

To,
Hon'ble Chief Justice
High Court of Gujarat
Ahmedabad.

1st August,2016

Subject: Redressal of the complaints and consideration of suggestions for the improvement of basic amenities and administration in general.

Hon'ble Chief Justice
Mr. R. Subhash Reddy,

The GHAA invited suggestions from the members of the bar with regard to the difficulties being faced by them during their day to day practice in the High Court. The GHAA placed a Suggestion/Complaint box in the bar room for two weeks and requested members of the bar to send their Complaints/Suggestions for consideration. During these fifteen days period the GHAA received many suggestions and complaints in writing and orally. For convenience the Complaint/Suggestions are divided to in the following categories:-

(A) Issues relating to infrastructure and basic amenities

(B) Issues relating to Administration, Registry, Roster etc.

(A)Infrastructure and basic amenities:-

1. Facilities for Litigants:

1.1 Seating arrangement for litigants

So far as infrastructure and basic amenities in the High Court campus are concerned, first of all I would like to invite your attention to the fact that the litigants coming to the court have no facilities for seating in the entire High Court building except a few scattered seating on the benches

placed outside each court. Many a time old aged litigants come to the court but they have no proper place to sit. Sometimes women litigants come with small children and they need their children to be fed, however in absence of any place allotted to the litigants the women are constrained to feed their infants in the public view.

Suggestion:- Please provide a place for the litigants in the high court building with facilities of fan and drinking water with proper seating arrangement.

1.2 Court Building Map and Help Desk

The construction of the building is such that the litigants find it be a nightmare to know the location of the court where their case is listed. It is, therefore, necessary to place the map of the court and all other areas viz. the Bar Room, Lawyers Chambers, Library etc. at the main entrance gate (where the litigants stop for entry pass) and second at the South Concourse and the main ceremonial entrance(facing the central lawn) from which we enter in the court building.

Apart from the putting a map at least 3 locations, a Help Desk/ Assistance Counter is required to be provided in the entrance itself where the litigants can approach and know about the location of a particular court, the information about filing of the case and for other necessary details.

Suggestion: Please provide a Helpdesk/Assistance at conspicuous location for assisting the litigants. At least two person preferably female who can answer the quires with curtsey may be placed at the help desk.

2. Facilities for Lawyers:

2.1 Providing display boards at certain location where it is most needed:-

At present the display board showing the details of ongoing cases in all courts is not available in the reference library, basement library, ladies

room and the new court building which is constructed near lawyers' chamber building. Earlier a representation was made to provide the display boards at the aforesaid locations and Hon'ble Acting Chief Justice Mr. Jayant Patel assured that appropriate instruction would be issued to the person concerned for doing the needful. However, till date the display boards have not been placed at the aforesaid locations. It will be useful to lawyers if a digital indicator showing ongoing case in each court is placed outside every court like Supreme Court.

Suggestion: Please provide display boards at the aforesaid locations. Further, a simple digital indicator displaying the matter going on in the court may also be placed outside each court. This will prevent unnecessary entry and exit of lawyers and litigants inside the court-room before their turn reaches.

2.2 Inclusion the entire HC building in the cleaning contract:-

At present the cleaning contract awarded by HC to the contractor does not cover the Bar Room, the Reading Room, the Reference Library basement Library and the Ladies room and toilets attached to the bar room and ladies room. We have already written a letter to the Campus Administrator requesting him to include the aforesaid places in the cleaning contract awarded by high court to the contractor. Since the cleaning contract as such ought to cover the whole high court building there should not be exclusion of any area from the cleaning contract. The Bar Room/Ladies Room/Lawyers Chambers all are part of the single institute.

Suggestion: Please include the whole high court building including the bar room, reading room, ladies room other common area etc in the cleaning contract.

2.3 More photo copy machines and providing a cyber café:-

At present in the high court building there is only one photo copy service provider which is highly inadequate to cater the need of the members of the Association. The members of the Association or their clerks have to go outside the high court campus for getting photocopies and printing. At least five more photo copy service providers are needed in the

high court building by giving appropriate contract to the person interested in doing business in the high court building. There is a need of one cyber cafe in the high court building having at least twenty computers with printing facilities. In these days of digitization and computerization such an establishment of the cyber café will help juniors in their practice.

Suggestion: Please provide more photocopy service providers and a facility of a cyber café as requested above.

2.4 Crèche for female lawyers' infants:

The existing facility of the crèche run by the high court may be made available to female advocates having small child. There are hardly two or three women lawyers who require such a facility and their kids can be easily accommodated in the crèche run by the court.

Suggestion: The facility of crèche may be made available to female lawyers whenever such a request is made by the GHAA.

2.5 Permission to install air conditioners in the new lunch room:

The lunch room provided to the juniors is nor air conditioned. If the high court provides the air conditioners in the lunch room it will be a great step to redress the plight of junior lawyers. Else the Bar Association is willing to install two-three splits air conditioners in the lunch room provided by the Hon'ble Court.

Suggestion: You are, therefore, requested to give a permission to install two-three air conditioners in the junior's lunch room.

2.6 Parking in the Auditorium compound and multilevel parking:-

In the previous meeting with Hon'ble Acting Chief Justice Mr. Jayant Patel it was assured that the lawyers will be allowed to park their vehicles in the High Court Auditorium campus since a substantial portion of the existing parking has gone in the construction of the legal aid building in the compound.

Suggestion: Appropriate instructions may be issued to the officer concerned to allow the members of our Association to park vehicles in the

Auditorium compound also. Further some portion of the Auditorium area which has been set apart for the litigants may also be allowed to be used by the litigants to park their vehicles.

Hon'ble Acting Chief Justice Mr. Jayant Patel had on principle accepted the proposal to have a Multilevel Parking/Basement Parking in the high court campus.

Suggestion: We request you sir to do the needful in the matter for the expeditious construction of multilevel parking in the high court campus.

2.7 Both doors attached to every court to be kept open:

In the main High Court building every court has two entrance doors, however, in all most all courts one entrance door is kept closed and some old furniture, chairs, a pedestal fan etc. are placed by blocking one such entrance. Your attention is drawn that in the event of fire or earthquake the people will not be able to come out easily from the single door. It may lead to accident like Uphaar Cinema tragedy in Delhi.

Suggestion: All the Hon'ble Judges may be requested to keep both the entrance doors open so that in the event of such occurrences or calamities it may not result into casualties.

2.8 Controlling dog and monkey menace:-

Everyday more than six-seven dogs are found roaming in the court corridors and other common areas. These dogs are barking and spreading filth in the high court building. We have drawn the attention of the campus administrator to take appropriate steps for removing the dogs from the high court building. It appears that some steps have been taken but we still notice that many dogs are roaming in the court building. Monkeys also are found in high court campus damaging vehicles of lawyers and creating nuisance to public. An agency is required to be given contract for driving out moneys from the campus. Such contracts are being given in Delhi to control the monkey menace. The Campus Administer may be instructed to do the needful in the matter.

2.9 Traffic control near High Court on SG Highway:-

We have noticed in recent time that the traffic during pick hours from Sola Bridge up to high court building has become a great problem.

Suggestion: Commissioner of Traffic Police may requested to evolve a solution to the traffic congestion which is taking place from Sola Bridge up to high court campus during pick hours. He may be requested to consider prohibiting a right turn, no stoppage for Auto Rickshaws, AMTS Buses etc. near high court.

2.10 Separate entry and exit for vehicles:

At present the entry point and exist points are provided at the same place where litigants also enter and they also walk through the single entry/exist point. Thus, the entry of the vehicles and litigants from the same entry point creates chaos near the entry area. It is also noticed that one or two traffic police posted inside the campus does nothing except standing under a tree and looking here and there.

Suggestion: It is therefore requested that the entry point for the litigants be shifted from the entry point for vehicles and secondly the exits should be provided from a different gate.

The campus administrator may be requested to provide a separate entry point and exist point for vehicles.

The duties of the traffic police posted inside the high court campus may be fixed for providing services inside the campus or his services may shifted and utilized on the main SG Highway. At present he is standing idle which is criminal waste of the sparse manpower.

(B) Issues Relating to Administration, Registry And Rosters:-

1. More staff for registering new cases: -

We have received many complaints from the members of the bar that the staff for registering new cases seems to be inadequate. Sometimes matters are not registered for more than 48 hours.

Suggestion: It is, therefore, suggested that for registration of new cases and accepting petitions, applications and appeals in the registry more officers are required to be employed or engaged.

2. Leave notes and sick notes to be treated at par:-

At present under the High Court Rules sick notes and leave notes are treated differently. As per the current practice and rules sick notes can be circulated before the 9.30 A.M. on the same day whereas leave notes have to be filed before 48 hours. There may be many eventualities in the life of lawyers where for some urgent unavoidable circumstances he may be prevented to come to court. In such a case he has no option but to file a sick note only. Thus, in view of this discrimination in the matter of treatment of the leave notes and the sick notes differently the lawyers are compelled to file sick notes even though he may not be sick.

Suggestion: The suggestion is that the sick notes and leave notes should be treated at par and it should be allowed to be circulated before 10 A.M. on the same day. Further, the list of advocates who have filed sick notes/leave notes should be uploaded on the High Court website before 11:00 A.M. so that all the lawyers can ascertain whether his matter is likely to be adjourned on the ground of sick/leave note of his opponent. At present the sick notes are pasted outside each court and a person has to physically go to a particular court for ascertaining whether there is a sick note or leave note of any of his opponents.

The Hon'ble Court may think over of enacting Advocates Leave Rules in this regards so that the facility is not misused or abused by the lawyers.

3. Subordinate Courts/ Tribunals to issue certified copy in the format acceptable in the High Court:-

At present all the Subordinate Courts/Tribunals who are under the power of superintendence of the high court under Article 227 of the Constitution of India, issue certified copies of their judgment/orders which are not accepted by the Registry of this court in the original format. The Registry insists that even the certified copy issued by the Subordinate Courts/Tribunal must meet with the format acceptable to the High Court. This causes great inconvenience to the lawyers and the circulation of the cases is delayed on this issue.

Suggestion: It is therefore suggested that all the Subordinate Courts/Tribunals should issue certified copy of its orders and judgments in the format which is acceptable in the High Court. Once a lawyer provides certified copy of the orders of Subordinate Courts/Tribunals the registry should not insist for the supply of the copy on ledger paper by re-typing it.

4 Dispensing with supporting affidavit in certain cases:-

The application like fixing the early date of hearing of the main petition, the application for stay, other such application where no new facts are stated should be allowed without insisting a supporting affidavit. These are applications formal in nature and therefore insistence of a supporting affidavit is in empty formality.

Suggestion: Please dispense with the filing of a supporting affidavit in all applications of a formal nature where no new facts are stated.

5 A separate application for delay condonation and stay in respect of Appeals, Revisions etc. may be dispensed with:-

From the inception of the institution the practice has been evolved to file a separate stay application and an application for condonation of delay along with First Appeal, Letters Patent Appeal and sometimes in Revisions also. The insistence of filing

such separate applications increases the burden of the Registry and the work of the court. A request for condoning delay or granting stay can be allowed to be made in the memorandum of appeal itself by incorporating separate paragraphs giving specific reason for condoning the delay and for grant of stay.

Suggestion: Please give an anxious thought to do away with the aforesaid practice of filing separate applications for stay and delay condonation.

6 Fixing of roster and assignment of business:-

The fixation of roster and assignment of a business to judges of the court is a prerogative of the Chief Justice. However, for better and quick dispensation of justice if an informal view of the bar is taken in the matter of fixation of the roster, it will serve the aforesaid purpose. The bar is the barometer of judges and the bar is aware of the potentials of judges as to who is good in Civil Law, Criminal Law, Service Law and as to who can serve better in the division bench and who can serve well independently as an all-rounder. Some Hon'ble Judges are absolutely not cut out for dispensation of justice in criminal cases. Some judges can perform better sitting single rather than in a division bench.

Suggestion: Therefore, if the view of the bar is taken into consideration, it would not only enhance the quality of justice but it would help quick disposal of cases. Further the likes and dislikes of a particular business by judges if kept in mind it would help in quicker dispensation of justice.

6 Segregation of final hearing day:-

Admission cases and final hearing cases are equally important from the stand point of the litigant and the lawyer. Admission cases are like emergency patients in the medical profession who require immediate treatment else the patient might die whereas the final hearing cases are like persons who

are treated and whose condition is stable. Considering the total number of the existing Hon'ble Judges serving in the High Court, a just balance is required to be struck between the admission matters and final hearing matters. Neither admission matters should suffer at the cost of the final hearing matters nor of the final hearing should matters suffer on account of heavy burden of the admission cases. In the past a mechanism was evolved where two days were set apart for final hearing of cases.

Suggestion: The same mechanism is required to be reintroduced i.e. two days for final hearing in every week. On the final hearing day unless any admission matter involves an extra ordinary urgency, it should not be circulated.

7 Uniform practice of pass over and mentioning: -

At present most of the Hon'ble judges allow mentioning at 11:00 A.M., 2:30 P.M., 5:00 P.M. This is in consonance with the past practice and convention. However, a few Hon'ble Judges do not allow mentioning at 11:00 A.M. As a result thereof the lawyers are made to seat idle in the court-room and wait until their turn reaches. Similarly some judges dismiss the case in the first round if the lawyer is not present in the first call. It is therefore desirable that a uniform practice allowing mentioning and pass over is maintained by all Hon'ble judges. Dismissal of a matter in the absence of lawyer in the first call is not in conformity with the past practice and convention.

Suggestion: All the Hon'ble Judges may be requested to follow the convention of allowing mentioning at 11 A.M., 2.30 P.M and 5 P.M and pass over the case in the first call.

8 Use of Laptop for citing judgments be encouraged:-

In view of digitization and advent of electronic media, now, the law journals are available in the form of Online/Offline software's. If the citing of judgments during the course of

hearing by using the software from the Laptop/Tab/Ipad is encouraged it would save wastage of paper and help in protection of environment. Some courts in India have completely become e-courts where reading of petition and documents and judgments from hardcopy has become a matter of past. Further, the library of the Association does not have sufficient copies of the law journals and carrying out photo copy result in to wastage of paper. It also affects the binding of the book and consequently the life of the book.

Suggestion: You are, therefore, requested to request all Hon'ble Judges to encourage citing of judgments from Laptops/ Tabs/I Pads.

9 Dignity of lawyers and mutual respect for the bar and the bench:-

At present in our court the instance are very rare where the Bar and the Bench have failed to maintain mutual respect for each other. However, the junior lawyers have a feeling that they are not treated well and sometimes ridiculed or humiliated by some presiding Judges sometimes. This mainly happens because of disparity of knowledge of the presiding Judge of the court and the raw junior who may have started his practice in the recent past having a very little experience of law practice.

Suggestion: The Hon'ble judges may be requested to accept this phenomenon of disparity with magnanimity and should maintain the dignity of all lawyers irrespective of their standing.

The issues raised in this representations are very vital in nature and require immediate attention. We humbly request you sir to resolve the issues and complaints at the earliest.

Asim Pandya

President

Gujarat High Court Advocates' Association