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FROM THE DESK OF CHIEF JUSTICE OF INDIA

It is my pleasure to place the 11<sup>th</sup> issue of Court News in your hands. Besides updated figures of pendency of cases in various courts, vacancies at various levels and information on important initiatives taken in the last quarter to improve Justice Delivery System, this Newsletter also brings important judgments, delivered by Supreme Court of India on matters of public importance, to the knowledge of its readers and is, therefore, eagerly awaited by them.

The second Lok Adalat for settlement of cases pending in Supreme Court was held on 6<sup>th</sup> September, 2008 and was quite successful. In matrimonial matters Mediators from Delhi High Court Mediation Centre assisted the parties in arriving at an amicable settlement, which was then placed before the Lok Adalats. Enthusiast by the success of two Lok Adalats, we propose to hold the third Lok Adalat on 6<sup>th</sup> December, 2008.

In a unique initiative taken jointly by National Legal Services Authority and Supreme Court Legal Services Committee, a national level "Interaction on Implementation of National Rural Employment Guarantee Scheme" was inaugurated by the Hon'ble Prime Minister at Vigyan Bhawan on 2<sup>nd</sup> October, 2008. The participants, besides Union Ministers for Law & Justice and Rural Development, included Judges of Supreme Court, High Courts, Executive Chairpersons & Member Secretaries of State Legal Services Authorities, Chairpersons of High Court Legal Services Committees and Ministers & Secretaries of Departments of Law, Social Welfare and Rural Development in various States. The participants found the deliberations to be very useful and felt that National Legal Service Authority, State Legal Service Authorities and District Legal Service Authorities could play a major role in implementation of National Rural Employment Guarantee Scheme, particularly by generating awareness in rural areas about their rights under National Rural Employment Guarantee Act, 2005 and by enabling them to make full use of its beneficial provisions.

I have no doubt that this Newsletter will continue to receive the unstinted support and encouragement of its readers and thereby serve the purpose behind its publication.

(K.G. BALAKRISHNAN)

20<sup>th</sup> October, 2008

**APPOINTMENT AND RETIREMENT IN SUPREME COURT****APPOINTMENT**

<b>S.No.</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Appointment</b>
1	Mr. Justice Cyriac Joseph	07-07-2008

**RETIREMENT**

<b>S.No.</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Retirement</b>
1	Mr. Justice A.K. Mathur	07-08-2008
2	Mr. Justice Ashok Bhan	02-10-2008

## APPOINTMENT IN HIGH COURTS

(From 01-07-08 to 30-09-08)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	Suresh Chandra Chaurasia	21.07.2008
		Syed Nazim Husain Zaidi	21.07.2008
		Ved Pal	21.07.2008
		Brahma Nand Shukla	21.07.2008
		Raj Mani Chauhan	21.07.2008
		Dr. Satish Chandra	06.08.2008
2	Andhra Pradesh	V.V. Afzulpurkar	08.08.2008
		P.V. Sanjay Kumar	08.08.2008
3	Bombay	K.K. Tated	18.07.2008
		P.B. Varale	18.07.2008
		S.J. Kathawalla	18.07.2008
4	Delhi	Suresh Kumar Kait	05.09.2008
5	J&K	Manmohan Sarin (As Chief Justice)	04.09.2008
6	Jharkhand	Gyan Sudha Misra (As Chief Justice)	13.07.2008
		Jaya Roy	30.07.2008
7	Karnataka	P.D.D. Premkumar (As Chief Justice)	08.08.2008
8	Kerala	Thomas P. Joseph	14.08.2008
9	Madhya Pradesh	Indrani Datta	01.07.2008
10	Madras	K. Kannan	31.07.2008
11	Orissa	Dr. Balbir Singh Chauhan (As Chief Justice)	16.07.2008

<b>S.No.</b>	<b>Name of the High Court</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Appointment</b>
12	Patna	Dr. Ravi Ranjan	14.07.2008
13	Punjab & Haryana	Rajan Gupta	10.07.2008
		Ajay Tewari	10.07.2008
		Jitendra Kumar Chauhan	10.07.2008
		A.G. Masih	10.07.2008
		Nirmal Jit Kaur	10.07.2008
		T.S. Thakur (As Chief Justice)	11.08.2008

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

## TRANSFER BETWEEN HIGH COURTS

(From 01-07-08 to 30-09-08)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	J&K High Court	Gujarat High Court	K.S.P. Radhakrishnan (Chief Justice)	04-09-2008
2	Gujarat High Court	Rajasthan High Court	A.M. Kapadia	04-09-2008

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

## VACANCIES IN COURTS

### A) SUPREME COURT OF INDIA (As on 20-10-08)

Sanctioned Strength	Working Strength	Vacancies
26	22	04

### B) HIGH COURTS (As on 01-10-08)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	76	84
2	Andhra Pradesh	49	30	19
3	Bombay	75	62	13
4	Calcutta	58	40	18
5	Chhattisgarh	18	06	12
6	Delhi	48	39	09
7	Gauhati	24	20	04
8	Gujarat	42	30	12
9	Himachal Pradesh	11	10	01
10	Jammu & Kashmir	14	10	04
11	Jharkhand	20	10	10
12	Karnataka	41	40	01
13	Kerala	38	26	12
14	Madhya Pradesh	43	41	02
15	Madras	60	45	15
16	Orissa	22	19	03
17	Patna	43	27	16
18	Punjab & Haryana	68	47	21
19	Rajasthan	40	33	07
20	Sikkim	3	02	01
21	Uttaranchal	9	07	02
<b>TOTAL</b>		<b>886</b>	<b>620</b>	<b>266</b>

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

**C) DISTRICT & SUBORDINATE COURTS (As on 30-06-08)**

<b>S.No.</b>	<b>Concerned State/ Union Territory</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacancies</b>
1.	Uttar Pradesh	2174	1634	540
2.	Andhra Pradesh	925	726	199
3a.	Maharashtra	1898	1520	378
3b.	Goa	49	43	6
3c.	Diu Daman & Silvassa	3	3	0
4.	West Bengal and A&N Islands	706	578	128
5.	Chhatisgarh	268	225	43
6.	Delhi	431	340	91
7.	Gujarat	970	780	190
8a.	Assam	289	254	35
8b.	Meghalaya	10	4	6
8c.	Tripura	80	58	22
8d.	Manipur	34	26	8
8e.	Nagaland	27	27	0
8f.	Mizoram	40	23	17
8g.	Arunachal Pradesh	339	300	39
9.	Himachal Pradesh	126	117	9
10.	Jammu and Kashmir	208	177	31
11.	Jharkhand	528	429	99
12.	Karnataka	873	636	237
13a.	Kerala	431	401	30
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	782	656	126
14b.	Puducherry	20	15	5
15.	Madhya Pradesh	1222	930	292
16.	Orissa	495	372	123
17.	Bihar	1363	1120	243
18a.	Punjab	346	306	40
18b.	Haryana	393	307	86
18c.	Chandigarh	20	20	0
19.	Rajasthan	821	755	66
20.	Sikkim	15	8	7
21.	Uttarakhand	269	126	143
<b>Total</b>		<b>16158</b>	<b>12919</b>	<b>3239</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 01-07-2008 TO 30-09-2008)

						<b>Pendency (At the end of 30-06-2008)</b>		
						Admission matters	Regular matters	Total matters
						28,497	19,358	47,855
<b>Institution (01-07-2008 to 30-09-2008)</b>			<b>Disposal (01-07-2008 to 30-09-2008)</b>			<b>Pendency (At the end of 30-09-2008)</b>		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
18,650	1,770	20,420	17,421	1,508	18,929	29,726	19,620	49,346

**B) HIGH COURTS (FROM 01-04-2008 TO 30-06-2008)**

S.No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-06-08
		Opening Balance as on 01-04-08	Institution from 01-04-08 to 30-06-08	Disposal from 01-04-08 to 30-06-08	Pendency at the end of 30-06-08	Opening Balance as on 01-04-08	Institution from 01-04-08 to 30-06-08	Disposal from 01-04-08 to 30-06-08	Pendency at the end of 30-06-08	
1	Allahabad	618917	34606	22898	630625	219664	24327	14842	229149	859774
2	Andhra Pradesh	141850	11991	8473	145368	16842	2472	1680	17634	163002
3	Bombay	322474	26447	28476	320445	40264	6123	5789	40598	361043
4	Calcutta	245371	14757	12596	247532	40555	5306	4688	41173	288705
5	Chhattisgarh	52255	2376	1915	52716	22629	1281	1018	22892	75608
6	Delhi	60400	5181	5392	60189	13798	2843	3060	13581	73770
7	Gujarat	86453	7094	8011	85536	31128	5745	4344	32529	118065
8	Gauhati	52384	5521	5533	52372	7745	2596	2457	7884	60256
9	Himachal Pradesh	22247	3847	4624	21470	6423	935	937	6421	27891
10	Jammu & Kashmir	45412	5876	6091	45197	1892	454	547	1799	46996
11	Jharkhand	27825	2231	1907	28149	21677	4254	2923	23008	51157
12	Karnataka	89883	10272	7674	92481	15331	2124	2672	14783	107264
13	Kerala	87243	13162	13868	86537	24865	5428	4695	25598	112135
14	Madhya Pradesh	125092	13219	13895	124416	59612	9120	7343	61389	185805
15	Madras	399309	38247	31669	405887	36164	14803	13261	37706	443593
16	Orissa	210710	11852	8904	213658	22696	7423	6985	23134	236792
17	Patna	74371	12782	8575	78578	39296	28209	26187	41318	119896
18	Punjab & Haryana	212559	10885	7807	215627 <sup>#</sup>	46409	8790	8559	46640	262267
19	Rajasthan	164838	11856	10330	166364	51697	7500	7342	51855	218219
20	Sikkim	59	12	23	48	15	4	2	17	65
21	Uttaranchal	14496	1854	3475	12875	5915	642	473	6084	18959
<b>TOTAL</b>		<b>3054148</b>	<b>244068</b>	<b>212136</b>	<b>3086070</b>	<b>724617</b>	<b>140379</b>	<b>119804</b>	<b>745192</b>	<b>3831262</b>

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

# 10 RFA's Transferred to District and Sessions Judges, Punjab

**C) DISTRICT AND SUBORDINATE COURTS (FROM 01-04-2008 TO 30-06-2008)**

S.No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-06-08
		Opening Balance as on 01-04-08	Institution from 01-04-08 to 30-06-08	Disposal from 01-04-08 to 30-06-08	Pendency at the end of 30-06-08	Opening Balance as on 01-04-08	Institution from 01-04-08 to 30-06-08	Disposal from 01-04-08 to 30-06-08	Pendency at the end of 30-06-08	
1	Uttar Pradesh	1225667	93451	80943	1238175	3679387	569768	498587	3750568	4988743
2	Andhra Pradesh	472414	73546	74545	471415	479502	87267	80362	486407	957822
3(a)	Maharashtra	974115	91699	82248	983566	3071901	389671	361152	3100420	4083986
3(b)	Goa	18268	2987	2585	18670	14868	3550	4196	14222	32892
3 (c)	Diu and Daman	972	63	140	895	1066	217	270	1013	1908
3(d)	Dadra and Nagar Haveli	632	28	11	649	2438	222	87	2573	3222
4	West Bengal and A & N Islands	495322	33735	31293	497764	1759370	218495	153783	1824082	2321846
5	Chhattisgarh	50114	6553	5523	51144	214155	30597	30456	214296	265440
6	Delhi	148246	18988	16185	151049	743901	106149	48962	801088	952137
7	Gujarat	724437	53889	51467	726859	1668313	248902	336584	1580631	2307490
8(a)	Assam	76097	8888	7982	77003	157642	43114	38232	162524	239527
8(b)	Nagaland	1868	186	160	1894	3581	487	317	3751	5645
8(c)	Meghalaya	3897	289	258	3928	8019	413	316	8116	12044
8(d)	Manipur	3002	568	558	3012	3537	1597	1704	3430	6442
8(e)	Tripura	6174	1435	1435	6174	32230	19663	15623	36270	42444
8(f)	Mizoram	2222	367	215	2374	5025	1474	1310	5189	7563
8(g)	Arunachal Pradesh	556	136	129	563	4497	276	632	4141	4704
9	Himachal Pradesh	62272	13997	13237	63032	78913	26263	27298	77878	140910
10	Jammu and Kashmir	62578	12741	11201	64118	105397	31292	33009	103680	167798
11	Jharkhand	43957	4916	3905	44968	222234	25709	25903	222040	267008
12	Karnataka	563453	56566	52477	567542	546792	106957	83652	570097	1137639
13(a)	Kerala	371776	59017	54573	376220	567527	210407	189812	588122	964342
13(b)	Lakshadweep	84	6	10	80	101	27	30	98	178
14	Madhya Pradesh	201875	49839	47699	204015	825858	239004	203088	861774	1065789
15(a)	Tamil Nadu	521783	170575	144602	547756	432266	188165	194191	426240	973996
15(b)	Puducherry	13784	3847	3410	14221	9100	5373	5783	8690	22911
16	Orissa	183016	11134	8470	185680	843622	52521	48011	848132	1033812
17	Bihar#	254472	12275	11293	255445	1129591	71284	52262	1148596	1404041
18(a)	Punjab	272644	42610	38521	276733	318932	54594	60660	312866	589599
18(b)	Haryana	220028	40327	37016	223339	330732	65300	56034	339998	563337
18(c)	Chandigarh	20177	2393	2106	20464	67601	20551	12266	75886	96350
19	Rajasthan	295249	35413	30155	300507	853209	169997	143379	879827	1180334
20	Sikkim	216	54	35	235	600	320	190	730	965
21	Uttarakhand	31663	5886	5050	32499	115434	32165	22828	124771	157270
<b>Total</b>		<b>7323030</b>	<b>908404</b>	<b>819437</b>	<b>7411988</b>	<b>18297341</b>	<b>3021791</b>	<b>2730969</b>	<b>18588146</b>	<b>26000134</b>

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

# Opening balance of Civil and Criminal Cases have been revised by the concerned High Court. Includes data of all the Judicial Districts of Bihar except Birpur (under the District of Saharsa). 9 cases transferred to J.J.Board in the Civil Side and 3 cases transferred & 14 cases amalgamated in Criminal Side.

## **SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE (01-07-2008 to 30-09-2008)**

1. On 8th July, 2008, a two Judges Bench in *Haryana Financial Corporation vs. Kailash Chandra Ahuja* [ C.A. No. 4222 of 2008], held that "though supply of report of Inquiry Officer is part and parcel of natural justice and must be furnished to the delinquent- employee, failure to do so would not automatically result in quashing or setting aside of the order or the order being declared null and void. For that, the delinquent employee has to show 'prejudice'. Unless he is able to show that non-supply of report of the Inquiry Officer has resulted in prejudice or miscarriage of justice, an order of punishment cannot be held to be vitiated. And whether prejudice had been caused to the delinquent-employee depends upon the facts and circumstances of each case and no rule of universal application can be laid down."
2. On 10th July, 2008, a two Judges Bench in *Faqir Chand Gulati vs. Uppal Agencies Pvt. Ltd. & Anr.* [C.A. No. 3302 of 2005] examined the question as to whether a land owner, who enters into an agreement with a builder, for construction of an Apartment Building and for sharing of the constructed area, is a 'consumer' entitled to maintain a complaint against the builder as a service-provider under the Consumer Protection Act, 1986. The Bench held that "if there is a breach by the landowner of his obligations, the builder will have to approach a civil court as the landowner is not providing any service to the builder but merely undertakes certain obligations towards the builder, breach of which would furnish a cause of action for specific performance and/or damages. On the other hand, where the builder commits breach of his obligations, the owner has two options. He has the right to enforce specific performance and/or claim damages by approaching the civil court. Or he can approach the Forum under Consumer Protection Act, for relief as consumer, against the builder as a service- provider. Section 3 of the Act makes it clear that the remedy available under the Act is in addition to the normal remedy or other remedy that may be available to the complainant."

"The District Forum, the State Commission and the National Commission committed a serious error in wrongly assuming that agreements of this nature being in the nature of joint venture are outside the scope of consumer disputes", the Bench said.

3. On 10th July, 2008, a two Judges Bench in *Satish Sitole vs. Smt. Ganga* [C.A. No. 7567 of 2004] examined the question as to whether a marriage which is otherwise dead emotionally and practically should be continued for name sake. Having considered the materials before it and the fact that out of 16 years of marriage the parties had been living separately for 14 years, the Bench held "that any further attempt at reconciliation will be futile and it would be in the interest of both the parties to sever the matrimonial ties since the marriage has broken down irretrievably." In the circumstances of the case, the Bench held that "since the marriage between the parties is dead for all practical purposes and there is no chance of it being retrieved, the continuance of such marriage would itself amount to cruelty", and, accordingly, in exercise of its powers under Article 142 of the Constitution, the Bench directed that the marriage of the parties shall stand dissolved, subject to the appellant-husband paying to the respondent-wife a sum of Rupees Two lakhs by way of permanent alimony.
  
4. On 22nd July, 2008, a three Judges Bench in *Swamy Shraddananda @ Murali Manohar Mishra vs. State of Karnataka* [Crl. A. No. 454 of 2006] stressed on the need to "lay down a good and sound legal basis for putting the punishment of imprisonment for life, awarded as substitute for death penalty, beyond any remission and to be carried out as directed by the Court so that it may be followed, in appropriate cases as a uniform policy not only by this Court but also by the High Courts, being the superior Courts in their respective States."

"The unsound way in which remission is actually allowed in cases of life imprisonment make out a very strong case to make a special category for the very few cases where the death penalty might be substituted by the punishment of imprisonment for life or imprisonment for a term in excess of fourteen years and to put that category beyond the application of remission", the Bench said.

The Bench held that "if the Court's option is limited only to two punishments, one a sentence of imprisonment, for all intents and purposes, of not more than 14 years and the other death, the court may feel tempted and find itself nudged into endorsing the death penalty. Such a course would indeed be disastrous. A far more just, reasonable and proper course would be to expand the options and to take over what, as a matter of fact, lawfully belongs to the court, i.e., the vast hiatus between 14 years' imprisonment and death."

In the facts and circumstances of the case, the Bench "substituted the death sentence given to the appellant by the trial court and confirmed by the High court by imprisonment for life and directed that he shall not be released from prison till the rest of his life."

5. On 21st August, 2008, a two Judges Bench in *Agricultural Produce Market Committee, Narela, Delhi vs. Commissioner of Income Tax & Anr.* [C.A. No. 5180 of 2008], while deciding the question as to whether Agricultural Market Committee is a 'local authority' under Explanation to Section 10(20) of the Income Tax Act, 1961 held that the Agricultural Market Committees are not entitled to exemption under Section 10(20) of the Income Tax Act after insertion of the said Explanation vide Finance Act, 2002 with effect from 1.4.2003.
6. On 1st September, 2008, a three Judges Bench in *State of Maharashtra vs. Bharat Shanti Lal Shah & Ors.* [Crl. A. Nos. 1376-79 of 2008], examined the constitutional validity of the Maharashtra Control of Organised Crime Act, 1999. The Bench held that the Act "contains sufficient safeguards" and the contention of the respondents that provisions of Section 13 to 16 of the Act are violative of Article 21 of the Constitution could not be accepted. The decision of the High Court striking down the words "or under any other Act" from sub-Section (5) of Section 21 of the Act was however upheld.
7. On 5th September, 2008, a two Judges Bench in *Sooraram Pratap Reddy & Ors. vs. District Collector, Ranga Reddy District & Ors.* [C.A. No. 5509 of 2008], held that in the facts and circumstances of the case, the action of the State in initiating acquisition proceedings for establishing and developing infrastructure project could not be held contrary to law or objectionable.

In the present case, the State of Andhra Pradesh had taken a policy decision for development of the City of Hyderabad and for the said purpose, it decided to establish an Integrated Project to make Hyderabad a major Business-cum-Leisure Tourism Infrastructure Centre for the State. The project was both structurally as well as financially integrated and was to be implemented through Andhra Pradesh Infrastructure and Investment Corporation (APIIC), an instrumentality of State.

The Bench held that "development of infrastructure is legal and legitimate 'public purpose' for exercising power of eminent domain. Simply because a Company has been chosen for fulfillment of such public purpose does not mean that the larger public interest has been sacrificed, ignored or disregarded. It will also not make exercise of power bad, malafide or for collateral purpose vitiating the proceedings."

"In case of integrated and indivisible project, the project has to be taken as a whole and must be judged whether it is in the larger public interest. It cannot be split into different components and to consider whether each and every component will serve public good. A holistic approach has to be adopted in such matters. If the project taken as a whole is an attempt in the direction of bringing foreign exchange, generating employment opportunities and securing economic benefits to the State and the public at large, it will serve public purpose", the Bench said.

The Bench held that "it is primarily for the State to decide whether there exists public purpose or not. Undoubtedly, the decision of the State is not beyond judicial scrutiny. In appropriate cases, where such power is exercised mala fide or for collateral purposes or the purported action is de hors the Act, irrational or otherwise unreasonable or the so-called purpose is 'no public purpose' at all and fraud on statute is apparent, a writ-court can undoubtedly interfere. But except in such cases, the declaration of the Government is not subject to judicial review. In other words, a writ court, while exercising powers under Articles 32, 226 or 136 of the Constitution, cannot substitute its own judgment for the judgment of the Government as to what constitutes 'public purpose' ".

## MAJOR EVENTS AND INITIATIVES

1. **SUPREME COURT LOK ADALAT:** A Lok Adalat was organized on 6th September, 2008 at the Supreme Court Complex, New Delhi for settlement of cases pending in the Supreme Court. The Lok Adalat was inaugurated by Mr. K.G. Balakrishnan, Hon'ble the Chief Justice of India in the august presence of Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, Hon'ble Dr. Justice Arijit Pasayat, Judge Supreme Court of India and Chairman, Supreme Court Legal Services Committee and other Hon'ble Judges of the Supreme Court. 30 cases were settled in the Lok Adalat.
2. **NEW FORMAT FOR OBTAINING INFORMATION FROM ADVOCATES/JUDICIAL OFFICERS RECOMMENDED FOR ELEVATION TO HIGH COURT:** Vide letter dated 24th September, 2008, Hon'ble the Chief Justice of India devised and sent a new format to the Chief Justices of the High Courts for obtaining information from the Advocates and Judicial Officers, recommended for elevation to the High Courts. The purpose is to take an informed decision on appointments to the High Court and appoint only the untainted and deserving candidates. The additional information to be obtained from the candidate includes (a) Whether his spouse or any blood relation is practising in the High Court or any Court subordinate to it or is working with a law firm having office within the jurisdiction of the concerned High Court; (b) Whether spouse or any blood relation practising in the concerned High Court or a Court subordinate to it or working with a law firm having its office within the jurisdiction of the concerned High Court is living with the candidate and if so, whether he would consent for transfer to a High Court other than the High Court for which his name is recommended, for a cooling off period of two years or till his spouse or any of his blood relation is practicing in that High Court or a Court subordinate to it or is working with a law firm having office within the jurisdiction of that High Court; (c) Whether candidate is party to any civil, criminal or other litigation; (d) Whether he was appointed as Receiver/Commissioner/Observer/Court Officers in any case; (e) Whether he has been investigated and/or prosecuted for any criminal offence; (f) In case of a Judicial Officer, whether he has committed breach of any Conduct Rules; (g) In case of an Advocate, whether any proceedings were initiated or pending against him before Bar Council of India or State Bar Council and (h) General state of health.
3. **REVIEW OF JUDICIAL OFFICERS AT THE AGE OF 50 YEARS AND AGAIN AT THE AGE OF 55 YEARS:** Vide letter dated 14th October, 2008 written to the Chief Justices of the High Courts, Hon'ble the Chief Justice of India has recommended that a review of Judicial Officers, on the lines of the provisions contained in Rule 56(j) of Fundamental Rules, be carried out firstly when Judicial Officers attain the age of 50 years and then when they attain the age of 55 years. This would be in addition to the assessment being carried out at the age of 58 years in terms of the directions of this Court in *All India Judges Association* case. The basic objective is to retire those who are found to be unfit, incompetent, ineffective or with doubtful integrity.

4. **PRO IN THE RANK OF DEPUTY REGISTRAR:** A Public Relations Officer (PRO) in the rank of Deputy Registrar has been appointed in this Court primarily (i) to attend and respond to enquiries and provide oral or telephonic information to the media persons about the status of any case and important orders passed by this Hon'ble Court and to brief them about the true import in correct legal perspective; (ii) to guide and assist the litigant public, Advocates and other Departments/Offices/Agencies and give factual information and (iii) to coordinate between the Registry and outside Agencies/media persons and to look into their grievances, if any.
5. **EXHIBITION ON THE TRIAL OF SHAHEED BHAGAT SINGH:** An Exhibition on the Trial of Shaheed Bhagat Singh is being held at the Supreme Court Museum. The exhibition was inaugurated by Hon'ble Mr. K.G. Balakrishnan, Chief Justice of India on 27th September, 2008. This exhibition is the second in the series of such exhibitions on the historic pre-independence trials in India. It aims to create awareness about the contemporary socio-political and economic conditions, and more importantly the Justice Delivery System during British Indian period. This is an opportunity for the visitors to have a glimpse of the national heritage of the country, the rare and unique objects, documents, files, jail diary, judgement files, jail register, FIR, bomb shells, contemporary newspapers, clothes, books, watches, shoes, etc. which have been collected from various places. The exhibition is open till 31st December, 2008.
6. **MEETING OF VICE-CHANCELLORS/DIRECTORS OF ALL NATIONAL LAW SCHOOLS:** A meeting of the Vice-Chancellors/Directors of all the National Law Schools is being convened by Hon'ble the Chief Justice of India in Supreme Court to workout modalities to ensure better coordination amongst National Law Schools and to consider various steps required for streamlining their systems and bringing about further improvement in the quality of education being imparted by them.
7. **MAJOR EVENTS AT NJA :**
  - 1) **WORKSHOP ON TECHNIQUES AND TOOLS FOR ENHANCING TIMELY JUSTICE: DELAY AND ARREARS REDUCTION AND ENHANCING QUALITY AND RESPONSIVENESS OF JUSTICE (SYNTHESIZING LEARNING FROM THE 25 NATIONAL AND REGIONAL WORKSHOPS HELD IN 2006-2007; AND IN 2007-2008) (18-20 July, 2008):** The Judicial Workshop on Techniques and Tools for Enhancing Timely Justice: Delay and Arrears Reduction and Enhancing Quality and Responsiveness of Justice was held at NJA from July 18th to 20th, 2008. The main objective of the programme was to deliberate on different tools and techniques for enhancing timely justice. The purpose of the workshop was also to discuss and validate a draft action plan, derived from NJAs National and Regional Workshops on enhancing Timely Justice held in 2007 & 2008, to reduce delay and arrears and enhance the quality of and responsiveness of justice , focusing on actions within the control of Judges under existing constraints. The participants were from the District Judiciary.

- II) ADVANCED SEMINAR ON PROCEDURAL LAW: PROCEDURAL JUSTICE AND THE EFFECTIVE USE OF PROCEDURAL LAW FOR DELAY AND ARREARS REDUCTION (18-20 July, 2008):** The Seminar on "Procedural Justice And The Effective Use Of Procedural Law For Delay And Arrears Reduction" was organized at NJA from 18th July-20th July, 2008. 40 judges participated in the seminar. The Objective of the seminar was to discuss the role of Procedural Law in securing Substantive Justice and to identify and discuss those provisions of Procedural Law that may be most effectively used to reduce delay and arrears and enhance the quality of Justice.
- III) MEETING OF DIRECTORS OF STATE JUDICIAL ACADEMIES ON PROGRAMME DEVELOPMENT LABS (PDL): EVALUATION AND FOLLOW UP OF NJA'S PROGRAMME DEVELOPMENT LABS (PDL) OF 2008-2009; PDL ON FINDING THE LAW: EFFECTIVE RESEARCH TECHNIQUES AND TOOLS FOR JUDGES (19-22, July, 2008):** The National Judicial Academy convened a Meeting of the Directors of State Judicial Academies (SJAs) on July 19-20, 2008, and organized a Programme Development Lab (PDL) on "Finding the Law: Effective Research Techniques and Tools for Judges" on July 21-22, 2008. Directors and Additional Directors of SJAs across the country participated in the meeting and the PDL. The meeting was intended to introduce and discuss NJA's proposal for structuring Programme Development Labs in 2008-09. The meeting discussed the Education for Educators (E for E) programmes conducted by the NJA in 2007-08, and follow-up programmes conducted by the SJAs on the basis of the E for E programmes. The NJA's proposal for PDLs in 2008-09 was discussed and finalized. The meeting was followed by the first PDL for 2008-09, a PDL on "Finding the Law: Effective Research Techniques and Tools for Judges".
- IV) HIGH COURT JUSTICES' CONFERENCE ON CRIMINAL JUSTICE ADMINISTRATION: KEY ISSUE AND CHALLENGES FOR NEWLY ELEVATED HIGH COURT JUSTICES (22-27 July, 2008):** The High court Justices Conference on Criminal Justice administration was held at NJA from 22nd to 27th of July, 2008. The main objective of this conference was to discuss and reflect on issues and challenges facing High Courts across the country in the area of criminal law and jurisprudence. These included approaches to appellate judging in criminal cases; appreciation of evidence and the power of appellate courts; Inherent powers of High Courts under Section 482 of the Cr.P.C; Criminal Law and the Protection of Constitutional Rights; Sentencing; Rights of Parties in the Criminal Justice System; Impact of Science and Technology on Criminal jurisprudence and white collar crimes. The Hon'ble Chief Justice of India interacted with the participating High Court Justices through video conferencing and spoke about what he perceives as challenges facing newly elevated High Court Justices. Thirty newly elevated High Court Justices from across the country participated in the Conference.
- V) HIGH COURT JUSTICES' CONFERENCE ON CRIMINAL JUSTICE ADMINISTRATION IN INDIA: CURRENT ISSUES AND EMERGING CHALLENGES (26-27 July, 2008):** The

High court Justices Conference on Criminal Justice administration was held at NJA from 26th to 27th of July, 2008. The Conference was divided into two parts. On the first day of the Conference, one of the participating High Court Justices, from each High Court made a presentation on their High Court's contribution in the area of criminal justice administration over the past few years. Hon'ble Mr. Justice C.K. Thakker, Judge, Supreme Court of India chaired the discussions on the first day. He gave his view on the issues identified and also commented on each of the presentations. On the second day, four themes were identified for discussion: the crisis facing criminal justice delivery system in India; death penalty; Section 482 of the Cr.P.C and emerging challenges. Issues pertaining to court management and planning were also discussed. Discussions on the second day were chaired by Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India. Thirty High Court Justices from across the country participated in the Conference. They were also joined by the participants of the High Court Justices' Conference on "Criminal Justice Administration: Key Issues and Challenges for Newly Elevated High Court Justices."

- VI) SEMINAR ON SUSTAINABLE DISPUTE RESOLUTION USING ADJUDICATION AND ADR: ISSUES AND CHALLENGES ((25 -27 July, 2008):** The seminar on Sustainable Dispute resolution using Adjudication and Alternative Dispute Resolution was held from 25th to 27th July at NJA. The objective of the Programme was to help judges gain better insight on analyzing disputes and determining how to achieve lasting dispute settlement using adjudication and ADR.
- VII) JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE(PMTJ): NATIONAL LAUNCH AT NJA (1-3 August, 2008):** The National Launch of Judicial Workshop on Planning and Management for Timely Justice was held at NJA from 1st to 3rd of August, 2008. In this Workshop The Hon'ble Chief Justice of India identified the lack of a planning and management framework as a major obstacle in judicial reforms. The National Judicial Academy proposed PMTJ. PMTJ would consist of (i) Court-wise planning, (ii) development of Information Management system for Administration of Justice (IMAJ), an integrated electronic database to support systematic planning and management of the judicial system. In this Workshop, a consensus was reached that there is an immediate need to formulate a planning and management system for the Judiciary. It was also agreed that a bottom-up approach to planning and management is necessary, and that the primary responsibility for planning should lie with the individual Court itself, rather than its supervising Court. After intensive discussion, format of the proposed Court-wise Plan for Timely Justice (CPTJ) was finalized.
- VIII) WORKSHOP ON HUMAN RESOURCE MANAGEMENT IN THE STATE JUDICIARY: ISSUE AND CHALLENGES (8-10 August, 2008):** The Judicial Workshop on Human Resource Management in the state Judiciary was held at NJA from 8th to 10th of August, 2008. The focus of the programme was to discuss and identify means of strengthening

human resource management policies and standards so as to ensure that the best talent continues to be available to the judiciary in this challenging world. The main focus of the workshop was on the Identification of priority Issues, HR Development Framework, Envisioning the Future ;"Courts in the District Judiciary 2025", Envisioning the Future;" Courts in the District Judiciary 2025" and development of a common new vision, Identification of HR Issues and Manifestation of those Issues in achieving the new vision. Gaps in identification of Impediments/Solutions; Development of a Common Set of Issues/ Manifestation /Impediments/ solutions.

- IX) WORKSHOP ON EFFECTIVE MANAGEMENT OF APPELLATE ADJUDICATION FOR TIMELY JUSTICE (8-10 August, 2008):** NJA organized a three day workshop on effective management of appellate adjudication for timely justice from 8th to 10th of August, 2008 at NJA, Bhopal. The main objective of the programme was to ensure Timely Justice through strengthening the judicial skills to overcome the delay in appellate courts which contributes to overall delay and to improve the efficiency of appellate courts in rendering justice. The main thematic topics of the programme were: Role, Responsibility and Powers of Appellate Courts at the District Level, Appreciation of Evidence by Appellate Courts, Appreciation & Interpretation of Law by Appellate Courts, Sentencing (Criminal Cases) by Appellate Courts, Protection of Rights and Legal Aid: Role of Appellate Courts at the District Level, Managing Timeliness in Disposal of Cases: Role of Appellate Courts at the District Level, Judgment Writing at the Appellate Level.
- X) FIRST ORIENTATION PROGRAMME FOR NEWLY APPOINTED ADJs UNDERGOING STATE LEVEL INDUCTION PROGRAMME (8-12 August, 2008):** The First Orientation Programme for newly appointed ADJs was held at NJA from 8th August-12th August, 2008. Around 30 newly appointed additional district judges from across the country participated in this programme. The participants in the programme were able to take advantage of the parallel Workshop on Effective Management of Appellate Adjudication for Timely Justice on the 8th and 9th of August. This was followed by a presentation on the Jurisprudence of the Supreme Court in 2007, in a session chaired by Hon'ble Justice S.B. Sinha. This was followed by intensive discussion on the Vision of the Subordinate Courts in 2020, presented by the Director, NJA. The discussion included such topics as the Role of the Courts and the Judge, the Constitutional Vision of Justice, and Judicial Method. The programme ended with a visit to the Bhopal district Courts.
- XI) WORKSHOP ON JUDICIAL SKILLS FOR APPRECIATION OF EVIDENCE (29-31 August, 2008):** The workshop on judicial skills for appreciation of evidence was held at NJA from 29th to 31st August, 2008. The Workshop was attended by around 30 District Court judges from all over India and its purpose was to discuss the skills for appreciation of evidence and to determine the role played by scientific and methodological skills in analyzing the evidence. The workshop also provided a forum to all judges to have a discussion and then to consolidate the viewpoints of different groups on various issues relating to Appreciation

of Evidence and to find out the ways through which Judges can more effectively appreciate and use evidence in a particular case. The focus was on finding out the ways for judging the credibility of a witness and discussed other relevant issues like the credibility of a Child witness, the competence and compellability of the accused as a witness for defense, the concept of a chance witness, how much weight can be given to the testimony of a related witness etc. The main focus of the workshop was on use and appreciation of scientific evidence common examples of which include DNA analyses, hair and fiber comparisons, fingerprints, Brain Fingerprinting, lie detector and voice identification evidence etc. Through the Workshop the purpose was to find out the ways by which Judges can be able to tap the full potential of these Scientific Evidences in the Administration of Justice.

- XII) SEMINAR ON CRIMINAL LAW AND PROCEDURE: CURRENT ISSUES (29-31 August, 2008):** The Seminar on Criminal Law and Procedure was held at NJA from 29th to 31st of August, 2008. Thirty judges from across the country participated in this seminar. The focus of the Judicial Seminar on Criminal Law and Procedure was to discuss challenges faced by the District Judiciary when adjudicating cases in the area of criminal law. Issues pertaining to terrorism, white collar crimes, effective legal aid, sentencing (including death sentence) and cyber crimes were discussed. An important area of discussion was the ever increasing role played by the media in the criminal justice process and the responsibility of course in safeguarding the rights of all the parties in the system. Emphasis was also on providing effective legal aid to persons accused of crime and thus ensuring a fair trial.
- XIII) HIGH COURT JUSTICES' CONFERENCE: NATIONAL CONFERENCE OF NEWLY ELEVATED HIGH COURT JUSTICES (30-31 August, 2008):** The National Conference of Newly Elevated High Court Justices was held at NJA from August 30 to 31, 2008. The Conference was attended by 34 High Court Justices from 15 High Courts. The Panelists included Hon'ble Justice S.B. Sinha and Hon'ble Justice R.V. Raveendran. The conference started with a discussion on the consequences and challenges flowing from globalization and liberalization of the Indian economy and identified the following as challenges facing our society: displacement of the poor, social justice, inequality, environment degradation, global warming, transborder insolvency, terrorism, and corruption, degradation of moral values in the society and ineffective implementation of laws. The participants highlighted problems of over-flooding precedents, delay and arrears, media trial, credibility of judges and inadequate knowledge of emerging laws as major impediments in the delivery of justice. The sessions of the conference were devoted to deliberations on contemporary constitutional, administrative and criminal law issues and case-law which directly impact the implementation of the constitution and the quality of justice. Among other things, Justice Sinha talked about the irreversibility of the economic forces of liberalization and globalization which calls for balancing individual rights with community rights without delving into policy matters of the state. In this regard, Justice Raveendran noted the impact of international conventions on domestic adjudication. There were also discussions on the topics such as court

management, retaining public trust, and ensuring transparency in the judiciary's functioning. The programme concluded with the administrative responsibilities of judges with focus on methodology, judicial ethics and case-management.

- XIV) JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (EAST ZONE)(5-7 September,2008):** The first Regional Workshop on PMTJ was organized by the NJA along with the Hon'ble Patna High Court and the Bihar State Judicial Academy at Patna on September 5-7, 2008. Over 70 judges from the East Zone States participated in this Workshop. The object of the Workshop was to emphasize the need for planning and management in the judicial system, and also to introduce and discuss the PMTJ framework developed by the NJA.
- XV) SEMINAR ON HUMAN RIGHTS LAW:CURRENT ISSUES(12-14 September,2008):** The National Judicial Academy organized a seminar on Human Rights Law: Current Issues from September 12-14, 2008. 27 judges from all across the country participated in the programme. The objective of the seminar was to understand the challenge of protecting human rights in India and in this context, to critically examine the role of the district judiciary in protecting such rights. Accordingly, the first day was devoted to understanding the ground-level challenges in protecting human rights. Social activists and workers spoke about their experiences in the field and the challenges they face in mediating between the state and the citizen. In this backdrop, the role and responsibility of district judiciary was discussed. After discussing the jurisprudence of human rights law, a detailed discussion was undertaken regarding approaches towards protecting human rights in civil and criminal proceedings. Simulation exercises were extensively used throughout the programme. On 14th September, 2008, the participants of the seminar attended a talk by the Chief Justice of India, organized by the MP Human Rights Commission. Later in the day, they interacted with the Chief Justice of India in a special session convened for this purpose.
- XVI) PROGRAMME DEVELOPMENT LAB ON JUDGING AND JUDICIAL INSTITUTIONS(12-14 September, 2008):** The Programme Development Lab on Judging and Judicial was held at NJA from September 12 to 14, 2008. Thirteen representatives from thirteen State Judicial Academies participated in the programme. The purpose of this programme was (a) to take stock of the work of the state judicial academies on judging and judicial institutions; (b) discuss NJAs programmes on the topic and (c) to develop a model programme for the SJAs on the same topic. On the second day of the PDL, the participants presented detail description of the ongoing work of their respective SJAs in this cluster. A similar presentation on NJAs programmes in the cluster was followed by a discussion on the model programme on judging and judicial institutions.
- XVII) WORKSHOP ON EFFECTIVE TRIAL PROCESS MANAGEMENT IN COMPLEX CIVIL AND CRIMINAL TRIALS(19-21 September,2008):** NJA has conducted a National Judicial Workshop on Effective Trial Process Management in Complex Civil and Criminal Trials

from 19th to 21st September, 2008 at NJA, Bhopal. The main object of the programme was to identify the techniques and tools that may be used by judges to enhance timely justice in complex civil and criminal trials. The themes for discussion were defining a Normative Framework and Quality and performance standards, Identifying and Overcoming Key bottlenecks and Enhancing Efficiency of Process, Use of ADR and Plea Bargaining, securing Effective Cooperation from the Stakeholders and Handling Complex Trials: Challenges and Solutions.

**XVIII) SEMINAR ON EVIDENCE LAW AND FORENSIC SCIENCE: CURRENT ISSUES(19-21 September,2008):** The Seminar on Evidence Law and Forensic Science was held at NJA from 19-21 September, 2008). Twenty eight judges from across the country participated in this seminar. The focus of this programme was to discuss developments in scientific evidence and newer techniques in crime detection. Experts in various areas like ballistics, medical evidence, narco-analysis, polygraphy, brain mapping, forensic psychiatry and DNA testing made presentations on these techniques. This was followed by discussions on the admissibility and appreciation of this evidence. The role of the judge in this context was analyzed. Further, the manner in which every judge can use scientific evidence in each of his/her cases was discussed.

**XIX) PROGRAMME DEVELOPMENT LAB ON JUDICIAL EDUCATION:GOALS, METHODS AND TOOLS(19-21, September):** The National Judicial Academy conducted a PDL on "Judicial Education: Goals, Methods and Tools" from September 19-21, 2008. The PDL was attended by Directors and Additional Directors of State Judicial Academies, as well as judges who are visiting the SJAs as faculty members. The objective of the PDL was to develop a common understanding of the objectives and goals of judicial education, explore the methods that can be used to achieve those goals, and understand the use of different tools in judicial education.

**XX) SEMINAR ON GENDER AND LAW:CURRENT ISSUES (26-28 September, 2008):** The National Judicial Academy conducted a Judicial Seminar on "Gender and Law: Current Issues", between 19th and 21st September, 2008. The objective of the seminar was to strengthen the role of Courts in (a) protecting the fundamental right of women to equality before the law and equal protection of the laws under Article 14 of the Constitution; (b) enforcing the prohibition of discrimination on the grounds of gender under Article 15; and (c) enhancing effective implementation of various laws, regulations and judicial precedents that seek to achieve the gender equality objectives of the Constitution. With this objective, five themes were chosen for discussion as current issues in this area: Family / Private Relationships, under which the Protection of Women from Domestic Violence Act and Section 498A were discussed; Labour and Employment, under which the law relating to Sexual Harassment at the Workplace was discussed; Health/Reproductive Rights, in which the relationships between the Law on Abortion, PNDD, MTP Acts and access to reproductive

health was explored; Crime, in which sexual assault - Rape, Molestation, etc were dealt with, and Judging and Gender Justice, in which the impact of judicial method and approach on realizing gender justice were discussed.

- XXI) SECOND ORIENTATION PROGRAMME FOR NEWLY APPOINTED ADJs UNDERGOING STATE LEVEL INDUCTION PROGRAMME(26-30, September, 2008):** The Second Orientation Programme for newly appointed ADJs was held at NJA from 26th -30th of September, 2008. This programme was attended by 30 newly appointed ADJs from all over the Country. This programme was structured around the theme-"Visualizing India's Subordinate Courts in 2025"
- XXII) HIGH COURT JUSTICES CONFERENCE ON STRENGTHENING THE ADMINISTRATION OF JUSTICE:CURRENT ISSUES AND EMERGING CHALLENGES(27-28 September, 2008):** The Conference of High court Justices on strengthening the administration of justice in India was organized at NJA from 27th-28th of September, 2008. The Conference was attended by around 30 High Court Judges from different states and was chaired by Hon'ble Justice S.B. Sinha. The conference focused on finding out the ways by which the system of Administration of Justice can be improved in particular on developing a Planning and Management system for Timely Justice (PMTJ) consisting of (i) a system of Court-wise planning, (ii) systems of case load management and case management; and (iii) development of an Information Management System for Administration of Justice (IMAJ), an integrated electronic database to support systematic planning and management of the judicial system (iv) and Human Resource Management in Judiciary.

## **IMPORTANT VISITS AND CONFERENCES**

**(From 01-07-2008 to 30-09-2008)**

### **OVERSEAS**

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India participated in the Bicentennial Celebrations of the Supreme Court of Brazil on 15th August, 2008 at Brasilia, Brazil.
2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India and Hon'ble Mr. Justice Ashok Bhan participated in the 73rd Biennial Conference of the International Law Association (ILA) from 17th to 21st August, 2008 at Rio De Janeiro, Brazil.
3. Hon'ble Dr. Justice Mukandakam Sharma had official meetings with Chinese Judicial dignitaries and academicians and also spoke to faculty and students of IP Research Institute of Renmin University at Beijing from 6th to 8th July 2008. His Lordship also attended the International Conference on Judicial Protection of IPR, 2008 held at Shanghai from 9th to 11th July 2008.
4. Hon'ble Dr. Justice Mukandakam Sharma attended the 41st International Congress organized by the International Association for the Protection of Intellectual Property (AIPPI) from 6th to 11th September, 2008 at Boston, U.S.A.

### **INLAND**

Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the Circuit Bench of the Karnataka High Court at Dharwad on 4th July, 2008 and the Circuit Bench of Karnataka High Court at Gulbarga on 5th July, 2008.