
(1995) 07 AHC CK 0058
In the Allahabad High Court
Case No : Civil Contempt No. 1049 of 1995

State	Vs	APPELLANT
Chairman of U.P.S.E.B., Lucknow & Ors.		RESPONDENT

Date of Decision : 27-07-1995

Acts Referred:

Citation : (1995) 07 AHC CK 0058

Hon'ble Judges : M.Katju, J

Final Decision : Disposed Of

Judgement

M. Katju, J.—On 1371995 when I was hearing cases in my Court the electricity suddenly went off and as a result the working of the Court was plunged into darkness and I had to retire to my Chamber.

2. Earlier on several occasions the same thing happened which disrupted the functioning of the Court. On some occasions Hon''ble Judges had been trapped in the lift because the electricity suddenly went off, which could have has very serious consequences. Hence I issued contempt notice to the officers on 1371995 as mentioned in the order. All these officers are present in Court today.

3. Shri Sudhir Chandra, Senior Advocate and Shri Yogesh Agarwal and Shri Ranjeet Saxena, Advocates have appeared for the Chairman and Chief Engineer of the U. P. State Electricity Board.

4. Shri S.M.A. Kazmi, learned Additional Chief Standing Counsel has appeared for the Chief Engineer P.W.D, as well as the Registrar of the High Court.

5. Shri S. K. Garg, Vice President of the High Court Bar Association, who had appeared before me on 13795 and apprised me of the difficulties of the Bar, has also appeared. Shri J. N. Chaturvedi. Advocate has also moved an application and I have heard learned counsels. I intimated today to the learned counsels who appeared before me that the intention of the Court is not to harass these officers but it is see that the High Court functions properly. Unfortunately the

High Court has not functioned properly in recent times which has disrupted the work of the Court on several occasions and hence it is necessary to take some steps in this matter. There are several matters which have been stated before me and I will deal with them seriatim in this order.

(1) The Bar Association Lift". The Bar Association has a lift which was functioning upto about two years back but since then has not been functioning, which causes great difficulty to several members of the bar, particularly senior and older members and members who have heart trouble and other medical problems. It has been stated in para 14 of the affidavit of the Registrar of this Court that the lift supplied by M/s. Otis Elevator (India) Ltd. is lying in the corridor of the Bar Association near the old lift. Some correspondence is going on between the Company and Civil and Electrical Wings of the P.W.D. and the company is not making efforts to instal the lift and the lift is lying idle. This is indeed a regrettable it. The lift must be installed and put in working order within three weeks of this order, otherwise those responsible will have to face the consequences. I may mention that the bar is an integral part of the Court and this Court cannot properly function without assistance of the bar. Unless the bar is provided with proper working conditions they will not be able to properly assist the Court, and hence proper functioning of the Court will not be possible. Hence in my opinion not providing proper working conditions to the bar is interference with the course of justice. I have heard learned counsels who have addressed me in this connection. I was informed by the Additional Registrar of this Court that the officials of M/s. Otis Elevator have arrived in the High Court and are doing the needful with the help of the P.W.D. officials.

(2) Electricity Supply to the High Court. Shri Sudhir Chandra, learned Senior Advocate has stated that the matter regarding regular electricity supply

6. In the course of arguments before me Shri Sudhir Chandra learned senior advocate stated the difficulties being faced by the U. P. Electricity Board. He has stated that a lot of illegal theft of electricity takes place and persons doing this act are often protected by highups. This leads to great difficulty in preventing such thefts and prosecuting the electricity thieves who are doing illegal tapping. I am of the opinion that no one however highup he may be, has the right to commit or abet electricity theft, and serious action must be taken against them. Shri Sudhir Chandra, senior advocate has stated that a special police force should be provided to the U. P. State Electricity Board, which shall be free from political and other extraneous interference, for arresting the electricity thieves. I agree with the proposal and I direct the U. P. Government to do the needful in this connection within a month. The Chairman of the U. P. State Electricity Board is directed to issue a circular to all the officers of the Board within two weeks from today in this connection stating that strict action will be taken against the officials conniving with electricity thieves. The Director General of Police is directed to issue within two weeks a circular to all police officials that they must take strong legal action, whether on the complaint of an electricity official or any other

person, against such thieves. The D.G.P. will also provide the necessary police force to the UPSEB after consulting with its Chairman and such police personnel must be told not to be pressurised by anyone in the discharge of their duties. In my opinion this direction is absolutely necessary because the present position is that very often the genuine rate payers are not given electricity while the illegal papers get it. This a preposterous state of affairs, and must be remedied immediately.

(3) Generator of the High Court. I had stated in the order dated 13795 that the High Court purchased a generator at a huge cost but this is not functioning. It has been stated in para 9 of the affidavit of Registrar that the generator is functioning properly. When there is a failure of electricity it functions immediately. However, if there is some technical fault in the generator an immediate step is taken for its repair. The Log Book of the generator is Annexure 2.

Shri S. K. Garg, learned advocate states that he wants to reply to this paragraph. He may do so by the date fixed and this matter will be considered on that date.

(4) Coordination Commission of the High Court. Hon''ble Mr. Justice B. M. Lal, my senior colleague, who is also Inspecting Judge of Agra has informed me that he has constituted a Coordination Committee in district Court, Agra consisting of the District Judge, some senior A.D. J., the President and Secretary of the Bar Association, and some other persons, and the result of setting up such committee has been very good. 90% problems of the district Court Agra are thrashed out and resolved in the committee at discussions, and this reduces the load on the High Court regarding administrative matters. I am respectfully of the opinion that a similar coordination committee should also be set up in the High Court. This Court when it was initially set up had only 4 and 5 Judges and 50 to 100 lawyers. Now there are 70 Judges and over 3000 lawyers. The problems facing the High Court are now much greater than these prevailing in this Court in earlier times. The problems may take a serious turn from time to time, creating all kinds of complications. Hence it is necessary to have a coordination Committee.

7. I am informed by Shri T. P. Singh, learned Advocate of this Court, who is also member of All India Bar Council, that the U.P. Bar Council made a suggestion in this connection to Hon''ble the Chief Justice of this Court. In a democracy decisions should often be taken by negotiations and discussions, and many problems can be resolved in this way if people are reasonable. Hence I most respectfully make a suggestion to Hon''ble the Chief Justice to set up a coordination Committee for this Court consisting of three Hon''ble Judges nominated by the Chief Justice of which at least one should be a very senior Judge who should be Chairman of the Committee, throe office bearers of the Bar Association to be nominated by the House, as well as the Registrar and Additional Registrar (Protocal) of this Court and one member of State Bar Council to be nominated by the Chairman. The officers of U P. State Electricity Board/Jail

Sansthan/P.W.D. and other departments concerned can also be kept as members of the Committee but they may be invited only when there is any problem relating to their department which is being discussed. In my opinion this Committee should meet at least once in three months, and on special occasions

8. The personal presence of the Chairman and Chief Engineer of U.P. State Electricity Board and Chief Engineer P.W.D. is dispensed with. However, the Superintending Engineer P.W.D. and U.P. State Electricity Board, Allahabad must be present in Court when this case is listed. The notice issued to the Registrar of this Court is discharged.

List again before me on 881995.