

**Court on its own motion Vs. State of H.P. and Ors.**

**Item No. D-1**

**CWPIL No. 46 of 2023**

**31.03.2026 Present:**

Mr. Neeraj Gupta, Sr. Advocate, with Mr. Ajit Pal Jaswal, Advocate, as Amicus Curiae.

Mr. Anup Rattan, Advocate General with Mr. Gobind Korla, Additional Advocate General, for the respondents/State.

Mr. Shrawan Dogra, Sr. Advocate, for Mr. Devesh Kumar, Principal Secretary (Finance), who is present in person.

In pursuance of the last order, Mr. Kamlesh Kumar Pant, Additional Chief Secretary (Home), is present along with Mr. Devesh Kumar, Principal Secretary (Finance).

We have gone through the affidavit dated 05.01.2026, filed by Mr. Pant, a perusal of which would go on to show that, as also noticed in the last order, almost three months have elapsed and even today, only hollow promises have been made out by the learned Advocate General. While referring to the communication addressed to him by the Additional Chief Secretary (Home) dated 30.03.2026, it is mentioned that approval for the creation of two Courts of Civil Judges at Bangana and Haroli Sub-Divisions in District Una, against the proposal for creation of 34 Courts of District/ Additional District and Sessions Judges and Senior Civil Judges, would be taken up in the first phase in consultation with High Court which this Court has never asked for. We fail to

understand how the State is proposing to create Courts at sub-divisions where no demand has been made.

A perusal of the affidavit filed would also go on to show that on 05.01.2026, it is admitted that this Court had sought the creation of three posts of Civil Judges at the Una District Headquarters apart from the 31 other posts at different stations. A period of three months has elapsed since the filing of the affidavit, and though it is averred that the matter has been taken up with the Council of Ministers, but nothing has been done. It had been averred that the matter will be placed before the Council of Ministers in its forthcoming meeting after 05.01.2026. We are informed that Cabinet meetings are held at least twice a month, but apparently, no active steps have been taken since then.

There is no mention in the said communication regarding the creation of additional three posts of Additional District Judges at Hamirpur, Joginder Nagar and Nalagarh. A reference has been made seeking concurrence/ approval for the creation of 13 posts of Superintendent Grade-II, at the High Court level which was sent back on 06.10.2025. Similarly, only 50% of the concurrence approval for the purchase of 13 vehicles for the use of District Judicial Officers has been mentioned and lastly, approval will be granted for creation of posts of Cook-cum-Attendant in the High Court Registry as per

policy of the government. A request has been made for rationalization of posts in view of economic considerations and financial constraints.

However, it appears that not even a leaf has moved, despite the fact that the Ministry of Law, Union of India, has, time and again, been requesting the creation of Special Courts to deal with the pendency of NDPS cases. The State, on the other hand, contends that it is taking active steps to eradicate such cases and to make Himachal drug-free. It is, however, apparent that these assurances are hollow promises to remain unfulfilled, and no effective steps have been taken to enhance the infrastructure to deal with the increasing number of cases under the NDPS Act. Special Courts cannot be created without the requisite infrastructure and State should be well aware of this need and cannot expect, as such, to the rising population increasing number of cases, proactive litigants to deal with the same infrastructure which was created 20 years back. The State, unfortunately, has failed to rise to the expectation and provide the requisite infrastructure.

We direct Principal Secretary (Finance) to inform this Court of the percentage of budgetary provision which is made for the judiciary for the forthcoming year and what was the provision, as such, in the preceding year and whether any enhancement has taken place or not. We have already noticed in paragraph-23 of the

earlier order dated 13.11.2025 of the stonewalling of any request for enhancing the infrastructure made by this Court. The present situation, as such, would go on to show that *prima facie* opinion, as such, stands vindicated. Even on the last date, we had noticed that it is only an attempt to shift the responsibility from one set of officers to the others.

Resultantly, we defer the proceedings by imposing costs of Rs. 10,00,000/- on the State to be deposited with the Registry of this Court.

Needless to say that if further proactive steps are not taken by the next date of hearing as directed earlier, this Court will be constrained to pass further harsh orders regarding inability of the State to provide judicial infrastructure which is the duty of the State under the Constitution framework.

List on **04.05.2026**.

**(G.S. Sandhwalia)**  
**Chief Justice**

**(Jiya Lal Bhardwaj)**  
**Judge**

**31<sup>st</sup> March, 2026**  
*(sushma)*