Chapter-3

PATTERN OF LITIGATION IN DISTRICT COURTS
IN HARYANA

The litigation process in India is based on common law. It is largely based on English common law because of the long period of British colonial influence during the British Raj. There is a single hierarchy of courts in India. Much of contemporary Indian law shows substantial European and American influence. Various Acts and Ordinances first introduced by the British are still in effect in modified form today. During the drafting of the Indian Constitution, laws from Ireland, the United States, Britain, and France were all synthesized to get a refined set of Indian laws as it currently stands. Indian laws also adhere to the United Nations guidelines on human rights law and environmental law. Certain international trade laws, such as those on intellectual property, are also enforced in India.

Each State drafts it own laws, however all the States have more or less the same laws. Laws directed by the central government and the Supreme Court of India via judicial precedent or general policy directives are binding on all citizens of each State. Each State has its own labour laws and taxation rates.

India's judicial system is made up of the Supreme Court of India at the apex of the hierarchy for the entire country and twenty-one High Courts at the top of the hierarchy in each State. These courts have jurisdiction over a State, a Union Territory or a group of States and Union Territories. Below the High Courts is a
hierarchy of subordinate courts such as the civil courts, family courts, criminal courts and various other district courts.

The High Courts are the principal civil courts of original jurisdiction in the State, and can try all offences including those punishable with death. However, the bulk of the work of most High Courts consists of appeals from lowers courts and writ petitions in terms of Article 226 of the Constitution of India. The precise jurisdiction of each High Court varies.

Each State is divided into judicial districts presided over by a 'District and Sessions Judge'. He is known as a District Judge when he presides over a civil case and a Sessions Judge when he presides over a criminal case. He is the highest judicial authority below a High Court judge. Below him, there are courts of civil jurisdiction, known by different names in different States.

Haryana is one of the smaller States of India. As per 2001 census, total area of the State is 44212 sq. km. Total population of the State is 21082989 out of which 11327658 (53.73%) are males and 9755331 (46.27%) are females. The rural population is 14968850 (71%) while remaining 6114139 (29%) forms urban part. Comparing to the totality of India, the Haryana State has 1.37 percent area and 2 percent of the total population of India. Density of the population in the State is 477 per sq. km.\(^1\)

3.1 HARYANA IN HISTORICAL PERSPECTIVE

Haryana has been the land of ‘Rishis and Munis’ in the horary past and a place where the battle of Mahabharta was fought and Lord Krishana delivered his

\(^1\) Census of India-2001, Series-7, Haryana, Chandigarh: Director, Census Operations, Haryana.
spiritual message. The fate of this country had been decided many a times in battle of Kurukshetra, Tarori and Panipat.

The origin of the name of Haryana is traced to different sources and has been explained in several ways. According to one view, `Haryana is derived from Hindi word “Haryali” i.e. greenery, which indicates that at one time it was a rich and fertile land. Another view is that at one time this region was covered by “Haryal-Ban”, i.e. dense forests. Some people trace the origin of the name to Raja Harish Chandra of Oudh, who is said to have first settled in this part of the country while Maharaj Krishan, an eminent scholar, has suggested that it may have been derived from “harana” (robbery) once prevalent in the area.²

G.C. Avasthi, has traced the name of Haryana back to the Rig Veda itself. To him, Varuraja, who ruled over this tract, used, ‘Haryana’ as a qualifying adjective and the areas came to be known as such. Rahul Sanskrityana, a reputed scholar, held the name to be a corrupt form of Haridhankya a term used in ancient literature for this area. An historian named Budh Parkash connects `Haryana’ with `Abhirayana’, as the region was populated by the Ahirs during the post-Mahabharata period, To H.R. Gupta, Haryana is a corrupt form of `Aryana’ the home of the Aryans, as Rajputana is the land inhabited by the Rajputs, Bhattiana the abode of Bhattis, and Ludhiana the habitat of Lodhis. This view seems to be more plausible. Similar view is held by some other scholars also. According to eminent historians like A.C. Das, and R.K. Mukherji, the original home of the Aryan was the region called Haryana. The banks of the fabulous Saraswati were their earliest settlements. It was from here that they later migrated to other parts of India, Asia and Europe. It appears that during the protohistoric period, Haryana

was the main centre of the Aryan settlements and the region in all probability, as argued by H.R. Gupta, owes its name to this fact.³

‘A Gateway to North India’, the region has been the scene of many wars. As years rolled by, successive streams of Huns, the Turks and the Tughlaqs invaded India and decisive battles were fought on this land. At the end of the 14th century, Tamur led an army through this area to Delhi. Later, the Mughals defeated the Lodhis in the historic battle of Panipat in the year 1526. Another decisive battle was fought in the year 1556 at this very site, establishing the supremacy of the Mughals for centuries to come.

Towards the middle of the 18th century, the Marathas had established their sway over Haryana. The intrusion of Ahamad Shah Durrani into India, culminating in the third battle of Panipat in 1761, marked the end of the Maratha ascendancy and the rapid decline of the Mughal Empire, landing ultimately to the advent of the British rule.⁴

The history of Haryana is the saga of the struggle of a verile, righteous, forthright and proud people. From ancient times, the people of Haryana have borne the main brunt of invaders and foreign hordes with their known triats of bravery and valour. They have survived many an upheaval, upholding the traditional glory and greatness of the land to this day. The epoch making event of yore, the martyr do in the First war of Indian Independence in 1857.

The people of Haryana have also played a notable role in the freedom struggle. In 1857, the region as a whole revolted against the British rule. Rao Krishna Gopal of Rewari, who was a Kotwal, led the freedom movement. Raja Nahar Singh of Ballabgarh and Nawabs of Jhajjar and Farukhnagar, who turned rebels, was hanged in Delhi and their States were confiscated. Besides, a large

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³ Ibid., p.2.
number of people from this region, who rose in revolt, met the same fate. But the
flames of freedom struggle kept on burning. When the Indian National Congress
came into being it received support from all freedom loving people of this region.
Three important leaders – Din Dayal Sharma, Babulal Mukund and L. Murlidhar
attended the second session of the Indian National Congress at Calcutta in 1886.
Lala Lajpat Rai, who was a practicing lawyer at Hissar also participated in the
fourth session at Allahabad in 1888.5

The region did not lag behind in participating in civil disobedience
movement. The number of people arrested from Rohtak – an important city of
Haryana – during the civil disobedience movements of 1921, 1930-32 and 1941-
42 topped the list in the whole country. Furthermore, the youth from this region
joined the Indian National Army in a large number and fought bravely under the
inspiring leadership of Netaji Subhash Chander Bose.6

Before 1857, this region formed a part of the North Western Province
(modern U.P.). In 1857, this region played a very significant part in the Mutiny.
This angered the Britishers and they tagged it with the Punjab, probably as a
design to punish the people of Haryana for participating in the movement of 1857.

Haryana remained a part of Punjab from 1857 to 1947. As a part of Punjab,
the people of this region had been neglected even before the partition of the
country in 1947. Therefore, the people of this region had been demanding the
formation of Haryana as a separate state.

6 Ibid.
3.2 SOCIO-ECONOMIC PROFILE OF HARYANA

The State represents a diversity of language, religion and caste. Majority of the people are Hindi speaking and only 28 percent speak Punjabi, Urdu and other languages. The dialects are Mewati, Ahirwati and Bangru. The State consists of two main divisions in terms of caste and class – the agriculturists and the non-agriculturists. This is a legacy from the days of the Unionist Party of India of Chhotu Ram when he sought to free agriculturist classes from the exploitation of non-agriculturist urban classes. Now the agriculturist caste constitutes about 55 percent of the total population and has a significance hold over the rural power structure. The Jats, the most dominant caste form 35 percent, Ahirs 8 percent, Gujars 4 percent, Rajputs 5 percent (including 2 percent Meo Muslims of Gurgaon). Rors, Sainis and Tyagis constitute 1.5 percent each. If Brahmins are included in the agriculturist caste, its total strength would be between 47 percent and 60 percent. Besides, 23 percent of the State population comprises of refugees from West Punjab who migrated after the partition of the country in 1947. They include Sikhs, most of them having adopted agriculture as their avocation. But the Hindu refugees are concentrated in towns and constitute a class by themselves. The backward classes consist of artisans, kumhars, nais, telis, jhiwars and khatis etc. the Scheduled castes who are 19.07 percent of the State population include chamar, balmikis, khatiks and dhanaks. The remaining 4 percent come from miscellaneous castes.7

3.3 STUDY AREA (DISTRICT ROHTAK)

As mentioned above, district Rohtak of Haryana is the study area of the present study.

7 Ibid., p. 13.
The Rohtak district which forms a part of Haryana is strategically situated in the passage from the north-west through the Delhi gateway to the broad Ganga plain. The route from Peshawar and Multan to Delhi converges here. This area as a whole, witnessed some important historical events and movements. Unlike Kurukshetra which lies to its north and Delhi which lies 40 miles to its south, Rohtak itself has never been the centre of great and determining events. Nevertheless, laying in an area of much political activity it could survive and maintain its identity because its inhabitants were virile people.

3.3.1 Rohtak in Historical Perspective

Rohtak is one of the important districts of Haryana State. It has a long history as a district. It derives its name from its headquarters’ town Rohtak; which is said to be a correction of Rohtashgarh, a name still applied to the ruined sites (also called khokharakot) of two older sites, one lying immediately north of the present town and other about 5 Kms. towards the east. Traditionally, it is named after Raja Rohtash in whose day’s city is said to have been built. It is also claimed that the town derives its name from the Roherra (Tacoma undulate) tree called Rohitaka in Sanskrit. It is said that before the town came into existence, it was the site of a forest of Rohitaka trees and hence its name became Rohtak. Another version also connects Rohtak with Rohitaka, which is mentioned in Mahabharta in connection with campaign of Nakula, the Pandva warrior. But the dominant view or general accepted opinion is that it is correction of Rohtasgarh.

3.3.2 History of the district as an Administrative unit

The areas of Rohtak district underwent many changes, extending over hundreds of years before the administrative unit emerged in its present from.

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8 R.S. Doon, Jan Suchna Sagar, Rohtak: District Administration, 2006, p.15.
Under the Mughal Emperor Akbar, when his Minister Todar Mal divided North India into administrative circles, the areas of Rohtak (as a part of Suba of Delhi) fell within the Sarkars of Delhi and Hisar firuqa. Lying close to the imperial city of Delhi, the tract which now comprises the Rohtak district was often granted in military Jagir by the Sultan and Mughal emperors to the Noles of the court. For this reason Rajput, Brahman, Afgan and Baluch chiefs have at different times enjoyed its revenues. On the death of Bahadur-Shah-I (1707-12), the successor of Aurangzeb, the Mugal Empire began to decline rapidly. The areas of Rohtak frequently experienced a change of masters. The claims of Imperials were contested sometimes by the Rajputs, Jats and Sikhs and often by the Marathas. George Thomas, the protage of a Maratha leader, Appa Kandirao, established his authority at Hansi and extended it to Meham and Rohtak for a number of years, until Sindhia and various other regional forces combined to derive him away. Sindhia was, however, not destined to hold for long his conquests to the west of the Yamuna. By the treaty of Surjit Arjungaon, signed on December 30, 1803, the Rohtak area alongwith the other possessions of Sindhia situtated to the west of Yamuna passed to the British and came under the administration of the North-west provinces.9

The British had no intention at that time to hold large territories beyond the Yamuna. Accordingly, a number of Chiefs and leaders who had done good military service against the Marathas or had at least remained neutral, were settled in this tract to form a barrier of independent outposts between the British border and the Cis-Sutlej Sikh estates as well as the trans-sutlej rising kingdom of Ranjit Singh. Accordingly, the Jhajjar territory was given to Nawab Nijabat Ali Khan and the Baluch possessions at Bahaduegarh to his brother, Nawab Ismail

9 Ibid., pp.15-16.
Khan. Gohana and Kharkhoda-Mandothi tehsils were given to Raja Bagh Singh of Jind and Bhai Lal Singh of Kaithal as life jagirs. The villages Lohari, Patudha and Kheri Sultan in the south east corner of Jhajjar tehsil were given as a separate Jagir to Mohmad Khan Son and Nawab Nijabat Ali Khan. The estates of Hassngarh, Kirhaul, Pyladgarh (Pehladpur) and Khurampur in Sampla area were also granted to him for life. Rohtak, Beri and Meham tehsils of the present district were given to the Nawab of Dujana who resigned the major portion of the gift in A.D.1809 because it was beyond his power to manage it.

The formation of present Rohtak district began when the gift was abandoned by the Dujana Chief. The Gohana and Kharkhoda-Mandothi estates lapsed to the British Government after the death of Bhai Lal Singh in A.D.1818 and Bhagh Singh in 1820. When the Hissar district was created in the latter year, the Beri and Meham-Bhiwani tehsils were included in Hisar and the other portions of the present northern tehsils in Panipat. In 1824 the Rohtak district was formed as a separate unit consisting of Gohana, Kharkhoda-Mandothi, Rohtak, Beri and Meham-Bhiwani tehsils. The Bahadurgarh territory formed its eastern and Jhajjar its southern boundary. Until A.D.1832, the whole area, including Rohtak, was under the resident of Delhi, but when in that year it was brought under the same regulations as the rest of North Indian, the resident became commissioner. The District was abolished in A.D.1841. Gohana going to Panipat and rest of tehsil to Delhi but in the very next year it was created again. Two District of Rohtak and Jhajjar together with rest of Delhi and Hisar divisions were detached from North-western provinces after 1857 and passed to the Punjab by the Government of India on 13th April, 1858. The Rohtak district remained a part of the Hisar division until 1884.\(^{10}\)

\(^{10}\)http://www.rohtak.nic.in/ginfl.htm
After its transfer to the Punjab, the Rohtak District experienced several changes before assuming its present form. Bahadurgarh estate was added to the Sampla tehsil, five detached village to the east, going to Delhi. Jhajjar including some areas of Narnaul, Kanaudh and Dahari was at first created as a new district but was abolished shortly afterwards in 1860, when large parts of it were assigned to the phulkian chief as a rewards for their loyal services. While the Jhajjar tehsil itself was added to Rohtak several Badali villages were transferred either to Delhi or Gurgoan and two deatched Jhajjar estates were given to the Raja of Jind. In the following year, the Meham tehsil was abolished and after making necessary territorial adjustments in favour of Hisar and Delhi, the rest of the area was added to Rohtak tehsil. All these changer were completed by 1st July, 1861.

On the abolition of Hisar Division in 1884, the Rohtak District was transferred to Delhi division. It consisted of four tehsils- Rohtak, Gohana, Jhajjar and Sampla, but in April, 1910, Sampla tehsil was abolised for reasons of administrative economy and its area was divided between the Rohtak and Jhajjar tehsils which had reminded attached to the Delhi district since the year 1861 and was added to the Rohtak district in september, 1912, on the separation of Delhi Territory from the Punjab. The district was then attached to Ambala division. In 1948, Dujana state was merged in Jhajjar tehsil and a new sub-tehsil of Nahar was created.\textsuperscript{11}

Thus, Rohtak district was given a shape with four Tehsils i.e. Rohtak, Sonipat, Jhajjar and Gohana with Nahar and Meham as sub-tehsil of Jhajjar and Gohana tehsils respectively. Tehsil of Bahadurgarh was created in 1973 from Jhajjar tehsil. In 1973 Meham sub-tehsil was upgraded as tehsil. Sonipat tehsil was created by bifurcating Rohtak district, and Gohana and Sonipat tehsils were allotted to Sonipat district. One more tehsil, Kosli was created out of Jhajjar tehsil and

\textsuperscript{11} Ibid.
Nahar sub-tehsil was abolished and the bifurcated Rohtak district, comprised of five tehsils, namely Rohtak, Bahadurgarh, Jhajjar, Meham and kosli and one sub-tehsil Matanhail was also created. In November, 1989, reorganisation of district took place and Gohana tehsil was again attached with Rohtak district of Rewari. Three sub-tehsils of Badli, Matanhail and Beri were created again in July, 1992. Gohana tehsil was again transferred to Sonipat district and Badli sub-tehsil was abolised later on.

In July, 1997, Jhajjar district was created after bifurcating Rohtak district into Rohtak and Jhajjar districts and the present Rohtak district consists of Rohtak and Meham Tehsils, while Jhajjar and Bahadurgarh tehsils are in Jhajjar district. The present set-up of Rohtak dirstrict is as under:-

3.3.3 Administrative Set-up

Rohtak is one of the oldest districts of the state, which has been reorganised many times. The district is divided into Rohtak and Meham tehsil for administrative convenience. These two tehsil further divided in five community development blocks i.e. Meham, Lakhan Majra, Rohtak, Kalanaur and Sampla. The detail of the Administrative set-up of Rohtak district is given below.
### Table 3.1

**Administrative structure of Rohtak District**

<table>
<thead>
<tr>
<th>Sub-Division</th>
<th>Tehsil</th>
<th>Sub-Tehsil</th>
<th>C D Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rohtak</td>
<td>Rohtak</td>
<td>Sampla</td>
<td>Rohtak</td>
</tr>
<tr>
<td>Meham</td>
<td>Meham</td>
<td>Kalanaur</td>
<td>Meham</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Sampla</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kalanaur</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lakhan Majra</td>
</tr>
</tbody>
</table>

### Table 3.2

**Rohtak District at a Glance (Census 2001)**

<table>
<thead>
<tr>
<th>Items</th>
<th>Number</th>
<th>Position in the districts of Haryana</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>940128</td>
<td>13</td>
</tr>
<tr>
<td>Share in the total population of Haryana</td>
<td>4.45 %</td>
<td>13</td>
</tr>
<tr>
<td>Population Density</td>
<td>539 per sq. km</td>
<td>8</td>
</tr>
<tr>
<td>Child population in total population (0-6 year)</td>
<td>14.51</td>
<td>15</td>
</tr>
<tr>
<td>Sex Ratio</td>
<td>847</td>
<td>14</td>
</tr>
<tr>
<td>Child Sex Ratio (0-6 years)</td>
<td>799</td>
<td>15</td>
</tr>
<tr>
<td>Urban population</td>
<td>35.06 %</td>
<td>6</td>
</tr>
<tr>
<td>Literacy Rate</td>
<td>73.52 %</td>
<td>4</td>
</tr>
<tr>
<td>Women Literacy Rate</td>
<td>62.59 %</td>
<td>4</td>
</tr>
</tbody>
</table>

Source: Jan Suchna Sagar, district, Administration, Rohtak
3.3.4 Geographical Features

a) Location and Extension

Rohtak district is located in south-eastern part of Haryana State and constitutes a major part of eastern Haryana plain. It lies between 28° 19' and 29° 18' north latitude and 76° 13' and 77° 13' east longitude. National highway No.10 leading Delhi to Hisar passes through the district. Rohtak District, a part of eastern Haryana plain is bordered by Jind and Sonipat districts on the north, Jhajjar district on the south, Jhajjar and Sonipat district on the east and Hisar and Bhiwani districts on the west side. To its East the State of Delhi, Gurgaon district lies on its South-East. The altitude of district is about 220 meter from mean sea level. There is a gentle slope from north to south i.e. 19 cm per km. upto Jhajjar town in the northern part of the district and there is considerable slope west to east. The district headquarter is one of the eight identified priority towns in National Capital Region. Thus the location plays a vital role for the development of the district. Due to proximity to National capital, the developmental activities are taking place very rapidly.

b) Area and Population

The district is having an area of 1668.47 sq. km with 146 villages and 151 Panchayats. According to 2001 Census of India, the total population of Haryana State is 2,10,82,989 and Rohtak district has come out with 9,40,036 persons-5,08,885 males and 4,31,151 females. Out of the total population 6, 10,476 people live in rural areas (331899 male and 278587 females) 3, 29,550 people live in urban areas (176986 male and 152564 females.). The district contributes 4.46 per cent of the State population. The decadal growth rate of population during 1981-

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13 R.S. Doon, op. cit., p.18.
91 was 17.79 per cent and during 1991-2001 it was 20.99 per cent against 27.4 per cent 1981-91 and 28.06 percent in 1991-2001 for the Haryana State as a whole. As per 2001 Census, the Rohtak District occupies 13th position in the State and 424th place in the Country. This shows Rohtak, for whatever reasons, is not a preferred centre of growth.\(^\text{14}\)

According to 1991 Census sex ratio (calculated as number of females per 1000 males) of Rohtak district was 849 which declined to 847 during 2001. As against this, the overall Sex Ratio of Haryana State was 865 in 1991 which has also declined to 861. In terms of sex ratio, the rank of Rohtak in the State is 15th and in country it is 554. Such a sex ratio will see many males not getting their partner which may create a social evil and is a serious matter for the society. In Rohtak District, the total population of 0-6 age group is 1,34,712 out of which there are 7,5016 males and 59696 females. In 1991, if we see Child Sex Ratio, it was 868 which declined to 796 in 2001. Correspondingly, in Haryana State it was 879 in 1991, which declined to 820 in 2001. On this bases, Rohtak occupies 15th rank in the state and 578th in the country.\(^\text{15}\)

The density of population in Rohtak district was 445 per sq. km. in 1991 which increased to 539 in 2001. In this regard it stands 8th in the state and 188th in the country.\(^\text{16}\)

c) Climate and Rainfall

The district is characterized by Semi-arid climate having hot and cool conditions during summer and winter. The cool seasons start towards the latter half of November when both day and night temperature falls rapidly with the advance of season. May and June are the hottest months. In the monsoon month

\(^{14}\) Census of India 2001, Series-7, p.141.
\(^{15}\) Ibid.
\(^{16}\) Ibid.
humidity is high. April and May are usually the driest months, humidity in the afternoons being less than 20 per cent during these months. (During rainy season salts are washed down towards ground water, in summer evaporation takes place. On reaching the surface these salt solutions evaporate and salts crystallize as a white incrustation on the surface appearing like a skin disease. Such inscriptions are visible in low saucer of Rohtak district.) The climate is ideal for agricultural development, particularly for wheat, rice, sugarcane and cotton crops. Limited rainy season, good and healthy climate is suitable for industrial development also.

Rainfall in this region comes during July to September. The average annual rainfall in the district is 457.6 mm (18.01”). The rainfall generally increases from the south-west to the north-east. The rainfall in the south-west monsoon season which reaches its peak in the month of July constitutes about 74 per cent to the annual rainfall. On an average, there are 24 rainy days (i.e. days with rainfall of 2.5 mm or more) in a year in district. This number varies from 16 at Salhawas to 29 at Rohtak and Sonepat. The heaviest rainfall recorded in 24 hours at rainy station in the district was 484.1 mm (19.06”) at Rohtak on September 19, 1933 when streets were traversable only by boats. Some amount of rainfall is received from western disturbances during winter season. Due to less rainfall and its short duration the agricultural activities is mostly dependent upon canal irrigation and Tubewells. The average temperature of the district is 24º C ranging from 0º C to 44º C.

d) Soil

The soils are tropical arid brown to arid brown with alluvial origin, calcareous in nature, sandy to loam with pH 7.02 to 8.5, low in nitrogen, and medium in phosphorus and medium to high in potassium availability. The thickness of

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17 S.K. Sharma, op. cit., p.17.
column is more than 150 cm and the structure varies from massive to angular blocky. The available moisture capacity is good with imperfectly drained and moderate permeability. The status of organic carbon content of soil is low. The soils are having the problem of salinity and alkalinity due to brackish underground water vis-à-vis poor drainage system and insufficient availability of good quality irrigation water.

3.3.5 Economy of Rohtak District

Agriculture and Irrigation

The economy of the Rohtak district is primarily agriculture i.e. agrarian economy. Nearly 52.58 per cent of the total workforce is engaged in agriculture and allied activities, which is less than the State average of 57.77 percent. The main crops grown in the district are wheat, bajra, sugarcane, mustard and gram. Recently sunflower and rice cultivation is also increasing in the district. About 92.7 percent (1,40,062 Ha) of the total geographical area is under cultivation. The total irrigated area in the district is 99800 (Ha) of which 90 percent (90900 Ha) is irrigated by tubewells. There is no perennial river in the district. Underground water level is relatively high. The district is faced with the problem of brackish water and water logging in many parts of the district. The district has 7949 Ha area under forest which is 4.76 percent of the total geographical area of the district. The farmers of the district are quite progressive and therefore mechanization and adoption of modern technology in farming is gaining momentum. There has been constant increase in number of tractors, thresher weeding-wheels, seed drills, pumpset, tubewells etc. Various agriculture-development oriented policies have been imitated by state government in the district and there has been tremendous achievement in productivity due to the

\[\text{District Statistical Abstract, Rohtak, 2006-07, p.2.}\]
adoption of High-yielding varieties of seeds, judicious use of chemical fertilizers, plant protection measures and development.

Though agriculture is the main occupation of the people in the district, yet to supplement their meager income, they are also engaged in various allied activities viz dairying, poultry, piggery, sheep-goat rearing etc. Dairying is the most important allied activities in the district. The district has one milk-plant unit at Rohtak and two sheeps and wool extention centres at Ritoli and Pilana villages.

a) Industry

Industrially, Rohtak is one of the fast developing district of Haryana having good industrial base with 32 large and medium scale industries, along with 11746 small scale units. The distribution of industrial activities is however uneven. The majority of industrial units are concentrated at Rohtak-Delhi road. Ample agriculture resources, available of skilled laborers, a good net work of infrastructure facilities and various incentives offered by government coupled with its close proximity to Delhi has given impetus to the new entrepreneurs to establish their industries in the district. Now some more industries are expected to be shifted in Rohtak district because of judgment of the Supreme Court to shift some category of industries out of Delhi.

b) Road

Roads are the basic means of communication for the development of any economy. In order to further strengthen the road network and making it more efficient as per traffic requirements, the main emphasis is on the improvement/up gradation of road network, construction of bye passes and completion of road

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19 Ibid.
construction works which are already in progress. All the town and villages are well connected with each other by minor metalled roads.

c) **Road Transport**

A well planned and efficient network of transport is an essential for a developing economy. The Transport Department of Haryana is committed to provide adequate, well co-oriented, economical, safe, comfortable and efficient transport services to the people of the State. Haryana Roadways has earned reputation of being one of the best State Road Transport Undertaking in the Country in the fields of operational efficiency, staff productivity, low operational cost (without incidence of taxes) per effective K.M. operated, improvement in KMPL and profit before taxes etc.

There is a good transport network in Rohtak district. The old Bus Stand situated in the vicinity of city was very congested and therefore, it has been shifted out of the city to meet the requirements of the people. It has also a big Railway Station having the status of Junction. National Highway (NH) No 10 passes through this City. There is more opportunity for attending a high level of socio-economic developments. NH 71 A is also its lifeline it is main commercial road of India daily 10000 heavy vehicles uses it and 8000 cars and other vehicles..

Rohtak is well connected by Rail network to neighboring cities and states and its located on the N.H. -10, which is just 60 km away from National Capital, "Delhi". Direct trains are available going in north to Pathankot, Jammu, Sri Ganganagar, in east to Farukhabad, Gorakhpur and Howrah, in south direction to Chennai Kanya Kumari, Mangalore, and in west to Hisar, Sirsa, and Bhatinda.
3.3.6 Social Sector

a) People and Culture

The people of Rohtak District are simple, straight-forward, enterprising and hardworking. Since ancient times, they have survived many upheavals holding the traditional glory and greatness of the level, to this day. They have preserved their old religious and social traditions. They celebrate festivals with great enthusiasm and traditional flavor. The region has its popular folk songs and musical instruments. The women are diligent and assist the men folk on the farms. The people have simple food habits. They are known for their love for cattle and abundance of milk and curd in their diet.

Among social services, the highest priority has been accorded to the provision of pension for the old, the handicapped, the widows and the destitute as these are not most vulnerable sections of the society and the District owes a moral responsibility towards them. Woman and Children are the other vulnerable sections which also need the District care. District Administration is implementing innovative schemes like “LADLI” for the benefit of the girl child, Antyodaya Anna Yojana, Swaranjayanti Gram Swarozgar Yojana (SGSY), Indira Awas Yojana (IAY), Indira Gandhi Priyadarshni Viwah Shagun Yojana, and National Slum Development Programme etc.

Moreover, the Rohtak city can rightly boast of having the first Radio Station established in the State. The city also has a mini Secretariat, District Jail and vast net of Central offices. The city has a very sophisticated Divisional Level Telephone exchange. It is a big commercial centre, as it has biggest cloth market named Shourie Cloth Market and two (one old and one new) grain markets, one vegetable market and one fodder market. As a result of this there are as many as 116 Commercial Banks and a number of co-operative and Gramin Banks and 118 Post offices.
b) Education

Educationally, the district occupies one of the most important places in the state. There is a University named Maharshi Dayanand University established in April 1976. Besides the district has as many as 29 degree colleges, 313 Higher/Senior Secondary Schools, 60 Middle Schools, 400 Primary Schools (with Pre-Primary Schools) having 187868 students and 7073 teachers in recognized schools,\(^{20}\) makes it education city of Haryana. Best college of Engineering of Haryana is in Rohtak which is also called REC (Rohtak Engineering College). Further, the Rohtak district has a very renowned educational institute named Baba Mast Nath University. In this institute there is an Engineering College, Management institute, Pharmacy College, Dental College and a residential public school.

c) Health

The Health Services are being provided to the people of Rohtak district through a well connected network of Government Hospitals and dispensaries numbering 156. 26 Ayurvedic, Unani and Homeopathic Intuitions were in the district in the year 2005-06. In Haryana State it was 522.\(^{21}\) The district has the honor of having the first Health University in the state having the status of Pt. B.D. Sharma University of Health Sciences, a notable medical institute in northern India, situated at Rohtak city. It also provided Medical Training at Graduate and Post-Graduate level. There are two Ayurvedic Colleges named Baba Mast Nath Institute of Ayurvedic Asthal Bohar and Gaur Brahman Ayurvedic College Brahmanwas.

\(^{20}\) Ibid.
3.3.7 Literacy Status

Five years after the formation of Haryana State i.e. 1971, the literacy level in Rohtak district was only 32.45 per cent. Of these, 43.82 per cent were males and 17.78 per cent females. By 1981, the same had increased to 56.4 per cent for males and 26.8 per cent for females with an average level of 42.5 per cent. However by 1991, the literacy level had increased to a great extent for males as well as females, 76.19 per cent and 44.74 per cent respectively, with an average of 62.24 per cent (excluding age group 0-6). According to 2001 Census, the literacy rate of Haryana is 68.59 per cent in which 79.25 male and 56.31 per cent females. The literacy rate is higher in Rohtak District at 74.56 per cent, of which 84.29 per cent are male and 63.19 per cent females. Rohtak District stands at 4th position in literacy in the state and 140th position in the country.

3.4 DISTRICT COURTS: A LEGAL PERSPECTIVE

The District Courts in India are presided over by a judge. They administer justice in India at a district level. These courts are under administrative and judicial control of the High Court of the State to which the district concerned belongs.

The highest court in each district is that of the District and Sessions Judge. This is the principal court of civil jurisdiction. This is also a court of Sessions. Sessions-trial cases are tried by the Sessions Court. It has the power to impose any sentence including capital punishment.

There are many other courts subordinate to the court of District and Sessions Judge. There is a three tier system of courts. On the civil side, at the
lowest level is the court of Civil Judge (Junior Division). On criminal side the lowest court is that of the Judicial Magistrate. Civil Judge (Junior Division) decides civil cases of small pecuniary stake. Judicial Magistrates decide criminal cases which are punishable with imprisonment of up to five years.

At the middle of the hierarchy there is the Court of Civil Judge (Senior Division) on the civil side and the Court of the Chief Judicial Magistrate on the Criminal side. Civil Judge (Senior Division) can decide civil cases of any valuation. There are many additional courts of Additional Civil Judge (Senior Division). The Jurisdiction of these addition courts is the same as that of the principal court of Civil Judge (Senior Division). The Chief Judicial Magistrate can try cases which are punishable with imprisonment for a term up to seven years. Usually there are many additional courts of Additional Chief Judicial Magistrates. At the top level there may be one or more courts of additional district and session’s judge with the same judicial power as that of the District and Sessions judge.

Judicial independence of each court is the characteristic feature of the district judiciary. In each district there is a strong bar which ensures that courts decide cases according to law and without fear or favour. The greatest problem of district courts is that of huge backlog of cases leading to undue delay in deciding cases.

3.5 HISTORY OF DISTRICT COURTS ROHTAK

In 1824, the Rohtak district was formed as a separate unit consisting of Gohana, Kharakhauda-Mandothi, Rohtak-Beri and Meham- Bhiwani tehsils.

Before March 1, 1955, for judicial administration the Rohtak district was tagged to the Karnal district and as such only one District and Sessions Judge was
appointed for the two districts. Finding this arrangement cumbersome for lawyers as well as litigants, the Bar represented against it and as a result, a separate District and Sessions Judge was posted at Rohtak.\textsuperscript{22}

Rohtak was declared a separate Sessions Division on 01.03.1955 and Shri Jwala Dass was posted as First District and Sessions Judge at Rohtak and Shri Ram Gopal Kohli was posted as Senior Sub Judge, Rohtak on 09.04.1959. The Court of Additional District and Sessions Judges, which was presided by Shri B.S. Yadav, established at Rohtak on 28.08.1967.

Beside the one Court of District and Sessions Judge, there are four Courts of Additional District and Sessions Judges. Presently apart from Courts of Civil Judge (Senior Division), Chief Judicial Magistrate, Additional Civil Judge (Senior Division) and four Courts of Civil Judges (Junior Division) and one Court of Additional Civil Judge (Senior Division), Meham is functioning in Sessions Division, Rohtak. one Labour Court and one Consumer Court are also functioning in the Judicial Court Complex building. One Court of Special Judicial Magistrate, one Court of Permanent Lok Adalat for Public Utility Services and one Court of Permanent and Continuous Lok Adalat (Samjhauta Sadan) have also been installed in this Sessions Division and they are functioning in Judicial Court Complex building. District Courts are functioning in Judicial Courts Complex Building situated near Mini Secretariat, Sonepat Stand, Rohtak.

3.5.1 Jurisdiction

Rohtak Sessions Division is headed by Principal District Judge designated as District and Sessions Judge. This Sessions Division came into being on

01.03.1955. Shri Jwala Dass was posted as first District and Sessions Judge, Rohtak and a Court of Senior Sub Judge was also created on 09.04.1959. The Sessions Division, Jhajjar was earlier tagged with Sessions Division, Rohtak prior to separation on 06.03.2008. All the Civil Judges also exercised the powers of Judicial Magistrates and Rent Controllers, as envisaged Cr.P.C. as well as C.P.C. The District and Sessions Judge and additional District and Sessions Judges exercised the powers of Appellate Authority under the various acts and acting as Tribunal under the Motor Accident Claim Tribunal Act. The pecuniary jurisdiction of Civil Judges (Junior Division) is up to 2 lac with 3 years of service and after completion of above 2 lac and Civil Judge (Senior Division.) is unlimited. Recently the Presiding Officer of the Court of Civil Judge (Junior Division) having three years experience also empowered to deal with the cases of Hindus Marriage Act under Section 9 &13-B.

3.5.2 Court Hours

All Civil Courts in Punjab and Haryana and Delhi shall sit at the same hour on every day that is not a holiday for Civil Courts. The ordinary Court hours are from 10 A.M. to 4:00 P.M. with an interval for lunch on from 1.00 to 1.30 P.M. Saturdays shall be full working days for Courts and offices attached thereto but the second Saturday of each month may be observed as a close day. The working hours for offices attached to Civil Courts are from 10 A.M. to 5 P.M.

3.5.3 Change of Court hours

These hours may be varied in summer (May to September) with the previous sanction of the High Court if it would be for the convenience of the litigating public generally and of the Courts to do so. Ordinarily, when change of hours is desired, the Deputy Commissioner should apply through the District and
Sessions Judge, but if the Deputy Commissioner does not move in the matter and the District and Sessions Judge desires the change, he should apply after consulting the Deputy Commissioner. The date from which it is proposed that any change should take effect should be fixed sufficiently ahead in order to allow not only for time for obtaining the sanction of the High Court, but also for proper notice to the public in general and to the parties to civil suit in particular. It is not necessary to obtain the sanction of the High Court before the normal Court hours are reverted to at the close of the summer, but such reversion should take place at the same time for all Courts, civil and criminal, and the Deputy Commissioner and District and Sessions Judge should consult each other before the reversion is ordered.

3.5.4 Local and Seasonal Changes

In view of the intensity of the heat, the change of hours of working from 1st May to 31st July is effected throughout Haryana, whereas in Punjab this change is effected in Bhatinda District. Generally, the following working hours are observed:

From 1st. January to 30th. April 10 A.M. to 04 P.M.

From 1st. May to 31st. July 08 A.M. to 02 P.M.

From 1st. August to 31st. December 10 A.M. to 04 P.M.

3.5.5 Taking up cases after Court Hours

No new case should be taken up after the closing hours of the Court but the hearing of a case taken up before that hour may, if necessary, be continued for a short time.
3.5.6 Holidays

The holidays allowed to the Civil Courts are annually prescribed by the High Court under the provisions of Section 47 of the Punjab Courts Act, and no other holidays can be allowed by any other authority. The list of civil holidays comprises general holidays, and local holidays the latter being usually limited to three days in the year for each District.

3.5.7 Taking up cases on holidays

Civil suits and appeals ought not, as a rule, to be taken up during the vacation or on a holiday, but any civil suit or appeal may be legally heard, by consent of the parties during the vacation or on a holiday, if the Presiding Officer of the Court thinks it expedient, for any reason to keep his Court open for the purpose. ‘Provided that the District Judge and in his absence any Additional District Judge or Subordinate Judge specially authorized by the District Judge in this behalf may entertain any urgent civil matter (suit) appeal or application during the period when the civil courts are closed for vacation.’

3.5.8 Attendance of ministerial establishment

The members of the ministerial establishment of the Courts should (subject to any special rules regarding the Vacation Department) attend their office on all days except on holidays allowed to Civil Courts. An official may, however, be ordered by the Presiding Officer to attend office on a holidays to clear off arrears. An official should not except in most exceptional cases be made to attend on a holiday pertaining to his religion.
3.5.9 Preparation of cause lists

Cause lists of cases fixed for each day should be prepared a day before. These lists should be exhibited in the Court-room, or the verandah of the Court house, at least by the afternoon of the day preceding that to which they relate, for the information of parties and their pleaders and the order of causes in the list should not be departed from without cogent reasons, unless the case be settled by compromise or the claim be admitted before the day fixed for trial. A strict adherence to this practice will secure punctual attendance and greatly promote the dispatch of business and the convenience of the parties and witnesses. Cases should as far as possible be so arranged in the cause lists that the litigants may not have to wait long for simple cases and petty work such as miscellaneous applications, executions and objections, etc.

3.5.10 Reception of Plaints and Application

Plaints and petitions should be received by the Civil Courts on every day which is not an authorized holiday, during office hours.

Reception by Mofassil Courts

Courts situated away from the head-quarters of the district can receive plaints and petitions direct, under the general directions prescribed by the District Judge or by a Subordinate Judge empowered under Section 37 of Punjab Courts Act, 1918, to do so.

Distribution of cases

Plaints and petitions presented at the headquarters of a district will be received and distributed by the District Judge who may delegate this power under section
37 of the Punjab Courts Act to any Subordinate Judge and should always do so when it is for the convenience of the litigants. Regard should be had to the provisions of Sections 15 and 20 and Order IV, Rule 1, of the Code of Civil Procedure, in framing directions regarding the reception of Civil suits.

**Duty of distributing officer**

The work of distribution of cases should not be left to the Reader or the Clerk of Court. The judge should attend to it personally, nothing in his own hand the name of person presenting the case and the court to which the case has been assigned for trial. He should also inform the person presenting the plaint or petition of the date on which he is required to attend the Court to which the case is sent and note the fact of his having done so in his order. This will avoid the necessity of a notice being issued to the plaintiff or petitioner by the Court to which the case is sent.

**List of cases assigned to be exhibited**

At the end of each day a list of all the cases so distributed should be exhibited in the Court of the distributing officer. Similarly each court exhibit at the end of each day a list of the cases assigned to it by the distributing officer.

**Examination, endorsement and distribution of plaints/petitions**

Every plaint or petition should if possible, specify the provision of law under which it is presented and should, at the time of its reception, be at once endorsed with the date of its receipt, and such endorsement should be signed by the receiving officer. The court fees should be forthwith examined and cancelled in the manner prescribed in that behalf. The receiving officer should prepare a list of
all plaints and applications received each day, and be held responsible that they are
duly distributed in accordance with the orders passed thereupon, and the general
instructions (if any) given by the District Judge or the Senior Sub Judge in that
respect.

**Insufficiently stamped plaints etc**

It shall be the duty of the Superintendent of the District and Sessions Judge,
Clerks of Court of the Senior Sub Judge and Judges of Small Cause Courts and
Readers of all others Subordinate Judges to see that appeals, plaints and petitions,
etc., received in the Courts, to which they are attached, are properly stamped. When they are in doubt what Court fee is due on any document, it shall be their
duty to refer the matter of the Presiding Officer for orders. These officials are
primarily responsible for any loss of revenue caused to Government by
insufficiently stamped documents having been received owing to their neglect, but
the ultimate responsibility for the loss lies on the Judge of the Court whose duty it
is to look into such matters either when the plaints are instituted or when the
plaints came up for hearing before him.

**Transfer of cases to equalize work**

The equal distribution of work amongst the Courts available can always be
effectected by the transfer of cases when necessary from one court to another under
the authority vested in the District Judge. When a case is transferred by judicial
order, the Court passing the order should fix a date on which the parties should
attend the Court to which the case is transferred.
(a) Petition box

The petition box shall be placed in the verandah of the Court house about one hour before the Court sits, an official being specially made to attend early for this purpose. It shall be opened in the presence of the Judge about 15 minutes after the court opens when all petitions shall be initialed by him. The Judge shall pass proper order forthwith or inform the petitioner when orders will be ready after the necessary kaifiyats have been put up. The box shall be replaced in the verandah and opened again shortly before the Court rises for luncheon in the presence of the Judge and the same procedure followed. It shall then the replaced once more in the verandah and opened for the last time 15 minutes before the time fixed for the rising of the Court and the procedure prescribed above followed. After the box has been opened for the third time, it shall not be replaced in the verandah but petitions may thereafter be presented up to the closing hour of the Court to the Presiding Officer personally who shall receive them. A list of all miscellaneous or execution applications, on which orders cannot be passed forthwith, should be prepared and exhibited outside the court room specifying the date fixed for the disposal of each application.

(b) Urgent cases

In urgent cases, the Judge may exercise his discretion and personally receive documents presented to him direct at any time.

(c) Reception by ministerial establishment prohibited

The members of the ministerial establishment are strictly forbidden to receive petitions, plaints or other documents direct from lawyers and their clerks or from litigants except when the judge is on leave and no other judicial officer is
in charge of his current duties. District Judges should, however, invariably make arrangements for the reception of plaints and petitions, etc., by another officer of a Court when an Officer is temporarily absent on leave, tour or otherwise. Whether there is a single Judicial Officer at a station such as a Moffassil or outlying Court, arrangements should be made for the reception of plaints, petitions, documents, etc, by the Tehsildar or the Naib-Tehsildar in consultation with the Deputy Commissioner.

(d) Exceptions

The above orders do not apply to applications put in by counsel for the inspection of records which may be presented to the Presiding Officer personally, nor do they apply to Talban’s and stamped postal envelopes filed by litigants, which should be received direct by the Ahlmad or the moharrir and a receipt given for the same whether demanded or not.

Who can file petitions, etc?

Plaints and petitions must be filed, except, when otherwise specially provided by any law for the time being in force, by the party in person or by his recognized agent or by a duly authorized and qualified legal practitioner.

Recognized agents

Recognized agents are defined in Order III, Rule 2, of the Code of Civil Procedure, 1908. As to the appointment of a pleader, the provisions of Rule 4 of Order III, Civil Procedure Code, as amended by Act XXII of 1926, and the instructions of the High Court given in Chapter 16, Part A, of this volume should be carefully studied.
Power of Attorney

When parties appear by pleaders, or agents duly authorized in that behalf, their powers of attorney should, when practicable, be filed in original with the plaint. Where the Power of Attorney is general one, a copy should be filed, the original being presented for verification. When so filed, the power of attorney will be considered to be enforced until revoked, with the leave of the Court, by writing signed by the client and filed in Court, or until the client or pleader or agent dies or all proceedings in the suit are ended so far as regards the client.

Sending by post

The reception of plaints and petitions made under the Code of Civil Procedure for judicial purposes by post is irregular. All applications of a judicial nature received by post should be filed and on each application so filed an endorsement should be made to the effect that it was filed as not having been properly presented. This does not apply to applications for copies of judicial proceedings, which are not applications for judicial purposes made under the Code; but are applications dealt with under administrative authority.

3.6 THE DISTRICT BAR ASSOCIATION ROHTAK

The Bar Association, Rohtak, was founded in 1900. From initially strength of 40 members, the District Bar Association has also grown in strength and presently, there are 1597 advocates enrolled as members of District Bar Association. There is also a separate bar association at Sub Division Meham.

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24 As per record of District Bar Association Rohtak, as on 31/3/2011.
District Bar Association, Rohtak has a rich and proud history. It has felt its presence outside law also in the past, be it in social or political area. It has always played a neutral role. It has been the place of working for Lala Lajpat Rai and Sir Chhotu Ram. Also, Ch. Matu Ram and Ch. Lahri Singh were its members. At present, Hansraj Bhardwaj, the Governor of Karnataka, Ch. Bhupinder Singh Hooda, Chief Minister of Haryana, Shadi Lal Batra, M.P.(Rajya Sabha) and B.B. Batra, M.L.A. Rohtak are its members.

3.7 LITIGATION IN DISTRICT COURTS ROHTAK: INSTITUTION, DISPOSAL AND PENDENCY

In the following Tables, institution, disposal and pendency of cases in District Courts Rohtak have been analyzed. With the help of these three aspects, a comprehensive picture of litigation at District Courts have been tried to find out.

Table: 3.3
Institution of Litigation in District Courts Rohtak

<table>
<thead>
<tr>
<th>Years</th>
<th>Criminal Litigation</th>
<th>Civil Litigation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 2008 to December 2008</td>
<td>2822 (67.65)</td>
<td>1349 (32.65)</td>
<td>4171 (100.00)</td>
</tr>
<tr>
<td>January 2009 to December 2009</td>
<td>6632 (56.86)</td>
<td>5030 (43.14)</td>
<td>11662 (100.00)</td>
</tr>
<tr>
<td>January 2010 to December 2010</td>
<td>13589 (71.37)</td>
<td>5450 (28.63)</td>
<td>19039 (100.00)</td>
</tr>
</tbody>
</table>

Source: Office Record of District Courts Rohtak
Figure in brackets shows percentage
Data in above Table show that as many as 13589 criminal cases have been instituted in the year 2010 making the percentage 71.37. As far as civil litigation is concerned the maximum number of litigation has been instituted in 2009 (43.14%). At the lowest side, the year 2009 registered minimum criminal cases (56.86%) while it is 2010 when minimum civil cases have been instituted (28.63%).

**Table: 3.4**

**Disposal of litigation in District Courts Rohtak**

<table>
<thead>
<tr>
<th>Types of Litigation</th>
<th>Criminal Litigation</th>
<th>Civil Litigation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>September 2008 to December 2008</td>
<td>2880 (59.00)</td>
<td>2001 (41.00)</td>
<td>4881 (100.00)</td>
</tr>
<tr>
<td>January 2009 to December 2009</td>
<td>5374 (55.68)</td>
<td>4276 (44.32)</td>
<td>9650 (100.00)</td>
</tr>
<tr>
<td>January 2010 to December 2010</td>
<td>7683 (61.25)</td>
<td>4859 (38.75)</td>
<td>12542 (100.00)</td>
</tr>
</tbody>
</table>

Source: Office Record of District Courts Rohtak

Figure in brackets shows percentage

The Table shows that as many as 7683 criminal cases have been disposed of in the year 2010 making the percentage 61.25. As far as civil litigation is concerned the maximum numbers of litigation have been disposed of in 2009 (44.32 %). At the lowest side, the year 2009 disposed minimum criminal cases (55.68%) while it is 2008 when minimum civil cases have been disposed of (41%).
Table: 3.5

Pendency of Litigation in District Courts Rohtak

<table>
<thead>
<tr>
<th>Types of Litigation</th>
<th>Years</th>
<th>Criminal Litigation</th>
<th>Civil Litigation</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2008</td>
<td>12544 (59.56)</td>
<td>8517 (40.44)</td>
<td>21061 (100.00)</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>13311 (57.75)</td>
<td>9735 (42.25)</td>
<td>23046 (100.00)</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>19738 (66.74)</td>
<td>9834 (33.26)</td>
<td>29572 (100.00)</td>
</tr>
</tbody>
</table>

Source: Office Record of District Courts Rohtak
Figure in brackets shows percentage

The above Table shows the pendency of litigation in District Courts Rohtak. In the year 2008, Pendency of litigation was 21061 that have increased to 29572 in 2010.

Further, the Table shows that out of 29572 pending cases, 66.74 percent are of criminal nature while 33.26 percent litigation are civil ones. It is concluded that number of criminal litigation is increasing rapidly in district courts.

3.8 LITIGATION IN DISTRICT COURTS ROHTAK- SAMPLING DESIGN

In the Table 3.6., 150 sampled cases both civil and criminal’s natures have been further sub-grouped. In all 12 sub-categories have been consternated.
Table: 3.6

Litigation in District Courts Rohtak - Sampling Design

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>01.</td>
<td>Homicides/Murder</td>
<td>03(03.75)</td>
<td>01.</td>
<td>Property</td>
<td>06(08.57)</td>
</tr>
<tr>
<td>02.</td>
<td>Sexual Offences</td>
<td>04(05.00)</td>
<td>02.</td>
<td>Succession</td>
<td>04(05.71)</td>
</tr>
<tr>
<td>03.</td>
<td>Property</td>
<td>07(08.75)</td>
<td>03.</td>
<td>Guardianship</td>
<td>02(02.85)</td>
</tr>
<tr>
<td>04.</td>
<td>Thefts</td>
<td>12(15.00)</td>
<td>04.</td>
<td>Recovery</td>
<td>05(07.14)</td>
</tr>
<tr>
<td>05.</td>
<td>Drugs</td>
<td>08(10.00)</td>
<td>05.</td>
<td>Rent</td>
<td>04(05.71)</td>
</tr>
<tr>
<td>06.</td>
<td>Atrocity</td>
<td>02(02.50)</td>
<td>06.</td>
<td>Service</td>
<td>07(10.00)</td>
</tr>
<tr>
<td>07.</td>
<td>Assault</td>
<td>03(03.75)</td>
<td>07.</td>
<td>Matrimonial</td>
<td>16(22.85)</td>
</tr>
<tr>
<td>08.</td>
<td>Negligence</td>
<td>12(15.00)</td>
<td>08.</td>
<td>Accident Claim</td>
<td>17(24.28)</td>
</tr>
<tr>
<td>09.</td>
<td>Freud</td>
<td>09(11.25)</td>
<td>09.</td>
<td>Compensation</td>
<td>05(07.14)</td>
</tr>
<tr>
<td>10.</td>
<td>Offence against Child and Women</td>
<td>04(05.00)</td>
<td>10.</td>
<td>Others</td>
<td>04(05.71)</td>
</tr>
<tr>
<td>11.</td>
<td>Kidnapping</td>
<td>02(02.50)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Miscellaneous Minor Offences</td>
<td>14(17.50)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80(100.00)</strong></td>
<td><strong>Total</strong></td>
<td><strong>70(100.00)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: District Courts Rohtak

Figure in brackets shows percentage
As stated above, 150 cases (80 criminal and 70 civil) have been selected from District Courts, Rohtak. Data from Table 3.6 show that out of 80 criminal cases litigation of theft and negligence constitute a major percentage i.e. 15 percent each followed by cases of fraudulent nature (11 %). The Table further reveals that in civil category accident claim (24%) and matrimonial litigation (23%) together constitute nearly half of the total litigation i.e. 47 percent. The percentage followed by service matter is 10 percent.

The overall analysis of the Table shows that there are majority of criminal litigation in District Courts Rohtak, in which thefts and negligence cases have the major percentage, i.e., 15 each.

**OBSERVATIONS**

Following observations can be made from the above discussion:

- In 1824, the Rohtak district was formed as a separate unit consisting of Gohana, Kharakhauda-Mandothi, Rohtak-Beri and Meham- Bhiwani tehsils.
- Before March 1, 1955, for judicial administration, the Rohtak district was tagged to the Karnal district and as such only one District and Sessions Judge was appointed for the two districts. Finding this arrangement cumbersome for lawyers as well as litigants, the Bar represented against it and as a result, a separate District and Sessions Judge was posted at Rohtak.
- Rohtak was declared a separate Sessions Division on 01.03.1955.
- As many as 13589 criminal cases have been instituted in the year 2010 making the percentage 71.37. As far as civil litigation is concerned, the maximum number of litigation has been instituted in 2009 (43.14 %). At the lowest side, the year 2009 registered minimum criminal cases (56.86%) while it is 2010 when minimum civil cases have been instituted (28.63%).
As many as 7683 criminal cases have been disposed of in the year 2010 making the percentage 61.25. As far as civil litigation is concerned, the maximum number of litigation has been disposed of in 2009 (44.32%). At the lowest side, the year 2009 disposed minimum criminal cases (55.68%) while it is 2008 when minimum civil cases have been disposed of (41%).

As regards the pendency of litigation in District Courts Rohtak, in the year 2009, out of total 23046 cases, 13311 (57.75) are of criminal nature whereas 9735 (42.25) are civil ones.