



# Practices and Procedures:

**Rajeev Bhardwaj**

**Registrar General**

**High Court of Himachal Pradesh**

A golden scale of justice is centered in the background, set against a dark circular backdrop. The scale is balanced, with two pans hanging from a central beam. The text is overlaid on the scale.

# Practices and Procedures

High Court

Subordinate  
Courts

# I - High Court:

## ❑ Original Side

[High Court of Himachal Pradesh  
(Original Side) Rules, 1997]

CWP, Civil Suits (Above 30 lakhs),  
COAPP, STR, ELP, Arb.P, COPC,  
CO.P, Ex.P., CMPMO, ITR, EDR,  
WTR, OMPM, PA, PP, ITAPP,  
Cr.WP, CRMMO, Cr.OPC.

## ❑ Appellate Side

[High Court of Himachal Pradesh  
(Appellate Side) Rules, 1997]

FAO, RFA, LPA, RSA, MSA, CR,  
CMP.M, CO.A, CONTA, C.REV.,  
C.REF., CO, OSA, Cr.A, Cr.REV,  
Cr.MPM, Cr.REF, CNACr., DSR  
(Death Sentence Reference)

✓The abbreviation/nomenclature of cases is provided under The Himachal Pradesh High Court (Scrutiny, Maintenance of Judicial Records, Administrative and Executive Business) Rules, 1997.

# High Court (Contd.)

## Proformae:

- ❑ C.M.P.M under Art. 227 of the CoI and 24 CPC, CR, Criminal cases, CS, CWP, LPA, RFA, RSA and Copying

# High Court (Contd..)

## SCRUTINY:

- ❑ Index and Paging.
- ❑ Payment of Court fees (e-stamping)
- ❑ Verification of the Affidavits/Documents.
- ❑ Legibility of the Documents.
- ❑ Furnishing of requisite number of copies.
- ❑ Correctness of Memorandum of Parties.

✓Rule 3 of The Himachal Pradesh High Court (Scrutiny, Maintenance of Judicial Records, Administrative and Executive Business) Rules, 1997.

# High Court (Contd..)

## Registration of case under CMIS:

- ❑ Started in May 2013 LAMP (Linux, Apache, My SQL and PHP) platform. It has replaced the earlier LOBIS (List of Business Information System) which was based on FoxBASE technology
- Comprehensive system from the stage of scrutiny/filing to disposal.
- Updation, Court Updation, Cause lists, Query, Reports, Misc., Affidavit Query, Certified Copy Query, Caveat Query, Order Query, Year-wise Query and Advocate wise Query.
- Auto generation and Assignment of dates.
- Auto generation of Notices/Writs.
- E-mails/alerts about status/dates of cases.
- Grouping of the matters involving identical issues/disputes.
- Details of Lower Court Case/Original Case.

# High Court (Contd.)

## Objections:

- Objections are required to be removed by the parties/lawyers within 7 days, failing which the matters are listed with objections before the Hon'ble Courts as per roster.
- Objections are conveyed to the parties/advocates through SMS.

# High Court (Contd..)

## Cause List:

- Consolidated List.
- Weekly List.
- Daily List.
- Supplementary List
- Production List.



# High Court (Contd..)

## Listing of the cases:

- ❑ **Single Bench-** FAO, RFA, RSA, CR, CMPMO, CS, Ex.P.,CO, Cr. REV., CrMPM (Sec. 482, 438/439 Cr.PC), C.REV., CrMP, OMPM, Cr.A (where sentence imposed is <10 years.)
- ❑ **Division Bench-** CWP and CrWP (before admission), PIL, COPC, COAPP, CR. A. (where sentence imposed is more than 10 years.), Death Sentence Reference, Contempt Appeal, Original Second Appeal, Arbitration Appeal, Company Appeal, Criminal Reference etc.
- ❑ **Full Bench-** When one of the Hon'ble Judges delivers dissenting judgment, the matter is referred to the Full Bench. The Bench consisting of more than two judges is known as Full Bench.
- ❑ **Larger Bench-** A case is referred to Larger Bench whenever in the peculiar facts and circumstances of a case where in the opinion of the Division Bench, the matter is to be decided by a Larger Bench.

# High Court (Contd.)

## Cases listed before the Registrar:

- Civil Suits-- admission of plaints, service of parties, completion of pleadings, admission and denial of documents etc.
- All other cases for completion i.e. service of parties/completion of pleadings etc.
- Allowing all miscellaneous applications, accepting bail bonds/security bond in terms of directions of the Hon'ble Courts etc.
- Power to order for proceeding ex-parte.
- Enlargement or extension of condonation of time.
- Issuance of notice on application for Probate or Letters of Administration etc.

✓ As per Rule 3 of chapter-II of the High Court of Himachal Pradesh(Original Side) Rules, 1997 and Rule 1 of chapter-IV of High Court of Himachal Pradesh(Appellate Side) Rules, 1997.

# High Court (Contd..)

## Roster of Boards:

- ❑ Determined by the Hon'ble CJ

# High Court (Contd..)

## Prioritization of Cases:

- ❑ The cases are listed before the Hon'ble Courts age-wise, priority being given to the cases in the following order in terms of the directions of the Hon'ble Supreme Court/ the directions of Hon'ble CJs' Conference-
  - Full Bench matters, Larger Bench matters, Supreme Court expedited matters, cases against interlocutory orders, offences relating to women, offences relating to children, the SCs/STs (Prevention of Atrocities) Act cases, cases of persons who are in jail, cases of senior citizens more than 75 years of age, arbitration matters, company matters, cases more than five /four years old, as the case may be, cases under the Prevention of Corruption Act, High Court Expedited Cases, Group/ Bunch of more than 10 matters, Taxation matters, Company Appeals, Cases relating to Public Projects, Street Vendors/ Hawker matters, Educational matters, Other than above (Civil), Other than above (Criminal), Cases of differently-abled persons.
- ❑ **Case Flow Management (High Court) Rules, 2005**

# High Court (Contd.)

## Prioritization of Cases:

	Opening Balance as on 01.07.2013	Institution	Disposal	Pendency as on 31.07.2016
<b>OFFENCES RELATED TO WOMEN</b>	512	263	342	433
<b>OFFENCES RELATED TO CHILDREN</b>	8	35	14	29
<b>OFFENCES RELATED TO PERSON</b>	121	116	92	145
<b>OFFENCES RELATED TO CITIZENS</b>	699	417	428	688
<b>PREVENTION OF CORRUPTION ACT</b>	158	101	84	175
<b>MARGINALISED SECTIONS OF SOCIETY</b>	69	34	11	92

Constitution of Commercial Courts.

# High Court (Contd..)

## Hearing of Case(s):

- Admission before notice
- Limini
- Issuance of Notice
- Admission after notice
- For orders
- Final hearing of case

# High Court (Contd.)

## Alternative Disputes Redressal

- ❑ Resolution of disputes through Mediation under the Alternate Dispute Resolution and Mediation Rules, 2005.

<b>Year</b>	<b>Referred</b>	<b>Settled</b>
2010	5	3
2011	90	34
2012	653	72
2013	2195	535
2014	3148	616
2015	1488	368
January 2016 to August, 2016	1411	429
<b>Total</b>	<b>8990</b>	<b>2057</b>

# High Court (Contd.)

## Alternative Disputes Redressal

- ❑ Arbitration under the High Court of Himachal Pradesh (Arbitration and Conciliation) Rules, 2000
- ❑ Lok Adalats.

<u>Year</u>	<u>No. of Lok Adalats</u>	<u>Cases Taken up</u>	<u>MACT cases settled</u>	<u>Other cases settled</u>	<u>Total cases settled</u>	<u>Compensation awarded in MACT</u>	<u>L.L. Camps</u>	<u>Participants</u>
1990	1				181	177000.00	11	548
1991	10				2626	11772448.00	33	2088
1992	54				7175	8107031.00	18	1084
1993	57				5426	7110872.00	16	1150
1994	63				6132	6063314.00	20	2515
1995	58				3513	9178146.00	24	4006
1996	62				2710	9281466.00	15	2146
1997	100	58630	1305	3921	5226	13269857.00	4	552
1998	143	8286	204	4121	4325	14921980.00	8	1111
1999	129	2664	69	728	797	4979900.00	9	525



# High Court (Contd.)

## Alternative Disputes Redressal

2000	404	8157	215	3683	3898	8106800.00	60	12038
2001	423	6807	131	3111	3242	9277100.00	37	7775
2002	448	7032	214	2973	3187	36014692.00	12	2479
2003	447	8542	376	4225	4601	37508270.00	11	2380
2004	459	9043	362	3872	4234	65408803.00	34	3117
2005	449	8383	107	3855	3962	12313500.00	73	8421
2006	459	8932	78	4321	4399	12365644.00	112	16653
2007	379	8120	252	2286	2538	44172953.00	127	14271
2008	320	5814	67	2101	2168	11453500.00	95	12039
2009	320	13486	34	2423	2457	7766000.00	237	24765
2010	359	7049	56	2692	2748	8378720.00	270	27587
2011	480	20316	82	10910	10992	10406030.00	269	25935
2012	357		55	5135	5190	362966951.00	267	25981

# High Court (Contd.)

## Alternative Disputes Redressal

2013	682	60365	411	25474	25885	82825774.00	467	33761
2014	1483	159529	453	109602	110055	83647762.00	1749	114902
2015	1431	149354	360	103254	103614	72767307.00	1366	87688
2016 (upto July)	710	62533	149	35204	35353	30169500.00	860	60657
<b>Grand Total</b>	<b>10287</b>	<b>613042</b>	<b>4980</b>	<b>333891</b>	<b>366634</b>	<b>980411320.00</b>	<b>6204</b>	<b>496174</b>

- ❑ Case Management Committee, Mediation and Conciliation Committee and Mission Mode Programme Committee

# High Court (Contd..)

## Judgment/Orders:

- Updated daily on internet which can be accessed by the parties/advocates.
- Actual data of cases w.r.t. Institution, Disposal and year-wise Pendency is updated on the internet every month.
- A new Android based Mobile App. has been developed having many features such as case search facility based on case number, party's name and Lawyers name & unique facility of storage of case information details and viewing the same in offline mode, facility of downloading orders/ judgments, automatic alerts for next date of listing in respect of cases saved with the aid of the App.
- Modern Digital Display System has been installed in High Court of H.P. for live Display of the cases being taken up before the Hon'ble Courts with facility of simultaneous display of such information on the website of High Court and Smart phones with android applications besides display of messages about mediation during the period when the Courts are not sitting.
- The exercise for amendment of the relevant Rules as per the Process Re-engineering Report is complete and report is to be placed before the Full Court for approval.

# High Court (Contd..)

## Record Room:

- Consignment of Judicial files.
- Assignment of Record Room Number.
- By Notification dated 20.09.2013, sub-rules (e) and (f) have been added to Rule 3 of The Himachal Pradesh High Court(Scrutiny, Maintenance of Judicial Records, Administrative and Executive Business) Rules, 1997, providing for digitization of Judicial Record.

- Digital Signature Certificates have been issued to Hon'ble High Court Judges, Judicial Officers & 115 Officers / Officials of Registry.
- Video conferencing Units have been set up at the High Court, all eleven (11) Headquarters of Civil & Sessions Divisions and sixteen (16) Sub-Divisional/ Tehsil level Courts, which are more than 50 Kilometers away from the Jail concerned. These are being put up for various uses. The document presenters have also been installed with 24 VC units.
- For internet access the leased line facility is available in High Court of H.P. and all the Headquarters of Civil & Sessions Divisions except Shimla. VPNoBB connectivity is available at ten (10) Headquarters of Civil & Sessions Division and also at 28 Taluka Court Complexes. HIMSWAN connectivity is available to all the VC units except High Court.
- As a pre-cursor to converting H.P. High Court Library into e-Library, KOHA has been implemented and the 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.

# Institution, disposal & pendency of Cases in the High Court of Himachal Pradesh Shimla w.e.f. 2006 to 31<sup>st</sup> July, 2016

Sr. No.	Year	Opening Balance	Institution	Disposal	Pendency	Average Strength of Judges	Average Disposal
1	2006	23771	13592	10274	27089	4.3 say 4	2568.50
2	2007	27566	17114	15760	28920	8.3 say 8	1970.00
3	2008	28920	23347	18428	33849	9.7 say 9	2047.55
4	2009	33859	42893	25099	51643	9.6 say 9	2788.77
5	2010	51643	36697	42759	45581	10.9 say 11	3887.18
6	2011	45581	40472	39512	49541	11	3319.27
7	2012	49541	43828	37772	55597	10.9 say 11	3433.81
8	2013	55597	40931	36455	60073	8.9 say 9	4050.55
9	2014	60073	41813	62270	39616	7.1 say 7	8895.71
10	2015	39616	25920	33436	32100	7	4776.57
11	31 <sup>st</sup> July, 2016	32100	12925	14516	30509	9.5 say 9	1612.88

## Note:

1. In the month of Oct. 2013, 285 civil suits were transferred to subordinate courts due to enhance pecuniary jurisdiction.
2. During physical verification in Sept., 2014, variation of 25850 civil cases ( 307 main and 21794 Misc.) were found.
3. 6,182 cases were transferred to HP State Tribunal in 2015.
4. The sanctioned strength of judges in 2006 was 8 whereas now it is 13.

# II - Subordinate Courts:

## □ Procedure of filing cases(CIS-2 version):

- Pecuniary Jurisdiction (Civil Judge(Jr.D.)=10 lakhs, Civil Judge (Sr.D.)= 20 lakhs and DJs= 30 lakhs.
- Presentation of cases- at the Judicial Service Centre.
- Auto generation of cause list and its availability on internet.
- Auto generation of Notices.
- Auto-generation of filing receipts
- E-mails/alerts about status/dates of cases.
- Case status
- Availability of copies of orders and judgments
- Sending of cases to Principal Courts for distribution as per norms.
- Distribution of cases by Principal Courts as per Rules/instructions.
- Scrutiny and Registration of cases.

□ The data on the NJDG (National Judicial Data Grid) is being uploaded on regular basis in respect of those Courts which have been computerized

□ Case Management Flow (Subordinate Courts) Rules, 2005.

# Subordinate Courts (Contd..)

## Civil Cases

### ➤ Delegation of Powers:

Civil Judges (Sr.Div) under the Guardians and Wards Act (HHC.Admn.6(24)/74-5356 Dated 1<sup>st</sup> November, 1978), Provincial Small Causes Courts Act, (1887(HHC.Admn.6(24)/74-7334, Dated 1<sup>st</sup> November, 1978), Rent Act (HHC/Admn.6(16)75-6620, Dated 4/7 June, 1988), and all Civil Judges under Chapter X of Indian Succession Act (HHC/Admn.6(24)/74-II-3266, Dated 8<sup>th</sup> March, 90) and grant of probate under Indian Succession Act (HHC/Admn.6(24)/74-II-7345, Dated 1<sup>st</sup> Nov. 78 and Civil Judge 1<sup>st</sup> class under section 9 &10 of Hindu Marriage Act ( HHC/Admn.6(24)/74-II8925-8933 dated 28<sup>th</sup> July, 1987)

➤ Demarcation of the land/property in the name of Judiciary should be done in the presence of Judicial Officers (C.L. No. HHC/admn.4(7)/74 Dated June, 1984)

➤ Whenever an order is made either for substitution of LRs or addition of parties or when plaintiff or defendant attains majority, apart from filing of corrected memo of parties, the court itself gets the necessary corrections carried out in the record in red ink in the original memo of the parties with date of the order- O1 R 10 , O22 R 3 or 4 and 41 R20( No. HHC/VIG/MISC/INST/93 dated 29<sup>th</sup> Dec., 1994)

### ❑ Rent cases:

➤ Specifying the amount due while disposing of the Rent Petitions (HHC/VIG/GEN.7/85 Dated January, 1986)



# Subordinate Courts(Contd..)

## Criminal Cases

### ❑ **Bail Orders:**

- Warrants for the release or remission of sentence should be sent to the Jail Authorities through agency of the Post and not through the friends or relatives of prisoners.

(Note 13 of Para 445 Chapter XI of the Punjab Jail Manual),  
(HHC.J.S.5(3)/71-IV-7404, Dated 28<sup>th</sup> June, 1983)

- Amount of the bail should be according to the nature of offence, age of the under-trial, capacity of the under-trial to produce sureties. Where under-trial is under detention for unduly long time release on personal bond be considered.(C.L. No. HHC.J.15-S(99)/81-I-, Dated 18 November, 1981).

- There should be no delay in release of MPs after the bail bonds have been filed. (No. HHC/Admn.10(4)/81-6468 Dated 2<sup>nd</sup> May, 1981)

### ❑ **Release of seized property:**

- Seized property should not be directed to be released subject to the satisfaction of the Police officials. (HHC/VIG/Forest/II/82-,Dated 9<sup>th</sup> September, 1982)

- Before releasing the documents on spurdari particulars of the registration, vehicle no, insurer and insured, driver, driving licence be taken. (HHC/VIG/PA/MACT/84-9542, Dated 26<sup>th</sup> August, 1986)

# Subordinate Courts(Contd..)

## Criminal cases

### ❑ **Statement under Sec. 313 Cr.P.C.**

- Answer to the questions should not be recorded in a mechanical manner. (No. HHC/VIG/CS-9/86 Dated 8<sup>th</sup> September, 1986).

### ❑ **Copy of FIR**

- Court to place on record the copy of FIR with the Challan. (HHC/VIG/Forest/II/82-, dated 9<sup>th</sup> September, 1982)

### ❑ **Inspection of Jails.**

- Once in every three months by DJ as per the Punjab Jail Manual (C.L. No. HHC.J.15-S(99)/81-I-, Dated 3<sup>rd</sup> September, 1983), (C.L. No. HHC.J.15-S(33)/78-I-, Dated 23 August, 1984)
- All DJs to submit detailed Jail Inspection Report to the High Court. (C.L. No. HHC/VIG/J-15-S(33)/78-II-765, Dated 10/16, January, 1985), (C.L. No. HHC.J.15-S(33)/78-II-789, Dated 10/16, January, 1985).
- Jail Inspection Note to include interviews of advocates with prisoners without production of Power of Attorney and extension of due courtesies to those advocates. (No. HHC/J.15-S(33)/78-I, Dated 7<sup>th</sup> December 1998)

# Subordinate Courts(Contd..)

## Criminal Cases

### ❑ **Transfer of Convicts/Prisoners from one jail to another**

- As per Para 738 and 739 of Punjab Jail Manual; it is the State prerogative (HHC/VIG/Misc/Inspections/93 Dated 19<sup>th</sup> November, 1996.)

### ❑ **Summary Trials**

- Guidelines to conduct trials under Motor Vehicle Act. (C.L. No. HHC/Admn.6 (24)/74-I- Dated 14<sup>th</sup> June, 1984.
- Such cases are to be taken up on Saturdays (HHC.J. 15(33)/78-I dated January 1988.
- Spot Trial at least to 3-4 days every month. (No. HHC/Admn.6(24)174-I, Dated 5<sup>th</sup> Jan. 1996.

### ❑ **Withdrawal of stale and ineffective cases**

### ❑ **Juvenile cases**

- Disposal of cases must be disposed of within four months. (No. HHC/ Vig. Misc.Instructions/93-IV-5280 dated 25/27<sup>th</sup> February, 2015).
- DJs to inspect Juvenile Justice Institutions every month and report to the High Court (No.HHC/Admin.29(14)96-34330 dated 9<sup>th</sup> December, 2013)

# Subordinate Courts(Contd..)

## Criminal Cases

### ❑ WITNESSES:

#### ▪ Expert

- Particulars of documents etc. to be mentioned on the summons of the Doctors as witnesses (HHC/VIG/XI/81- dated 18<sup>th</sup> May, 1981)
- Whenever Medical Officers are summoned as expert witnesses, their evidence should be recorded promptly, time of issuing the attendance certificate be mentioned and further if Judicial Officer proceeds on leave, the M.O be informed accordingly (HHC/VIG/Misc./Instructions/93-12695, Dated 21<sup>st</sup> July, 1997)
- Adjusting the expert witnesses regarding the time and dates and further detaining them for the least possible time (Rule 9 A of the High Court Rules and Orders Vol. III) (HHC J. S.9-1/84-IK dated May, 1986.
- Payment of Road and Diet Money- In accordance with the rates approved by the State Government. Payment of the TA as per the Status and entitlement of the witnesses (No. HHC/Vig./R&D Money/95 Dated 12<sup>th</sup> February, 1997 and as per provisions of Note 2 of Rule 3 of Chapter9-A, High Court Rules and Orders, Vol. III.

#### ▪ Judicial Officer

- Summoning of Judicial Officer in inquiry only where his appearance is necessary in order to prove the charge in inquiry against the delinquent. (HHC/GAZ/10-22/78-II dated April, 1984).

# Subordinate Courts(Contd..)

## Criminal Cases

- In such Departmental inquiry the Judicial Officer be informed whenever the Inquiry proceedings are to be adjourned (C.L. No. HHC/GAZ/14-22/74-I-10260 dated 14<sup>th</sup> August, 1987).
- Whenever a Judicial Officer is summoned as witness, the date be fixed in such a manner that holiday must be prefixed/suffixed (HHC/GAZ/14-38/74-III dated 6<sup>th</sup> May, 1994).
- Judicial Officer be summoned only where he is material witness to prove the case (No. HHC/GAZ/10-43/82-I dated 23<sup>rd</sup> March, 2001)

### Others

- Cases in which I.O.s have to appear may be listed Police Station-wise on each day. (HHC/VIG/MISC/Instruction/93-2 Dated 20<sup>th</sup> September, 2001).
- Jail Trial in petty offences (HHC/Vig./Petty Offence/under Tr. Pr./9.)
- Maintenance of register where currency notes of Rs. 500 or above is tendered as fine. (HHC/VIG/FINES/SML/98 Dated 10<sup>th</sup> August, 1998)
- Avoiding frequent adjournments in Criminal cases. (HHC/Admn/10(155/98-2 Dated 17<sup>th</sup> September, 1998.
- Proceedings initiated under Sec. 446 Cr.P.C. be taken to logical end (HHC/VIG/CM-91/85-7453 dated 28/29 May, 1985)
- Furnishing statement regarding the number of witnesses in criminal cases who despite their presence in court go un-examined (HHC/Admn.-10(155)/98-II Dated 8<sup>th</sup> May, 2001)

# Subordinate Courts(Contd..)

## Time Limit For Disposal Of Cases

Type of Case	Time Limit
1. Sessions cases	Three months from the date of their receipt in the Sessions Court
2. Criminal Appeals/Revisions/Applications	3 months
3. Other Criminal cases	6 months
4. Regular Civil Appeals	1 year
5. Misc. Appeals and applications	6 months
6. Civil Suits other than the suits of Public importance	3 years
7. Suits for maintenance	6 months
8. Land acquisition cases	18 months
9. Small Cause suits	3 months
10. Cases under MV Act	6 months

# Subordinate Courts(Contd..)

## Time Limit For Disposal Of Cases

11. Applications for interim relief *	30 days.
12. Application for interim maintenance under HMA**	6 weeks.
13. Application for restoration of suit/appeal dismissed in default	6 weeks.
14. Application for setting aside ex-parte decree	6 weeks.
15. Proceedings under Sec. 125 Cr.P.C	6 months
16. Application to sue as indigent person.	3 months
17. Petition under the Guardian and Wards Act & Indian Succession Act.	6 months
18. Petition under the HMA	6 months
19. Petitions other than summary under the HP Urban Rent Control Act	6 months
20. Summary Petitions under the HP Urban Rent Control Act	3 months

Item No. 19 & 20 vide C.L. No. HHC/Rules-2(26)/83, Dated May, 1984. HHC.Rules.22(26)/84, Dated 25<sup>th</sup> April, 1984

\*Where interim relief is granted application under O 39 R 1 & 2 be disposed within 6 months(HHC/VIG/MISC/Instructions/2000 Dated 31<sup>st</sup> May, 2000)

\*\*HHC/VIG/Misc./Instructions/93-, Dated 24<sup>th</sup> March, 1999)

# Subordinate Courts(Contd..)

## Time Limit For Disposal Of Cases

- Ownership of Land/Properties belonging to religious institutions-Expediently (HHC/GAZ/14-54/74 dated April, 1981).
- Handicapped persons- Expediently (HHC/Rules.22 (26)/84-13269 dated 17<sup>th</sup> /19<sup>th</sup> November, 1986).



# Subordinate Courts(Contd..)

## Disposal Of Cases

### ❑ Norms for disposal of Civil and Criminal cases.

- (No. HHC/VIG/STAT/NORMS/94-4489 Dated 22<sup>nd</sup> March, 1999),
- (No. HHC/VIG/STAT/NORMS/94- Dated 3<sup>rd</sup> July, 1999),
- (No. HHC/VIG/STAT/NORMS/94-14514 Dated 19 July, 2000)
- (No. HHC/VIG/STAT/NORMS/94- Dated 31<sup>st</sup> August, 1999),
- (No. HHC/VIG/STAT/NORMS/94- Dated 3/4 November, 1999)
- (No. HHC/VIG/STAT/NORMS/94- 8393 Dated 23 April, 2004)
- (No. HHC/VIG/STAT/NORMS/94- 13664 Dated 17 June, 2004)
- (No. HHC/VIG/STAT/NORMS/94- Dated 25 August, 2004)
- (No. HHC/VIG/STAT/NORMS/94- 21561 Dated 10 October, 2006)
- Revision of norms w.r.t. Lok Adalats (No. HHC/VIG/STAT/NORMS/94-I-4054 Dated 6<sup>th</sup> March, 2007)

❑ Disposal should commensurate with institution (No. HHC/VIG/GEN/STAT/93-VI-2687-88 Dated:18/19 November, 2014)

❑ Double of the units shall be given to dispose off old targeted cases. (No. HHC/VIG/STAT/NORM/94-1 22639 Dated 1<sup>st</sup> September, 2016)

# Subordinate Courts(Contd..)

## Disposal Of Cases

- Disposal of at least 1/3 civil and criminal cases of the minimum required number of contested cases of countable categories.( No. HHC/VIG/STAT/NORMS/94 dated Dec.24, 1998
- Revision of norms w.r.t. Prevention of Corruption Act cases (No. HHC/VIG/STAT/NORMS/94-I-14209 Dated 25<sup>th</sup> May, 2011.), (HHC/VIG/GEN/STAT/NORMS/94-28800 Dated 19<sup>th</sup> October, 2013)
- ❑ **Old or special category cases**
  - Examination of the Zimini orders of the 10 oldest cases of each category by the DJ to find out the reasons for grant of adjournments. (HHC/VIG/7VII/80 Dated 16<sup>th</sup> April, 1980)
  - Displaying the names of five Judicial Officers deciding maximum number of cases and those having disposed of maximum > 5 years old cases on the website of the Hon'ble High Court and concerned District Court.
  - Reasons for non-disposal of > 5 years old cases to be furnished along with monthly disposal statement.
  - Furnishing 6 monthly return of cases relating to the persons above 65 years. (HHC/VIG/GENERAL/STAT/93-V/99 Dated 11<sup>th</sup> June, 1999)
  - No old case should be transferred/assigned by the DJ to the ADJ unless there are compelling circumstances. (HHC/VIG/GEN/STAT/93-V Dated 2<sup>nd</sup> July, 1999)

# Subordinate Courts(Contd..)

## Disposal of cases:

- Recording of remarks in the ACRs in case of adverse remarks w.r.t. old cases. (No. HHC/VIG/MISC./INST./93-IV-38688 Dated 29<sup>th</sup> November, 2015)
- Judicial officers while submitting quarterly inspection reports shall separately submit progress report of the oldest five cases pending and the steps taken for their expeditious disposal.(No. HHC/VIG/STAT/NORMS/94-1-12062 dated 13<sup>th</sup> May, 2016.
- Submission of reasons of non-disposal of Civil and Criminal cases pending for more than 5 years ending 31<sup>st</sup> March, June 30, Sept. 30 and Dec. 31( No. HHC/VIG/Misc/Instructions/93 dated Dec.10, 1996)
- Expeditious disposal of cases which are >5 years old relating to women, children, marginalized sections of society, Differently-abled persons, Senior citizens, Cases under Prevention of Corruption Act and Under-trial prisoners. (HHC/VIG/GEN/STAT/93-VI 15234 Dated 14/15 June, 2016).

# Subordinate Courts(Contd..)

## Disposal of cases:

### ❑ Other instructions

- Disposal of at least 10 Civil Appeals by DJ/ADJ.(HHC/VIG/GEN/STAT/93-IV/97-8704 Dated 26<sup>th</sup> May, 1997)
- Reversion to lower grade in case of poor performance for two consecutive quarters. (HHC/VIG/GEN/STAT/10-67/2011-30212 Dated 17<sup>th</sup> October, 2011)
- DJs should ensure equal number of all types of cases in each court not only category-wise but also age-wise and he should keep a constant watch on old cases. (HHC.J.15-S(23)/78-II Dated April, 1985), (HHC.J.15(S)24-/78-I-, Dated January, 1984)
- Submission of Monthly Disposal Statements within the time Schedule (No. HHC/Vig/Gen./Stat./93-IV dated July 11, 2001.
- When proceedings have been stayed then a note has to be appended (HHC/Vig/Misc./Instructions/93 dated January 9, 1997.)
- Not more than period of two months be granted for the service and six months for recording evidence without assigning reason in writing (HHC/VIG/GEN./STAT/93-4/97 Dated 15<sup>th</sup> July, 1998)

# Subordinate Courts(Contd..)

## Resolution of cases through ADR:

- ❑ Preference for reconciliation will be given to the cases relating to matrimonial relief, guardianship, maintenance (C.L. No.HHC/VIG/PA/84-, Dated 18<sup>th</sup> August, 1984)
- ❑ Cases in which conciliation is to be adopted (C.L.No.HHC/VIG/PA/84-III-2529, Dated 10<sup>th</sup>/14<sup>th</sup> March, 1988) -
  - Application to sue an indigent persons;
  - Application seeking interim relief;
  - Execution Applications;
  - Suits/Proceedings relating to matters concerning the family as defined in Order XXXIIA, rule 1, sub rule (2) of the Code of Civil Procedure.
  - Partition Suits;
  - Petitions Suits;
  - Cases under the Himachal Pradesh Urban Rent Control Act;
  - Pre-emption suits;
  - Money suits on instruments;
  - Suits for rendition of accounts;
  - Suit or proceeding to which the govt. or a public officer acting in his official capacity is party;
  - Application for restoration of a suit dismissed for default.

# Subordinate Courts(Contd..)

## Resolution of cases through ADR:

- Application for setting aside the ex-parte decree;
- Application to set aside abatement and/or to condone delay in bringing L.Rs. on record; (C.L. No. HHC/VIG/PA/84-11170, Dated 20<sup>th</sup> August, 1984)
- Suits in which relief of permanent prohibitory injunction is claimed as a consequent relief, and
- Any other case which the court considers fit for conciliation.

# Subordinate Courts(Contd..)

## Resolution of cases through ADR:

### ❑ Mediation

- Awarding units for cases/appeals settled through Lok Adalat or Mediation or Plea Bargaining (No. HHC/VIG/STAT/NORMS/94-1-2541 Dated 17<sup>th</sup> October, 2014) and (HHC/VIG/STAT/NORMS-94-27333-41 Dated 14<sup>th</sup> October, 2015).
- In case 3 main civil or criminal cases are settled through mediation, it will be treated as one contested case. ( No. HHC/VIG/STAT/NORMS/94-1-2541 dated 17<sup>th</sup> Oct. 2015)

### ❑ Lok Adalat

- The detail of cases taken up, cases settled, MACT cases settled and compensation awarded in the MACT cases in the Lok Adalats organized in the calendar year 2015 (1.4.2015 to 31.3.2016) is as under:-

No. of Lok Adalats held	No. of cases Taken up	No. of cases settled other than MACT	No. of MACT cases settled	Total Cases settled (including MACT & National Lok Adalat)	Compensation awarded in MACT cases (Rupees)
1290	155024	107151	362	107513	73160807/-

# Resolution of cases through ADR: (Contd ..)

## Arbitration and Conciliation

## Plea Bargaining

## Legal Aid

- Weightage for designating as Senior Advocates to the Advocates who have done Legal Aid work (No. HHC/Rules/Adv./96-1- Dated 06<sup>th</sup> June, 2014).
- The detail of legal aid beneficiaries from April, 2015 to March, 2016 is as under:-

SC	ST	BC	WOMEN	CHILDREN	IN CUSTODY	GENERAL	OTHERS	TOTAL
203	23	59	784	12	141	360	29	1611



# Subordinate Courts(Contd..)

## Court Fees

### ❑ Refund of Court Fee

#### • Appeals

- In appeals in which decree is passed in accordance with agreement, compromise or satisfaction recorded under Order 23 =  $2/3^{\text{rd}}$ .
- Appeals which are withdrawn= Full amount.
- Appeals which abate =  $2/3^{\text{rd}}$  .
- Appeal which is dismissed as barred by law = half of the institution fee (No. Rev. 1-6(Stamp)1/81-, Dated 22<sup>nd</sup> October, 1984)

#### • Suits

- In suits in which decree is passed in accordance with agreement, compromise or satisfaction recorded under Order 23 =  $2/3^{\text{rd}}$ .
- In summary suit under Order 22 where leave to defend is refused= $2/3^{\text{rd}}$  .
- Suits where the claim is admitted but only time for installment is sought= $2/3^{\text{rd}}$  .
- Suit which is dismissed before recording of evidence=  $2/3^{\text{rd}}$ .
- Suit which abates because the right to sue does not survive = $2/3^{\text{rd}}$
- Suits in which the plaint is returned for presentation before appropriate court=  $2/3^{\text{rd}}$  (HHC.Rev.1-6(Stamp)1/81 Dated 22<sup>nd</sup> Oct. 84

# Subordinate Courts(Contd..)

## Inspection of Courts

- Quarterly Inspection of the Courts by the Judicial Officers. (C.L. No HHC.J.15-S(70)/81-I-12106, Dated 30<sup>th</sup> August, 1983), C.L. No. HHC./VIG/GEN.7/85-4585) Chapter I-C Vo. IV of the Punjab High Court Rules and Orders
- Surprise inspection by the DJ. (C.L. No. HHC/Rules-22(26)/83-, Dated 22<sup>nd</sup> June, 1984).
- Physical verification of pending Judicial case files (No. HHC/VIG/GEN/STAT/93-VI-10407 Dated 10<sup>th</sup> April, 2015)
- Adequate care to be taken by the Judicial Officers while conducting physical verification of the judicial files and certificate qua this be also appended in the relevant statement. (No. HHC/VIG/GEN/STAT/93-VI dated 10<sup>th</sup> April, 2015).
- While conducting physical inspection, the Judicial Officer shall not criticise the work done by his predecessor.( Ch I-C1979.), Vol IV, Rules 10 to 13) (No. HHC/Vig/79-18 dated 29<sup>th</sup> May, 1979).

# Subordinate Courts(Contd..)

## Supply of Copies:

- ❑ Himachal Pradesh Civil and Criminal Courts (Preparation and Supply of Copies of Records) Rules, 2000-Chapter 17 of Vol. IV, High Court Rules and Orders.
- Instructions regarding disposal of requisitions and speedy disposal of files to the copying agency (C.L. No. HHC/VIG/VIII/83-, Dated 18<sup>th</sup> May, 1983)
- Supply of information w.r.t. pendency in the Copying Agency every month. (C.L. No. HHC/VIG/79-19 Dated 29<sup>th</sup> May, 1979)
- Supply of certified copies of Judgment/orders/decree sheet against proper receipt and giving tentative date by which the requisite copy of the judgment is ready for delivery. (HHC/VIG/Misc/Inst./93, Dated 24 September, 1993)

# Subordinate Courts(Contd..)

## Record Room

- Weeding out and destruction of record periodically and regularly (HHC/MISC/Instructions/93- Dated 4<sup>th</sup> April 1998)
- Not to send decided Civil and Criminal files on requisition without consigning to the record room Rule 6 chapter 16B Vol. IV Punjab and Haryana High Court Rules and Orders (HHC.J/15-S(55)/81/I- 21st November, 1981)
- Register shall be maintained by the dealing hand in addition to the usual diary and dispatch register about the transfer of the Judicial record which shall not be destroyed for at least 15 years. (HHC/JUDL/Instructions/11-2/97 Dated 1<sup>st</sup> January, 1999)
- Maintenance of judicial files signing of exhibits etc. (HHC/VIG/MISC/INSTRUCTIONS/93-1 Dated 25<sup>th</sup> June, 1999)
- Misc. applications, surety bonds not be consigned separately but tagged with the main case file. (HHC/RULES/MISC/1/96 Dated 27<sup>th</sup> August, 1996.)

# Subordinate Courts(Contd..)

## General Instructions

### ❑ Judicial Hours

- Ordinary hours of Subordinate Courts are from 10 AM to 4 PM while of office is 9.45 AM to 4.45 PM (No. HHC/Admn/22(3)/77 dated 6<sup>th</sup> July, 1983).
- Continuance of Judicial work after normal working hours only in exceptional cases when the parties and their counsels agree. (HHC/VIG-CN-73/84 Dated March, 1985).
- Punctuality amongst the Judicial Officers and Staff. (No.HHC/VIG/MISC/INSTRUCTIONS/93-IV-34600 Dated 31<sup>st</sup> October, 2014)
- Dismissing the case for default or exparte proceedings should not be passed in the pre-lunch hours and judicial notice of climate conditions be taken into considerations for this. Further whenever, adjournment is prayed, the reasons for rejection or allowing it must be stated in the order sheet.(HHC.J.15-S(33)/78-I-3563 dated 23<sup>rd</sup>/24<sup>th</sup> April, 1984)

### ❑ Precautions to be taken

- Not to adjourn proceedings sine die when further proceedings could not be taken up due to an appeal, revision or application pending in the superior court or other reason but in order to effectively monitor the progress of such cases the matter be adjourned to a particular date and called in the Open Court. (HHC/VIG/GEN/STAT/93-4/97 Dated 3<sup>rd</sup> June, 1997)

# Subordinate Courts(Contd..)

## General Instructions

- Practice of recording of evidence by Court Readers (HHC/VIG/MISC/Instructions/93-14633 Dated 27 September, 1993)
- The Presiding Officer should not fix so many cases which they cannot deal with (HHC/VIG-CN-73/84 Dated March, 1985)
- The Zimini orders must be invariably be dictated and written by the Judicial Officers (HHC/RULES(Misc.)-1/96)
- When on account of vacant court cases are transferred from one court to another court, the copy of the order of transfer be endorsed to the registry (HHC/VIG/COURT/GEN./96-18448 Dated 16<sup>th</sup> October, 1997)
- Registration cases against their Original number when the case is transferred or received by remand or restored (C.L. No. HHC.J..15-S(23)-78-II-, Dated 18<sup>th</sup> July, 1985)
- A copy of the office order vide which cases are adjourned be placed on the records of the case. (No. HHC/VIG/Misc. Instructions/93-IV-12753 dated 5<sup>th</sup> May, 2015)
- A list of cases which are pending for more than a year without trial due to the stay having been granted or records being requisitioned by the higher court be submitted to the registry. ( No. HHC.J.15-S(33)/78/I dated 22<sup>nd</sup> May, 84)

# Subordinate Courts(Contd..)

## General Instructions

### ❑ Judgments

- Writing of name of Judicial Officer, designation and name of court at the top of the judgment.(No. HHC/Regr/PA/Assessment/84-17031 dated 23/25 oct.89)
- Every page of judgement be signed (Rule 2 of Ch II-A , Vol I and Rule 1 (iii) of Ch I-H, Vol III), decree must bear the seal of the court (Vol VI, Part A), charge must bear the date and seal (Vol VI, Part B), requisite certificate required u/s281 CrPC be appended at the foot of statement u/s313 Cr.PC and personal and surety bond be separated attested. ( No. HHC/VIG/198383 dated Dec.
- List of witnesses and exhibits appending thereof (HHC/VIG/MISC/INSTRUCTIONS/93-Dated December 16, 1996)
- One spare certified copy of judgment/final order be prepared by the stenographer in a separate file so as to facilitate reconstruction of record.( No. HHC/Rules/22(25)/84 dated 5<sup>th</sup> Nov. 1984)
- Judgment must contain points for determination and finding on such points must be given categorically (HHC/J.15-S(33)/78-3790 Dated 28/30 April, 1984)
- Pronouncement of Judgment within one month after completion of arguments.(HHC/VIG/MISC./INST./94-4-38688 Dated 29<sup>th</sup> November, 2014)
- Maintenance of register for noting down the cases reserved for pronouncing judgment/order after hearing arguments and Supdt. Shall put up the register before the PO daily.(No. HHC/VIG/INS/SML/97 dated Sept.6,1997.

# Subordinate Courts(Contd..)

## General Instructions

- Mention of designation while disposing of cases under the NDPS Act. (HHC/VIG/Misc./Instructions/93-II Dated 13<sup>th</sup> November, 2000)
- Mention the number of the Main case while typing out or preparing the order which is appealable/revisable (No. HHC/VIG/MISC/INSTRUCTIONS/93 21520 dated 13<sup>th</sup> Dec.,1996).
- A copy of judgment/order be sent to the head of office/department for the purpose of information and to make them aware of the observations of the court.(No. HHC/Rules/-22(260/83-4387 dated 20<sup>th</sup> April, 1984).
- Copy of judgment in Food Act (No. HHC/JS(9)/78-116714-15, dated July, 1981) Forest Act (No HHC/VIG/SJ.Theog/82-II dated 30<sup>th</sup> July, 1982), Fisheries Act (No. HHC/VIG/Fis./82 dated 19<sup>th</sup> August, 1982 Excise Act (No. HHC/VIG/P.Ex.Act/84 dated 16<sup>th</sup> May 84) be sent to the Registry.

### ❑ Spot Inspection

- No Judicial officer will act as Arbitrator/Commissioner except with prior approval of the High Court. Wherever it is necessary the remuneration will not exceed Rs. 4500/-.(C.L. No. HHC/Rules-22(26)/84-Dated 22<sup>nd</sup> June, 1984)
- Spot Inspection where it would be useful for the just decision of the case. (No. HHC/GAZ/14-72/76-III, Dated 2<sup>nd</sup> May,1996).
- Preparation of detailed note at the time of spot inspection. (No. HHC/GAZ/14/-116/81-dated 3<sup>rd</sup> Oct, 1981)



# Subordinate Courts(Contd..)

## General Instructions

- Not to make observation, impression and opinion for deciding the case. (HHC/VIG/Gen.7/85 dated Jan. 1986)
- Reasons must be assigned while making reference to the HC as to why spot inspection is necessary. (HHC/Admn/-6(46)/78-dated Aug 1980)

### ❑ Others

- Assigning cases to the Secretaries, District Legal Services Authorities under the Negotiable Instruments Act,(HHC/Admn.6(24)74-IX- Dated 16<sup>th</sup> August, 2016)
- Each paper admitted should be entered in the index on the date of its admission to the record-paragraphs 1 to 4 Part-II, Chapter 16-A, Vol I (No. HHC.J.15-S(22)/78-I-7513 dated 28<sup>th</sup> Oct., 1978)
- Grant of remand and recording of evidence through Video Conferencing (HHC.1(5-Comp./D.Courts./VideoConf./2007-26465 Dated 22/25 August, 2014)

# Institution, disposal & pendency of Cases in the Subordinate Courts of Himachal Pradesh Shimla w.e.f. 1999 to 30<sup>th</sup> June,2016

Sr.No.	Year	Category	O/B in the beginning of the year	Institution during the year	Disposal during the year	Pendency at the end of the year
1	1999	Civil	69198	47378	45279	71297
		Criminal	67245	99475	98894	67826
		<b>Total:</b>	<b>136443</b>	<b>146853</b>	<b>144173</b>	<b>139123</b>
2	2000	Civil	71297	40862	39689	72470
		Criminal	67826	88592	85877	70541
		<b>Total:</b>	<b>139123</b>	<b>129454</b>	<b>125566</b>	<b>143011</b>
3	2001	Civil	72470	43486	47433	68523
		Criminal	70541	97836	93970	74407
		<b>Total:</b>	<b>143011</b>	<b>141322</b>	<b>141403</b>	<b>142930</b>
4	2002	Civil	68523	44758	45029	68252
		Criminal	74407	118073	111478	81002
		<b>Total:</b>	<b>142930</b>	<b>162831</b>	<b>156507</b>	<b>149254</b>
5	2003	Civil	68252	44440	47163	65529
		Criminal	81002	115980	106766	90216
		<b>Total:</b>	<b>149254</b>	<b>160420</b>	<b>153929</b>	<b>155745</b>
6	2004	Civil	65529	50687	50801	65415
		Criminal	90216	134940	125006	100150
		<b>Total:</b>	<b>155745</b>	<b>185627</b>	<b>175807</b>	<b>165565</b>

# Institution, disposal & pendency of Cases in the Subordinate Courts of Himachal Pradesh Shimla w.e.f. 1999 to 30<sup>th</sup> June,2016

7	2005	Civil	65415	46903	47982	64336
		Criminal	100150	146283	133353	113080
		<b>Total:</b>	<b>165565</b>	<b>193186</b>	<b>181335</b>	<b>177416</b>
8	2006	Civil	64336	45251	44834	64753
		Criminal	113080	141743	166759	88064
		<b>Total:</b>	<b>177416</b>	<b>186994</b>	<b>211593</b>	<b>152817</b>
9.	2007	Civil	64753	47568	50059	62262
		Criminal	88064	108733	116149	80648
		<b>Total:</b>	<b>152817</b>	<b>156301</b>	<b>166208</b>	<b>142910</b>
10	2008	Civil	62262	50670	48644	64288
		Criminal	80648	104703	102973	82378
		<b>Total:</b>	<b>142910</b>	<b>155373</b>	<b>151617</b>	<b>146666</b>
11	2009	Civil	64288	54872	49762	69398
		Criminal	82378	129571	121381	90568
		<b>Total</b>	<b>146666</b>	<b>184443</b>	<b>171143</b>	<b>159966</b>
12	2010	Civil	69398	59030	55129	73299
		Criminal	90568	159913	147634	102847
		<b>Total</b>	<b>159966</b>	<b>218943</b>	<b>202763</b>	<b>176146</b>

1. Total strength of Judges in subordinate judiciary in 2006 was 113 and in 2016 it was 155
2. Total strength of Employees in subordinate judiciary in 2006 was 1766 and in 2016 it was 2045.

# Institution, disposal & pendency of Cases in the Subordinate Courts of Himachal Pradesh Shimla w.e.f. 1999 to 30<sup>th</sup> June,2016

13	2011	Civil	73299	61543	59628	75214
		Criminal	102847	164522	153034	114335
		<b>Total</b>	<b>176146</b>	<b>226065</b>	<b>212662</b>	<b>189549</b>
14	2012	Civil	75214	63181	58979	79416
		Criminal	114335	217885	187073	145147
		<b>Total</b>	<b>189549</b>	<b>281066</b>	<b>246052</b>	<b>224563</b>
15	2013	Civil	79416	75983	71309	84090
		Criminal	145147	251820	222266	174701
		<b>Total</b>	<b>224563</b>	<b>327803</b>	<b>293575</b>	<b>258791</b>
16	2014	Civil	84090	69102	61282	91910
		Criminal	174701	308063	348450	134314
		<b>Total</b>	<b>258791</b>	<b>377165</b>	<b>409732</b>	<b>226224</b>
17	2015	Civil	91910	67234	62631	96513
		Criminal	134314	224091	248191	110214
		<b>Total</b>	<b>226224</b>	<b>291325</b>	<b>310822</b>	<b>206727</b>
18	2016 (as on 30.06.2016)	Civil	96513	33124	30405	99232
		Criminal	110214	142107	113526	138795
		<b>Total</b>	<b>206727</b>	<b>175231</b>	<b>143931</b>	<b>23802700</b>

1. In the National Lok Adalat, 70,004 Challans under the MVA were disposed of.
2. In 2015, 39589 challans were disposed of in the Lok Adalats.
3. In 2016 till August, 44,874 challans under the MVA were disposed of in the Lok Adalats



HP High Court

Thank You!