

Justification establishing in-escapability for locating the Project in forest land only.

In the life of citizens of a State, Judiciary is a source of confidence and fearlessness. The common man depends upon the judiciary for the protection of his rights, in case the same are violated or threatened to be violated by the Government or by private organisations or fellow citizens. Without a security of rights and freedom guaranteed by the judiciary, they cannot really hope to carry out their jobs and enjoy their livings. Thus, independence of judiciary is a corner stone of every democratic set up and upon it is built the structure of civil liberty. Without being well organised, judiciary cannot serve its purpose. Therefore, judiciary must be organised in such a way as can be easily accessible to citizens, must provide litigant friendly atmosphere in the court complexes and enable the judges to give their judgments promptly without any fear or favour.

Infact, Raja of Mandi, a sub-Himalayan Princely State, in order to ensure the protection of rights of citizens and to uphold the rule of law established "Emerson House" one of the historical buildings of Mandi Town and a master piece of Pahari Architecture, as a place of his Judicial Administration. In pre 1966, District and Sessions Judge, Sessions Division Mandi and Chamba, functioned at this place, but re-organization of State in 1966, brought some changes and a new Sessions Division for Mandi, Kullu and Lahulhal Spiti Districts was created with headquarter at Mandi. Again there was a change, when a separate Sessions Division for Kullu and Lahulhal Spiti Districts with its head headquarter, at Kullu was set up. *Emerson House* is a double storied building, situated in the heart of Mandi Town, surrounded by multi storied complexes and still continues to serve as the principal seat of Judicial functioning for District Mandi. However, with the considerable increase in litigation and creation of new courts, judiciary is facing great hardship to house the newly created courts and to provide basic amenities as directed by the Hon'ble Supreme Court of India in All India Judges Association & others vs Union of India (IA No. 279/2010 in W.P (Civil) No. 1022/1989. Enactment of new Laws has also resulted in floodgates of new cases generated by new Legislations and absence of scope for expansion in existing court buildings have further aggravated the problem.

Indeed, without robust infrastructure the judicial independence and constitutional promise of justice, as enshrined in the preamble, are redundant and inconsequential. The concept of independence of judiciary also conceives the development of judicial infrastructure and expansion of Courts as the courts cannot be allowed to be overburdened by continuous pressure of deciding large number of cases at the cost of quality of adjudication in makeshift courtrooms that too in shifts. Under these compelling circumstances, Judiciary is left with no option but to shift the court complex to suitable place in order to provide quality of services to stakeholders/consumers of justice.

Thus, in order to implement the directions issued by Hon'ble Supreme Court of India in All India Judges Association & others vs Union of India (IA No. 279/2010 in W.P (Civil) No. 1022/1989, National Court Management System, 2012 and revised vision statement of Subordinate Court as circulated by Hon'ble High Court of H.P. (Annexure-A to C), three possible sites were explored for Judicial Court Complex, Mandi H.P., which are as under:

- i. Kangni Dhar
- ii. Gandharab
- iii. Chowki Bhled

After meticulously exploring all the various sites for the construction of Judicial Court Complex, the proposed site-I at Kangni Dhar was found most suitable, in all respect due to the following reasons:

1. Removal of..... Number of trees of different species are involved in site -II and removal..... number of trees are involved in site -III whereas site -I involves removal of only 16 trees. Since, all the sites are government/ forest land and site -I involve removal of lesser trees, destruction of lesser flora and fauna, in comparison to site -II & III, therefore, there is no scope for avoidance of Government/forest land.

2. The proposed site is centrally located for housing different classes of courts i.e. civil, criminal, family, consumers, labour, under one roof and this site has the prospect of attracting the potential consumers of justice to get their rights protected through courts of law.
3. A well-networked, economical, accessible public transport system is essential for every court complexes as recommended by National Case Management System. The proposed site is abutting to Chandigarh Manali National Highway 21 and provides high accessibility linkages with approximately 200 bus routes to the people to reach the site. Alternative Site -II & III have limited access and provides B class road connectivity with limited bus routes only.
4. The proposed site is at a walking distance from Bus Stand, taxi stand and truck union and will be of great advantage to the consumers of justice. Alternative site -II & III is 7 k.m and 15 K.M. away from Mandi Town and would considerably enhance the litigation costs for the consumers of justice.
5. The proposed location is site specific as it is within one Kilometer of existing court complex and is away from the congestion. Moreover, no other suitable land is available for the construction of court complex. In addition to this, shifting the location out of Mandi Town would frustrate the very purpose enshrined in the constitution, National Court Management System and vision statement of Subordinate Court.
6. The proposed location is surrounded by Shiv Dham, Heliport & Cultural Centre, FCI and National Highway 21, due to which, proposed project would affect wild life less, in comparison to site -II & III.
7. The proposed site has been selected for the construction of court complex as the same is in the interest of general public. Moreover, Hon'ble High Court of H.P. and Advocates i.e. most important stakeholder in the administration of justice, have consented for the construction of Judicial Court Complex at Kagni Dhar Mandi H.P. Further, this site is most economical and technically feasible for every kind of construction in comparison to site -II & III. Over and above this, the land in site -II & site-III is extremely steep which would not only increase the construction cost but land area more than 9.6 hectare besides destruction of much more flora and fauna in comparison to Site -I.


District & Sessions Judge,
Mandi, Distt. Mandi (H.P.)