



5, Krishna Menon Marg,  
New Delhi - 110 011

*K. G. Balakrishnan*  
*Chief Justice of India*

**FROM THE DESK OF CHIEF JUSTICE OF INDIA**

With this issue, 'Court News' is entering 4<sup>th</sup> year of its publication. It gives me immense satisfaction to find that the quarterly newsletter has been very well received, not only in legal circles, various departments and institutions, but also by the enlightened citizens of our country, who look forward to get authentic and reliable information on the functioning of the Apex Court and its allied institutions, such as National Legal Services Authority and National Judicial Academy, both of which are doing exceedingly well, in their respective field of operation. The publication also acquaints them with latest judgments delivered by this Court on matters of public importance, besides providing important data and information.

Organisation of Lok Adalat, to settle the cases pending in Supreme Court, has now become a regular feature. The settlement rate of Lok Adalat, particularly in matrimonial dispute, is highly encouraging. Of course, such a huge success, in matters involving clash of egos, besides hurt feelings and emotional upsets, could not have been possible, but for the role played by mediators of Delhi High Court Mediation Centre, in bringing about a mutually acceptable settlement of disputes.

Parliament has recently increased the sanctioned strength of Supreme Court Judges, from 26 to 31. I hope that appointment of more Judges will go a long way in reducing the pendency of cases in this Court.

I hope and believe that this newsletter will continue to be useful to all its readers and receive their unstinted support and encouragement.

18<sup>th</sup> April, 2009

  
[K.G. Balakrishnan]

## APPOINTMENT IN HIGH COURTS (From 01-01-09 to 31-03-09)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	C.K. Prasad (As Chief Justice)	20-03-09
2	Andhra Pradesh	B. Chandra Kumar	05-02-09
3.	Bombay	P.D. Kode	10-02-09
		U.D. Salvi	10-02-09
		S.P. Davare	10-02-09
		A.R. Joshi	10-02-09
		M.R. Bhatkar	10-02-09
		A.V. Potdar	10-02-09
		F.M. Reis	26-03-09
		R.G. Ketkar	26-03-09
4.	Chhattisgarh	R.K. Deshpande	26-03-09
		Nawal Kishore Agrawal	31-03-09
		Pritinkar Diwaker	31-03-09
		Rangnath Chandrakar	31-03-09
5	J&K	Rajeshwar Lal Jhanwar	31-03-09
		Barin Ghosh (As Chief Justice)	03-01-09
		Prashant Kumar	21-01-09
		Pradeep Kumar	21-01-09
7.	Kerala	Surendra Mohan Kuriakose	05-01-09
		P.R. Nair Ramachandra Menon	05-01-09
		C.K. Abdul Rehim	05-01-09
		C.T. Ravikumar	05-01-09
		P. Bhavadasan	06-02-09
		S.S. Satheesachandran	06-02-09
		M.L. Joseph Francis	06-02-09
		P.S. Gopinathan	06-02-09
8.	Madras	S.R. Bannurmuth (As Chief Justice)	18-03-09
		R.S. Ramanathan	31-03-09
		B. Rajendran	31-03-09
		Raja Elango	31-03-09
		D. Hariparanthaman	31-03-09
		C.T. Selvam	31-03-09
		C.S. Karnan	31-03-09

		N. Kurubakaran	31-03-09
		M.M. Sundresh	31-03-09
		T.S. Sivagnanam	31-03-09
		M. Duraiswamy	31-03-09
		T. Raja	31-03-09
		R. Mala	31-03-09
		Aruna Jagadeesan	31-03-09
		G.M. Akbar Ali	31-03-09
9.	Patna	Mandhata Singh	09-02-09
		J.B. Koshy (As Chief Justice)	16-03-09
10.	Rajasthan	Deepak Verma (As Chief Justice)	06-03-09
11.	Sikkim	Aftab Hussain Saikia (As Chief Justice)	07-03-09

- Above statement is compiled on the basis of information received from the High Courts

## **TRANSFER BETWEEN HIGH COURTS (From 01-01-09 to 31-03-09)**

<b>S.No.</b>	<b>From</b>	<b>To</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Transfer</b>
1	Gujarat High Court	Jharkhand High Court	D.N. Patel	03-02-2009
2	Uttaranchal High Court	Allahabad High Court	P.C. Verma	04-02-2009
3	Allahabad High Court	Madras High Court	H.L. Gokhale (Chief Justice)	09-03-2009

- Above statement is compiled on the basis of information received from the High Courts

## VACANCIES IN COURTS

### A) SUPREME COURT OF INDIA (As on 18-04-09)

Sanctioned Strength	Working strength	Vacancies
31	24	7

### B) HIGH COURTS ( As on 01-04-09)

S.No.	Name of the High Court	Sanctioned strength	Working strength	Vacancies
1	Allahabad	160	72	88
2	Andhra Pradesh	49	31	18
3	Bombay	75	67	08
4	Calcutta	58	36	22
5	Chhattisgarh	18	10	08
6	Delhi	48	39	09
7	Gauhati	24	21	03
8	Gujarat	42	29	13
9	Himachal Pradesh	11	10	01
10	Jammu & Kashmir	14	12	02
11	Jharkhand	20	13	07
12	Karnataka	41	37	04
13	Kerala	38	33	05
14	Madhya Pradesh	43	38	05
15	Madras	60	58	02
16	Orissa	22	17	05
17	Patna	43	22	21
18	Punjab & Haryana	68	48	20
19	Rajasthan	40	32	08
20	Sikkim	03	02	01
21	Uttaranchal	09	08	01
<b>TOTAL</b>		<b>886</b>	<b>635</b>	<b>251</b>

- Above statement is compiled on the basis of figures received from the Department of Justice

**C) DISTRICT & SUBORDINATE COURTS (As on 31-12-2008)**

S.No.	Concerned State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2179	1656	<b>523</b>
2.	Andhra Pradesh	926	832	<b>94</b>
3a.	Maharashtra	1898	1639	<b>259</b>
3b.	Goa	49	43	<b>6</b>
3c.	Diu Daman & Silvassa	3	3	<b>0</b>
4.	West Bengal and A&N Islands	782	591	<b>191</b>
5.	Chhattisgarh	293	268	<b>25</b>
6.	Delhi	591	365	<b>226</b>
7.	Gujarat	1030	863	<b>167</b>
8a.	Assam	313	232	<b>81</b>
8b.	Meghalaya	10	4	<b>6</b>
8c.	Tripura	92	64	<b>28</b>
8d.	Manipur	33	31	<b>2</b>
8e.	Nagaland	27	26	<b>1</b>
8f.	Mizoram	67	32	<b>35</b>
8g.	Arunachal Pradesh	339	300	<b>39</b>
9.	Himachal Pradesh	126	114	<b>12</b>
10.	Jammu and Kashmir	207	174	<b>33</b>
11.	Jharkhand	536	418	<b>118</b>
12.	Karnataka	853	637	<b>216</b>
13a.	Kerala	431	388	<b>43</b>
13b.	Lakshadweep	3	2	<b>1</b>
14a.	Tamil Nadu	793	640	<b>153</b>
14b.	Puducherry	20	15	<b>5</b>
15.	Madhya Pradesh	1307	1144	<b>163</b>
16.	Orissa	536	446	<b>90</b>
17.	Bihar	1367	1116	<b>251</b>
18a.	Punjab	346	316	<b>30</b>
18b.	Haryana	397	302	<b>95</b>
18c.	Chandigarh	20	19	<b>1</b>
19.	Rajasthan	825	739	<b>86</b>
20.	Sikkim	13	8	<b>5</b>
21.	Uttarakhand	273	129	<b>144</b>
<b>Total</b>		<b>16685</b>	<b>13556</b>	<b>3129</b>

- Above statement is compiled on the basis of figures received from the High Courts.

## INSTITUTION, DISPOSAL AND PENDENCY OF CASES

### A) SUPREME COURT OF INDIA (FROM 01-01-2009 TO 31-03-2009)

						<b>Pendency (At the end of 31-12-2008)</b>		
						Admission matters	Regular matters	Total matters
						30,087	19,732	49,819
<b>Institution (01-01-2009 to 31-03-2009)</b>			<b>Disposal (01-01-2009 to 31-03-2009)</b>			<b>Pendency (At the end of 31-03-2009)</b>		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
14,851	1,863	16,714	14,104	2,266	16,370	30,834	19,329	50,163

**B) HIGH COURTS (FROM 01-10-2008 TO 31-12-2008)**

S. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 31-12-08
		Opening Balance as on 01-10-08	Institution from 01-10-08 to 31-12-08	Disposal from 01-10-08 to 31-12-08	Pendency at the end of 31-12-08	Opening Balance as on 01-10-08	Institution from 01-10-08 to 31-12-08	Disposal from 01-10-08 to 31-12-08	Pendency at the end of 31-12-08	
1	Allahabad	647103	31699	18228	660574	240299	24012	13027	251284	911858
2	Andhra Pradesh	146398	13060	10085	149373	18465	3697	2321	19841	169214
3	Bombay	298389	23283	25653	296019	39553	6353	5845	40061	336080
4	Calcutta	252632	12211	7028	257815	41969	3807	3118	42658	300473
5	Chhattisgarh	51552	2621	6732	47441	22342	1258	4312	19288	66729
6	Delhi	58378	5313	7644	56047	13909	2431	2384	13956	70003
7	Gujarat	75105	5641	9128	71618	32594	5794	5192	33196	104814
8	Gauhati	52981	3813	3062	53732	8406	1577	1605	8378	62110
9	Himachal Pradesh	22208	10128	4125	28211	6388	941	902	6427	34638
10	Jammu & Kashmir	46105	4902	3979	47028	1836	499	536	1799	48827
11	Jharkhand	28400	2058	1499	28959	24332	3364	3291	24405	53364
12	Karnataka	93318	14135	11615	95838	14101	2255	2201	14155	109993
13	Kerala	83483	14127	14105	83505	26343	5156	4472	27027	110532
14	Madhya Pradesh	127435	12397	17113	122719	59747	8689	8131	60305	183024
15	Madras	408473	41819	38917	411375	38502	14396	12777	40121	451496
16	Orissa	214543	12881	10053	217371	22182	9037	7681	23538	240909
17	Patna <sup>#</sup>	77272	5941	3869	79344	41608	11607	12696	40519	119863
18	Punjab & Haryana	212604	12088	17397	207291 <sup>*</sup>	44773	10912	10652	45033	252324
19	Rajasthan	171242	14776	8523	177495	51841	7549	6951	52439	229934
20	Sikkim	46	12	4	54	18	23	12	29	83
21	Uttaranchal <sup>#</sup>	11590	1650	1697	11543	6331	912	964	6279	17822
TOTAL		3079257	244555	220456	3103352	755539	124269	109070	770738	3874090

- Above statement is compiled on the basis of figures received from the High Courts.

# Pendency of Civil & Criminal cases as on 30.09.08 has been changed by the concerned High Court

\* 4 RFA transferred to the concerned District and Sessions Judges, Punjab

**C) DISTRICT AND SUBORDINATE COURTS (FROM 01-10-2008 TO 31-12-2008)**

S. No.	Concerned State/Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 31-12-08
		Opening Balance as on 01-10-08	Institution from 01-10-08 to 31-12-08	Disposal from 01-10-08 to 31-12-08	Pendency at the end of 31-12-08	Opening Balance as on 01-10-08	Institution from 01-10-08 to 31-12-08	Disposal from 01-10-08 to 31-12-08	Pendency at the end of 31-12-08	
1	Uttar Pradesh	1248835	113626	105377	1257084	3838508	562288	497706	3903090	5160174
2	Andhra Pradesh	469693	80164	77602	472255	484708	88582	86111	487179	959434
3(a)	Maharashtra	981081	80165	85070	976176	3128975	353479	319864	3162590	4138766
3(b)	Goa	17100	1728	1996	16832	14460	3683	3932	14211	31043
3(c)	Diu and Daman	910	64	44	930	977	134	140	971	1901
3(d)	Dadra and Nagar Haveli	643	31	76	598	2529	129	192	2466	3064
4	West Bengal and A & N Islands	505537	23765	19709	509593	1851132	250728	200119	1901741	2411334
5	Chhattisgarh	51147	7257	7303	51101	212853	43305	37895	218263	269364
6	Delhi	154620	57835	14643	197812	830394	56808	40431	744617*	942429
7	Gujarat	732192	59250	70049	721393	1615750	237683	333790	1519643	2241036
8(a)	Assam	77244	7942	7046	78140	163089	45914	57425	151578	229718
8(b)	Nagaland	1896	72	91	1877	3787	253	214	3826	5703
8(c)	Meghalaya	3924	648	574	3998	8236	192	71	8357	12355
8(d)	Manipur	3065	664	669	3060	3412	1576	1656	3332	6392
8(e)	Tripura	6290	1232	869	6653	40215	19226	14915	44526	51179
8(f)	Mizoram	2423	263	165	2521	5259	846	649	5456	7977
8(g)	Arunachal Pradesh	610	186	35	761	4245	770	305	4710	5471
9	Himachal Pradesh	63317	12264	11293	64288	79008	27827	24457	82378	146666
10	Jammu and Kashmir	65163	9712	10009	64866	110661	38470	35215	113916	178782
11	Jharkhand	44359	3267	2218	45408	221233	21821	18094	224960	270368
12	Karnataka	567871	81881	82313	567439	591358	105207	189484	507081	1074520
13(a)	Kerala	368953	68319	68520	368752	596483	188305	175565	609223	977975
13(b)	Lakshadweep	80	5	7	78	92	19	33	78	156
14	Madhya Pradesh	206359	42444	46282	202521	865481	235703	232329	868855	1071376
15(a)	Tamil Nadu	561679	198537	184150	576066	442968	163839	166275	440532	1016598
15(b)	Puducherry	15923	3235	3954	15204	9471	4401	4030	9842	25046
16	Orissa	186353	12973	11201	188125	855831	52149	49892	858088	1046213
17	Bihar	253642	10293	10658	253227#	1162430	69954	52017	1180116##	1433343
18(a)	Punjab	274634	32220	39596	267258	300158	125158	121351	303965	571223
18(b)	Haryana	225406	34458	40412	219452	353409	95142	117592	330959	550411
18(c)	Chandigarh	20670	2025	2114	20581	81907	30919	33496	79330	99911
19	Rajasthan	351456	40158	39239	352375	916222	164179	135147	945254	1297629
20	Sikkim	226	34	40	220	787	172	159	800	1020
21	Uttarakhand	32762	8524	8082	33204	130829	32375	25974	137230	170434
<b>Total</b>		<b>7496063</b>	<b>995241</b>	<b>951406</b>	<b>7539848</b>	<b>18926857</b>	<b>3021236</b>	<b>2976525</b>	<b>18869163</b>	<b>26409011</b>

- Above statement is compiled on the basis of figures received from the High Courts.

\* 102154 cases yet to be received

# 50 cases transferred to Lok Adalat / wakf board tribunal in Civil side

## 251 cases transferred or amalgamated in Criminal side

## SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

1. On 20<sup>th</sup> January, 2009, a two Judges Bench in *Jai Singh and Ors. v. Gurmej Singh* [Civil Appeal No. 321 of 2009] summarized principles relating to inter-se rights and liabilities of co-sharers as follows:- (1) A co-owner has an interest in the whole property and also in every parcel of it; (2) Possession of joint property by one co-owner is in the eye of law, possession of all even if all but one are actually out of possession; (3) A mere occupation of a larger portion or even of an entire joint property does not necessarily amount to ouster as the possession of one is deemed to be on behalf of all; (4) The above rule admits of an exception when there is ouster of a co-owner by another. But in order to negative the presumption of joint possession on behalf of all, on the ground of ouster, the possession of a co-owner must not only be exclusive but also hostile to the knowledge of the other as, when a co-owner openly asserts his own title and denies, that of the other; (5) Passage of time does not extinguish the right of the co-owner who has been out of possession of the joint property except in the event of ouster or abandonment; (6) Every co-owner has a right to use the joint property in a husband like manner not inconsistent with similar rights of other co-owners and (7) Where a co-owner is in possession of separate parcels under an arrangement consented by the other co-owners, it is not open to anybody to disturb the arrangement without the consent of others except by filing a suit for partition.

The Bench held that “when a co-sharer is in exclusive possession of some portion of the joint holding he is in possession thereof as a co-sharer and is entitled to continue in its possession if it is not more than his share till the joint holding is partitioned. Vendor cannot sell any property with better rights than himself. As a necessary corollary when a co-sharer sells his share in the joint holding or any portion thereof and puts the vendee into possession of the land in his possession what he transfers is his right as a co-sharer in the said land and the right to remain in its exclusive possession till the joint holding is partitioned amongst all co-sharers.”

2. On 21<sup>st</sup> January, 2009, a two Judges Bench in *Ranveer Singh v. State of M.P.* [Criminal Appeal No.115 of 2009] observed that “the right of private defence is essentially a defensive right circumscribed by the governing statute i.e. the IPC, available only when the circumstances clearly justify it. It should not be allowed to be pleaded or availed as a pretext for a vindictive, aggressive or retributive purpose of offence. It is a right of defence, not of retribution, expected to repel unlawful aggression and not as

retaliatory measure. While providing for exercise of the right, care has been taken in IPC not to provide a mechanism whereby an attack may be a pretence for killing.”

“A right to defend does not include a right to launch an offensive, particularly when the need to defend no longer survived”, the Bench said.

3. On 2<sup>nd</sup> February, 2009, a two Judges Bench in *State of M.P. v. Kashiram & Ors.* [Criminal Appeal No. 191 of 2009] held that “the Court will be failing in its duty if appropriate punishment is not awarded for a crime which has been committed not only against the individual victim but also against the society to which the criminal and victim belong.”

“The punishment to be awarded for a crime must not be irrelevant but it should conform to and be consistent with the atrocity and brutality with which the crime has been perpetrated, the enormity of the crime warranting public abhorrence and it should respond to the society’s cry for justice against the criminal”, the Bench said.

4. On 17<sup>th</sup> February, 2009, a two Judges Bench in *Martin F. D’ Souza v. Mohd. Ishfaq* [Civil Appeal No.3541 of 2002] held that “the Courts and Consumer Fora are not experts in medical science, and must not substitute their own views over that of specialists”. Observing that the “medical profession has to an extent become commercialized and there are many doctors who depart from their Hippocratic oath for their selfish ends of making money”, the Bench however held that “the entire medical fraternity cannot be blamed or branded as lacking in integrity or competence just because of some bad apples.”

“Sometimes despite their best efforts the treatment of a doctor fails. For instance, sometimes despite the best effort of a surgeon, the patient dies. That does not mean that the doctor or the surgeon must be held to be guilty of medical negligence, unless there is some strong evidence to suggest that he is”, the Bench said.

5. On 24<sup>th</sup> February, 2009, a two Judges Bench in *Vadiraj Naggappa Vernekar (D) Through Lrs. v. Sharad Chand Prabhakar Gogate* [Civil Appeal No. 1172 of 2009] held that “the power to recall any witness under Order 18 Rule 17 CPC can be exercised by the Court either on its own motion or on an application filed by any of the parties to the suit, but such power is to be invoked not to fill up the lacunae in the evidence of the witness which has already been recorded but to clear any ambiguity that may have arisen during the course of his examination.”

“If the evidence on re-examination of a witness has a bearing on the ultimate decision of the suit, it is always within the discretion of the Trial Court to permit recall of such a witness for re-examination-in-chief with permission to the defendants to cross-examine the witness thereafter”, the Bench said.

6. On 3<sup>rd</sup> March, 2009, a two Judges Bench in *Dilip Kumar Garg and another v. State of U.P. and others* [Civil Appeal No.5122 of 2007] observed that “Article 14 of the Constitution should not be stretched too far, otherwise it will make the functioning of the administration impossible.” The Bench held that the “administrative authorities have experience in administration, and the Court must respect this, and should not interfere readily with administrative decisions.”
7. On 3<sup>rd</sup> March, 2009, a three Judges Bench in *V. Laxminarasamma v. A. Yadaiah (Dead) & Ors.* [Civil Appeal No. 1849 of 2002] held that the Special Tribunal/Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 has the requisite jurisdiction to go into the question of adverse possession.
8. On 6<sup>th</sup> March, 2009, a two Judges Bench in *Yumnam Ongbi Tampha Ibemma Devi v. Yumnam Joykumar Singh & Ors* [Criminal Appeal No. 1600 of 2009] held that “having regards to the provisions of Section 68 of the Evidence Act and Section 63 of the Succession Act, a Will to be valid should be attested by two or more witnesses in the manner provided therein and the propounder thereof should examine one attesting witness to prove the will.”

“The attesting witness should speak not only about the testator’s signature or affixing his mark to the will but also that each of the witnesses had signed the will in the presence of the testator”, the Bench said.
9. On 6<sup>th</sup> March, 2009, a two Judges Bench in *M.J. Jacob v. A. Narayanan and Ors.* [Civil Appeal No.3611 of 2008] held that “election results should not be lightly set aside and the will of the electorate should ordinarily be respected.”
10. On 20<sup>th</sup> March, 2009, a two Judges Bench in *C. Elumalai & Ors. v. A.G.L. Irudayaraj & Anr.* [Contempt Petition No. 118 of 2007] held that “punishing a person for contempt of Court is indeed a drastic step and normally such action should not be taken. At the same time, however, it is not only the *power* but the *duty* of the Court to uphold and maintain the dignity of Courts and majesty of law which may call for such extreme step.”

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“If for proper administration of justice and to ensure due compliance with the orders passed by a Court, it is required to take strict view, it should not hesitate in wielding the potent weapon of contempt”, the Bench said.

11. On 25<sup>th</sup> March, 2009, a two Judges Bench in *Commissioner of Income-tax, New Delhi v. M/s Eli Lilly & Company (India) Pvt. Ltd.* [Civil Appeal No. 5114 of 2007] held that “the TDS provisions in Chapter XVII-B relating to payment of income chargeable under the head “Salaries”, which are in the nature of machinery provisions to enable collection and recovery of tax, forms an integrated Code with the charging and computation provisions under the Income Tax 1961 Act, which determines the assessability/taxability of “salaries” in the hands of the employee-assessee. Consequently, Section 192(1) has to be read with Section 9(1)(ii) read with the Explanation thereto. Therefore, if any payment of income chargeable under the head “Salaries” falls within Section 9(1)(ii) then TDS provisions would stand attracted.”

## MAJOR DEVELOPMENTS, EVENTS AND INITIATIVES

- I. **RAISE IN SANCTIONED STRENGTH OF SUPREME COURT JUDGES:** The sanctioned strength of the Judges in Supreme Court has been raised from 26 to 31.
- II. **ANNUAL WINTER RETREAT OF SUPREME COURT JUDGES, JANUARY 24-25, 2009:** The Annual Winter Retreat was held at Vigyan Bhawan, New Delhi on January 24-25, 2009. The main objective of the programme was to reflect on the key social, economic and political forces shaping the nature of adjudication in Indian courts in the current global and national scenario, and to discuss challenges facing the judicial system as a consequence. The inaugural session featured an inaugural address by the Vice President of India, Mr. Mohammad Hamid Ansari and keynote address by the Chief Justice of India, Justice K G. Balakrishnan. Discussions turned to criminal justice administration, particularly in the context of terrorism. Prof. David Cole, Georgetown University, USA, made a presentation on the US experience with terrorism and the approach adopted by the US Supreme Court to this issue. The Law Minister of India, Mr. H. R. Bharadwaj made a presentation on the role of the government in strengthening judicial infrastructure and support systems to enable the judicial system to meet current and emerging challenges.
- III. **SUPREME COURT LOK ADALAT**

The 4<sup>th</sup> Supreme Court Adalat was organized on 7<sup>th</sup> February 2009 at Supreme Court for settlement of cases pending in the Supreme Court. 30 cases including matrimonial cases were settled in the said Lok Adalat.
- IV. **MAJOR EVENTS AT NJA:**

**JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (EAST ZONE: CALCUTTA, CHHATTISGARH, GAUHATI, JHARKHAND, PATNA, ORISSA, SIKKIM (9-11 January, 2009):** The Workshop provided an opportunity to introduce a framework for establishment of a "*Planning and Management System for Enhancing Timely Justice*" (PMTJ) consisting of (i) the development of "*Court Level Plans for Timely Justice*" (CPTJ) for every court in the country and (ii) the establishment of a common national digital information management system to be called "*Information Management System for the Administration of Justice*" (IMAJ) to support systematic planning and management of the judicial system. The objective of the Workshop was also to analyze the needs and requirements of a system for Planning and Management in subordinate courts in the High Courts of Calcutta, Chhatisgarh, Gauhati, Jharkhand, Patna, Orissa, Sikkim. The Workshop was chaired by Hon'ble Justice S.B. Sinha and valuable inputs were provided by various High Court judges from Calcutta, Chhatisgarh, Gauhati, Jharkhand, Patna, Orissa, Sikkim. It was attended by approximately 100 subordinate court judges from the East Zone states.

**SEMINAR ON “CIVIL, COMMERCIAL AND ECONOMIC LAW: CURRENT ISSUES” (16-18 January, 2009):** The primary objective of this seminar was to strengthen the civil, economic and commercial legal and adjudication system in India. The Seminar provided a forum for the participants to discuss the issues and challenges in the area of economic and commercial law in India in the changed scenario. The Seminar was attended by around 30 judges from across the country.

**SEMINAR ON “JUST SENTENCING: POLICY & PRACTICE” (30 January -1 February, 2009):** Discussions on judicial approaches towards sentencing so as to identify discrepancies and develop a common approach/tentative draft legal principles regarding sentencing as called for by the Supreme Court, took place during the seminar. Approaches to sentencing under various statutes were discussed, so also theories of punishment. The methodology to be applied to prepare a bench book on sentencing was also discussed. Around thirty district judges from across the country participated in the programme. Justice S.B. Sinha of the Supreme Court of India spoke at the seminar and emphasized on the need for a principled approach to sentencing.

**PROGRAMME DEVELOPMENT LAB ON PERSONAL LAW (30 January -1 February, 2009):** The purpose of the programme was to identify topics and content (including key academic readings; key statutes; leading judicial precedents) as well as social and policy issues and material that should be covered in judicial education in the area of Personal Law.

**HIGH COURT JUSTICES’ CONFERENCE ON “GLOBALIZATION AND THE LAW: CHALLENGES FOR COURT”(30 January -1 February, 2009):** The aim of this conference was to explore various challenges faced by the polity in light of the advent of globalization.

**JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (SOUTH ZONE: ANDHRA PRADESH, KARNATAKA, KERALA, MADRAS (6-8 February, 2009):** The Workshop was chaired by Hon’ble Justice S.B. Sinha and valuable inputs were provided by various High Court judges from Andhra Pradesh, Karnataka, Kerala and Madras. Around 100 Subordinate judges from the High Courts of the South zone participated in the workshop.

**HIGH COURT JUSTICES’ CONFERENCE ON “INDIAN COURTS: THE NEXT DECADE” (14-15 February, 2009):** The Purpose of the conference was to provide an opportunity to High Court Judges from across the country who have ten years or more service left, to identify and discuss common national challenges that would need to be addressed over the next decade. Hon’ble Mr. Justice S. B. Sinha, Judge, Supreme Court of India, emphasized that Judges have a role in shaping the society and that

the professional criterion for judging the quality must be developed. Hon'ble Justice P. Sathasivam Judge Supreme Court of India said that modernization of procedure; efficiency and timeliness hold the key to success. Hon'ble Justice Cyriac Joseph also addressed the conference and said that the conduct of the judge both inside and outside the court matters and judges must take due care of it.

**WORKSHOP ON “JUDGING SKILLS FOR EFFECTIVE ADJUDICATION OF ECONOMIC OFFENCES, INCLUDING ANTI-CORRUPTION CASES” (20-22 February, 2009):** Around thirty judges who preside over special courts dealing with anti-corruption cases participated in the programme.

**WORKSHOP ON “JUDGING SKILLS FOR PROTECTION OF CONSTITUTIONAL RIGHTS BY SUBORDINATE COURTS” (20-22 February, 2009):** The workshop dealt with various branches of law such as family law, civil justice and public interest matters from the constitutional perspective. The workshop was attended by around 30 judges from across the country.

**SEMINAR ON “LABOUR LAW IN INDIA: CURRENT ISSUES AND CHALLENGES” (20-22 February, 2009):** The main object of the Programme was to discuss and develop strategies to strengthen administration of justice for workers. The participants were judges of Industrial Tribunals and Labour Courts from all across the country.

**SEMINAR ON “INTERNATIONAL LAW: CURRENT DEVELOPMENTS RELEVANT TO THE WORK OF THE DISTRICT JUDICIARY” (27 FEBRUARY-1 March, 2009):** The main objective of the programme was to familiarize the district judiciary with developments in international law relevant to their work; to explore the use of international law instruments in subordinate court adjudication and to discuss methodological issues in the area of private international law. 26 subordinate court judges attended the programme.

**HIGH COURT JUSTICES CONFERENCE: ANNUAL NATIONAL CONFERENCE ON CONTRIBUTION OF THE SUPREME COURT AND HIGH COURTS TO THE DEVELOPMENT OF LAW (28 February -1 March, 2009):** The Conference was based on the highly successful Conference on the same theme last year in which participants mutually shared knowledge about the notable decisions of their respective High Courts and the Supreme Court. The Conference was attended by around thirty High Court Judges from all over the country. On the first day the Conference was chaired by Hon'ble Justice A.K. Ganguly and Hon'ble Justice S.B. Sinha chaired the Conference on the second day.

**JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (NORTH ZONE: DELHI, PUNJAB & HARYANA, UTTAR PRADESH, UTTARAKHAND, HIMACHAL PRADESH, JAMMU & KASHMIR) (6-8 March, 2009):** The objective of the North Zone Workshop was also to analyze the needs and requirements of a system for Planning and Management in subordinate courts in the High Courts of Delhi, Punjab & Haryana, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Jammu & Kashmir. The Workshop was chaired by Hon'ble Justice V.S. Sirpurkar, Supreme Court of India and valuable inputs were provided by various High Court judges from Delhi, Punjab & Haryana, Uttar Pradesh, Uttarakhand, Himachal Pradesh, Jammu & Kashmir. It was attended by approximately 100 subordinate court judges from the North Zone states.

**SEMINAR ON JURISPRUDENCE OF INDIAN HIGH COURTS: (13-15 March, 2009):** The Seminar was attended by some 30 Senior District Court Judges from across the country. The purpose of the Seminar was to discuss major decisions of the High Courts during 2007 and 2008 which are of significance to the work of subordinate courts.

**WORKSHOP ON "ENHANCING QUALITY AND RESPONSIVENESS OF JUDGING" (20-22 March, 2009):** The Workshop was attended by around 30 judges from across the country.

**SEMINAR ON "POVERTY AND SOCIAL JUSTICE: ROLE OF SUBORDINATE COURTS" (20-22 March, 2009):** This seminar was organized with the objective of sensitizing the subordinate court judges towards poverty and social justice concerns.

**SEMINAR ON JURISPRUDENCE OF THE SUPREME COURT: ANNUAL SURVEY (2007) (20-22 March, 2009):** The purpose of the seminar was to provide an opportunity for the judges of the District Judiciary to prepare and present papers on the key decisions of the Supreme Court of India in the year 2007 of significance to the work of subordinate courts. Around 30 District Court Judges from all over the country participated in the Seminar.

**HIGH COURT JUSTICE' CONFERENCE ON "GOVERNANCE AND PUBLIC LAW: CURRENT ISSUES AND EMERGING CHALLENGES" (28-29 March, 2009):** The main objective of the conference was to explore the facets of, and reasons behind, the crisis of governance in the country; and the possible and extant judicial responses thereto. 28 High Court judges attended the program.

**JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ): NATIONAL WRAP UP AT NJA (27-29 March, 2009):** Around 100 Judges from across the country participated in this workshop.

**V. MAJOR EVENTS AT NALSA :**

**SEMINAR ON “MARRIAGE LAWS – ISSUES AND CHALLENGES”:** The seminar was organized on 31<sup>st</sup> January, 2009 at Symposium Hall, NASC Complex, Pusa, New Delhi. The Seminar was inaugurated by Hon’ble Mr. Justice Ajit Prakash Shah, Chief Justice, Delhi High Court and presided by Dr. Girija Vyas, Chairperson, National Commission for Women. Hon’ble Mr. Justice K.G. Balakrishnan, Chief Justice of India delivered the Valedictory Address.

**ONE DAY NATIONAL SEMINAR ON “MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007”:** The one day Seminar was organized on 21<sup>st</sup> February, 2009 at Symposium Hall, NASC Complex, Pusa, New Delhi. Hon’ble Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the Seminar, Mrs. Meira Kumar, Hon’ble Union Minister for Social Justice and Empowerment, Govt. of India delivered the Keynote Address and Hon’ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India and Executive Chairman, NALSA presided over.

**7<sup>TH</sup> ALL INDIA MEET OF THE STATE LEGAL SERVICES AUTHORITIES:** The Meet was organized on 28-29 March, 2009 at Bangalore, Karnataka. Hon’ble Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the Meet in the august presence of Hon’ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India and Executive Chairman, NALSA, Hon’ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and other dignitaries.

A month long ‘Brihat Lok Adalat’ for settlement of motor accident claim cases was conducted in the Karnataka State. 26,000 cases were settled. Compensation amount were distributed on 28<sup>th</sup> March in a mega function presided over by the Hon’ble Chief Justice of India and Hon’ble Executive Chairman, NALSA.

## IMPORTANT VISITS AND CONFERENCES

(From 01-01-2009 to 31-03-2009)

### OVERSEAS

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India participated in the 40<sup>th</sup> Anniversary of the Foundation of the Constitutional Judicature held at Egypt, Cairo from 7<sup>th</sup> to 8<sup>th</sup> March, 2009 and presented a paper on "Constitutional Guarantee of Rights and Political Freedom". His Lordship also attended the "Meet for Exchange of Justice and Law Enforcement Practices with regard to Economic Disputes" at Minsk, Belarus from 11<sup>th</sup> March to 14<sup>th</sup> March, 2009.
2. Hon'ble Dr. Justice Arijit Pasayat participated in a Seminar on "Federalism in India and Germany" from 7<sup>th</sup> to 10<sup>th</sup> March, 2009 at Cologne, Germany and a Seminar on "Environmental Law" from 11<sup>th</sup> to 12<sup>th</sup> March, 2009 at Rome, Italy.
3. Hon'ble Mr. Justice Markandey Katju participated in the 8<sup>th</sup> World Conference organized by the International Association of Refugee Law Judges (IARLJ) at Cape Town, South Africa from 28<sup>th</sup> to 30<sup>th</sup> January, 2009.

### INLAND

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the 2<sup>nd</sup> Lok Adalat in the Punjab and Haryana High Court on 14<sup>th</sup> February, 2009. His Lordship laid the foundation stone of Himachal Pradesh State Judicial Academy & New Court Complex at Chakkar (Shimla). He also laid the foundation stone of administrative block of the Himachal Pradesh High Court, Shimla on 15<sup>th</sup> February, 2009.
2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the Silver Jubilee Celebrations of the High Court of Bombay, Goa Bench at Panaji on 22<sup>nd</sup> March, 2009.
3. Hon'ble Mr. Justice V.S. Sirpurkar attended the Completion of Silver Jubilee function of the High Court of Bombay at Goa from 21<sup>st</sup> March to 22<sup>nd</sup> March, 2009.
4. A delegation from Brazil led by Hon'ble Mr. Justice Antonio Herman Benjamin, Judge, High Court of Brazil had a meeting with the Hon'ble Chief Justice of India on 5-1-2009.
5. A delegation from Nepal led by Shri Ramlal Bishwokarma, Chairman, National Dalit Commission, Government of Nepal had a meeting with Hon'ble Chief Justice of India on 14-1-2009.
6. A delegation from Egypt led by Mr. Adel Zaki Andrews, Chairman, High Election Commission of Egypt had a meeting with Hon'ble Chief Justice of India on 21-1-2009.
7. A U.S. Congressional Delegation led by Dr. Martin Luther King III had a meeting with Hon'ble Chief Justice of India on 16-2-2009.

8. A delegation from Tanzania led by Hon'ble Mr. Justice Augustino S.L. Ramadhani, Chief Justice had a meeting with Hon'ble Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal, Hon'ble Dr. Justice Arjit Pasayat and Hon'ble Mr. Justice P.K. Balasubramanyan, Chairman, E-Committee on 19-2-2009.
  
9. A delegation led by Mr. Richard Pena, President, American Bar Foundation had a meeting with Hon'ble Chief Justice of India on 4-3-2009.