

(2002) 02 P&H CK 0017

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 11746 of 2001

M.M. Dhonchak and Another

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 25-02-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 3 RCR(Civil) 796

Hon'ble Judges : N.K. Sud, J;Jawahar Lal Gupta, J

Bench : Division Bench

Advocate : Manjeet Dalal, for the Appellant; Surya Kant, A.G. and Palika Monga, AAG, for the Respondent

Final Decision : Allowed

Judgement

Jawahar Lal Gupta, J.—The petitioners are judicial officers. They pray for the provision of "Personal Computers" with all the accessories etc.

2. The members of the Parliament and the Haryana Legislative Assembly have been granted the facility of Personal Computers. Officers of the Government have not lagged behind. However, members of the judicial service have been forced to seek the intervention of the Court. It is so despite the dictum of the Supreme Court that the members of the Judicial service are equal to the political executive in the State. In the petition, the prayer is for the provision of this facility at the residential offices. At the hearing, the counsel has prayed that for the present, the provision may be made in the Courts.

3. A written statement has been filed on behalf of the respondents by the Under Secretary to the Government Haryana (Jails and Judicial Department). It has been averred that the High Court has not been impleaded as a party. The matter is purely administrative in nature. Thus, the present writ petition is not maintainable. It has also been averred that Civil Writ Petition No. 2087 of 1996 is pending in this Court. On merits, it has been stated that "the computers can be

provided in the court offices...." As far as residential offices are concerned, it has been pointed out that "no useful purpose would be solved (served)". On these premises, it is prayed that the writ petition may be dismissed.

4. Shri Manjeet Dalai, counsel for the petitioners submits that the officers in the District and Subordinate Courts are very heavily burdened. They have to read lengthy judgments. If computers are installed, the workload shall be considerable reduced and that efficiency shall improve.

5. Shri Surya Kant, learned Advocate General, Haryana, does not controvert the claim made on behalf of the petitioners. He, however, submits that 50% of the money has to be paid by the Central Government and that the matter has to be considered by the task force already constituted by the High Court.

6. The backbreaking delays in Courts are a reality. Various factors are responsible for these malady. Firstly, the number of officers is not adequate. Secondly, the laws of procedure are extremely archaic. The proceedings before the civil Court are governed by the procedure, which was laid down in the year 1908. The Criminal Procedure Code was initially enacted in the year 1878. The changes, which were made in the year 1973, are merely cosmetic. The rules of evidence were laid down in the year 1872. The third factor, which contributes to delays, is lack of infrastructure facilities. Old typewriters, lack of electricity and proper accommodation also contribute to avoidable delay. Resultantly, the officer is over burdened and the cause of justice suffers.

7. The use of typewrites results in avoidable waste of time. The officer has to first read the original draft and then the re-typed draft. The mistakes, which are noticed in the original draft, are normally corrected. However, new mistakes are committed.

8. The advances in technology have brought about substantial changes. One of the ordinary applications relates to the facility of a Word Processor. If an officer dictates a judgment, it is typed and he reads it to make corrections. When the final print is taken out, the officer has only to check the corrections, which were made in the rough draft. The result is saving of time. Still further computers would also help the officers in research and continuous updating of knowledge.

9. The respondents also recognise the need to provide computers. In fact, in para 2 of the written statement, it has been categorically averred that the computers can be provided in the court offices. The only difficulty as expressed during the hearing is procedural.

10. Shri Surya Kant submits that the matter is pending consideration in Civil Writ Petition No. 2087 of 1996 as also on the administrative side with the High Court. On the other hand, Shri Manjeet Dalai points out that it is only when the matter was not decided despite the petition having remained pending for more than five years that the petitioners had approached this Court.

11. The contention raised on behalf of the petitioners appears to be correct. The

writ petition has been pending. The matter may have remained under correspondence even on the administrative side. However, when nothing was decided, the petitioners have approached this Court. They cannot be blamed for having done so. Since everyone including this Court is interested in an expeditious disposal of the disputes, it is only fair that the just and reasonable request made by the petitioners is acceded to. It is all the more so in view of the fact that this facility has been provided not only to the members of the Legislative Assembly but even to the officers working in the Civil Secretariat. In such a situation, it would not be fair to treat the petitioners who have been declared as equal to the political executive in a different way. No ground for a differential treatment has been made out.

12. Shri Surya Kant submits that in case, the prescribed procedure of consultation with the High Court is followed, the State Government shall be entitled to a substantial financial assistance from the Central Government.

13. It may be so. However, it would not be fair to delay matters indefinitely. In any case, the State Government can seek the aid from the Central Government. We have no doubt that the Central Government shall not delay disbursement of its share.

14. It has to be remembered that we cannot save electricity by cutting cords. The Society has moved from bullock carts to Balenos, Still, we are not willing to dispense with the old typewrites, which create more noise and reduce the output. Another fact, which deserves mention, is that justice is a perambulatory promise contained in the Constitution. Why does it not find an equally prominent place in the Budget? The respondents have given no answer. Still further, the specific plea raised on behalf of the petitioners that the computers have been provided to the members of the Legislative Assembly has not been disputed. There is no reason to deny the facility to the members of the Judiciary. In fact, there is a dire need to strengthen the justice delivery system at all levels.

15. In view of the above, it is directed that the Registrar of the Court shall provide the details regarding the requirements for computers to the State Government. The needful shall be done within one month from the date of receipt of a copy of this order. Thereafter, the State Government shall provide the computers in all the District and Subordinate Courts within the State of Haryana including the Labour Courts within four months from the date of receipt of the information from the Registrar. We have no doubt that the Central Government would expeditiously release the requisite amount of funds by way of financial assistance to the State Government.

16. No other point has been raised.

17. The writ petition is allowed in the above terms. In the circumstances, there will be no order as to costs.