

CNR-NO.PHHC011188702026

ARVIND SETH

VS.

STATE OF PUNJAB AND OTHERS

Present:- Mr. Arvind Seth, Petitioner in person.

Mr. Salil Sabhlok, Senior DAG, Punjab

Mr. Rohit Sud, President

Mr. Ashish Bishnoi, Vice President

Mr. Parampreet Singh Bajwa, Secretary

Mr. Kirandeep Kaur, Joint Secretary

Mr. Ashish Rana, Treasure

Mr. Kamla Malik, Lady Member

Mr. Hitesh Verma, Ex-Member

Mr. Navrajdeep Singh, Ex-Member

High Court Bar Association.

Mr. Jasman Singh Gill, Advocate
for respondents No.4 and 5.

When this petition came up for hearing on 20th July 2026, the following order was passed:-

“Petitioner is a practicing lawyer in this Court, who has raised a concern regarding denial of access to justice to litigants in the State of Punjab on account of ongoing protest by the lawyers. It is submitted that protest by legitimate means is well recognized for highlighting issues of importance, but while doing so it is not open for anyone to interfere with the administration of justice or to deny access of justice to the litigants. Prayer has been made in the present petition for this Court to interfere in such circumstances. On our request, the President of the Punjab and Haryana High Court Bar Association, as well as some of the members of the Bar Council and learned Senior Counsels, have appeared before the Court. They are of the view that such issues ought to be resolved amicably at the level of the Bar itself. We hope and trust that wiser heads will prevail and this Court would not be called upon to deal with the issue raised in the present matter, on judicial side.

On joint request of the parties, list this matter once again on 23.07.2026.”

On 23rd July 2026, we were informed that discussions are underway, and there is every likelihood of the issue being resolved expeditiously, therefore hearing of the matter was deferred for 27th July 2026. As various representations were received regarding the alleged misuse of the Legal Aid Defence Counsel

(LADC) System, the same were taken up on the administrative side and the following directions were circulated among Judicial Officers/Secretary District Legal Services Authority, in order to ensure better transparency and effective enforcement of the LADC System on 27.07.2026;

“(i) Secretary, District Legal Services Authority shall prepare a jail visit roster of Legal Aid Defence Counsel. Ordinarily Judicial Officer should refrain from accompanying Legal Aid Defense Counsel at the time of their jail visit.

(ii) Assignment of Legal Aid Defence Counsel for representing accused be done only by Secretary, District Legal Services Authority. No Legal Aid Defence Counsel be permitted to obtain power of attorney from inmates directly.

(iii) If defence counsel fails to appear and Presiding Officer is of opinion that such absence is willful or mischievous, instead of, directly appointing Legal Aid Defence Counsel to defend an accused, he shall first pass order highlighting absence of defence counsel and take steps to communicate the order to the accused or to the advocate representing the accused. If the accused or his lawyer still fail to appear on the next date, the Presiding Officer may forward the case to Secretary, District Legal Services Authority for appointment of Legal Aid Defence Counsel.

(iv) While directing release of an accused on furnishing bail bonds/surety bonds or on personal bonds the court shall adopt a uniform approach and extend parity.

(v) When accused is produced before a Illaqa Magistrate for remand, Court shall ascertain whether accused, is represented by counsel, if

so, the Court shall wait for the appearance of the defence counsel. When an accused does not have defence counsel, he shall be provided assistance of Legal Aid Defence Counsel. (No power of attorney of Legal Aid Defence Counsel shall however, be filed at that stage. If such accused thereafter, desires to pursue matter through Legal Aid Defence Counsel, the assignment of cases) shall only be done through Secretary, District Legal Services Authority.

(vi) Secretary, District Legal Services Authority shall satisfy themselves with regard to the eligibility of applicant for Legal Aid Defence Counsel in terms of Section 12 of Legal Services Authorities Act, 1987 and any other directions)/guideline(s) issued by competent authority.

(vii) Legal Aid Defence Counsel to strictly adhere to professional ethics and terms of their engagements and should not solicit work for themselves or any other practicing member of their family or chamber”

On 27.07.2026, the aforementioned recommendations were shared with the learned counsel representing the parties as well as the worthy members of the High Court Bar Association and representatives of the Bar Council of Punjab and Haryana, and it was agreed that practically all concerns regarding the alleged misuse of the LADC System have been taken care of. This Court, while orally observing that Judges, while discharging their duties on the Bench, are in a state of temporary adoption, and continue to remain part of the larger judicial family, which includes the Bar, expressed its pain and anguish over the continued and prolonged blocking of access to justice to the common litigant, throughout the State of Punjab for the last 27 days, which would be shameful, for the justice

delivery system. On the assurance that there is every likelihood of amicable resolution, keeping in view the measures taken on the administrative side, as noticed above, the matter was deferred to 28.07.2026.

Today, when the matter was taken up, we were informed that the oral observations made by the Court regarding its concern about the continued blocking of the access to justice to the common man, have been misquoted at certain forums. We note with regret that despite the fact that detailed directions have been issued, in order to assuage the apprehension of the Members of the Bar, regarding implementation of LADC Scheme, yet, such a concocted projection is sought to be made.

We have reiterated our sentiments to the learned Members of the Bar, that denial of access to justice, to the common litigant, would be a failure on the part of the entire justice delivery system, which cannot be permitted.

On the request of the learned counsel for the parties, who seek one more opportunity for deliberations, adjourned to 30.07.2026.

(ASHWANI KUMAR MISHRA)
ACTING CHIEF JUSTICE

(ROHIT KAPOOR)
JUDGE

July 28, 2026
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