabilitation being provided to them as well as the practical problems being faced by them and the victims were suggested ways and means to overcome the same. The victims appeared to be satisfied with the relief and rehabilitation work being rendered to them by the Government, Semi Government, NGOs or any other agencies.

On request of the Chairman, DLSA, Kullu, the Chief Medical Officer, Kullu constituted a team of Medical Officers of Regional Hospital, Kullu for conducting the Medical Health check-up of victims at Village Kotla on **28.11.2015**, from 10.00 A.M. onwards. Pursuant to efforts of District Legal Services Authority, Kullu, Multi specialty camp was also organized at Village Kotla, Block Banjar for the fire affected families for providing treatment, counselling and to make the villagers aware of various programmes of the health and family welfare department. In this camp, **127** persons were examined and treated out of which **17** were patients of orthopedics, **11** were patients of general surgery, **23** were patients of Gynae, **21** were patients of eyes, **40** were patients of medicine, **9** were patients of dental and **3** were patients of psychiatry. Free medicines were provided to them. **11** patients were given free spectacles under the NPCB programme.

- A tragic incident took place in Village Dahar under G.P. Bung Jalgahar (Balichowki) on 30th October, 2017 afternoon, in which **33** houses including **16** cowsheds were gutted in fire and 122 residents of the village were affected by the fire incident and loss was assessed in crores.
- i. The Secretary, District Legal Services Authority Mandi visited the site alongwith PLV on 1st November, 2017. Secretary DLSA Mandi interacted with the disaster victims and the Pradhan of Gram Panchayat and Officials of Administration.

- ii. A sum of Rs 15,000/- was distributed as immediate relief to each of the families on the intervening night of 30th -31st October, 2017. Relief items i.e. Blankets, Clothes, Utensils etc. were also distributed among the villagers by one of the NGO. A committee was got constituted from the Pradhan of the Gram Panchayat for equal distribution of the articles against proper receipt to the affected persons. The temporary sheds were erected & electricity wire was laid to house the victims. A Legal Aid Clinic was got established on the spot by Chairman Sub Divisional Legal Services Committee Gohar by deputing three PLVs from nearby VLCSCs to render all possible legal assistance to the victims which functioned from 04.11.2017 to 08.11.2017 and rendered all possible legal assistance to the victims of fire disaster at Village Dahar. The Chairman Sub-Divisional Legal Services Committee, Gohar also organized Legal Literacy Camp on 5th November, 2017, by associating a team of Panel Lawyers & Para Legal Volunteers. He also interacted with the disaster victims and the people were made aware about the purpose of setting up the said clinic and they were requested to avail maximum benefit of clinic. The detail of the activities carried out by the PLV / Legal Aid Clinic are as under:-
- iii. On 4th November, 2017, the team of PLVs firstly, wrote the details of the affected persons and also about the documents which they had lost in the said devastating fire. The PLVs also helped all the victims qua writing their applications regarding burning of mark sheets, bank pass books, Aadhar Card etc. and concerned Departments were also contacted by them so that the aforesaid burnt documents could be prepared/restored afresh.
- iv. On 5th November, 2017, the team of PLVs got associated in the camp which was organized by the Chairman SDLSCs Gohar and further drafted the applications regarding burning of Ration Cards, BPL Certificates, Voter IDs, ATM Cards, Himachali Bonafide Certificates etc. The PLVs also contacted with the concerned banks and the District Administration, Mandi for issuing the documents afresh. The PLVs also helped in proper distribution of relief material as supplied by NGOs i.e Seva Sankalp Samiti, Sarkaghat, Bar Association Gohar and other individual persons.
- v. On 6th November, 2017, the team of PLVs got associated with an NGO i.e. Seva Sankalp Samiti, which distributed the relief material i.e. Dresses, Shoes and kitchen appliances and wheat etc. The matter regarding the shortage of potable water was taken up with the concerned department. The affected persons were also apprised that in case of any further need, they can still contact the Front Office SDLSC Gohar and DLSA Mandi. The applications of the persons who had lost their certificates/mark sheets were also written by the PLVs.
- vi. The 'Core Group' constituted under NALSA (Legal Services to Disaster Victims Through Legal Services Authorities) Scheme, 2010 comprising of Sh. P.R. Pharia, Additional District and Sessions Judge, -I Mandi, Sh. Digvijay Singh Katoch, Advocate, Sh. Raj Kumar Sen, Adv.,

and Dr. Devinder Sharma, Othopaedic surgeon ZH Mandi had visited the Village Dahar on 19th November, 2017.

- vii. The Core Group interacted with the victims of the disaster about the relief and rehabilitation being provided to them as well as the practical problems being faced by them and were found satisfied with the temporary rehabilitation work done by the District Administration and also about the articles provided to them by the NGOs etc.
- viii. The victims were also made aware of their legal rights and further problems being faced by them by making them aware about their rights, Revenue Act, and their grievences qua providing of compensation on account of losses due to fire disaster etc. and they were also asked to approach the SDM, Gohar, for the compensation on account of losses due to fire disaster, with due assistance of the Para Legal Volunteers. The victims and Pradhan were also made aware that they may approach the Front Office, DLSA Mandi/ SDLSC, Gohar for redressal of their grievances, where they can also take due assistance of Retainer Lawyer and Para Legal Volunteers.
- A tragic incident took place in Village Bhatkaral Tehsil & District Kullu H.P. due to devastating fire on 05.12.2017 in which about **8** houses were turned into ashes and **26** families were affected. The loss has been assessed in crores.
 - i. In order to render assistance to the victims of fire disaster, the Para Legal Volunteers from the nearby Gram Panchayat were deputed by District Legal Services Authority, Kullu to help the victims of fire disaster by providing legal services and strengthening the capacity of victims for managing the disaster at all level and to coordinate with the Government and Non-Governmental Organizations to provide legal aid to the victims in need.
 - ii. As per report submitted by the Chairman, District Legal Services Authority, Kullu, the victims were assisted in the following manner:-
 - iii. On 7.12.2017, the team of PLVs firstly, wrote the details of the affected persons and also about the documents which they had lost in the said devastating fire. They also helped 56 victims qua writing their applications regarding burning of mark sheets, bank pass books, Aadhar Card etc. and concerned Departments were also contacted by them so that the aforesaid burnt documents could be prepared/restored afresh. They also helped the affected persons in searching of the household articles which got saved in the fire.
 - iv. On 8.12.2017, the team of PLVs wrote their applications regarding providing permission for T.D. They also apprised them that in case of need they could also contact the office of The Chairman, District Legal Services Authority, Kullu later on.

- v. On 9.12.2017, the team of PLVs associated with the District Administration for the distribution of Ration to the victims. They also wrote applications for providing school dresses to the children which got burnt in the devastating fire.
- vi. On 10.12.2017, the team of PLVs apprised them about the availability of free legal aid and also about the Front Office. They got associated in the camp which was organized by the District Administration, Kullu for the preparation of various lost documents i.e. Aadhar Cards, Ration Cards, Bonafide Himachali Certificates, BPL Certificates and installation of Electric meters, restoration of water supply and rebuilding of the burnt houses.
- vii. On 11.12.2017, the team of PLVs also apprised that in case of any further need, they can still contact the Front Office of the District Court, Kullu. The applications of the persons who lost their certificates/mark sheets were also written by the PLVs.

A **Core Group** constituted by this Authority, also visited the Village Bhatkral, Tehsil and District Kullu and consequent there upon on 06.12.2017 at 03:00 PM, the Core Group visited the disaster spot to involve in the relief work as well as to coordinate the relief and rehabilitation work. The Pradhan of the said Gram Panchyat also visited affected area/spot. The courtyards of the local villagers situated near the disaster area were used as Camp for providing relief to victims.

The victims of the disaster were personally interacted by the Core Group about the relief and rehabilitation being provided to them as well as the practical problems being faced by them and they were found satisfied with the relief and rehabilitation being rendered to them by the Government, Semi Government, NGOs or any other agencies. The Pradhan of the Gram Panchyat was also requested to keep close vigil over the relief and rehabilitation task being provided by Govt., Semi Govt. or by NGOs and other Committees etc. so that the adequate benefit is received by the needy and deserving people equally and judiciously. The victims were also made aware of their legal rights and further problems being faced by them by making them aware about T.D. Rights, Revenue Act, and their grievances qua providing of compensation on account of losses due to fire disaster etc. and they were also asked to approach the SDM, Kullu, for the compensation on account of losses due to fire disaster, with due assistance of the Para Legal Volunteers. The victims and Pradhan were also made aware that they may approach the Front Office, Kullu, for redressal of their grievances, where they can also take due assistance of the Retainer Lawyer and Para Legal Volunteers.

Conference on Drug Menace in India

In 13th All India Meet of State Legal Services Authorities held at Ranchi on 21-22 March, 2015, the then Hon'ble the Executive Chairman, NALSA opined that drug addiction and drug

abuse amongst the children is a major area of concern for all the State Legal Services Authorities and it need to be examined in detail. It was also discussed that a conference may be organized in the State of Himachal Pradesh to formulate a policy to curb the drug menace. Accordingly, a three days conference on Drug Menace in India was organized at Manali, District Kullu for the various stake holders which was attended by Hon'ble Mr. Justice T. S. Thakur, the then Judge, Supreme Court of India and the Executive Chairman, National Legal Services Authority, Hon'ble Mr. Justice Deepak Misra, Hon'ble Mr. Justice A.K. Sikri, Hon'ble Mr. Justice S.A. Bobde, Judges Supreme Court of India, Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of Himachal Pradesh and Hon'ble Judges of the High Court of Himachal Pradesh, Executive Chairpersons of the participating State/State Legal Services Authorities, Member Secretary, National Legal Services Authority, Law Secretaries and Member Secretaries of the participating State Legal Services Authorities, Chairmen, District Legal Services Authorities of Himachal Pradesh, Senior Government Officers, NGOs, Judicial Officers and Resource Persons. On the basis of the deliberations and inputs gathered, detailed report was prepared and sent to NALSA, on the basis of which NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015 has been framed.

Clean Shimla Drive

H.P. State Legal Services Authority, in association with Department of Environment, Science and Technology, organized '**Clean Shimla Drive**' by involving various stake holders including about **1000** students of almost all the Govt. & Private Schools/ Colleges of Shimla town with a view to sensitize the school children and spread awareness amongst the stake holders. Hon'ble Judges of High Court, Advocates, Officers of Administration took part in the drive. The Children were taken to Jakhoo Hill and came downward lifting plastic garbage. The Children were sensitized about environmental issues and consequences of plastic garbage.

State Level Painting, Slogan Writing and Essay Competition and Colloquia on Afforestation and Environmental Issues

H.P. State Legal Services Authority organized **State Level Painting, Slogan Writing and Essay Competition** on **10.10.2015** at New Auditorium, High Court of Himachal Pradesh. The prize distribution function for the toppers of the State Level Painting, Slogan Writing and Essay Competition and a Colloquia on Afforestation and Environmental Issues was organized in New Auditorium, High Court of Himachal Pradesh. His Excellency, the Governor of Himachal Pradesh, Hon'ble the Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief, HPSLSA and Hon'ble Executive Chairman, HPSLSA distributed the prizes to the toppers of each category. All the participating students were presented a book "**Wings of Fire**", autography of Dr. A.P.J. Abdul Kalam, Former, President of India. Thereafter, a colloquia on Afforestation and Environmental Issues was organized in which valuable inputs to the students, Judicial Officers and Lawyers were given by Hon'ble Executive Chairman, HPSLSA, Hon'ble Mr. Justice Dharam Chand Chaudhary, Hon'ble Mr.

Justice Tarlok Singh Chauhan and Hon'ble Mr. Justice Sureshwar Thakur, Judges, High Court of Himachal Pradesh, Forest Officers and Senior Advocates.

Inspection of Forest Sites at Shimla and Solan

In order to carryout social audit of the Afforestation Project, Hon'ble Mr. Justice Swantater Kumar, Chairperson, National Green Tribunal was requested to inspect few sites and His Lordship inspected two sites, one at Shimla and another at Solan Districts where the various species of plants were planted by the students of the nearby schools. Chairman, DLSA, Solan and other Officers of Forest Department were present. His Lordship directed to provide protection to the plants from grazing / uprooting so that plants and trees may be developed into whole tree.

Forest Site at Kachhairi, Near Dharamshala

On 10th January, 2016, Hon'ble Mr. Justice Kurian Joseph, Judge Supreme Court of India visited Dharamshala and inspected one plantation site near Govt. Senior Secondary School, Kachhairi where approximately 450 saplings of Jamun were planted by the students of Government Senior Secondary School, Kachhairi. Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh and Chairman, H.P. High Court Legal Services Committee also joined His Lordship at the time of inspection. 160 students of the nearby School, Officers of the Administration, Police, Education, Forests and Judicial Officers attended the programme. An exhibition of paintings, essays and slogans was arranged at the site. His Lordship lauded the efforts of the students. His Lordship distributed a pen to each student who were present at the time of inspection. Hon'ble Mr. Justice Kurian Joseph also interacted with the students and apprised them of Fundamental Duties and importance of Forests.

Lecture series on Different Facets of Indian Constitution

This Authority has also started lecture series on “**Different Facets of Indian Constitution**” i.e. Fundamental Rights, Fundamental Duties, Directive Principles of the State Policy and various facets of State Legal Services Authority and other Legal Services Institutions and inaugural programme was organized on 10th December, 2016 in the New Auditorium of the High Court of Himachal Pradesh. The programme was inaugurated by **Hon'ble Mr. Justice A.M. Khanwilkar**, Judge, Supreme Court of India and presided over the function as Chief Guest. His Lordship exhorted the Members of the Bar for their contribution to the effectiveness of the legal system without requiring to grapple with changing the existing dispensation. He also stated that the members of the bar can play an effective role in minimizing the life span of the proceedings and that right guaranteed to the litigant of the speedy justice carries with it corresponding obligation on the duty holders to do everything that is possible within their means. His Lordship also emphasized that access to justice is basic human right and everyone should come forward to ensure that basic human

rights are protected. His Lordship emphasized the need of specific training module for the Bar members and Judicial Officers to meet the upcoming challenges in the judicial system and asked the State Legal Services Authority to prepare suitable modules for the same. In his concluding remarks, His Lordship stated that all the stake holders should work together to bring wind of change.

In order to sensitize the Civil Society, Lawyers and Law Students towards access to justice for all, H.P. State Legal Services Authority organized second Lecture of Series on “Different facts of Indian Constitution” on 23rd May, 2017 in the High Court of H.P. Hon’ble Mr. **Justice Deepak Gupta, Judge**, Supreme Court of India discussed the impact of media on justice delivery system including access to justice in detail. His Lordship said that media should be an instrument to spread the knowledge of working of the judiciary among the common masses especially legal aid programmes. His Lordship emphasized that the media should educate the masses about the various legal services programmes being carried out by the NALSA and State Legal Services Authorities. His Lordship also unveiled the inaugural issue of newsletter of Himachal Pradesh State Legal Services Authority.

The Third Lecture of the Lecture Series on “Different Facets of Indian Constitution” was organized on 19th August 2017 in the new auditorium of the High Court of Himachal Pradesh by the HP State Legal Services Authority. The event was inaugurated by the Hon’ble Mr. Justice Kurian Joseph, Judge Supreme Court of India in the presence of Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice High Court of Himachal Pradesh and Executive Chairman, Himachal Pradesh Legal Services Authority and Hon’ble Judges of High Court of Himachal Pradesh.

. In his welcome address Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice remembered the tenure of Justice Kurian Joseph as the Chief Justice of Himachal Pradesh as Ram Rajya regarding Justice delivery system in the state. Justice Sanjay Karol said that Justice is not just delivering judgments. Our actions, judicial or otherwise, must touch the lives, heart and soul of every living being. He said that in his tenure as Chief Justice of High Court of Himachal Pradesh Justice Kurian Joseph encouraged young lawyers and infused enthusiasm in them to become better lawyers.

In his inaugural address, Justice Kurian Joseph said that the Judiciary must be Impartial and Justice be delivered with human touch. He said that the Judiciary must reach to the periphery where large section of society needs Justice. Even after 70 year of independence 2/3rd citizens of India are having Legal Grievance and have no Access to the Justice. His Lordship said that Justice must be in the interest of the larger section of society. His Lordship also praised the efforts made by National Legal Service Authority and Himachal Pradesh State Legal Service Authority for providing Legal Assistance and Justice to the downtrodden sections of the society. His Lordship said that there are three sections of the society v.i.z the Least, the Last and the Lost to which Justice is not being delivered and it is our duty to provide them Justice. His Lordship emphasized that legal education need to be broadened so that every citizen of the country has Access to Justice. He also mentioned that every human being is shaped by the society in which he lives, therefore, it is the responsibility of every citizen to introspect that “what exactly he has given back to the society”. His Lordship also said

that Indian constitution ensures over all progress of every citizen of the country. Talking on the secular feature of Indian Constitution, His Lordship said that India is the Secular Democratic Republic and the State has no religion and every citizen have the Right to Freedom of Religion. His Lordship further said that it is the beauty of Indian society that since down the centuries it welcomes every religion and community and even at that time India was secular state.

The programme was also attended by Former Judges, Chairman, H.P. Administrative Tribunal, President State Consumer Commission, Assistant Solicitor General of India, President of H.P. High Court Bar Association, Senior Advocates and Bar Members, Law Secretary, Registry of the High Court, Member Secretary and Administrative Officer, Himachal Pradesh Legal Services Authority, Director, Deputy Director Judicial Academy, 300 Law Students and Teaching Faculty from various Law Universities.

The 4th Lecture on the Lecture Series on “Different Facets of Indian Constitution” was organized in the High Court of Himachal Pradesh by the HP State Legal Services Authority on 2nd September 2017. The event was inaugurated by Hon’ble Mr. Justice Madan B. Lokur, Judge Supreme Court of India in the presence of Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice of H.P. High Court, Shimla and Executive Chairman, Himachal Pradesh Legal Services Authority and Hon’ble Judges of High Court of Himachal Pradesh.

In his welcome address Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice welcomed Justice Madan B. Lokur that His Lordship is a scholar, jurist and above all a noble and humble person. Justice Karol also said that India is largest democracy and having lengthiest constitution of the world. To know how we the people give us this constitution and to understand the exact meaning of equality, liberty, fraternity and true nationalism this lecture series is being organized by the legal services authority. He also informed that the State Legal Services Authority is also organizing tree plantation programme all over the State in which students above class 6th are associating. He also said that State Legal Services Authority is organizing pre-litigation programme in order to provide speedy justice to the common people. It was pointed out that on 1.9.2017 a Pre-Litigation Mediation Adalat was organized in the High Court to settle the claims of passengers of HRTC bus who had died in an accident held on the intervening night of 12/13.8.2017 at Village Kotrupi, Tehsil Padhar, District Mandi, H.P. in which 16 claims were settled and a total of Rs.1,54,8500/- was disbursed.

In his inaugural address, Justice Madan B. Lokur appreciated the initiative of HP State Legal Services Authority for organizing Lecture Series on “Different Facets of Indian Constitution”. Speaking on the issue of Social and Economic Justice enshrined in the constitution, His Lordship said that the judiciary has played a vital role in providing justice to the weaker and marginalized sections of the society. His Lordship said that there are laws on various issues but the implementation is not proper and on some issues there are no laws. In both the cases, the courts are duty bound to impart justice to the common people for protecting their rights. His Lordship further said that through Public Interest Litigation the Supreme Court and High Courts have played important role in this field by protecting the rights of prisoners, children, women, acid attack victims and marginalized sections of

the society. Talking about the Judicial Activism he said that such activism is necessary to impart Fair Justice to the common people where there is inaction on part of the legislature. His Lordship also expressed concern over the Social and Economic justice in the society. His Lordship said, at present 60% wealth of nation is being held by only 1% of the population of country whereas, 99% population is left with only 40% wealth of the nation. His Lordship also said that policy makers and the Economists should come up with remedies to cope up with such issues to provide economic justice to the people. His Lordship further said courts will not be mute spectator if, there is injustice. On this occasion Justice Madan B. Lokur also felicitated 16 Mediators/Advocates who have rendered Pro-bono services for providing speedy justice.

Justice Madan B. Lokur praised the efforts initiated by the H.P. State Legal Services Authority in providing speedy justice to the people in state. His Lordship also appreciated the idea of organizing Lok Adalats, Pre-Litigation Programmes and Tree Plantation drive by the Himachal Pradesh Legal Services Authority. On this occasion Justice Madan B. Lokur also inaugurated the New Wing of the Mediation Centre in the H.P. High Court premises.

The programme was also attended by Former Judges, Chairman, H.P. Administrative Tribunal, President State Consumer Commission, Assistant Solicitor General of India, President of H.P. High Court Bar Association, Senior Advocates and Bar Members, Law Secretary, Registry of the High Court, Member Secretary and Administrative Officer, Himachal Pradesh Legal Services Authority, Director, Deputy Director Judicial Academy, 300 Law Students and Teaching Faculty from various Law Universities.

The Fifth Lecture of the Lecture Series on “Different Facets of Indian Constitution” was organized on 7th **October 2017** in the new auditorium of the High Court of Himachal Pradesh by the HP State Legal Services Authority. **Hon’ble Mr. Justice Adarsh Kumar Goel, Judge Supreme Court of India** was the guest of honour.

In his welcome address Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice welcomed Justice Adarsh Kumar Goel and said that His Lordship is a great Scholar, Jurist who is also known for his Simplicity. He has given many landmark judgments taking into consideration the ground realities. Justice Karol said that His Lordship is a sage who is full of Knowledge and Wisdom. He also said that Justice Goel is a deeply religious person who is full of energy and spends hours in Meditation.

In his inaugural address, **Hon’ble Mr. Justice Adarsh Kumar Goel** said that Shimla is the city of great attraction and he is privileged to have this opportunity to deliver speech on this special occasion. His Lordship said that Himachal Pradesh is a unique state on this earth. His Lordship also praised the inhabitants of the state for their simplicity. His Lordship appreciated the initiative of HP State Legal Services Authority for organizing this Lecture Series. His Lordship said that H.P. State Legal Services Authority is rendering great service to provide “Access to Justice for all”. While making special reference to the concluding speech delivered by Dr. B R Ambedkar in the Constituent Assembly, His Lordship said that Dr. Ambedkar was the greatest Jurist that India has ever had. His Lordship said that the ultimate aim of the adoption of Constitution was to secure

“Justice for all” which is enshrined in the Preamble of the Constitution which is also the soul of the Constitution of India. Talking about the “Rule of Law”, Justice Goel said that we come across so many incidents of great epics Mahabharata and Ramayana which shows us how the “Rule of Law”, was being maintained in the society at that time. His Lordship also said that in every age in India there were well defined Sets of laws for the Good Governance and referred to “Chanakya” in this regard. Justice Adarsh Kumar Goel further said that during the British rule in India there was so called “Rule of Law”, but there was “No Justice to the common people”. His Lordship said that the first and foremost duty of the State is “Welfare of its People” and to secure “Justice for all” which was the guiding spirit of the Constitution. His Lordship stated that there was a debate among the great Jurists in the Constituent Assembly that how the Principles of Equality, Liberty and Fraternity can be achieved and how Justice can be Secured for all. His Lordship also appealed to the students that one must not follow or treat any individual as hero rather we must understand and follow the true spirit of the Constitution.

The programme was also attended by Sitting Judges of the High Court of Himachal Pradesh, Former Judges, Chairman, H.P. Administrative Tribunal, President State Consumer Commission, Assistant Solicitor General of India, President of H.P. High Court Bar Association, Senior Advocates and Bar Members, Law Secretary, Registry of the High Court, Member Secretary and Administrative Officer, Himachal Pradesh Legal Services Authority, Director, Deputy Director Judicial Academy, 300 Law Students and Teaching Faculty from various Law Universities.

6th Lecture of Lecture Series on “Different Facets of Indian Constitution” the **H.P. State Legal Services Authority, Shimla** in order to spread legal awareness amongst the different sections of society and to appraise the society about the different facets of Constitution, organized the Sixth Lecture of the Lecture Series on “Different Facets of Indian Constitution” in the New Auditorium of the High Court of H.P, on 29th March, 2018. The event was inaugurated by Hon’ble Mr. Justice Uday Umesh Lalit, Judge, Supreme Court of India in the presence of Hon’ble Mr. Justice Deepak Gupta, Judge, Supreme Court of India and Hon’ble Mr. Justice Sanjay Karol, the Acting Chief Justice of H.P. High Court and Executive Chairman, Himachal Pradesh Legal Services Authority, Shimla and all the sitting Judges of Hon’ble High Court were also present on this occasion.

In his presidential address Hon’ble Mr. Justice Sanjay Karol, Acting Chief Justice welcomed Hon’ble Justice Uday Umesh Lalit, Judge Supreme Court of India, Hon’ble Mr. Justice Deepak Gupta, Judge, Supreme Court of India and other dignitaries on the occasion. His Lordship stated that Justice Lalit is a living saint, a pious soul, who has dedicated his life for social cause. His Lordship stated that Justice Lalit was designated as a Senior Advocate at the early age of 46 years and at the early age of 57 years, he was elevated as the Judge of Supreme Court. His Lordship stated that Hon’ble Mr. Justice Uday Umesh Lalit is a bold and brave soldier of Indian Judiciary who has delivered so many landmark judgments.

In his keynote address, Hon’ble Mr. Justice Uday Umesh Lalit, Judge, Supreme Court of India, said that it is a great privilege to be present on this occasion. Hon’ble Justice Lalit chose to

spoke on the topic “Emerging tools in Constitutional Adjudication” stating that though the subject is like an ocean, he is just going to take a plunge. While giving examples of emerging tools in constitutional adjudication, besides giving examples of other cases, he more specifically referred to the Bhagalpur blinding case and Manipur encounter cases. While talking about the history of the constitution, His Lordship divided the topic into three phases. His Lordship said that the first phase was from the year 1950 till the year 1973. His Lordship further stated that judgment delivered by Hon’ble Supreme Court in Keshava Nanda Bharti Case started a new era in the history of Indian Judiciary, which lasted till the year 1986. His Lordship stated that the third phase commenced in the year 1986 with the Bhagalpur blinding case and since then there have been numerous cases and the judiciary is consistently forging new tools and devising new strategies for upholding the fundamental rights of common citizen. His Lordship stated that Hon’ble the Supreme Court of India, today has virtually become Supreme Court for Indians. His Lordship mentioned that the new tools in judicial adjudication, i.e. new theory of continuing mandamus, monitoring of CBI probe, appointment of Special Public Prosecutors, formation of Special Investigation Teams, asking status reports, constitution of various committees, issuing directions, developing new procedures and creation of Appellate Foras etc. are examples of the same. His Lordship also said that every Judge is duty bound to grant help, solace and succor to the victims and is at liberty to devise every single possible tool to do the same. His Lordship also referred to the Vishakha Judgment as an example of protection of sexual harassment of women in the work place.

On this occasion, the Members of the bar designated as Senior Advocates who had put in 45 years or more of practice were also felicitated by Hon’ble Mr. Justice Uday Umesh Lalit and Hon’ble Mr. Justice Deepak Gupta.

The functions was attended by Hon’ble Retired Judges, Advocate General Himachal Pradesh and Advocate General, Punjab Presidents of High Court Bar Association, H.P. Administrative Tribunal Bar Association and Chairman, Bar Council of Himachal Pradesh, Members of the Bar, Addl. Chief Secretary (Finance), to the Govt. of H.P. Pr. Secretary (Law) to the Govt. of H.P., Mayor, MC, Shimla, Officers of the Registry, Director Judicial Academy, Judicial Officers, about **400 Law students of six Universities**, Vice Chancellors, Deans, Teaching faculty of various Law Colleges amongst other dignitaries.

Quarterly Progress Report w.e.f. 1.4.2019 to 30.6.2019

Quarterly Lok Adalats

529 Quarterly Lok Adalats were organised during the period of April to June, 2019 in which **22985** cases were settled/ disposed off in the State of Himachal Pradesh.

Permanent Lok Adalat (Public Utility Services) Under Section 22- B of the Legal Services Authority Act

During the period, 35 cases were disposed off in Permanent Lok Adalat (Public utility Services).

Legal Literacy Camps-cum-stalls at State/ Regional Fairs

Interaction on Role & Responsibilities of Legal Service Lawyers, Para Legal Volunteers & Various facets of Legal Services:-

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority interacted with the Legal Service Lawyers, Para Legal Volunteers about the various facets of Legal Services at Kullu on 4th May 2019 and at Mandi on 17th May 2019.

One day conference on ADR Mechanism, Referral & Mediation Techniques:-

Under the dynamic leadership of Hon'ble Executive Chairman, this Authority has recently organized one day conference on ADR Mechanism, Referrals and Mediation Techniques for capacity building of Referral Judges, Trained Mediators and Coordinators, Mediation Centres of Seven Districts.

In his address, Hon'ble Mr. Justice Vivek Singh Thakur, Judge, High Court of Himachal Pradesh mentioned that mediation can help resolve diverse areas of disputes– from matrimonial disputes to consumer right violation.

Presiding over the function, Hon'ble the Acting Chief Justice, Justice Dharam Chand Chaudhary said there was a diverse process for alternative dispute resolution methods, including mediation, Lok Adalats and reconciliation, where hundreds of disputes were resolved every day. He said during mediation, the litigant parties resolved their dispute without intervention of any third person. In this, the arbitrator decided the matter in a semi-judicial case after hearing both sides.

Justice Kurian Joseph, former Judge of the Supreme Court, said the redressal of disputes with mediation and reconciliation helped keeping peace and harmony between the litigants and reduced the pressure of cases in courts. He was speaking as a Chief Guest in a conference on 'Alternative Dispute Resolution (ADR) mechanism, Referrals and mediation techniques' organised by the District Legal Services Authority under the aegis of the State Legal Services Authority here. Senior judicial officers from seven districts and trained advocates for ADR participated in the conference.

Justice Kurian Joseph said the Mediation was often the notion for settling civil matters, but its scope should be broadened further. This system needed to be resolved by involving Executives Magistrates. It would reduce the backlog of cases in the courts and people would

get affordable justice. His Lordship said settling disputes through ADR provides relief to both parties and there was no dissent in win and defeat.

His Lordship said the Executive Magistrates should be imparted training of alternative methods of dispute redressal which would further reduce the burden on the courts and those in the queue of justice would get great relief.

Camps

Legal Literacy Camp on “Convergence of Women Stakeholders on Rising Materialism & Declining Moral Values, Drug Abuse, Children’s Issues and Environment Protection” at Kullu on 1st June, 2019

Women- The life-giver, the personification of love itself, she being essaying numerous roles every day. They are not only nurturers but also warriors when time comes. But in the current scenario, things have changed. Women are taken for granted, their freedom and their rights deemed less important than others. We thus require an awareness, a revolution to change this scenario. The better way to bring the change is by empowering women themselves, educating them on their rights and legal provisions available for their protection.

With this objectives in mind, The District Legal Services Authority, Kullu under the aegis of H.P. State Legal Services Authority organized a Legal Services Camp on, “Convergence of Women Stakeholders on Rising Materialism & Declining Moral Values, Drug Abuse, Children’s Issues and Environment Protection”.

Hon’ble Mr. Justice, Kurian Joseph, former Judge, Supreme Court of India was the Chief Guest on the occasion. Hon’ble the Acting Chief Justice, Justice Dharam Chand Chaudhary also presided over the function. The function was also attended by Hon’ble Mr. Justice Vivek Singh Thakur, Judge High Court of Himachal Pradesh, Shri Virender Singh, Registrar General, Shri Prem Pal Ranta, Member Secretary, other Judicial Officers, Officers of Administration and Police.

The Camp was enriched by the support and presence of Advocates, Doctors, Professors, Teachers, Panchayat Pradhans, representatives of the Panchayat, NGOs, Mahila Mandals and gathering of 200 students. The total participants were 1100.

Legal Services Camp under New Module organized at Banjar Kullu on 16th May, 2019

The District Legal Services Authority, Kullu has organized a Legal Services Camp under New Module on “Connecting the People to Various Schemes of NALSA, State Government & Centre Government”, on 16th May, 2019. A stall was set up by District Legal Services Authority, Kullu to apprise the people about various schemes of NALSA and Government.

The key Government Departments also participated in the camp to help and aware the public. The 361 persons attended the camp.

Legal Services Camp organized at Reckong Peo on 29th June 2019

Under the aegis of HP State Legal Services Authority the District Legal Services Authority, Kinnaur at Rampur has organized a Legal Literacy Camp on “Legal Services to Tribal Community & Public Perception”, in Ramlila Maidan at Reackong Peo on 29th June, 2019. Hon’ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh and Executive Chairman, HP State Legal Services Authority was Chief Guest of the occasion. This was the first legal services camp of its kind in the Kinnaur District. Hon’ble Executive Chairman apprised the participants about special provisions in the laws relating to tribal areas.

Awareness Camps in Jails

In order to sensitize prisoners about their Legal rights, **24** Legal Awareness Camps were organized in the Jails by Judicial Officers. **4875** prisoners were apprised about their legal rights/free legal services available to them.

Legal Services Clinics in jails

Legal Services Clinics in jails have been established in all District Jail/Sub jails in the State of H.P. These Clinics are manned by the PLVs (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e. 10.00 A.M to 5.00 P.M. and render legal services to jail inmates. Besides, Legal Aid Counsel also visits Jails rotation wise on every Saturday. **1251** persons were provided assistance through Legal Aid Clinics in Jail w.e.f. 01.04.2019 to 30.06.2019.

Digitization of Legal Services Clinics in Jails

Pursuant to the directions issued by Hon’ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **12 Legal Services Clinics** in Jails have been digitized.

Awareness Camps in Juvenile Homes

The Secretaries, District Legal Services Authorities organized **6** Awareness Camps in various Juvenile Homes during the period and sensitized the inmates about their rights. Authorities were also sensitized about child issues.

Legal Literacy Camps

During the period, **595** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different

Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In **total 54,557 persons** were benefited by attending the said camps. Literature was also distributed.

Days Celebrated

Observation of Intellectual Property Right Day

The Intellectual Property Right Day was organized all over the State on 26th April, 2019. On this day, the Judicial Officers organized various camps and sensitized masses about their legal rights. The participants were made aware of various laws relating to Intellectual Property.

Observation of International Labour Day

The International Labour Day was organized all over the State on 1st May, 2019. On this day, the Judicial Officers organized various camps for Industrial Workers and sensitized them about their legal rights. The participants were made aware of various labour laws.

Observation of Anti-Tobacco Day

The Anti-Tobacco Day was organized all over the State on 31st May, 2019. On this day, the Judicial Officers organized camps for Youth and sensitized them about the bad effects of using tobacco on their health.

Observation of World Environment Day

The World Environment Day was organized all over the State on 5th June, 2019. On this day, the Judicial Officers organized camps for the public and sensitized them about the importance of our environment. The people were encouraged to protect environment and also make aware about the laws framed for protection of our environment.

Observation of World Day against Child Labour Day

The World Day against Child Labour Day was organized all over the State on 12th June, 2019. On this day, the Judicial Officers organized camps for the general masses and sensitized them about the laws framed to stop child labour. The people were also made aware that why child labour is an evil and how it will affect the life of victim child. The judicial Officers brief the law framed to stop the child labour.

World Day against Drug Abuse

The World Day against Child Labour Day was organized all over the State on 26th June, 2019. On this day, the Judicial Officers organized camps for the general masses and sensitized them about bad effects of the drug abuse and the laws framed to stop drug abuse.

The people were also made aware that why drug abuse is bad. The judicial Officers brief the law framed to stop the drug abuse.

Other Activities

Activities of Mediation

During the quarter, **500** cases were referred by the different courts for Mediation throughout State, out of which **86** cases were settled.

Local Level Consultation with Legal Aid Functionaries by Member Secretary NALSA

A Local Level Consultation with Legal Aid Functionaries was held at Dharamshala by Shri Alok Agarwal, Member Secretary, Shri Sunil Chauhan, Director and Shri Naveen Gupta, Additional Director, NALSA on 22nd May, 2019 at Dharamshala (H.P). The programme was attended by Sh Gaurav Mahajan, Administrative Officer HPSLSA, Secretaries DLSA's Kangra, Una, Bilaspur & Hamirpur, Panel lawyers, Retainer Lawyers, Remand Counsels & Para Legal Volunteers of Kangra District.

Inauguration of ADR Centre at Nahan on 7th June, 2019

Acting Chief Justice of state High Court Dharam Chand Chaudhary inaugurated an alternate dispute redressal (ADR) centre constructed at a cost of Rs 3.79 crore in the Nahan court complex on 7th June, 2019.

Addressing a gathering on the occasion, His Lordship said that in Himachal Pradesh a large number of court cases were being solved through lok adalats, mediation and conciliation, ensuring timely justice delivery to the aggrieved. His Lordship said that 11 such centres were functional in the state and this was the centre's fourth building in the state.

His Lordship said that such centres were proving effective in solving disputes between the people. He informed that from April 2015 to April 2019 as many as 7,787 cases were referred to the ADRs and 21 per cent such cases, which amounted to 1,673, were sorted out through mediation.

Inauguration of ADR Centre at Bilaspur on 14th June, 2019

Acting Chief Justice of state High Court Dharam Chand Chaudhary inaugurated an alternate dispute redressal (ADR) centre constructed at a cost of Rs 3.21 crore in the Bilaspur court complex on 14th June, 2019

Addressing a gathering on the occasion, His Lordship said that in Himachal Pradesh a large number of court cases were being solved through lok adalats, mediation and conciliation,

ensuring timely justice delivery to the aggrieved. His Lordship said that 11 such centres were functional in the state and this was the centre's fifth building in the state.

His Lordship said that such centres were proving effective in solving disputes between the people. His Lordship informed that from April 2015 to April 2019 as many as 7,787 cases were referred to the ADRs and 21 per cent such cases, which amounted to 1,673, were sorted out through mediation.

Inauguration of ADR Centre at Reckong Peo on 29th June, 2019

Hon'ble Executive Chairman, HP State Legal Services Authority, Shri Dharam Chand Chaudhary inaugurated an alternate dispute redressal (ADR) centre constructed at a cost of Rs 1.81crore at Reckon Peo on 29th June, 2019.

Addressing a gathering on the occasion, His Lordship said that in Himachal Pradesh a large number of court cases were being solved through lok adalats, mediation and conciliation, ensuring timely justice delivery to the aggrieved. His Lordship said that 11 such centres were functional in the state and this was the centre's sixth building in the state.

His Lordship said that such centres were proving effective in solving disputes between the people. His Lordship informed that from April 2015 to April 2019 as many as 7,787 cases were referred to the ADRs and 21 per cent such cases, which amounted to 1,673, were sorted out through mediation.

Programme for Legal Services Functionaries and Beneficiaries at Nahan, on 7th June, 2019, at Bilaspur on 14th June, 2019 and at Reckong Peo, Kinnaur on 29th June 2019

Hon'ble the Executive Chairman interacted with the Legal Services Functionaries and Beneficiaries including Judicial Officers, Trained Mediators, Advocates, Officers of Administration and Police at Nahan on 7th June, 2019, at Bilaspur on 14th June, 2019 and at Reckong Peo, Kinnaur on 29th June 2019.

Creation of Posts

Meeting of State Court Management Systems (SCMS) Committee was also held in April 2019 with the functionaries of State Government and Judiciary, presided over by Hon'ble Mr. Justice Dharam Chand Chaudhary, Chairperson, Case Management and Arrears Committee. Co-Chaired by Hon'ble Mr. Justice Tarlok Singh Chauhan, Chairperson, Computer and E-Courts Committee at High Court level. It was resolved that posts of staff for Mediation Centers need to be created on priority/urgent need basis and matter directed to be

taken up vigorously with the State Government. Three posts of Steno-typist, one post of Sweeper-cum-Peon and one post of Chowkidar-cum-Peon have been created recently.

Setting up of Motor Accident Mediation Cells/Pre-litigation Desks/Clinics in ADR Centers

All the Chairmen, District Legal Services Authorities, have been directed to set up Motor Accident Mediation Cells in the ADR/Mediation Centres in their Divisions for settlement of Motor Accident Claim cases and also to set up pre-litigation desks/clinics in ADR Centres and make efforts to settle matrimonial disputes at pre-litigation stage.

Interaction on Role & Responsibilities of Legal Service Lawyers, Para Legal Volunteers & Various facets of Legal Services at Kullu on 4th May, 2019 and at Mandi on 17th May, 2019

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority interacted with the Legal Service Lawyers, Para Legal Volunteers about the various facets of Legal Services at Kullu on 4th May 2019 and at Mandi on 17th May 2019.

Broadcasting of "Kanoon Ki Baat" on All India Radio

During the quarter, **12 Radio talks** on "Kanoon Ki Baat" were aired on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers.

Lessons-in-Law

During the period, **101** Schools were covered in the State of H.P. by teaching "Lessons-in-Law/Kanooni Path" by Judicial Officers and Advocates. **12396** students were taught Lessons-in-Law/Kanooni Path.

Front Offices

42 front offices have been established. One in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing quality Legal Services to the litigants and general public. **897** persons were benefited by way of Legal aid through the front offices during the period.

Village Legal Care and Support Centres

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present **893** Village Legal Care and Support Centres are functional in State of H.P. and are being manned by Retainer

Lawyers and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about MNREG, Scheme. **3127** persons were provided legal aid/advice during this period through these centres.

Jail Inspections

Periodical Jail inspections were conducted by the Member Secretary and the Chairmen, District Legal Services Authorities in compliance of the judgment of Hon'ble Supreme Court in writ petition(C) No.559 of 1994 cases titled as **R.D. UpadhyayVs State of Andhra Pradesh and Others,AIR 2006 S.C., 1946.**

Visit to Children, Bal /Balika Ashrams and Observation Homes

During this period, **37 visits/inspections** of Observation/Children Homes, NariNiketan etc. were conducted by Sub Divisional Legal Services Committees and District Legal Services Authorities. During the visit, children/ inmates were informed about their legal rights and other valuable information was also provided. Chairmen District Legal Services Authorities/Sub Divisional Legal Services Committees interacted with inmates and Authorities of Homes/Ashrams were sensitized to be more careful about hygiene and other issues of Children/inmates.

Opening of Legal Literacy Clubs in Schools

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **55 Legal Literacy Clubs** in Schools have been opened in the State of Himachal Pradesh. These Legal Literacy Clubs are manned by the student volunteers and provide information about Free Legal Aid and Welfare Schemes of the Government.

Legal Aid Beneficiaries

The following persons were provided with Free Legal Aid during this quarter.

Months	SC	ST	BC	Women	Children	In-Custody	Industrial Workmen	Persons with disability	General	Others	Total
April	46	3	0	179	4	162	0	3	44	103	544
May	37	2	0	174	13	156	0	0	66	54	502
June	38	1	0	199	5	24	0	2	63	46	378
Total	121	6	0	552	22	470	0	5	173	203	1424

Progress made in NALSA Schemes:

Pursuant to the launching of ten Schemes by NALSA, this authority has identified the districts in the State where the Scheme are to be implemented. The constitution of team of PLVs and

the Panel Lawyers has been done for implementation of each scheme. The district wise progress made by the District Legal Services Authorities in the ten Schemes is as under:-

Sr. No.	Name of the Schemes	Awareness Programmes/ Activities	No. of persons benefited through
1	A scheme for Legal Services to Disaster Victims through Legal Services Authorities	42	3749
2	NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015	41	3876
3	NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015	50	3540
4	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015	47	4294
5	NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015	37	3411
6	NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015	63	4774
7	NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015	46	3778
8	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015	65	5782
9	NALSA (Legal Services to Senior Citizens) Scheme, 2016	39	2966
10	NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016	33	2061
Total		463	38231

Quarterly Progress Report w.e.f. 1.7.2019 to 30.9.2019

Lok Adalats

Quarterly Lok Adalats

543 Quarterly Lok Adalats were organized during the period of July to September, 2019 in which **23107** cases were settled/ disposed of in the State of Himachal Pradesh.

Permanent Lok Adalat (Public Utility Services) Under Section 22- B of the Legal Services Authority Act

During the period, **40** cases were disposed of in Permanent Lok Adalat (Public utility Services).

Legal Literacy Camps-cum-stalls at State/ Regional Fairs

Interaction on Role & Responsibilities of Legal Service Lawyers, Para Legal Volunteers & Various facets of Legal Services at Sundernagar, District Mandi on 3rd August, 2019 and at Dharamshala, District Kangra on 18th August, 2019

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority interacted with the Legal Service Lawyers, Para Legal Volunteers about the various facets of Legal Services at Sundernagar, District Mandi on 3rd August, 2019 and at Dharamshala, District Kangra on 18th August, 2019

Camps

Plantation Camp at Karol Tibba, District Solan on 28th July 2019

The District Legal Services Authority, Solan under the aegis of H P State Legal Services Authority organised Annual Plantation drive on 28th July 2019 at Mount Karol Kandaghat Solan. Hon'ble Mr. Justice Dharam Chand Chaudhary Judge, High Court of H.P. and Executive Chairman H.P. State Legal Services Authority, Shimla was the Chief Guest. The plantation drive was carried out at Mount Karol Kandaghat Solan which is approximately at the height of 2240 meters and the highest peak of Solan range. On this event approximately 2000 plants (Baan, Devdaar plants) were planted at Mount Karol Solan. About 250 persons including Judicial Officers, the officials/ employees from the Forest Department, Police Department / Tehsildar Solan, Advocates District Bar Association Solan and students participated in this event.

Afforestation Campaign at Kullu on 10th August 2019

The District Legal Service Authority, Kullu, under the aegis of Himachal Pradesh State Legal Service Authority, Shimla organised a Plantation Drive, at Patlikuhal, District Kullu on 10.08.2019 in collaboration with Forest and Education Department under Vidyaarthi Van Mitter Yojna. Hon'ble the Patron-in-Chief of this Authority, Hon'ble Mr. Justice Subramaniam, Chief Justice High Court of Himachal Pradesh was the Chief Guest on the Occasion. Hon'ble Mr. Justice Dharam Chand Chaudhry, Judge, High Court of Himachal Pradesh and Executive Chairman Himachal Pradesh State Legal Service Authority was also present on the occasion. Approximately 400 saplings of Devdar were planted on the site. The function was also attended by Shri Purender Vaidya, Chairman, DLSA, Kullu and other Officers of the Administration and the Police.

Plantation Camp at Ghadiach, District Solan on 24th August 2019

Under the aegis of H.P. State Legal Services Authority, Shimla, H.P., the District Legal Services Authority, Solan, organised a plantation programme on 24.08.2019 at Ghadiach, District Solan, H.P. The programme was graced by Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P. and Executive Chairman, H.P. State Legal Services Authority, Shimla, as Chief Guest. Sh. Bhupesh Sharma, Ld. District and Sessions Judge, Solan and Chairman, District Legal Services Authority Solan, Sh. Prem Pal Ranta, Hon'ble Member Secretary, H.P. State Legal Services Authority, Shimla, Sh. Rajesh Chauhan, Ld. Chief Judicial Magistrate, Solan, Sh. Gaurav Mahajan, Administrative Officer, H.P. State Legal Services Authority, Shimla, also graced the occasion with their presence.

Around 207 students from Govt. Senior Secondary School Gharyach, Govt. High School Ladog, Govt. Middle School Jagoon, National Public Senior Secondary School Dhundan and Ramanujam Public School Navgaon, participated in the programme.

About 1100/- saplings of Devdar and Ban were planted with the association of school students, forest officials /employees and local residents. A Legal Literacy Camp was also organized at Ghadiach, whereby the school students and local residents were apprised about their rights and duties as citizens of the country.

Hon'ble Mr. Justice Dharam Chand Chaudhary, Executive Chairman, H.P. State Legal Services Authority, Shimla, presided over the camp and gave message of Environment Protection to the participants. One student from each school associated in plantation programme delivered speech on Environment Protection and prizes were distributed by the Hon'ble Lordship to the students.

Plantation Camp at Baggi, District Mandi on 7th September 2019

The District Legal Service Authority, Mandi, under the aegis of Himachal Pradesh State Legal Service Authority, Shimla organised a Legal Literacy camp –cum- Plantation Drive, in Gram Panchayat Baggi (Balh) on 7th September, 2019 in collaboration with Forest and Education Department under Vidyarthi Van Mitter Yojna. His Lordship, Hon'ble Mr. Justice Dharam Chand Chaudhry, Judge, High Court of Himachal Pradesh and Executive Chairman Himachal Pradesh State Legal Service Authority Shimla was Chief Guest on the Occasion. About 1100 saplings of Devdar, Pipal and Jamun were planted at the three sites namely Chail-Chowk, Gharwasra and Baggi (near IPH rest house). Students of Govt. Senior Secondary School Chail-Chowk, Govt. Senior Secondary School Baggi, Bhartiya Public School Nalsar and villagers of three Panchayat participated in the plantation drive.

After the plantation, a Legal Literacy Camp was organised in Gram Panchayat Baggi. His Lordship, Hon'ble Mr. Justice Dharam Chand Chaudhry, Judge, High Court of Himachal Pradesh and Executive Chairman Himachal Pradesh State Legal Service Authority Shimla

graced the occasion as Chief Guest while Sh. R.K. Sharma Ld. District & Session Judge –cum- Chairman District Legal Service Authority, Sh. Bahadur Singh, District & Sessions Judge (Family Court) Mandi, Sh. Rajan Gupta, President, Consumer Fora Mandi, Sh. H.S. Dogra, Adll. Pr. Chief Conservator of Forest H.P., and Sh. Gurdev Chand, Superintendent of Police Mandi has shared the Dias with the Chief Guest.

The Hon'ble Chief Guest, Hon'ble Mr. Justice Dharam Chand Chuadhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority, in his keynote address, appealed to the masses to take due interest in the preservation of environment. His lordship also expressed his concern on the drug abuse especially amongst the youth. His Lordship said that the problem of drug addiction is posing threat to the society and there is urgent need to devise the means to protect the society from disintegration. His Lordship also apprised the participants that Himachal Pradesh State Legal Services Authority, Shimla is committed to provide free legal aid to last man in the street in order to achieve its objective i.e. "access to justice for all."

On this occasion, Additional District & Session Judge-I, Sh. Hans Raj, Additional District & Session Judge-II, Smt. Aparna Sharma, Administrative Officer, Himachal Pradesh State Legal Service Authority, Shimla Sh. Gaurav Mahajan, Judicial officers, Members of Mandi, Sunder-Nagar and GoharBar Associations and Court Staff were also present.

Inauguration of ADR Centre Hamirpur on 25th September 2019

Acting Chief Justice of state High Court Dharam Chand Chaudhary inaugurated the Alternate Dispute Redressal (ADR) Centre constructed at a cost of ₹2.96Crore at Hamirpur on 25th September, 2019.

Addressing a gathering on the occasion, His Lordship said that in Himachal Pradesh a large number of court cases were being solved through Lok Adalats, Mediation and Conciliation, ensuring timely justice delivery to the aggrieved. His Lordship said that 11 such Centres were functional in the state and this was the Centre's seventh ADR Centre building in the state.

His Lordship said that such Centres were proving effective in solving disputes between the people. He informed that from April 2015 to August 2019 as many as 8,512 cases were referred to the ADRs and 21 per cent such cases, which amounted to 1,804, were sorted out through mediation.

Programme for Legal Services Functionaries and Beneficiaries at Hamirpur, on 25th September, 2019

Hon'ble the Acting Chief Justice and Executive Chairman interacted with the Legal Services Functionaries and Beneficiaries including Judicial Officers, Trained

Mediators, Advocates, Officers of Administration and Police at Hamirpur on 25th September, 2019.

Camp at Gondhla, District Lahul & Spiti on 28th September 2019

Under the aegis of HP State Legal Services Authority, the District Legal Services Authority, Kullu has organized a Legal Literacy Camp on “Legal Services to Tribal Community & Public Perception”, at Village Gondhla, District Lahul & Spiti on 28th June, 2019. **Hon’ble Mr. Justice Dharam Chand Chaudhary**, Acting Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief –cum- Executive Chairman, HP State Legal Services Authority was Chief Guest of the occasion. This was the first legal services camp of its kind in the Lahul District. The participants were made aware about the laws and rights related to Schedule Tribes i.e. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015, Panchayat Raj (Extension to Scheduled Areas) Act of 1996, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 etc. Shri Purender Vaidya, Chairman, District Legal Services Authority, Kullu, Shri Kamal Kant Saroch, Deputy Commissioner, Lahul & Spiti, Shri Gaurav Mahajan, Administrative Officer, H.P. State Legal Services Authority, Shimla and Shri Bishan Singh, President, Bar Association were also present on the Occasion. The Camp was attended by 300 persons.

Camp at Losar, District Lahul & Spiti on 28th September 2019

Under the aegis of HP State Legal Services Authority, the District Legal Services Authority, Kinnaur at Rampur has organized a Legal Literacy Camp on “Legal Services to Tribal Community & Public Perception”, at Losar, District Lahul & Spiti on 28th September, 2019. Losar is situated at an altitude of 13,400 feet above sea level. The camp was held in freezing temperature of **-1⁰ C** (minus one degree Celsius) **Hon’ble Mr. Justice Dharam Chand Chaudhary**, Acting Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief –cum- Executive Chairman, HP State Legal Services Authority was Chief Guest of the occasion. This was the first legal services camp of its kind in Spiti. The participants were made aware about the laws and rights related to Schedule Tribes i.e. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015, Panchayat Raj (Extension to Scheduled Areas) Act of 1996, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 etc. Shri Purender Vaidya, Chairman, District Legal Services Authority, Kullu, , Shri Gaurav Mahajan, Administrative Officer, H.P. State Legal Services Authority, Shimla and Shri Nikhil Agarwal, Secretary, District Legal Services Authority Kinnaur were also present on the Occasion. The Camp was attended by 221 persons.

Camp at Village Komic, District Lahul & Spiti on 29th September 2019, The Highest Village in the world connected with motorable road

Under the aegis of HP State Legal Services Authority, the District Legal Services Authority, Kinnaur at Rampur has organized a Legal Literacy Camp on “Legal Services to Tribal Community & Public Perception”, at Komic, District Lahul & Spiti on 29th September, 2019 The Highest Village in the world connected with motorable road. Komic is situated at an altitude of 4587meters (15049.21 Feet) above sea level. The camp was held in freezing temperature of **-3⁰ C** (minus three degree Celsius) **Hon’ble Mr. Justice Dharam Chand Chaudhary**, Acting Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief – cum- Executive Chairman, HP State Legal Services Authority was Chief Guest of the occasion. This was the first legal services camp of its kind in Spiti. The participants were made aware about the laws and rights related to Schedule Tribes i.e. The Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act 2006, NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015, Panchayat Raj (Extension to Scheduled Areas) Act of 1996, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 etc. Shri Purender Vaidya, Chairman, District Legal Services Authority, Kullu, , Shri Gaurav Mahajan, Administrative Officer, H.P. State Legal Services Authority, Shimla and Shri Nikhil Agarwal, Secretary, District Legal Services Authority Kinnaur were also present on the Occasion. The Camp was attended by 267 persons.

Awareness Camps in Jails

In order to sensitize prisoners about their Legal rights, **20** Legal Awareness Camps were organized in the Jails by Judicial Officers. **3347**prisoners were apprised about their legal rights/free legal services available to them.

Legal Services Clinics in jails

Legal Services Clinics in jails have been established in all District Jail/Sub jails in the State of H.P. These Clinics are manned by the PLVs (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e. 10.00 A.M to 5.00 P.M. and render legal services to jail inmates. Besides, Legal Aid Counsel also visits Jails rotation wise on every Saturday. **1280** persons were provided assistance through Legal Aid Clinics in Jail w.e.f. 01.07.2019 to 30.09.2019.

Digitization of Legal Services Clinics in Jails

Pursuant to the directions issued by Hon’ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **12 Legal Services Clinics** in Jails have been digitized.

Awareness Camps in Juvenile Homes

The Secretaries, District Legal Services Authorities organized **8** Awareness Camps in various Juvenile Homes during the period and sensitized the inmates about their rights. Authorities were also sensitized about child issues.

Legal Literacy Camps

During the period, **595** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In **total 54,557 persons** were benefited by attending the said camps. Literature was also distributed.

Days Celebrated

Observation of World Day against trafficking in persons on 30.07.2019.

The World Day against trafficking was celebrated on 30th July 2019 all over the State. On this day, the Judicial Officers organized various camps and sensitized masses about their legal rights. The participants were made aware of various laws relating to trafficking in persons.

Observation of Independence Day of 15th August 2019

The Independence day was celebrated on 15th August 2019 all over the State. On this day, the Judicial Officers organized various camps and sensitized masses about their legal rights. The participants were made aware of various laws relating to Intellectual Property.

Senior Citizens Day on 21st August 2019

The Senior Citizens day was celebrated on 21st August 2019 in all over the State. On this day, the Judicial Officers organized various camps and sensitized masses about various schemes and Laws relating to senior citizens.

Other Activities

Activities of Mediation

During the quarter, **529** cases were referred by the different courts for Mediation throughout State, out of which **109** cases were settled.

Local Level Consultation with Legal Aid Functionaries by Member Secretary NALSAA

Local Level Consultation with Legal Aid Functionaries was held at Dharamshala by Shri Alok Agarwal, Member Secretary, Shri Sunil Chauhan, Director and Shri Naveen Gupta, Additional Director, NALSA on 22nd May, 2019 at Dharamshala (H.P). The programme was attended by Sh Gaurav Mahajan, Administrative Officer HPSLSA, Secretaries DLSA's

Kangra, Una, Bilaspur & Hamirpur, Panel lawyers, Retainer Lawyers, Remand Counsels & Para Legal Volunteers of Kangra District.

Inauguration of ADR Centre at Nahan on 7th June, 2019

Acting Chief Justice of state High Court Dharam Chand Chaudhary inaugurated an alternate dispute redressal (ADR) centre constructed at a cost of Rs 3.79 crore in the Nahan court complex on 7th June, 2019.

Addressing a gathering on the occasion, His Lordship said that in Himachal Pradesh a large number of court cases were being solved through lokadalats, mediation and conciliation, ensuring timely justice delivery to the aggrieved. His Lordship said that 11 such centres were functional in the state and this was the centre's fourth building in the state.

His Lordship said that such centres were proving effective in solving disputes between the people. He informed that from April 2015 to April 2019 as many as 7,787 cases were referred to the ADRs and 21 per cent such cases, which amounted to 1,673, were sorted out through mediation.

Creation of Posts

Seven posts of Steno-typist and Six posts of Class-IV have been created recently.

Setting up of Motor Accident Mediation Cells/Pre-litigation Desks/Clinics in ADR Centers

All the Chairmen, District Legal Services Authorities, have been directed to set up Motor Accident Mediation Cells in the ADR/Mediation Centres in their Divisions for settlement of Motor Accident Claim cases and also to set up pre-litigation desks/clinics in ADR Centres and make efforts to settle matrimonial disputes at pre-litigation stage.

Broadcasting of "Kanoon Ki Baat" on All India Radio

During the quarter, **13 Radio talks** on "Kanoon Ki Baat" were aired on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers.

Lessons-in-Law

During the period, **77** Schools were covered in the State of H.P. by teaching "Lessons-in-Law/Kanooni Path" by Judicial Officers and Advocates. **11477** students were taught Lessons-in-Law/Kanooni Path.

Front Offices

45 front offices have been established. One in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing quality

Legal Services to the litigants and general public. **959** persons were benefited by way of Legal aid through the front offices during the period.

Village Legal Care and Support Centres

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present **893** Village Legal Care and Support Centres are functional in State of H.P. and are being manned by Retainer Lawyers and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about **4433** persons were provided legal aid/advice during this period through these centres.

Jail Inspections

Periodical Jail inspections were conducted by the Member Secretary and the Chairmen, District Legal Services Authorities in compliance of the judgment of Hon'ble Supreme Court in **writ petition(C) No.559 of 1994 cases titled as R.D. Upadhyay Vs State of Andhra Pradesh and Others, AIR 2006 S.C., 1946.**

Visit to Children, Bal /Balika Ashrams and Observation Homes

During this period, **26 visits/inspections** of Observation/Children Homes, NariNiketan etc. were conducted by Sub Divisional Legal Services Committees and District Legal Services Authorities. During the visit, children/ inmates were informed about their legal rights and other valuable information was also provided. Chairmen District Legal Services Authorities/Sub Divisional Legal Services Committees interacted with inmates and Authorities of Homes/Ashrams were sensitized to be more careful about hygiene and other issues of Children/inmates.

Opening of Legal Literacy Clubs in Schools

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **55 Legal Literacy Clubs** in Schools have been opened in the State of Himachal Pradesh. These Legal Literacy Clubs are manned by the student volunteers and provide information about Free Legal Aid and Welfare Schemes of the Government.

Legal Aid Beneficiaries

The following persons were provided with Free Legal Aid during this quarter.

Months	SC	ST	BC	Women	Children	In-Custody	Industrial Workmen	Persons with disability	General	Others	Total
April	35	0	0	254	5	26	0	4	53	66	443
May	31	5	0	195	4	12	0	1	62	57	367

June	33	6	0	193	1	23	0	0	71	43	370
Total	99	11	0	642	10	61	0	5	186	166	1180

Progress made in NALSA Schemes:

Pursuant to the launching of ten Schemes by NALSA, this authority has identified the districts in the State where the Scheme are to be implemented. The constitution of team of PLVs and the Panel Lawyers has been done for implementation of each scheme. The district wise progress made by the District Legal Services Authorities in the ten Schemes is as under:-

Sr. No.	Name of the Schemes	Awareness Programmes/ Activities	No. of persons benefited through
1	A scheme for Legal Services to Disaster Victims through Legal Services Authorities	35	3204
2	NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015	62	5032
3	NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015	31	2416
4	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015	38	3427
5	NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015	30	2354
6	NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015	38	3424
7	NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015	48	4804
8	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015	37	3404
9	NALSA (Legal Services to Senior Citizens) Scheme, 2016	55	3262
10	NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016	40	3124
Total		414	34451

Quarterly Progress Report w.e.f. 1.10.2019 to 31.12.2019

Activities, October to December, 2019

Lok Adalats

Quarterly Lok Adalats

477 Quarterly Lok Adalats were organized during the period of October to December, 2019 in which **59293** cases were settled/ disposed of in the State of Himachal Pradesh.

Permanent Lok Adalat (Public Utility Services) Under Section 22- B of the Legal Services Authority Act

During the period, **20** cases were disposed of in Permanent Lok Adalat (Public utility Services).

National Lok Adalat

National Lok Adalat was held on 14th December, 2019 in which **7412** cases were settled/disposed of in the State of Himachal Pradesh and amount of ₹ **2,59,02,23,648/-** was awarded.

Legal Literacy Camps-cum-stalls at State/ Regional Fairs

Interaction on Role & Responsibilities of Legal Service Lawyers, Para Legal Volunteers & Various facets of Legal Services at Hamirpur District Hamirpur on 14th December, 2019

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority interacted with the Legal Service Lawyers, Para Legal Volunteers about the various facets of Legal Services at Hamirpur, District Hamirpur on 14th December, 2019.

Camps

Special Legal Literacy Camp on International Day of Girl Child at Thunag, Mandi on 11th October, 2019

The District Legal Service Authority, Mandi, under the aegis of Himachal Pradesh State Legal Service Authority, Shimla organised an awareness programme in Gram Panchayat Thunag on 11th October, 2019 in collaboration with Education and Department of Social Justice and women empowerment.

Hon'ble Mr. Justice Dharam Chand Chaudhry, Judge, High Court of Himachal Pradesh and Executive Chairman Himachal Pradesh State Legal Service Authority Shimla graced the occasion as the Chief Guest. His Lordship honoured five girls (aged less than one year) by presenting Samaan Patra. His Lordship also handed over FDRs of Rs. 12,000/- to five girls (aged less than six months), for their bright future, under the Beti Bachao Beti Padhao Scheme.

The Hon'ble Chief Guest, in his keynote address, said "Girls are better performers than the boys. Without women everything is incomplete in this World." His lordship also expressed his concern on killing of innocent girls in the womb, discriminatory practices and violence against the girl child. His Lordship appealed to the masses to involve them-selves in saving the girl child only then, we can think and expect good future of India. His Lordship also apprised the participants that Himachal Pradesh State Legal Services Authority, Shimla is committed to provide free legal aid to last man in the street in order to achieve its objective i.e. "access to justice for all."

Dr. Akshay Minhas of Sh. Lal Bahadur Shastri Govt. Medical College and Hospital Nerchowk, Sh. Gaurav Mahajan, Administrative Officer, Himachal Pradesh State Legal Service Authority, Shimla and Advocate Hem Singh Thakur also addressed the gathering. More than 1,000 persons which included students of Govt. Senior Secondary School Thunag and Shikavari, trainees of Horticulture Training Institute Thunag, ASHA Workers, Angan-wari Workers, NGOs, representatives of various panchayats and the villagers.

Legal Literacy and Awareness Programme on Human Rights Day organised for Persons Living in Slums and Labour Colonies at BBNI Hall, Baddi

A legal literacy and awareness program was organized by District Legal Services Authority Solan today on the occasion of Human Rights Day at BBNI Campus at Jhadmajari in Nalagarh subdivision. **Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh High and Executive Chairman of Himachal Pradesh State Legal Services Authority** presided over the function as Chief Guest.

More than 300 workers from various industrial units of Baddi-Barotiwala-Nalagarh participated in this camp. On the occasion, Justice Dharam Chand Chaudhary said that in today's environment, increasing crime is a big challenge for human rights. His Lordship said that human rights of all citizens are important. The constitution of our country ensures equal rights for all citizens. Our constitution provides for fundamental rights are considered as basic human rights of all citizens, irrespective of their gender, caste, religion or creed. His Lordship said that we should respect the rights of all citizens. His Lordship said that due to the race to get ahead in the present-day rat race, human rights are compromised many times. It should be ensured that the human rights of all citizens are protected. His Lordship gave detailed information about the objectives of organizing Human Rights Day. On the occasion, Justice Dharam Chand Chaudhary announced that a Legal Services Cell would be set up for workers of organized and unorganized sector in BBN area.

Awareness Camps in Jails

In order to sensitize prisoners about their Legal rights, **24** Legal Awareness Camps were organized in the Jails by Judicial Officers. **4324** prisoners were apprised about their legal rights/free legal services available to them.

Legal Services Clinics in jails

Legal Services Clinics in jails have been established in all District Jail/Sub jails in the State of H.P. These Clinics are manned by the PLVs (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e. 10.00 A.M to 5.00 P.M. and render legal services to jail inmates. Besides, Legal Aid Counsel also visits Jails rotation wise on every Saturday. **1399** persons were provided assistance through Legal Aid Clinics in Jail w.e.f. 01.10.2019 to 31.12.2019.

Digitization of Legal Services Clinics in Jails

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **12 Legal Services Clinics** in Jails have been digitized.

Awareness Camps in Juvenile Homes

The Secretaries, District Legal Services Authorities organized **16** Awareness Camps in various Juvenile Homes during the period and sensitized the inmates about their rights. Authorities were also sensitized about child issues.

Legal Literacy Camps

During the period, **732** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In **total 92,583 persons** were benefited by attending the said camps. Literature was also distributed.

Days Celebrated

Observation of Gandhi Jayanti on 2nd October, 2019

Legal Awareness Camps were organised all over the state on the occasion of Gandhi Jayanti on 2nd October, 2019. The general public was sensitized about the various aspects of "Lok Adalat, Mediation and Conciliation and Plea Bargaining".

Observation of International Day of the Girl Child on 11th October 2019

The International Day of the Girl Child was celebrated on 11th October, 2019 all over the State. On this day, the Judicial Officers organised Awareness Programmes and Camps on the various Schemes of the Government for the Girl Child, Women Empowerment, PC& PNDT Act by involving Para Legal Volunteers throughout the State.

Observation of World Mental Health Day on 10th October 2019

The World Mental Health Day was celebrated on 10th October, 2019 all over the State. On this day, the Judicial Officers organised Awareness programmes on the Mental Health Care Act and NALSA Scheme for Legal Services to the Mentally Ill and Persons with Mental Disabilities 2015 for protection of rights of mentally challenged persons. A special programme was organised for the patients of Himachal Hospital of Mental Health and Rehabilitation at Shimla by DLSA Shimla.

Observation of National Legal Services Day on 9th November, 2019

The Gandhi National Legal Services Day was celebrated on 9th November, 2019 all over the State. On this day, the Judicial Officers organised Awareness Programmes on "Legal Services, Different Schemes of NALSA and State Government, Lok Adalat, Mediation and Conciliation and Plea Bargaining" throughout the State.

Observation of Children's Day on 14th November 2019

The Children's Day was celebrated on 14th November, 2019 all over the State. On this day, the Judicial Officers organised Awareness Programmes and Camps on Child Rights, Right to Education and Laws against Child Labour in schools throughout the State.

Observation of Law Day on 26th November 2019

The Law Day was celebrated on 26th November, 2019 all over the State. On this day, the Judicial Officers organised Awareness programmes on Fundamental Rights & Duties, Constitutional Rights and different laws for representatives of NGOs, Panchayati Raj Institutions, Mahila Mandals, Self Help Groups throughout the State.

Observation of World HIV/AIDS Day on 1st December, 2019

The World HIV/AIDS Day was organized on 1st December, 2019 in the State of Himachal Pradesh. On this day, the Judicial Officers organised Awareness Programmes on "Laws and Schemes for HIV/AIDS infected persons" throughout the State. The programmes were organised in collaboration with National Aids Control Society and literature was distributed.

Observation of Disability Day on 3rd December, 2019

The Disability Day was celebrated on 14th November, 2019 all over the State. On this day, the Judicial Officers by involving Retainer Lawyers and Para Legal Volunteers organised Awareness Programmes and Camps on Schemes and Laws for persons with disability throughout the State.

Observation of Human Rights Day on 10th December, 2019

The Human day was celebrated on 10th December, 2019 all over the State. On this day, the at a special Legal Awareness Programme was organised by DLSA Solan at BBNIA Campus at Jhadmajari in Nalagarh subdivision which was presided over by Hon'ble Executive Chairman, HP SLSA. Besides this, Judicial Officers organised Awareness programmes on Human Rights, Fundamental Rights & Duties, and Constitutional Rights throughout the State.

Other Activities

Regional Meet of Member Secretaries, SLSAs and Secretaries, DLSAs of the Northern States Legal Services Authorities held on 21st & 22nd November, 2019

This Authority hosted the Regional Meet of Member Secretaries, SLSAs and Secretaries, DLSAs of the Northern States Legal Services Authorities was held on 21st & 22nd November, 2019 at Himachal Pradesh Judicial Academy.

The meet was inaugurated by **Hon'ble Justice L Narayana Swamy, Chief Justice, High Court of Himachal Pradesh**. In his inaugural address, His Lordship stressed on "Access to Justice" for all and the role of judiciary in creating an inclusive society. He lauded the role of the media in highlighting pivotal issues before the judiciary and strengthening the justice delivery system through suo motu PILs.

Justice Dharam Chand Chaudhary, Judge High Court of Himachal Pradesh and Executive Chairman, H.P. State Legal Services Authority, welcomed the chief guest and briefed him about various activities being undertaken by the Legal Services Authority to provide succor to the poverty-stricken and downtrodden sections of society.

Sh. Prem Pal Ranta, Member Secretary, HP State Legal Service Authority, said the focus of the workshop was implementation of legal aid schemes to provide legal aid to the poor. He said the concept of village legal aid clinics has been started for the rural population and legal council would be provided 24 hours.

Among those present on the occasion included Justice Tarlok Singh Chauhan, Justice Sureshwar Thakur and Justice ChanderBhusanBarowalia, Judges High Court of Himachal Pradesh, Sh. Alok Agarwal, Member Secretary NALSA, Sh. Sunil Chauhan, Director NALSA, Sh. Virender Sharma, Director Judicial Academy and other Judicial Officers. Member Secretaries and 57 Judicial Officers of six states attended the two-day workshop. The issues related to implementation of legal aid services were discussed at length during the two-day regional meet.

Legal Services Cell set up for workers of organized and unorganized sector in BBN area.

A Legal Services Cell has been setup set up for workers of organized and unorganized sector in BBN area. In this cell, workers will be able to get legal information related to their everyday life in addition to labor rules to facilitate and provide them assistance in filing-processing and furnishing application forms for legal actions and availing benefits of the schemes to workers and to coordinate with the Government Authorities and organise training and seminars for them. His Lordship said that Advocates and Paralegal volunteers will be appointed in this center by the Legal Services Authority. His Lordship said that this cell will be established in accordance with the National Legal Services Act and NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015 for rendering services to the workmen.

Launching of Mobile Application of HP State Legal Services Authority

Hon'ble Mr. Justice Lingappa Narayana Swamy, Chief Justice, High Court of Himachal Pradesh and Patron-in-Chief, HP State Legal Services Authority launched the mobile application of H.P. State Legal Services Authority by way of Video Conferencing with all the Judicial Officers in the State of Himachal Pradesh on 16th December, 2019. Speaking on the occasion, His Lordship stated that the main purpose of this mobile application is to provide user friendly interface on mobile devices for easy access to useful information & public services available on the Authorities website. The application will offer better citizen friendly service. General Public will have easy access to all welfare schemes and legal aid programmes launched by NALSA and SLSA, and will strengthen outreach and connectivity.

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge High Court of Himachal Pradesh and Executive Chairman, H.P. State Legal Services Authority stated that the mobile application of HP State Legal Services Authority has been prepared in collaboration with High Court of Himachal Pradesh and National Informatics Centre (NIC). The application is synced with H.P. State Legal Services Authority's official website and the data will be auto updated in the mobile application as per

the website. The mobile application is based on Android platform and will be available for the android users to download from the Google Play Store free of cost.

The event was attended by all the Hon'ble Judges of High Court of Himachal Pradesh and all the Judicial Officers in the State of Himachal Pradesh witnessed the event by way of Video Conferencing.

Activities of Mediation

During the quarter, **417** cases were referred by the different courts for Mediation throughout State, out of which **75** cases were settled.

Broadcasting of "Kanoon Ki Baat" on All India Radio

During the quarter, **12 Radio talks** on "Kanoon Ki Baat" were aired on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers.

Lessons-in-Law

During the period, **90** Schools were covered in the State of H.P. by teaching "Lessons-in-Law/Kanooni Path" by Judicial Officers and Advocates. **12369** students were taught Lessons-in-Law/Kanooni Path.

Front Offices

45 front offices have been established, One in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing quality Legal Services to the litigants and general public. **803** persons were benefited by way of Legal aid through the front offices during the period.

Village Legal Care and Support Centres

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present **893** Village Legal Care and Support Centres are functional in State of H.P. and are being manned by Retainer Lawyers and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about **2971** persons were provided legal aid/advice during this period through these centres.

Jail Inspections

Periodical Jail inspections were conducted by the Member Secretary and the Chairmen, District Legal Services Authorities in compliance of the judgment of Hon'ble Supreme Court in **writ petition(C) No.559 of 1994 cases titled as R.D. UpadhyayVs State of Andhra Pradesh and Others,AIR 2006 S.C., 1946.**

Visit to Children, Bal /Balika Ashrams and Observation Homes

During this period, **23 visits/inspections** of Observation/Children Homes, NariNiketan etc. were conducted by Sub Divisional Legal Services Committees and District Legal Services Authorities. During the visit, children/ inmates were informed about their legal rights and other valuable information was also provided. Chairmen District Legal Services Authorities/Sub Divisional Legal Services Committees interacted with inmates and Authorities of Homes/Ashrams were sensitized to be more careful about hygiene and other issues of Children/inmates.

Opening of Legal Literacy Clubs in Schools

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **55 Legal Literacy Clubs** in Schools have been opened in the State of Himachal Pradesh. These Legal Literacy Clubs are manned by the student volunteers and provide information about Free Legal Aid and Welfare Schemes of the Government.

Legal Aid Beneficiaries

The following persons were provided with Free Legal Aid during this quarter.

Months	SC	ST	BC	Women	Children	In-Custody	Industrial Workmen	Persons with disability	General	Others	Total
October	28	7	0	147	5	16	0	0	50	43	296
November	25	1	0	147	6	15	0	3	40	53	290
December	34	3	0	187	2	30	1	3	20	26	306
Total	87	11	0	481	10	61	1	5	110	122	892

Progress made in NALSA Schemes:

Pursuant to the launching of ten Schemes by NALSA, this authority has identified the districts in the State where the Scheme are to be implemented. The constitution of team of PLVs and the Panel Lawyers has been done for implementation of each scheme. The district wise progress made by the District Legal Services Authorities in the ten Schemes is as under:-

Sr. No.	Name of the Schemes	Awareness Programmes/ Activities	No. of persons benefited through
1	A scheme for Legal Services to Disaster Victims through Legal Services Authorities	38	5032
2	NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015	37	4922
3	NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015	28	4415
4	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015	39	5127
5	NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015	42	4050
6	NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015	37	4787
7	NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015	39	5442
8	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015	38	6722
9	NALSA (Legal Services to Senior Citizens) Scheme, 2016	40	4938
10	NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016	45	5680
Total		383	51115

Quarterly Progress Report w.e.f. 1.1.2020 to 31.03.2020

Activities, January to March, 2020

Lok Adalats

National Lok Adalats

1 National Lok Adalat was organised on 14th March, 2020 in the State of Himachal Pradesh, in which **5934** cases were settled/disposed of.

Quarterly Lok Adalats

316 Quarterly Lok Adalats were organised during the period of January to March, 2020 in which **8260** cases were settled/ disposed off in the State of Himachal Pradesh.

Permanent Lok Adalat (Public Utility Services) Under Section 22- B of the Legal Services Authority Act

During the period, **17** cases were disposed of in Permanent Lok Adalat (Public utility Services).

Legal Literacy Camps-cum-stalls at State/ Regional Fairs

International Shivratri Fair:-

A Legal Literacy help desk was set up in the International Shiv-ratri fair Mandi was inaugurated on 22nd February, 2020 by **Hon'ble Mr. Justice Dharam Chand Chaudhary**, Judge High Court of Himachal Pradesh and Executive Chairman of H.P. State Legal Services Authority, Shimla. The Help desk remained operational w.e.f 22.02.2020 to 29.02.2020.

His Excellency Bandaru Datatreya, the Governor of Himachal Pradesh, Shri Jai Ram Thakur, Hon'ble Chief Minister of Himachal Pradesh along-with Cabinet Ministers also visited the stall.

During this period, Para Legal volunteers, Retainer/ Panel Lawyers along with Legal Aid staff remained present throughout in the stall under the overall supervision of Secretary, DLSA Mandi. The mobile bus was also used in Shivratri fair to spread awareness about various schemes by holding Micro Legal Literacy Camp in Seri Manch and two other camps at NerChowk and Sunder-nagar. **1,280** visitors visited the help desk. Books and Pamphlets containing information about various laws were distributed amongst the visitors.

Holi Fair, Sujanpur:-

A Legal Literacy Help Desk was set up by District Legal Services Authority, Hamirpur in the State Level Holi Fair from 7.03.2020 to 10.03.2020 at Sujanpur which was inaugurated by Chairman, District Legal Services Authority, Hamirpur. **384** people visited the help desk. Panel Lawyers as well as Para Legal Volunteers apprised the general public about Free Legal Aid Services and various schemes of National Legal Services Authority. Books and Pamphlets containing information about various laws were distributed amongst the visitors.

Camps

Awareness Camps in Jails

In order to sensitize prisoners about their Legal rights, **11** Legal Awareness Camps were organized in the Jails by Judicial Officers. **2074** prisoners were apprised about their legal rights/free legal services available to them.

Legal Services Clinics in jails

Legal Services Clinics in jails have been established in all District Jail/Sub jails in the State of H.P. These Clinics are manned by the PLVs (Long Term Prisoners) and Retainer Lawyers. They sit in such clinics on every Wednesday for whole day i.e. 10.00 A.M to 5.00 P.M. and render legal services to jail inmates. Besides, Legal Aid Counsel also visits Jails rotation wise on every Saturday. **887** persons were provided assistance through Legal Aid Clinics in Jail w.e.f. 01.01.2020 to 31.03.2020.

Digitization of Legal Services Clinics in Jails

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **12 Legal Services Clinics** in Jails have been digitized.

Awareness Camps in Juvenile Homes

The Secretaries, District Legal Services Authorities organized **2** Awareness Camps in various Juvenile Homes during the period and sensitized the inmates about their rights. Authorities were also sensitized about child issues.

Legal Literacy Camps

During the period, **628** Legal Literacy Camps were organized by District Legal Services Authorities/Sub Divisional Legal Services Committees on different topics including the rights of women, Children and Senior Citizen, Right to Information, Consumer issues, different Welfare and Social security Schemes of the State and Central Government and various other topics as per schedule approved by this Authority. In **total 34,927 persons** were benefited by attending the said camps. Literature was also distributed.

Awareness Camp for people living in hard and difficult areas

A Legal Literacy Programme on Constitutional obligation and Role of Legal Services Institutions in the upliftment of the weaker sections of society, people living in hard and difficult areas in the State and tribal areas was organised on 1st February, 2020 at Salooni, Chamba. Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh and Executive Chairman, H.P. State Legal Services Authority presided over the function as Chief Guest.

Awareness Programme on Rising Materialism & Declining Moral Values, Drug Abuse, Children's Related Issues and Environment Protection

District Legal Service Authority Mandi, under the aegis of Himachal Pradesh Legal Services Authority, Shimla organised a Legal Literacy and Awareness Programme on Rising Materialism & Declining Moral Values, Drug Abuse, Children's Related Issues and Environment

Protection in order to sensitize Elected Women Representatives (EWR's), Mediators, NGO's, Advocates, Members of Bar Association, Doctors, PLV'S, PRI's, Teachers, Students, members of SMC and General Public at Kansa Chowk Mandi, on 7th February, 2020. The camp was presided over by Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority.

The Chief Guest **Hon'ble Mr. Justice Dharam Chand Chaudhary**, Judge, High Court of H.P and Executive Chairman, HP State Legal Services Authority appreciated the efforts of different departments and institutions for making the public aware about various welfare schemes launched by Govt. in their favour by displaying them in the programme. In the keynote address, Hon'ble Mr. Justice Dharam Chand Chaudhary expressed his concern on Rising Materialism and Declining Moral Values. His Lordship also expressed his concern over drug abuse among the youth and asked the teachers, parents, NGO's and members of Panchyati Raj Institution to understand their role and responsibilities. His Lordship also appealed to the masses to assist the authorities in the eradication of drug abuse and to ensure their participation in the preservation of environment. His Lordship also appealed to the people to take full advantages of the laws, policies and schemes, meant for benefit of public, through legal service institutions. His Lordship also cautioned the participants about rapidly growing incidents of financial cybercrimes, including frauds using cards and e-wallets and called upon the general public to be vigilant and safeguard their interests.

On this occasion, Shri Gaurav Mahajan, Administrative Officer, HP State Legal Services Authority detailed the provisions of Legal Services Authority Act, 1987 and various Schemes of National Legal Services Authority.

Payment of Compensation to Victims of Acid Attack

"After the programme, Hon'ble the Executive Chairman HPSLSA presented the FDRs of compensation amount of Rs 25 lacs to the two Acid Attack victims. The District Legal Services Authority, Mandi was instrumental in providing compensation to the Acid attack victims and had taken suo muto cognizance of the matter and processed the matter before the Criminal Injury Compensation board. It was a mindless act committed by one jilted lover, who poured acid on a victim while travelling in a bus. In this incident, two victims were injured badly though several persons sustained injuries"

Days Celebrated

Celebration of Republic Day

On 26th January, 2020 on the occasion of Republic Day, special functions were organized in all the District Legal Services Authorities and Sub-Divisional Legal Services Committees and general public was sensitized about their Legal Rights, various schemes of NALSA and welfare schemes of Government.

World Day of Social Justice

World Day of Social Justice was organized all over the State on 20th February, 2020. On this day, the Judicial Officers organized various camps and sensitized masses about their legal rights and protection and assistance to the trafficking victims.

International Women's Day

The "International Women's Day" was organized on 08.03.2020 in all the District Legal Services Authorities and Sub-Divisional Legal Services Committees. The Judicial Officers organized various camps and sensitized women about their legal rights and various welfare schemes of NALSA and Government.

Other Activities

Activities of Mediation

During the quarter, **403** cases were referred by the different courts for Mediation throughout State, out of which **69** cases were settled.

Broadcasting of "Kanoon Ki Baat" on All India Radio

During the quarter, **14 Radio talks** on "Kanoon Ki Baat" were aired on every Monday from 8:30 Am to 8:50 AM. The viewers were sensitized about the Labour Law, Crime and Punishment, Mediation, Civil Court Procedure etc. by Judicial Officers.

Lessons-in-Law

During the period, **39** Schools were covered in the State of H.P. by teaching "Lessons-in-Law/Kanooni Path" by Judicial Officers and Advocates. **5116** students were taught Lessons-in-Law/Kanooni Path.

Front Offices

42 front offices have been established. One in High Court and rest in all the District Legal Services Authorities and Sub Divisional Legal Services Committees. The front offices are manned by the Retainer Lawyers and Para Legal Volunteers who are providing quality Legal Services to the litigants and general public. **875** persons were benefited by way of Legal aid through the front offices during the period.

Village Legal Care and Support Centres

The H.P. State Legal Services Authority is implementing the Para Legal Volunteer Scheme introduced by the National Legal Services Authority, New Delhi. At present **893** Village Legal Care and Support Centres are functional in State of H.P. and are being manned by Retainer Lawyers

and Para Legal Volunteers. Para Legal Volunteers also organized awareness camps about MNREG, Scheme. **4532** persons were provided legal aid/advice during this period through these centres.

Jail Inspections

Periodical Jail inspections were conducted by the Member Secretary and the Chairmen, District Legal Services Authorities in compliance of the judgment of Hon'ble Supreme Court in **writ petition(C) No.559 of 1994 cases titled as R.D. UpadhyayVs State of Andhra Pradesh and Others,AIR 2006 S.C., 1946.**

Visit to Children, Bal Ashrams and Observation Homes

During this period, **15 visits/inspections** of Observation/Children Homes, NariNiketan etc. were conducted by Sub Divisional Legal Services Committees and District Legal Services Authorities. During the visit, children/ inmates were informed about their legal rights and other valuable information was also provided. Chairmen District Legal Services Authorities/Sub Divisional Legal Services Committees interacted with inmates and Authorities of Homes/Ashrams were sensitized to be more careful about hygiene and other issues of Children/inmates.

Opening of Legal Literacy Clubs in Schools

Pursuant to the directions issued by Hon'ble Executive Chairman, NALSA during the video conferencing held by His Lordship on 9th January, 2018, **55 Legal Literacy Clubs** in Schools have been opened in the State of Himachal Pradesh. These Legal Literacy Clubs are manned by the student volunteers and provide information about Free Legal Aid and Welfare Schemes of the Government.

Legal Aid Beneficiaries

The following persons were provided with Free Legal Aid during this quarter.

Months	SC	ST	Women	Children	In-Custody	Persons with disability	General	Others	Total
January	30	5	154	20	20	3	55	41	328
February	21	5	144	4	19	-	36	40	269
March	24	3	73	2	8	2	46	4	162
Total	75	13	371	26	47	5	137	85	759

Progress made in NALSA Schemes:

Pursuant to the launching of ten Schemes by NALSA, this authority has identified the districts in the State where the Scheme are to be implemented. The constitution of team of PLVs and the Panel Lawyers has been done for implementation of each scheme. The district wise progress made by the District Legal Services Authorities in the ten Schemes is as under:-

Sr. No.	Name of the Schemes	Awareness Programmes/ Activities	No. of persons benefited through
1	A scheme for Legal Services to Disaster Victims through Legal Services Authorities	40	2128
2	NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015	296	2244
3	NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015	22	1897
4	NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015	23	1927
5	NALSA (Legal Services to the Mentally Ill and Disabled Persons) Scheme, 2015	27	2543
6	NALSA (Effective Implementation of Poverty Alleviation) Scheme, 2015	21	1577
7	NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015	19	1315
8	NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015	36	3865
9	NALSA (Legal Services to Senior Citizens) Scheme, 2016	21	1577
10	NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016	22	1897
Total		527	20970

CHAPTER-11

**WORKING OF ALTERNATIVE DISPUTE RESOLUTION MECHANISMS —
ADR CENTRES, PERMANENT LOK ADALATS / LOK ADALATS. NUMBER
OF CASES DISPOSED OF. NUMBER OF LOK ADALATS HELD ETC.**

In order to promote ADR mechanism, High Court of Himachal Pradesh Civil Procedure Alternative Dispute Resolution and Mediation Rules, 2005 have been framed by the High Court for resolution of disputes through mediation. **Twelve** mediation centres, one in High Court of H.P. and eleven v.i.z. one each at the Headquarter of each Civil & Sessions Divisions are functional.

With the assistance of Mediation and Conciliation Project Committee, Supreme Court of India, 42 hours intensive mediation training programmes have been organized in the State of Himachal Pradesh for referral Judges and advocate mediators.

The Main Mediation Centre, High Court of Himachal Pradesh has also published a book “**Handbook on Mediation**” in the year, 2013 containing comprehensive information about the mediation movement in our State. The H.P. State Legal Services Authority has provided adequate infrastructure in the mediation centres. The detail of total number of cases referred and settled is as under:-

Number of cases referred to and settled in the Mediation Centres up to 31.03.2020

1.	Number of cases referred to Mediation Centres up to 31.03.2020	16696
2.	Number of cases settled in the Mediation Centres up to 31.03.2020	3644

Number of cases referred to and settled in the Mediation Centres during the quarter 01.04.2019 to 30.06.2019

1.	Number of cases referred to Mediation Centres 01.04.2019 to 30.06.2019	500	
2.	Number of cases settled in the Mediation Centres 01.04.2019 to 30.06.2019	86	

Number of cases referred to and settled in the Mediation Centres during the quarter 01.07.2019 to 30.09.2019

1.	Number of cases referred to Mediation Centres 01.07.2019 to 30.09.2019	509
2.	Number of cases settled in the Mediation Centres 01.07.2019 to 30.09.2019	109

Number of cases referred to and settled in the Mediation Centres during the quarter 01.10.2019 to 31.12.2019

1.	Number of cases referred to Mediation Centres 01.10.2019 to 31.12.2019	417
2.	Number of cases settled in the Mediation Centres 01.10.2019 to 31.12.2019	75

Number of cases referred to and settled in the Mediation Centres during the quarter 01.01.2020 to 31.03.2020

1.	Number of cases referred to Mediation Centres 01.01.2020 to 31.03.2020	403
2.	Number of cases settled in the Mediation Centres 01.01.2020 to 31.03.2020	69

Three ADR Centres at Shimla, Kangra at Dharamshala and Una are functional in the State of Himachal Pradesh. Four ADR Centres at Bilaspur, Hamirpur, Kinnaur at Rampur, Sirmaur at Nahan and under construction.

PART- VII
FINANCIAL STATEMENT

CHAPER-12

FINANCIAL STATEMENT OF BUDGET AND EXPENDITURE

The budget estimates in respect of the entire State Judiciary for every Financial Year under **Non-plan Schemes** only are prepared by the Accounts Branch of the Registry of the High Court of Himachal Pradesh on the basis of inputs received from different quarters and sent to the State Government duly approved by Hon'ble the Chief Justice on the recommendations of Hon'ble Finance Committee.

However, the details with regard to the funds provided by the State Government and the expenditure incurred by the State Judiciary under different schemes (**Non-Plan only**) updated quarterly of the financial year 2019-20, upto 31.03.2020, are as under:-

Sr. No.	Name of the Scheme(s)	Funds provided by the State Govt. including additionality for the F.Y. 2019-20 upto 31.03.2020	Expenditure upto the quarter ending 31 st March, 2020.
1	2	3	4
1.	Major Head 2014-Admn. of Justice, 102-High Court, 01-High Court Establishment (Charged) Non-Plan-SOON, Demand No. 3.	Rs. 55,60,64,000.00	Rs. 39,55,58,953.00
2.	Major Head 2014-Admn. of Justice, 105-Civil & Sessions Courts, 01-Civil & Sessions Courts Establishment (Voted) Non-Plan-SOON, Demand No. 3	Rs.1,56,96,30,000.00	Rs. 1,17,07,54,767.00
3.	Major Head 2014-Admn. of Justice, 108 Criminal Courts, 01-Road & Diet Money to witnesses (Voted) Non-Plan-SOON, Demand No. 3	Rs. 1,25,00,000.00	Rs. 1,21,04,810.00
4.	Major Head 2014-Admn. of Justice, 796-Tribal Area Sub-Plan, 01-Expenditure on Civil & Sessions Courts Establishment (Voted) Non-Plan-SOON, Demand No. 31.	Rs. 2,51,24,000.00	Rs. 2,17,88,364.00
5.	Major Head 2014-Admn. of Justice, 796-02 Expenditure on witness and Diet Money (Voted) Non-Plan-SOON, Demand No. 31.	Rs. 2,00,000.00	Rs. 2,00,000.00
6.	Major Head 2235, Social Security & Welfare, 800 Other Charges, 38 Medical Reimbursements of Pensioners and other Charges, High Court and Subordinate Judiciary (Voted) Non-Plan-SOON, Demand No.19.	Rs.1,29,99,000.00	Rs. 1,29,95,154.00
7.	2014-00-102-05-SOON-Voted Demand No.3 under e-Courts Mission Mode Project (Phase-II)	Rs.1,88,30,000.00	Rs. 74,30,707.00
8.	2014-00-105-SOON-Voted Demand No. 3 under Scanning and Digitization of Judicial Record	Rs. 1,50,01,000.00	Nil

CHAPTER-13

BROAD PERFORMANCE INDICATORS BASED ON ANALYSIS OF JUDICIAL STATISTICS IN RESPECT OF HIGH COURT.**HIGH COURT OF HIMACHAL PRADESH**

(As on 31/03/2020)

Note: Statement includes both Main and Miscellaneous Cases.

(i) Category-wise Institution, Disposal and Pendency of Cases in High Court

Category of Cases	Opening Balance as on 01.01.2020	Institution of cases during the financial year 2019-2020	Disposal of cases during the financial year, 2019-2020	Pendency as on 31.03.2020
Civil	46825	14127	3954	56998
Criminal	7627	1653	1050	8230
Total	54452	15780	5004	65228

(ii) Age-wise pendency of different category of cases in High Court.

Category Of Cases	0 to 2 years old cases	2 to 5 years old cases	5 to 10 years old cases	More than 10 years old Cases	Total Pendency of cases as on 31.03.2020
Civil	33220	13447	8224	2107	56998
Criminal	3266	2530	2107	327	8230
Total	36486	15977	10331	2434	65228

(iii) Number of adjournments being granted on an average in various categories of Civil and Criminal Cases during the life cycle of case.

Sl. No.	Nature of the cases	Average Number of adjournments
---------	---------------------	--------------------------------

		granted
1	Civil	9-14
2	Criminal	7-10

(iv) Number of cases in which trial proceedings has been stayed by the Superior Courts in Various categories of Civil and Criminal cases and average time for which such trial proceedings remain stayed in the life cycle of a case.

Sl. No	Nature of Cases	Proceedings have been stayed by the Superior Courts
1	Civil	6 (for about 5 years)
2	Criminal	1 (for about 8 years)
	Total	7 cases

(v) Average time taken for disposal of various categories of Civil and Criminal Cases in High Court.

Category wise disposal of cases per judge per year in the High Court.

Category Of Cases	Number of Main Cases disposed of both Civil and Criminal w.e.f. 01.01.2020 to 31.03.2020	Number of Judges doing Court Work w.e.f. 01.01.2020 to 31.03.2020	Average Rate of Disposal per Judge per Year (Main Cases only) w.e.f. 01.01.2020 to 31.03.2020
Civil	3954	10	395.40
Criminal	1050	10	105.00
Total	5004	10	500.40

(vii) Category wise number of Criminal and Civil cases where orders of the District / Subordinate Courts are challenged in appeal before the High Court.

Category of	Opening	Institution of	Disposal of	Pendency as on
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Cases	Balance as on 01.01.2020	cases during the financial year 2019-2020	cases during the financial year, 2019-2020	31.03.2020
Civil	27879	5331	2830	30380
Criminal	7091	1481	934	7638
Total	34970	6812	3764	38018

Note: *Shows both main and misc.

(viii) Number of writ petitions/PILs be filed and being disposed of in the High Court of Himachal Pradesh, Shimla.

Category of Cases	Opening Balance as on 01.01.2020	Institution of cases during the financial year 2019-2020	Disposal of cases during the financial year, 2019-2020	Pendency as on 31.03.2020
Civil	7261/63*	1401/0*	633/6*	8029/57*
Criminal	5/0**	5/0**	4/0**	6/0**

* CWP/CWPIL

** CRWP/CRWPL

CHAPER-14

BROAD PERFORMANCE INDICATORS BASED ON ANALYSIS OF JUDICIAL STATISTICS WHICH MAY INCLUDE THE FOLLOWING.

(Updated as on 31.03.2020.)

DISTRICT & SUBORDINATE COURTS

- (i)
- Category wise institution, disposal and pendency of cases in respect of all Civil and Sessions Divisions w.e.f 01.01.2020 upto 31.03.2020.**

Division	Opening Balance as on 01.01.2020			Institution		
	Civil	CrI.	Total	Civil	CrI.	Total
Shimla	13401	31424	44825	1907	14794	16701
Kinnaur	3503	8536	12039	867	4118	4985
Bilaspur	8337	10858	19195	944	2682	3626
Hamirpur	13040	11630	24670	1647	5306	6953
Una	13616	10267	23883	1911	3641	5552
Mandi	14176	18706	32882	1955	9294	11249
Kullu	6740	22195	28935	863	12000	12863
Kangra	26462	22596	49058	3029	8549	11578
Chamba	3896	5395	9291	1098	3188	4286
Solan	12891	20132	33023	1858	8578	10436
Sirmaur	7202	8703	15905	1340	4924	6264
Total	123264	170442	293706	17419	77074	94493

Division	Disposal			Pendency as on 31.03.2020		
	Civil	CrI.	Total	Civil	CrI.	Total
Shimla	1691	14521	16212	13617	31697	45314
Kinnaur	810	3317	4127	3560	9337	12897
Bilaspur	729	2575	3304	8552	10965	19517
Hamirpur	1465	6765	8230	13222	10171	23393
Una	1673	3686	5359	13854	10222	24076
Mandi	1431	8658	10089	14700	19342	34042
Kullu	663	9677	10340	6940	24518	31458
Kangra	2581	7987	10568	26910	23158	50068
Chamba	1055	3132	4187	3939	5451	9390
Solan	1469	8140	9609	13280	20570	33850
Sirmaur	925	3572	4497	7617	10055	17672
Total	14492	72030	86522	126191	175486	301677

- (ii)
- Age wise pendency of different category of cases as on 31.03.2020.**

Civil Cases Pendency as on 31.03.2020				Criminal Cases Pendency as on 31.03.2020			
Upto one year	More than one and less than two years	More than two years	More than five years	Upto one year	More than one and less than two years	More than two years	More than five years
33171	35438	41692	15890	66913	47667	43805	17101

- (iii)
- No. of adjournments being granted on an average in various category of Civil and Criminal cases during the life cycle of a case.**

Division	Average Adjournments	
	Civil Cases	Criminal Cases

Shimla	7-9(District Court), 11-14(Subordinate Court)	7-9(District Court), 15-17(Subordinate Court)
Kinnaur	12-15	15-20
Bilaspur	15-20	12-16
Hamirpur	5-6	4-5
Una	10-12(District Court), 15-20(Subordinate Court)	7-10(District Court), 10-15(Subordinate Court)
Mandi	10-15	10-15
Kullu	8-10	8-10
Kangra	10-15	8-12
Chamba	10-15	15-20
Solan	12-15	15-20
Sirmaur	10-35	5-25

(iv) **No. of cases in which trial proceedings have been stayed by Superior Courts in various categories of civil and criminal cases and average time for which such trial proceedings remained stayed in the life cycle of the case.**

Division	Civil(stayed)	Criminal(stayed)
Shimla	134	36
Kinnaur	7	-
Bilaspur	14	-
Hamirpur	39	7
Una	37	2
Mandi	28	2
Kullu	-	-
Kangra	59	12
Chamba	7	4
Solan	72	34
Sirmaur	61	41
Total:	458	138

(v) **Average time taken for disposal of various categories of Civil and Criminal cases.**

Division	Average time taken	
	Civil Cases	Criminal Cases
Shimla	2-7 years	2-7 years
Kinnaur	1-6 years	1-5 years
Bilaspur	1-5 years	1-4 years
Hamirpur	1-4 years	1-4 years
Una	1-3(District court),3-7(subordinate)	1-2(District Court), 5-10(Subordinate Court)
Mandi	1-5 years	1-4 years
Kullu	2-5 years	2-5 years
Kangra	1-5 years	1-4 years
Chamba	1-5 years	1-5 years
Solan	1-6 years	1-5 years
Sirmaur	1-6 years	1-4 years
Shimla	2-7 years	2-7 years

(vi) **Category wise disposal of cases per Judge during the quarter in the District/ Subordinate Courts w.e.f. 01.01.2019 to 31.03.2020**

1. SHIMLA

Nature	DJ	DJ-F	DJ-Pocso/Sc St	DJ-Family court	ADJ-1	ADJ-2	CBI	CJM	ACJM1	ACJM2	JMIC3	JMIC4
Civil	Civil	190	58	-	81	127	230	73	81	81	88	42
CrI.	CrI.	242	95	54	57	170	172	228	1106	980	648	332
Total	Total	432	153	54	138	297	402	301	1187	1061	736	374

JMIC-5	JMIC-6	JMIC-7	JMIC-8	ACJM, Theog	ACJM, Rohru-1	JMIC, Rohru-2	JMIC, Jubbal	JMIC, Chopal	Mob. Tra. Mag.	DLSA
261	58	24	-	71	52	53	11	53	-	-
544	537	657	-	464	773	451	117	397	5726	-
805	595	681	-	535	825	504	128	450	5726	-

2. KINNAUR

Nature	DJ	ADJ	CJM (R.Peo)	ACJM(Rampur)	JMIC(Anni)	MTM
Civil	102	104	425	142	37	-
CrI.	117	41	1728	729	646	56
Total	219	145	2153	871	683	56

3. BILASPUR

Nature	DJ	ADJ	CJM	JMIC(B/Pur)	ACJM(GMR)	JMIC2(GMR)	JMIC3(GMR)	MTM
Civil	108	129	86	207	108	91	-	-
CrI.	177	66	693	589	622	391	-	37
Total	285	195	779	796	730	482	-	37

4. HAMIRPUR

Nature	DJ	ADJ	Barsar	CJM	ACJM-1(H/pur)	JMIC-2(H/pur)	JMIC-3(H/pur)	JMIC-4(H/pur)	JMIC (Barsar)	ACJM (Nadaun)	MTM
Civil	323	120	58	125	18	139	169	181	102	230	-
CrI.	695	305	173	1801	105	871	902	1352	170	391	-
Total	1018	425	231	1926	123	1010	1071	1533	272	621	-

5. UNA

Nature	DJ	ADJ-1	ADJ-I, Camp at amb	ADJ-2	CJM	ACJM-1	JMIC-2
Civil	205	96	62	131	191	209	187
CrI.	68	33	65	146	1203	620	431
Total	273	129	127	277	1394	829	618

JMIC-3	JMIC-4	ACJM-1 Amb	JMIC-2 Amb	JMIC-3 Amb	Mob. Tra. Mag.	DLSA
206	-	273	113	-	-	-
364	-	440	316	-	-	-
570	-	713	429	-	-	-

6. MANDI

Nature	DJ	DJ-family court	ADJ-1	ADJ-2	ADJ-SNR.	CJM	ACJM -1	JMIC -2	JMIC-3	JMIC-4
Civil	43	81	54	-	34	58	64	132	40	-
CrI.	186	48	176	14	75	529	338	530	271	-
Total	229	129	230	14	109	587	402	662	311	-

ACJM-1 (SNR)	JMIC-2 (SNR)	ACJM -1 (SKT)	JMIC-2 (SKT)	JMIC, (J/Ngr)	JMIC, Karsog	JMIC, Gohar	MTM	DLSA/JJB
129	129	157	-	318	67	125	-	-
655	552	702	103	855	283	372	2969	-
784	681	859	103	1173	350	497	2969	-

7. KULLU

Nature	DJ	ADJ	CJM	CJM (L&S)	CJM (L&S at Keylong)	JMIC Manali	JMIC Kullu	JMIC-Banjar	Mob. Tra. Mag.	JJB
Civil	137	213	83	83	2	28	66	51	-	-
CrI.	245	185	1545	1623	24	2009	306	892	2843	5
Total	382	398	1628	1706	26	2037	372	943	2843	5

8. KANGRA

Nature	DJ	DJ Family court	ADJ-1	ADJ-2	Wakf	ADJ-3	CJM	JMIC-1 D/Shala	JMIC-2 D/Shala
Civil	98	107	102	71	1	385	125	32	58
CrI.	234	57	173	75	64	153	994	659	761
Total	332	164	275	146	65	538	1119	691	819

ACJM, Kangra	JMIC-2 Kangra	ACJM, P/Pur (I)	JMIC, P/Pur (2)	ACJM, Nurpur (I)	JMIC, Nurpur(2)
103	123	156	234	105	122
695	544	818	486	668	231
798	667	974	720	773	353

ACJM Dehra (1)	JMIC Dehra (2)	JMIC Jawali	JMIC Baijnath	JMIC Indora	M.T. Magistrate	DLSA/Pocso
182	224	121	143	89	-	0
370	182	339	250	229	-	5
677	60	627	536	390	2241	-

5. CHAMBA

Nature	DJ	ADJ	CJM	JMIC, Chamba	JMIC, Dalhousie	JMIC-Tissa	ACJM/DLSA	MTM	JJB
Civil	296	-	237	283	208	31	-	-	-
CrI.	491	-	1054	367	967	244	-	-	9

Total	787	-	1291	650	1175	275	-	-	9
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6. SOLAN

Nature	DJ	ADJ-1	ADJ-2	ADJ-Nalagarh	CJM	JMIC (1) Solan	JMIC(2) Solan
Civil	131	45	40	151	131	73	150
CrI.	71	55	104	176	683	499	475
Total	202	100	144	327	814	572	625

ACJM -1, Kasauli	JMIC -2, Kasauli	ACJM-1, Nalagarh	JMIC -2, Nalagarh	JMIC, Arki	JMIC, Kandaghat	DLSA	M.T. Magistrate	JJB
104	1	242	122	189	90	-	-	-
340	5	2264	1174	975	334	-	978	7
444	6	2506	1296	1164	424	-	978	7

7. SIRMAUR

Nature	DJ	ADJ	CJM	JMIC, Nahan	ACJM-1, Paonta	JMIC-2, Paonta	JMIC, Rajgarh	Camp at Sarahn	JMIC-Shillai	M.T. Magistrate
Civil	137	129	211	119	124	43	74	44	44	-
CrI.	138	108	628	599	866	450	375	29	155	224
Total	275	237	839	718	990	493	449	73	199	224
