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2013 Vol. 3 (Part-IV) • 28th March, 2013

**Highlights of the issue**

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Udai Shankar Awasthi v. State of U.P. ....P-935

**'Consultation' in the context of appointment of Uplokayukta under Karnataka Lokayukta Act, explained.**  
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**Need to adopt mechanism to avoid inordinate delays in matters pending in courts, emphasized**  
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## ANNUAL SUBSCRIPTION FOR 2013

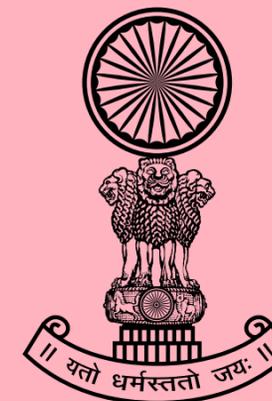
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Printed at : AVN Stationer & Printers. Mob.: 9811619912, 23070189



# COURT NEWS

Vol. VIII Issue No. 4

October - December 2013



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**A quarterly newsletter published by Supreme Court of India, New Delhi**

**Also available on our website : [www.supremecourtfindia.nic.in](http://www.supremecourtfindia.nic.in)**

# LIST OF SUPREME COURT JUDGES

(As on 31-12-2013)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice P. Sathasivam, Chief Justice of India (CJI)	21-08-2007 As CJI: 19-07-2013	27-04-2014
02.	Hon'ble Mr. Justice R.M. Lodha	17-12-2008	28-09-2014
03.	Hon'ble Mr. Justice H.L. Dattu	17-12-2008	03-12-2015
04.	Hon'ble Dr. Justice B.S. Chauhan	11-05-2009	02-07-2014
05.	Hon'ble Mr. Justice A.K. Patnaik	17-11-2009	03-06-2014
06.	Hon'ble Mr. Justice T.S. Thakur	17-11-2009	04-01-2017
07.	Hon'ble Mr. Justice K.S. Radhakrishnan	17-11-2009	15-05-2014
08.	Hon'ble Mr. Justice S.S. Nijjar	17-11-2009	07-06-2014
09.	Hon'ble Mr. Justice C.K. Prasad	08-02-2010	15-07-2014
10.	Hon'ble Mr. Justice H.L. Gokhale	30-04-2010	10-03-2014
11.	Hon'ble Mrs. Justice Gyan Sudha Misra	30-04-2010	28-04-2014
12.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
13.	Hon'ble Mr. Justice S.J. Mukhopadhaya	13-09-2011	15-03-2015
14.	Hon'ble Mrs. Justice Ranjana P. Desai	13-09-2011	30-10-2014
15.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017
16.	Hon'ble Mr. Justice Dipak Misra	10-10-2011	03-10-2018
17.	Hon'ble Mr. Justice J. Chelameswar	10-10-2011	23-06-2018
18.	Hon'ble Mr. Justice F.M. Ibrahim Kalifulla	02-04-2012	23-07-2016
19.	Hon'ble Mr. Justice Ranjan Gogoi	23-04-2012	18-11-2019
20.	Hon'ble Mr. Justice Madan B. Lokur	04-06-2012	31-12-2018
21.	Hon'ble Mr. Justice M. Yusuf Eqbal	24-12-2012	13-02-2016
22.	Hon'ble Mr. Justice V. Gopala Gowda	24-12-2012	06-10-2016
23.	Hon'ble Mr. Justice Vikramajit Sen	24-12-2012	31-12-2015
24.	Hon'ble Mr. Justice Pinaki Chandra Ghose	08-03-2013	28-05-2017
25.	Hon'ble Mr. Justice Kurian Joseph	08-03-2013	30-11-2018
26.	Hon'ble Mr. Justice A.K. Sikri	12-04-2013	07-03-2019
27.	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
28.	Hon'ble Mr. Justice Shiva Kirti Singh	19-09-2013	13-11-2016
29.	Hon'ble Mr. Justice C. Nagappan	19-09-2013	04-10-2016

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*This newsletter is intended to provide public access to information on the activities and achievements of the Indian Judiciary in general. While every care has been taken to ensure accuracy and to avoid errors/omissions, information given in the newsletter is merely for reference and must not be taken as having the authority of, or being binding in any way on, the Editorial Board of the newsletter and the officials involved in compilation thereof, who do not owe any responsibility whatsoever for any loss, damage, or distress to any person, whether or not a user of this publication, on account of any action taken or not taken on the basis of the information given in this newsletter.*

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## APPOINTMENTS AND RETIREMENTS IN THE SUPREME COURT OF INDIA (FROM 01-10-2013 TO 31-12-2013)

### RETIREMENT

S.No.	Name of Hon'ble Judge	Date of Retirement
1	Hon'ble Mr. Justice G.S. Singhvi	12-12-2013

## APPOINTMENTS IN THE HIGH COURTS (FROM 01-10-2013 TO 31-12-2013)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	Dr. D.Y.Chandrachud (As Chief Justice)	31.10.13
2	A.P.	B. Siva Sankara Rao	23.10.13
		M. Seetharama Murthi	23.10.13
		S. Ravi Kumar	23.10.13
		U. Durga Prasada Rao	23.10.13
		T. Sunil Chowdary	23.10.13
		M. Satyanarayana Murthy	23.10.13
		M.S.K. Jaiswal	23.10.13
		A. Shankar Narayana	23.10.13
		Anis	23.10.13
3	Bombay	V.L. Achliya	21.10.13
4	Calcutta	Indrajit Chatterjee	01.10.13
		Shib Sadhan Sadhu	01.10.13
		Sudip Ahluwalia	01.10.13
		Tapash Mookherjee	01.10.13
		Ranjit Kumar Bag	01.10.13
		Ishan Chandra Das	01.10.13
		Samapti Chatterjee	30.10.13
		Sahidullah Munshi	30.10.13
		Subrata Talukdar	30.10.13
		Tapabrata Chakraborty	30.10.13
		Arindam Sinha	30.10.13
		Arijit Banerjee	30.10.13
		Debangsu Basak	30.10.13

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

## **APPOINTMENTS IN THE HIGH COURTS (FROM 01-10-2013 TO 31-12-2013)**

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
5	Jharkhand	R. Banumathi (As Chief Justice)	16.11.13
6	Karnataka	A.V. Chandrashekara	24.10.13
		Rathnakala	24.10.13
		R.B. Budihal	24.10.13
		P.D. Waingankar	24.10.13
		K.N. Murthy Phaneendra	24.10.13
7	Madras	Rajesh Kumar Agrawal (As Chief Justice)	24.10.13
		P.N. Prakash	25.10.13
		Pushpa Sathyanarayana	25.10.13
		K. Kalyanasundaram	25.10.13
		S. Vaidyanathan	25.10.13
		R. Mahadevan	25.10.13
		V.S. Ravi	25.10.13
		G. Chockalingam	25.10.13
		V.M.Velumani	20.12.13
8	Orissa	Debabrata Dash	30.11.13
		Satrughana Pujahari	30.11.13
9	Punjab & Haryana	Navita Singh	22.10.13
		Harinder Singh Sidhu	28.12.13
		Arun Palli	28.12.13

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

## **TRANSFERS BETWEEN THE HIGH COURTS (FROM 01-10-2013 TO 31-12-2013)**

S. No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Gauhati	Orissa	Adarsh Kumar Goel (Chief Justice)	12.10.13
2	Manipur	Gauhati	Abhay Manohar Sapre (Chief Justice)	19.10.13
3	Allahabad	Manipur	L.K. Mohapatra	21.10.13
4	Karnataka	Gauhati	K. Sreedhar Rao	24.10.13
5	Karnataka	Andhra Pradesh	V. Suri Appa Rao	07.11.13
6	Gauhati	Patna	I.A. Ansari	12.11.13
7	Himachal Pradesh	Madhya Pradesh	A.M. Khanwilkar (Chief Justice)	24.11.13
8	Jammu & Kashmir	Himachal Pradesh	Mansoor Ahmad Mir	27.11.13

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

## VACANCIES IN THE COURTS

### A) SUPREME COURT OF INDIA (As on 31-12-2013)

Sanctioned Strength	Working strength	Vacancies
31	29	02

### B) HIGH COURTS (As on 31-12-2013)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	82	78
2	Andhra Pradesh	49	34	15
3	Bombay	75	56	19
4	Calcutta	58	48	10
5	Chhattisgarh	18	11	07
6	Delhi	48	41	07
7	Gujarat	42	31	11
8	Gauhati	24	17	07
9	Tripura	04	04	00
10	Meghalaya	03	03	00
11	Manipur	04	02	02
12	Himachal Pradesh	11	07	04
13	Jammu & Kashmir	14	11	03
14	Jharkhand	20	11	09
15	Karnataka	50	38	12
16	Kerala	38	30	08
17	Madhya Pradesh	43	33	10
18	Madras	60	47	13
19	Orissa	22	17	05
20	Patna	43	32	11
21	Punjab & Haryana	68	47	21
22	Rajasthan	40	29	11
23	Sikkim	03	02	01
24	Uttarakhand	09	07	02
<b>TOTAL</b>		<b>906</b>	<b>640</b>	<b>266</b>

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

**C) DISTRICT & SUBORDINATE COURTS (As on 30-09-2013)**

<b>S.No.</b>	<b>State / Union Territory</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacancies</b>
1	Uttar Pradesh	1998	1833	165
2	Andhra Pradesh	894	819	75
3(a)	Maharashtra	2047	1779	268
3(b)	Goa	52	44	8
3(c)	Diu and Daman & Silvassa	7	6	1
4	West Bengal and Andaman & Nicobar	994	818	176
5	Chhatisgarh	323	250	73
6	Delhi	778	485	293
7	Gujarat	1958	1251	707
8(a)	Assam	390	249	141
8(b)	Nagaland	27	26	1
8(c)	Meghalya	39	26	13
8(d)	Manipur	37	30	7
8(e)	Tripura	102	67	35
8(f)	Mizoram	65	33	32
8(g)	Arunachal Pradesh	16	15	1
9	Himachal Pradesh	136	118	18
10	Jammu & Kashmir	208	186	22
11	Jharkhand	572	410	162
12	Karnataka	1075	729	346
13(a)	Kerala	425	399	26
13(b)	Lakshadweep	3	1	2
14	Madhya Pradesh	1334	1233	101
15(a)	Tamil Nadu	951	882	69
15(b)	Puducherry	21	11	10
16	Orissa	662	535	127
17	Bihar	1494	883	611
18(a)	Punjab	553	438	115
18(b)	Haryana	644	425	219
18(c)	Chandigarh	20	20	0
19	Rajasthan	1131	743	388
20	Sikkim	17	12	5
21	Uttarakhand	265	186	79
<b>TOTAL</b>		<b>19238</b>	<b>14942</b>	<b>4296</b>

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

## *INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT*

**[01-10-2013 to 31-12-2013]**

***i) Table I***

						<b>Pendency (At the end of 30-09-2013)</b>		
						Admission matters	Regular matters	Total matters
						36,508	30,095	66,603
<b>Institution (01-10-2013 to 31-12-2013)</b>			<b>Disposal (01-10-2013 to 31-12-2013)</b>			<b>Pendency (At the end of 31-12-2013)</b>		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
15,081	1,955	17,036	15,837	1,453	17,920	35,752	30,597	66,349

Note:

1. Out of the 66,349 pending matters as on 31-12-2013, if connected matters are excluded, the pendency is only of 36,834 matters as on 31-12-2013.
2. Out of the said 66,349 pending matters as on 31-12-2013, 20,431 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 45,918 matters as on 31-12-2013.

***ii) Table II***

	<b>Opening Balance As On 01-10-13</b>	<b>Institution From 01-10-13 To 31-12-13</b>	<b>Disposal From 01-10-13 To 31-12-13</b>	<b>Pendency at the end of 31-12-13</b>
CIVIL CASES	54,497	12,361	12,702	54,156
CRIMINAL CASES	12,106	4,675	4,588	12,193
ALL CASES (TOTAL)	66,603	17,036	17,290	66,349

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS  
AND IN THE DISTRICT & SUBORDINATE COURTS**

**A) HIGH COURTS (FROM 01-07-13 TO 30-09-13)**

S. No.	Name of the High Court	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-7-13	% of Disposal of Cases w.r.t Opening Balance as on 1-7-13	% Increase or Decrease in Pendency w.r.t Opening Balance as on 1-7-13
		CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)			
1	Allahabad	688759	333648	1022407	39025	34162	73187	36149	27363	63512	691635	340447	1032082	7.16	6.21	0.95
2	Andhra Pradesh	195048	28019	223067	15801	6054	21855	11842	3904	15746	199007	30169	229176	9.80	7.06	2.74
3	Bombay	297982	50133	348115	31482	10182	41664	32200	11417	43617	297264	48898	346162	11.97	12.53	-0.56
4	Calcutta	269465	39438	308903	24040	6960	31000	27619	6367	33986	265886	40031	305917	10.04	11.00	-0.97
5	Chhatisgarh	31740	17205	48945	3857	3050	6907	4447	2929	7376	31150	17326	48476	14.11	15.07	-0.96
6	Delhi*	48664	15248	63912	6840	3985	10825	6900	3678	10578	48604	15555	64159	16.94	16.55	0.39
7	Gujarat	50671	30622	81293	11638	6888	18526	10676	6537	17213	51633	30973	82606	22.79	21.17	1.62
8(a)	Gauhati	32695	6748	39443	4981	3380	8361	4383	3347	7730	33293	6781	40074	21.20	19.60	1.60
8(b)	Tripura	5085	1155	6240	862	215	1077	1177	274	1451	4770	1096	5866	17.26	23.25	-5.99
8(c)	Meghalaya	1030	114	1144	250	71	321	196	85	281	1084	100	1184	28.06	24.56	3.50
8(d)	Manipur	3858	69	3927	485	42	527	764	24	788	3579	87	3666	13.42	20.07	-6.65
9	Himachal Pradesh	54080	5946	60026	11749	920	12669	12630	1037	13667	53199	5829	59028	21.11	22.77	-1.66
10	Jammu & Kashmir	83318	4505	87823	7926	1070	8996	5878	732	6610	85366	4843	90209	10.24	7.53	2.72
11	Jharkhand	35375	33120	68495	3452	7018	10470	1879	5506	7385	36948	34632	71580	15.29	10.78	4.50
12	Karnataka	167404	16891	184295	36418	3800	40218	29538	3804	33342	174284	16887	191171	21.82	18.09	3.73
13	Kerala	94994	32544	127538	14111	4867	18978	11278	4645	15923	97827	32766	130593	14.88	12.48	2.40
14	Madhya Pradesh	174103	85275	259378	20551	14084	34635	19690	13488	33178	174964	85871	260835	13.35	12.79	0.56
15	Madras	459337	66415	525752	53953	24595	78548	36200	26838	63038	477090	64172	541262	14.94	11.99	2.95
16	Orissa	319362	36269	355631	20603	11535	32138	12359	9373	21732	327606	38431	366037	9.04	6.11	2.93
17	Patna	74758	51274	126032	10976	18096	29072	8432	14692	23124	77302	54678	131980	23.07	18.35	4.72
18	Punjab & Haryana**	204026	57164	261190	17743	16087	33830	22263	14471	36734	197569	58779	256348	12.95	14.06	-1.85
19	Rajasthan	242752	62466	305218	29892	12912	42804	23460	13013	36473	249184	62365	311549	14.02	11.95	2.07
20	Sikkim	69	15	84	30	26	56	30	22	52	69	19	88	66.67	61.90	4.76
21	Uttarakhand	14648	5665	20313	2621	1604	4225	2443	2223	4666	14826	5046	19872	20.80	22.97	-2.17
TOTAL		3549223	979948	4529171	369286	191603	560889	322433	175769	498202	3594139	995781	4589920	12.38	11.00	1.34

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

\* The data has been revised by the High Court concerned.

\*\* On physical verification the number of pending cases revised by the High Court concerned.

**B) DISTRICT AND SUBORDINATE COURTS (FROM 01-07-13 TO 30-09-13)**

S. No.	Name of the State / UT	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-7-13	% of Disposal of Cases w.r.t Opening Balance as on 1-7-13	% Increase or Decrease in Pending Balance w.r.t Opening Balance as on 1-7-13
		CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)	CIVIL	CRL.	(CIV. + CRL.)			
1	Uttar Pradesh	1412341	4428529	5840870	155364	554089	709453	143193	525986	669179	1424512	4456632	5881144	12.15	11.46	0.69
2	Andhra Pradesh	464762	484480	949242	48125	71735	119860	47938	64300	112238	464949	491915	956864	12.63	11.82	0.80
3(a)	Maharashtra	1037561	1932461	2970022	110879	300086	410965	104629	280703	385332	1043811	1951844	2995655	13.84	12.97	0.86
3(b)	Goa	18470	12832	31302	2960	4458	7418	2752	4718	7470	18678	12572	31250	23.70	23.86	-0.17
3(c)	Diu and Daman	836	1004	1840	169	261	430	144	333	477	861	932	1793	23.37	25.92	-2.55
3(d)	Silvassa	535	2345	2880	49	282	331	17	220	237	567	2407	2974	11.49	8.23	3.26
4(a)	West Bengal	539277	2124304	2663581	35761	226448	262209	32513	224210	256723	542525	2126542	2669067	9.84	9.64	0.21
4(b)	Andaman & Nicobar	2427	8278	10705	348	1820	2168	226	1488	1714	2549	8610	11159	20.25	16.01	4.24
5	Chhatisgarh	61368	203639	265007	6612	38674	45286	6377	38322	44699	61603	203991	265594	17.09	16.87	0.22
6	Delhi	138237	432716	570953	29334	180072	209406	26168	177220	203388	141403	435568	576971	36.68	35.62	1.05
7	Gujarat	638985	1569551	2208536	48037	269994	318031	45583	239859	285442	641439	1599686	2241125	14.40	12.92	1.48
8(a)	Assam	70359	180040	250399	11144	76610	87754	10011	60260	70271	71492	196390	267882	35.05	28.06	6.98
8(b)	Nagaland	1417	1832	3249	382	503	885	446	403	849	1353	1932	3285	27.24	26.13	1.11
8(c)	Meghalaya	2036	2708	4744	462	554	1016	141	467	608	2357	2795	5152	21.42	12.82	8.60
8(d)	Manipur	5047	7640	12687	1206	2812	4018	980	2972	3952	5273	7480	12753	31.67	31.15	0.52
8(e)	Tripura*	8700	48379	57079	2292	54973	57265	2196	38816	41012	8796	64536	73332	100.33	71.85	28.47
8(f)	Mizoram	1469	1997	3466	1096	1571	2667	1095	1691	2786	1470	1877	3347	76.95	80.38	-3.43
8(g)	Arunachal Pradesh	859	5348	6207	323	1525	1848	347	1536	1883	835	5337	6172	29.77	30.34	-0.56
9	Himachal Pradesh	81914	165064	246978	20215	89376	109591	19145	93664	112809	82984	160776	243760	44.37	45.68	-1.30
10	Jammu & Kashmir	76173	111143	187316	13986	59051	73037	13479	63454	76933	76680	106740	183420	38.99	41.07	-2.08
11	Jharkhand*	64726	233195	297921	5163	30147	35310	4488	28956	33444	65401	234386	299787	11.85	11.23	0.63
12	Karnataka*	595173	588040	1183213	83093	185383	268476	79862	179307	259169	598404	594116	1192520	22.69	21.90	0.79
13(a)	Kerala	416031	879263	1295294	74335	240042	314377	79049	198036	277085	411317	921269	1332586	24.27	21.39	2.88
13(b)	Lakshadweep	146	174	320	9	31	40	3	4	7	152	201	353	12.50	2.19	10.31
14	Madhya Pradesh	259032	889195	1148227	46758	247133	293891	46328	231432	277760	259462	904896	1164358	25.60	24.19	1.40
15(a)	Tamil Nadu	824851	466022	1290873	268800	182556	451356	258554	180446	439000	835097	468132	1303229	34.97	34.01	0.96
15(b)	Puducherry	15903	14600	30503	5315	2914	8229	4343	2944	7287	16875	14570	31445	26.98	23.89	3.09
16	Orissa*	228655	941691	1170346	15859	76486	92345	12802	54808	67610	231712	963369	1195081	7.89	5.78	2.11
17	Bihar*	276517	1477803	1754320	18711	100184	118895	12981	74955	87936	282247	1503018	1785265	6.78	5.01	1.76
18(a)	Punjab	264566	267849	532415	48108	113378	161486	45941	104097	150038	266733	277130	543863	30.33	28.18	2.15
18(b)	Haryana	255096	303502	558598	51719	112010	163729	51275	96120	147395	255540	319392	574932	29.31	26.39	2.92
18(c)	Chandigarh	21150	25276	46426	3159	46693	49852	3350	31515	34865	20959	40454	61413	107.38	75.10	32.28
19	Rajasthan	432430	1051341	1483771	57898	240102	298000	53454	248684	302138	436874	1042759	1479633	20.08	20.36	-0.28
20	Sikkim	327	666	993	127	317	444	154	389	543	300	594	894	44.71	54.68	-9.97
21	Uttarakhand	31524	136975	168499	8023	48876	56899	8460	48571	57031	31087	137280	168367	33.77	33.85	-0.08
	TOTAL	8248900	18999882	27248782	1175821	3561146	4736967	1118424	3300886	4419310	8306297	19260128	27566425	17.38	16.22	1.17

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

\* Figures revised by the High Court concerned.

## **SOME SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE (01-10-2013 to 31-12-2013)**

1. On 4<sup>th</sup> October, 2013, in the case of M/s. Kulja Industries Ltd. v. Chief Gen. Manager W.T. Proj. BSNL and Ors. [Civil Appeal No. 8944 of 2013], it was held that the power to blacklist a contractor whether the contract be for supply of material or equipment or for the execution of any other work whatsoever is inherent in the party allotting the contract. The Court held that “there is no need for any such power being specifically conferred by statute or reserved by contractor. That is because 'blacklisting' simply signifies a business decision by which the party affected by the breach decides not to enter into any contractual relationship with the party committing the breach.” It was further held that the “freedom to contract or not to contract is unqualified in the case of private parties.” But “any such decision is subject to judicial review when the same is taken by the State or any of its instrumentalities.”
2. On 7<sup>th</sup> October, 2013, in the case of Thalappalam Ser. Coop. Bank Ltd. and Ors. v. State of Kerala and Ors. [Civil Appeal No. 9017 of 2013], question arose for consideration as to whether a co-operative society registered under the Kerala Co-operative Societies Act, 1969 will fall within the definition of “public authority” under Section 2(h) of the Right to Information Act, 2005 (RTI Act). It was held that the Cooperative Societies registered under the Kerala Co-operative Societies Act will not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act.
3. On 7<sup>th</sup> October, 2013, in the case of Gulam Sarbar v. State of Bihar (Now Jharkhand) [Criminal Appeal No. 1316 of 2012], it was held that “it is quality and not quantity, which determines the adequacy of evidence as has been provided by Section 134 of the Evidence Act.” It was further held that even in Probate cases, where the law requires the examination of at least one attesting witness, “production of more witnesses does not carry any weight” and that “conviction can even be based on the testimony of a sole eye witness, if the same inspires confidence.”
4. On 7<sup>th</sup> October, 2013, in the case of ONGC Ltd. v. M/s. Modern Construction and Co. [Civil Appeal Nos. 8957-58 of 2013], it was held that “if the court where the suit is instituted, is of the view that it has no jurisdiction, the plaint is to be returned in view of the provisions of Order VII Rule 10 CPC and the plaintiff can present it before the court having competent jurisdiction. In such a factual matrix, the plaintiff is entitled to exclude the period during which he prosecuted the case before the court having no jurisdiction in view of the provisions of Section 14 of the Limitation Act, and may also seek adjustment of court fee paid in that court. However, after presentation before the court of competent jurisdiction, the plaint is to be considered as a fresh plaint and the trial is to be conducted de novo even if it stood concluded before the court having no competence to try the same.”

In the case at hand, the respondent instituted the suit in Civil Court at Mehsana which admittedly had no jurisdiction to entertain the suit. In spite of the fact that the civil suit stood decreed, the High Court directed the court at Mehsana to return the plaint in view of the

provisions of Order VII Rule 10 CPC and thus, thereafter respondent presented the plaint before the Civil Court at Surat. In the facts and circumstances of the case, it was held that the wrong doer cannot get benefit of its own wrong i.e. the benefit of interest on the amount from the date of filing the suit in Mehsana Court. It was further held that “once the plaint was presented before the Civil Court at Surat, it was a fresh suit and cannot be considered to be continuation of the suit instituted at Mehsana. The plaintiff/respondent cannot be permitted to take advantage of its own mistake instituting the suit before a wrong court.”

5. On 8<sup>th</sup> October, 2013, a three Judge Bench in *Sushil Sharma v. The State of N.C.T. of Delhi* [Criminal Appeal No. 693 of 2007] held that there can be no hard and fast rules which the court can follow while considering whether an accused should be awarded death sentence or not.

The Court held that the “core of a criminal case is its facts and, the facts differ from case to case. Therefore, the various factors like the age of the criminal, his social status, his background, whether he is a confirmed criminal or not, whether he had any antecedents, whether there is any possibility of his reformation and rehabilitation or whether it is a case where the reformation is impossible and the accused is likely to revert to such crimes in future and become a threat to the society are factors which the criminal court will have to examine independently in each case.” It was further held that “the time taken by the courts till the final verdict is pronounced cannot come to the aid of the accused in canvassing commutation of death sentence to life imprisonment.”

6. On 8<sup>th</sup> October, 2013, in the case of *Union of India and Anr. v. National Federation of the Blind and Ors.* [Civil Appeal No. 9096 of 2013], the issue of reservation for persons with disabilities was considered. It was held that “the computation of reservation for persons with disabilities has to be computed in case of Group A, B, C and D posts in an identical manner viz., “computing 3% reservation on total number of vacancies in the cadre strength” which is the intention of the legislature. It was further held that reservation for persons with disabilities has nothing to do with the ceiling of 50% and hence, *Indra Sawhney* case is not applicable with respect to the disabled persons. The Court issued a number of directions in order to ensure proper implementation of the reservation policy for the disabled and to protect their rights
7. On 18 October, 2013, in the case of *Badshah v. Sou. Urmila Badshah Godse and Anr.* [Criminal Misc. Petition No. 19530 of 2013 in Special Leave Petition (Crl.) No.8596 of 2013], where the marriage between the parties had been proved, however, the petitioner-husband was already married and he had duped the respondent-wife by suppressing the factum of his alleged first marriage, it was held that the petitioner-husband cannot be permitted to deny the benefit of maintenance (under Section 125 CrPC) to the respondent, taking advantage of his own wrong. The Court further held that “there is a non-rebuttable presumption that the Legislature while making a provision like Section 125 CrPC, to fulfill its Constitutional duty in good faith, had always intended to give relief to the woman becoming “wife” under such circumstances”

8. On 18<sup>th</sup> October, 2013, in the case of State of U.P. & Ors. v. Jaiprakash Associates Ltd. [Civil Appeal No.3026 of 2004], one of the issues which arose for consideration was, whether grant of rebate of tax by the State Government of Uttar Pradesh to cement manufacturing units, by issuing notification under Section 5 of Uttar Pradesh Trade Tax Act, 1948, was hit by the constitutional limitation on the State legislature under Article 304(a) read with Article 301 of the Constitution of India, as it discriminated between the goods imported from other States and the goods manufactured and produced within the State of Uttar Pradesh. It was held that the 'rebate of tax' granted by the State Government of Uttar Pradesh to cement manufacturing units established in the districts of the State of Uttar Pradesh alone was violative of the provisions contained in Articles 301 and 304(a) of the Constitution of India.

9. On 22<sup>nd</sup> October, 2013, in the case of Mary v. State of Kerala and Ors. [Civil Appeal No. 9466 of 2003], it was held that “where the function is quasi-judicial, the doctrine of fairness is evolved to ensure fair action” but it “cannot be invoked to amend, alter, or vary an express term of the contract between the parties. This is so even if the contract is governed by a statutory provision i.e. where it is a statutory contract.” In such a contract, “the licensee takes a calculated risk”.

The Court further held that “in a contract under the Abkari Act and the Rules made thereunder, the licensee undertakes to abide by the terms and conditions of the Act and the Rules made thereunder which are statutory and in such a situation, the licensee cannot invoke the doctrine of fairness or reasonableness.”

10. On 22<sup>nd</sup> October, 2013, in the case of Centre for Public Interest Litigation v. Union of India and Ors. [Writ Petition (C) No. 681 of 2004], it was held that “any food article which is hazardous or injurious to public health is a potential danger to the fundamental right to life guaranteed under Article 21 of the Constitution of India. A paramount duty is cast on the States and its authorities to achieve an appropriate level of protection to human life and health which is a fundamental right guaranteed to the citizens under Article 21 read with Article 47 of the Constitution of India.” It was held that the provisions of the Food Supply and Standards Act, 2006 (FSS Act) and Prevention of Food Adulteration Act, 1954 (PFA Act) and the rules and regulations framed thereunder have to be interpreted and applied in the light of the Constitutional Principles, and endeavour has to be made to achieve an appropriate level of protection of human life and health.

The Court directed the Food and Safety Standards Authority of India, “to gear up their resources with their counterparts in all the States and Union Territories and conduct periodical inspections and monitoring of major fruits and vegetable markets, so as to ascertain whether they conform to such standards set by the Act and the Rules.” Directions were given to strictly follow the provisions of the FSS Act as well as the Rules and Regulations framed thereunder.

11. On 24<sup>th</sup> October, 2013, in the case of Dr. Balram Prasad v. Dr. Kunal Saha and Ors. [Civil Appeal No. 2867 of 2012], the Court observed that “the doctors, Hospitals, the Nursing Homes and other connected establishments are to be dealt with strictly if they are found to be negligent with the patients who come to them pawning all their money with the hope to

live a better life with dignity. The patients irrespective of their social, cultural and economic background are entitled to be treated with dignity which not only forms their fundamental right but also their human right.”

The Court further observed that the “Central and the State governments may consider enacting laws wherever there is absence of one for effective functioning of the private Hospitals and Nursing Homes.”

12. On 1<sup>st</sup> November, 2013, in the case of Central Electricity Supply Utility of Odisha v. Dhobei Sahoo & Ors. [Civil Appeal No. 9872 of 2013], it was held that “the jurisdiction of the High Court while issuing a writ of quo warranto is a limited one and can only be issued when the person holding the public office lacks the eligibility criteria or when the appointment is contrary to the statutory rules.” It was further held that “the basic purpose of a writ of quo warranto is to confer jurisdiction on the constitutional courts to see that a public office is not held by usurper without any legal authority. While dealing with the writ of quo warranto another aspect has to be kept in view. Sometimes a contention is raised pertaining to doctrine of delay and laches in filing a writ of quo warranto. There is a difference pertaining to personal interest or individual interest on one hand and an interest by a citizen as a relator to the court on the other. The principle of doctrine of delay and laches should not be allowed any play because the person holds the public office as a usurper and such continuance is to be prevented by the court. The Court is required to see that the larger public interest and the basic concept pertaining to good governance are not thrown to the winds.”
13. On 12<sup>th</sup> November, 2013, in the case of Sukhwinder Singh v. State of Punjab [Criminal Appeal No.1023 of 2008], it was observed that “incompetent prosecuting agencies or prosecuting agencies which are driven by extraneous considerations should not be allowed to take the court for a ride. Particularly in offences relating to women and children, which are on rise, the courts will have to adopt a pragmatic approach. No scope must be given to absurd and fanciful submissions. It is true that there can be no compromise on basic legal principles, but, unnecessary weightage should not be given to minor errors or lapses. If courts get carried away by every mistake or lapse of the investigating agency, the guilty will have a field day.”
14. On 12<sup>th</sup> November, 2013, a Constitution Bench in Lalita Kumari v. Govt. Of U.P. and Ors. [W.P.(CrI.) No. 68 of 2008], examined the question whether a police officer is bound to register a FIR upon receiving any information relating to commission of a cognizable offence under Section 154 CrPC or the police officer has the power to conduct a “preliminary inquiry” in order to test the veracity of such information before registering the same.

The Court held that (i) Registration of FIR is mandatory under Section 154 CrPC, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation. (ii) If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not. (iii) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such

closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further. (iv) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed. Action must be taken against erring officers who do not register the FIR if information received by him discloses a cognizable offence. (v) The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence. (vi) As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. (vii) While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry. (viii) Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, all information relating to cognizable offences, whether resulting in registration of FIR or leading to an inquiry, must be mandatorily and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected.

15. On 21<sup>st</sup> November, 2013, in the case of E.S.I.C. Medical Officer's Association v. E.S.I.C. & Anr. [Special Leave Petition (C) No. 35821 of 2013], the question whether medical doctors discharging functions of medical officers i.e. treating patients in Employees' State Insurance Corporation's dispensaries/hospitals are "workmen" within the meaning of expression contained in Section 2(s) of the Industrial Disputes Act, 1947 (the ID Act) was examined.

It was held that "a medical professional treating patients and diagnosing diseases cannot be held to be a "workmen" within the meaning of Section 2(s) of the ID Act. Doctors' profession is a noble profession and is mainly dedicated to serve the society, which demands professionalism and accountability. Distinction between occupation and profession is of paramount importance. An occupation is a principal activity related to job, work or calling that earns regular wages for a person and a profession, on the other hand, requires extensive training, study and mastery of the subject, whether it is teaching students, providing legal advice or treating patients or diagnosing diseases. Persons performing such functions cannot be seen as a workman within the meaning of Section 2(s) of the ID Act."

16. On 22<sup>nd</sup> November, 2013, in the case of Ashok Kumar Aggarwal v. Union of India and Ors. [Criminal Appeal No. 1842 of 2013], it was held that "in order to initiate prosecution for perjury, the court must prima facie reach a conclusion after holding preliminary inquiry that there has been a deliberate and conscious effort to misguide the court and interfere in the administration of justice. More so, it has to be seen whether such a prosecution is necessary in the interest of justice."
17. On 22<sup>nd</sup> November, 2013, in the case of CBI v. Ashok Kumar Aggarwal & Anr. [Criminal Appeal No.1837 of 2013], it was held that "the revisional powers under Section 397 read with Section 401 Cr.P.C. can be exercised by the court suo motu, particularly to examine the correctness, legality or propriety of any finding, sentence or order and as to the

regularity of any proceeding of the inferior court.” It was further held that “these two Sections in Cr.P.C. do not create any right in the favour of the litigant but only empower/enable the High Court to see that justice is done in accordance with recognised principles of criminal jurisprudence. The grounds of interference may be, where the facts admitted or approved, do not disclose any offence or the court may interfere where the facts do not disclose any offence or where the material effects of the party are not considered or where judicial discretion is exercised arbitrarily or perversely.”

18. On 22<sup>nd</sup> November, 2013, in the case of Pathan Mohammed Suleman Rehmatkhan v. State of Gujarat [Special Leave Petition (C) No. 32507 of 2013], it was held that that “if every decision taken by the State is tested by a microscopic and a suspicious eye, the administration will come to stand still and the decisions-makers will lose all their initiative and enthusiasm.” It was further held that “at hindsight, it is easy to comment upon or criticize the action of the decision maker. Sometimes, decisions taken by the State or its administrative authorities may go wrong and sometimes it may achieve the desired results. Criticisms are always welcome in a Parliamentary democracy, but a decision taken in good faith, with good intentions, without any extraneous considerations, cannot be belittled, even if that decision was ultimately proved to be wrong.”
19. On 26<sup>th</sup> November, 2013, a Constitution Bench in Mrs. Sarah Mathew v. The Institute of Cardio Vascular Diseases by Its Director – Dr. K.M. Cherian and Ors. [Criminal Appeal No. 829 of 2005] held that “for the purpose of computing the period of limitation under Section 468 of the Cr.P.C. the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance.”
20. On 26<sup>th</sup> November, 2013, in the case of Indra Sarma v. V.K.V. Sarma [Criminal Appeal No.2009 of 2013], question arose for consideration as to whether the non maintenance of the appellant in a broken live-in-relationship, which is stated to be a relationship not in the nature of a marriage, will amount to “domestic violence” within the definition of Section 3 of the Protection of Women from Domestic Violence Act, 2005 (the DV Act), enabling the appellant to seek one or more reliefs provided under Section 12 of the DV Act.

The Court held that the “appellant had entered into this relationship knowing well that the respondent was a married person and encouraged bigamous relationship.” It was held that the “appellant, having been fully aware of the fact that the respondent was a married person, could not have entered into a live-in relationship in the nature of marriage. All live-in-relationships are not relationships in the nature of marriage. Appellant's and the respondent's relationship is, therefore, not a “relationship in the nature of marriage” because it has no inherent or essential characteristic of a marriage, but a relationship other than “in the nature of marriage” and the appellant's status is lower than the status of a wife and that relationship would not fall within the definition of “domestic relationship” under Section 2(f) of the DV Act.”

The Court observed that if the relationship between the appellant and the respondent is held to be a relationship in the nature of a marriage, injustice will be done to the legally wedded wife and children of the respondent who opposed that relationship and “consequently, any act, omission or commission or conduct of the respondent in

connection with that type of relationship, would not amount to “domestic violence” under Section 3 of the DV Act.” It was held that “if any direction is given to the respondent to pay maintenance or monetary consideration to the appellant, that would be at the cost of the legally wedded wife and children of the respondent, especially when they had opposed that relationship and have a cause of action against the appellant for alienating the companionship and affection of the husband/parent which is an intentional tort.”

21. On 2<sup>nd</sup> December, 2013, in the case of KN Aswathnarayana Setty (D) Tr.Lrs. & Ors. v. State of Karnataka [Special Leave Petition (C) No.22311 of 2012], it was held that a person who purchases land subsequent to the issuance of a Section 4 notification (under the Land Acquisition Act, 1894) with respect to it, is not competent to challenge the validity of the acquisition proceedings on any ground whatsoever, for the reason that the sale deed executed in his favour does not confer upon him, any title and at the most he can claim compensation on the basis of his vendor's title.
22. On 6<sup>th</sup> December, 2013, a three Judge Bench in Bharat Sanchar Nigam Limited v. Telecom Regulatory Authority of India and Ors. [Civil Appeal No.5253 of 2010], held that in exercise of the power vested in it under Section 14(b) of the Telecom Regulatory Authority of India Act, 1997, the Telecom Disputes Settlement Appellate Tribunal (TDSAT) does not have the jurisdiction to entertain the challenge to the regulations framed by the Telecom Regulatory Authority of India under Section 36 of the Act.
23. On 9<sup>th</sup> December, 2013, in the case of Rajeshwar Singh v. Subrata Roy Sahara & Ors. [Contempt Petition (Civil) No. 224 of 2011 in Civil Appeal No.10660 of 2010], notice was issued to the respondents to show cause why proceedings be not initiated against them for interfering with the court monitored criminal investigation. It was held that “any interference, by anybody, to scuttle a court monitored investigation would amount to interfering with the administration of justice. Courts, if they are to serve the cause of justice, must have the power to secure obedience to its orders to prevent interference with the proceedings and to protect the reputation of the legal system, its components and its personnel, who on its behest carry on a court monitored investigation. The court is duty bound to protect the dignity and authority of this Court, at any cost, or else, the entire administration of justice will crumble and law and order would be a casualty.”
24. On 9<sup>th</sup> December, 2013, in the case of Glaxosmithkline Pharmaceuticals Limited v. Union of India and Others [Civil Appeal No.1939 of 2004], the effect of price fixation /revision under the Drugs (Prices Control) Order ('DPCO') in respect of drugs / formulations was considered. Interpreting paragraph 14 of the DPCO, 1995, the Court held that “the true import of paragraph 14(1) is that once the price notification is gazetted, it takes effect immediately though its enforcement is postponed by fifteen days to enable the manufacturers and others to make suitable arrangements with regard to unsold stocks.” It was further held that “the period of 15 days is simply a grace period or cooling period allowed to manufacturers to adjust their business in a manner where appropriate arrangements are made with regard to the unsold stocks in the distribution chain.”
25. On 11<sup>th</sup> December, 2013, in the case of Suresh Kumar Koushal and Anr. v. NAZ Foundation

and Ors. [Civil Appeal No.10972 of 2013], it was held that Section 377 IPC does not suffer from the vice of unconstitutionality. The Court, however, made it clear that it had merely pronounced on the correctness of the view taken by the Delhi High Court on the constitutionality of Section 377 IPC and that notwithstanding this verdict, the competent legislature shall be free to consider the desirability and propriety of deleting Section 377 IPC from the statute book or amend the same as per the suggestion made by the Attorney General.

26. On 12<sup>th</sup> December, 2013, in the case of Deaf Employees Welfare Association and Anr. v. Union of India and Ors.[Writ Petition (C) No. 107 of 20112], it was held that “the deaf and dumb persons have an inherent dignity and the right to have their dignity respected and protected is the obligation on the State. Human dignity of a deaf and dumb person is harmed when he is being marginalized, ignored or devalued on the ground that the disability that he suffers is less than a visually impaired person” which “clearly violates Article 21 of the Constitution of India.” It was further held that comparison of disabilities among “persons of disabilities”, without any rational basis, is clearly violative of Articles 14 of the Constitution of India. Direction was also given to the respondents to grant transport allowance to deaf and dumb persons also on par with blinds and orthopaedically handicapped employees of Central and the State Governments and other establishments wherever such benefits have been extended to the blinds and orthopaedically handicapped employees.
27. On 17<sup>th</sup> December, 2013, in the case of Manohar Lal Sharma v. The Principal Secretary and Ors. [Writ Petition (Crl.)No. 120 of 2012], it was held that the approval of the Central Government is not necessary under Section 6A of the Delhi Special Police Establishment Act, 1946 in a matter where the inquiry/investigation into the crime under the Prevention of Corruption Act, 1988 is being monitored by the Constitutional Court.
28. On 17<sup>th</sup> December, 2013, in the case of Bhusawal Municipal Council v. Nivrutti Ramchandra Phalak and Ors. [Civil Appeal Nos.11227-28 of 2013], it was held that “if the land is to be acquired, law requires prompt payment of compensation. In case the party by whom or for whom the land is acquired is not in a position to make the payment of compensation, the person-aggrieved becomes entitled to get the land restored. Payment of compensation as per award under Section 11 of the Land Acquisition Act, 1894, cannot be sufficient security to serve the interest of the person-interested pending adjudication of appeal against the reference court's award.”

## **SOME RECENT MAJOR EVENTS AND THE INITIATIVES (01-10-2013 to 31-12-2013)**

- I. **FOREIGN DELEGATION TO SUPREME COURT:** On 28-11-2013, Mr. Kang, Il-Won, Justice of Constitutional Court of the Republic of Korea had a meeting with Hon'ble the Chief Justice of India in the chamber of His Lordship.
- II. **MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA):**
  - a) **TRAINING PROGRAMME OF THE MEMBER SECRETARIES OF THE STATE LEGAL SERVICES AUTHORITIES AND SECRETARY, SUPREME COURT LEGAL SERVICES COMMITTEE IN THE AREAS OF AUDIT AND ACCOUNTING PROCEDURE AT NIFM, FARIDABAD, HARYANA:** NALSA conducted five days' training programme of the Member-Secretaries of the State Legal Services Authorities and Secretary, Supreme Court Legal Services Committee in the areas of audit and accounting procedure from 1<sup>st</sup> October, 2013 to 5<sup>th</sup> October, 2013 at National Institute of Financial Management (NIFM), Faridabad to enable them to develop their skills and knowledge in financial matters while dealing with funds provided by NALSA and State Governments.
  - b) **NATIONAL LEVEL MEET OF PARA LEGAL VOLUNTEERS AT VIGYAN BHAWAN, NEW DELHI:** NALSA has framed a Scheme of Para Legal Volunteers which is a flagship programme of NALSA. The Para Legal Volunteers act as a bridge between the community and the legal services institutions. To commend the work of the best para legal volunteer and best district legal services authority, the aforesaid National Meet was organized on 26.10.2013 at New Delhi.
  - c) **NATIONAL LEGAL SERVICES DAY – 2013:** On 9<sup>th</sup> November, 1995 the Legal Services Authorities Act, 1987 was brought into force. Every year 9<sup>th</sup> November is observed as National Legal Services Day throughout the country. At the national level a function was organized in association with Delhi State Legal Services Authority on 9<sup>th</sup> November, 2013 at Vigyan Bhawan, New Delhi. Hon'ble Mr. Justice P. Sathasivam, Chief Justice of India & Patron-in-Chief, NALSA delivered commemorative address, Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India & Executive Chairman, NALSA delivered the presidential address. The programme was attended by Hon'ble judges of Supreme Court of India, Delhi High Court, Members NALSA, Members, DSLSA, Members of High Court Legal Services Committee and Judicial Officers, Lawyers and law students.
  - d) **NATIONAL LOK ADALAT:** A National Lok Adalat for settlement of cases in all the courts from the Supreme Court of India to the Taluk Courts was held on 23.11.2013 throughout the country. The National Lok Adalat was organised by Supreme Court/High Court Legal Services Committees, State/District Legal Services Authorities and Taluk Legal Services

Committees under the aegis of NALSA and was inaugurated by the Hon'ble Chief Justice of India at the Supreme Court of India.

The Lok Adalat benches from the Supreme Court to the Taluk Courts have had successful sittings and 71.78 lacs cases have been disposed of. Out of these 71.78 lacs cases, 9.75 lacs cases were criminal compoundable offence cases, 1.88 lacs cases were pertaining to Negotiable Instruments Act cases, 47,855 cases were Motor Accident Claims cases, 27,670 cases were matrimonial/family/maintenance cases, 8,000 were labour cases, 5,000 were land acquisition matters, 2.66 lacs cases were civil matters, 9.91 lacs cases were revenue matters, about 5,000 execution applications, 775 service matters, 3,484 cases were industrial disputes, 9,051 cases were Forest Act cases, 4.16 lacs cases were MGNREGA cases, 9,030 cases were miscellaneous appeals, 2.96 lacs cases were pertaining to municipal department, 7,653 were cases regarding consumer disputes, 2.80 lacs cases were petty criminal cases. 51 cases were also disposed of at the Supreme Court three Lok Adalat Benches and 5,513 at the High Courts.

### III. MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA):

- a) **National Conference of Judges of the District Judiciary on Enhancing Judicial Qualities, Attitude and Skills:** October 04 – 06, 2013: The objective of the National Conference of Judges of the District Judiciary on Enhancing Judicial Qualities, Attitudes and Skills was to identify a framework of core qualities, attitudes and skills that are essential for effective judging. The programme provided an opportunity to discuss these qualities and skills, the means and ways by which the same can be enhanced and applied by judges effectively. The programme stressed on the relevance of judicial ethics and accountability, and sought to identify and analyze the existing as well as potential threats to judicial independence.
- b) **National Conference of State Judicial Academies on Key Issues and Challenges in Judicial Education:** October 05 -06, 2013: This conference took stock of the progress made by the SJAs in implementing the new curriculum and in adopting new approaches to judicial education. The first meeting of the SJAs in this academic year undertook a critical analysis of the activities conducted at SJAs in the previous calendar year. It also looked for ways and means that need to be adopted in the direction of further strengthening judicial education in the country.
- c) **Regional Judicial Conference on Role of Courts in upholding Rule of Law (North Zone):** (Delhi, Punjab & Haryana, Allahabad, Uttarakhand, Himachal Pradesh and Jammu & Kashmir) : October 18 – 20, 2013: The third programme in the series of Regional Conferences was held in collaboration with the Jammu & Kashmir High Court and the J&K State Judicial Academy. The participants benefitted from the guidance and interaction with various resource persons including Justice T.S. Thakur, Judge, Supreme Court of India. The Public Law Lecture was delivered by Justice (Dr.) BS Chauhan.

- d) **National Conference of High Court Judges on International Law: October 26-27, 2013:** This conference identified and worked to understand the International legal norms and their application in domestic jurisprudence. The participating High Court Judges were offered an opportunity to interact with sitting and retired Supreme Court judges and experts in the field of international law.
- e) **National Conference of Judges of the District Judiciary on IPR and Cyber Laws: October 26-27, 2013:** Technology is being used very often in commissioning of crimes and many a times a computer is used as a means to commit a crime. Therefore to adjudicate cases involving digital evidence, the need for skilled adjudicators has arisen. Rapid growth is expected in disputes related to intellectual property rights and a large portion of future litigation is expected to be related to intellectual property. Keeping these aspects in mind NJA organised the said conference.
- f) **National Conference of the Judicial Members of the State Consumer Forums: November 09-10, 2013:** This conference provided the 17 members of the State Consumer Forums from across the country a common platform to share and discuss the major issues faced by them. It also gave them an opportunity to confer about the new legal developments in this area.
- g) **National Conference of Judges of the District Judiciary on Cases relating to Sessions Trial: November 08-10, 2013:** The basic objective of the programme was to help enhance the application of constitutional values in adjudication of criminal cases. The programme involved discussions on the role of courts in ensuring the adherence of laws and procedures in the light of the Constitution at each stage of Sessions trial i.e remand and bail, investigation, appreciation of evidence, decision making and sentencing. The programme focused on the timely disposal of the Sessions cases and how coordination of other stakeholders can be ensured in this regard. The issue of access to justice and compensation to victims of crime also formed part of the programme.
- h) **National Conference of Registrar Generals of High Courts on Court Administration and Management November 09, 2013:** The position of the Registrar General is of vital importance in the judicial system as they are the administrative heads. The Conference brought together 19 Registrar Generals wherein they were offered an opportunity to share their experiences, discuss and deliberate on various issues and challenges faced by them while dealing with the administration, management and control of the affairs of the High Courts.
- i) **National Conference of High Court Judges on the Role of Courts in the Protection of Social & Economic Rights: November 16-17, 2013:** The objective of this conference was to provide a platform to the judges from constitutional courts to delve deep into the above mentioned issues relating to social and economic rights and judicial enforcement of such rights.

- j) **National Conference of Judges of the District Judiciary on Issues relating to Women and Children: November 22-24, 2013:** Formulated to cover the goal of "Enhancing the Social impact of the Judicial System", this Conference on Women and Children brought together 29 judges from the District Judiciary. The aim of this programme was to sensitize the participant judges to the issues relating to women and children. The conference further provided them a common platform to deliberate and share experiences and seek remedies to the challenges faced by them.
- k) **Exposure Visit to National Judicial Institute (NJI), Ottawa, Canada: November 25-29, 2013:** The Director, National Judicial Academy, Bhopal led a Delegation which included Directors of some of the State Judicial academies in India, Joint Secretary, Department of Justice, Government of India as also some Officers of the United Nations Development Project (UNDP), New Delhi, India. This Exposure Visit was facilitated by the Government of India – UNDP Project of Access to Justice. During this visit, the Delegation had different sessions at the National Judicial Institute (NJI), Ottawa, Canada.
- l) **National Conference of Judges of the District Judiciary on Access to Justice: December 06-08, 2013:** The main objective of the conference was to discuss the major issues regarding access to justice in India and the role of district judiciary in enhancing it. The conference involved deliberations on legislative framework for legal aid, contribution of Supreme Court in expanding the scope of access to justice, power and functions of legal services authorities at district and sub-district level and impact of gram nyayalayas in increasing the access of people to justice among others.
- m) **National Conference of the Presiding Officers of CBI Courts: December 06-08, 2013:** The conference facilitated exchange of best practices among the judges presiding over the CBI courts and also offered the 27 presiding officers of CBI courts a forum to highlight the constraints faced by them and to look for remedies.
- n) **National Conference of State Judicial Academies on Continuing Judicial Education: Review of Research Activities and Refresher Programmes at SJAs : December 07-08, 2013:** The main objective of this two day programme was to re-emphasize the importance of research at the level of the SJAs. The conference took stock of the research activities undertaken by the state academies in the last calendar year and also explored the possibilities for future research activities. This programme involved discussions on new measures that could be adopted for enhancing co-operation between State Judicial Academies and National Judicial Academy and also between judicial academies and other research and educational institutions.
- o) **National Orientation Programme for Newly Appointed Civil Judges (Junior Division):** December 13-19, 2013: Apart from sensitizing the newly appointed Civil Judges to the various aspects of the judicial system, the objective of this Programme was to provide newly appointed civil judges (junior division) inputs on the critical factors that determine the

quality of a judicial system, to discuss the main national challenges facing the district judiciary in the 21<sup>st</sup> century and also the qualities, attitudes, skills and knowledge required of new members of the district judiciary. The Academy aimed not to teach the judges but rather assist them in enhancing the skills in deciding matters before them as sensitively and effectively as possible. The individual sessions touched upon various aspects related to judging with a special focus on the role of judges in a constitutional democracy.

- p) **National Orientation Programme for Additional District Judges: December 13-15, 2013:** This Conference focused on providing orientation to the ADJs to play a lead role in managing their courts. It further offered a unique opportunity to judges of the district judiciary to meet their counterparts from different parts of the country to share experiences, discuss problems, introspect, and above all develop solidarity with judicial officers across the nation. This programme aimed to orient and motivate district judiciary judges to play an important role at ensuring the independence of the judiciary at all tiers.
- q) **National Conference of Judges of the District Judiciary on Commercial and Economic Disputes: December 13-15, 2013:** The delay in adjudication of cases arising out of commercial and economic disputes not only affects the individual rights but also the economy as a whole. It is well accepted that these cases need a faster and economical resolution, but because of various factors, the adjudication process is slow leading to long delays. Therefore, the objective of this Conference was to allow for in-depth discussion on various aspects concerning Commercial and Economic adjudication.

## *SOME IMPORTANT VISITS AND CONFERENCES* **(From 01-10-13 to 31-12-13)**

### **ABROAD:**

1. Hon'ble Shri P. Sathasivam, CJI visited Singapore to officially participate in the 15<sup>th</sup> Conference of Chief Justice of Asia and the Pacific in conjunction with LAWASIA Conference being held from 28<sup>th</sup> to 30<sup>th</sup> October, 2013.
2. Hon'ble Dr. Justice B. S. Chauhan visited Kuala Lumpur, Malaysia to attend "First Asia and Pacific International Colloquium on Environmental Rule of Law-Defining a new future for Environmental Justice, Governance and Law" held on 11<sup>th</sup> and 12<sup>th</sup> December, 2013.
3. Hon'ble Mr. Justice A. K. Sikri visited Singapore to attend the Singapore International Arbitration Forum on 2<sup>nd</sup> December, 2013 and the Singapore Academy of Law's Visitors Programme on 3<sup>rd</sup> December, 2013.

### **INLAND**

1. Hon'ble Shri P. Sathasivam, CJI visited a) Coimbatore to attend (i) Combined Bar Function and (ii) Chamber of Commerce Function on 7<sup>th</sup> November, 2013; (b) Chennai (i) to attend Sensitization workshop on POCSO Act, 2012 at Tamil Nadu State Judicial Academy on 16<sup>th</sup> November, 2013; (ii) to address on "Skills in Advocacy Bench-Bar Relationship-Ethics in Judiciary" at Tamil Nadu State Judicial Academy and for Inauguration of 87<sup>th</sup> Annual Conference and Concert at Music Academy, Chennai on 15<sup>th</sup> December, 2013 and iii) to deliver 156<sup>th</sup> Convocation Address at Madras University, Chennai on 19<sup>th</sup> December, 2013 and (c) Mumbai for Inauguration of National Conference of All India Federation of Women Lawyers on 14<sup>th</sup> December, 2013.
2. Hon'ble Mr. Justice R. M. Lodha visited (a) Chandigarh to preside over the inaugural session of two days' National Judicial Conference on "Women Rights are Human Rights: Role of Judiciary to transform the Rhetoric into Reality" on 16<sup>th</sup> November, 2013; b) Jammu to attend Induction Programme for the newly recruited Judicial Officers (Junior Division) on 7<sup>th</sup> December, 2013 and c) Cuttack to attend function at Odisha Judicial Academy on 18<sup>th</sup> December, 2013.
3. Hon'ble Mr. Justice H. L. Dattu visited Hubli (Karnataka) to lay foundation stone for New Court Building on 19<sup>th</sup> October, 2013 and Raipur to chair the 'Executive Council' meeting of the Hidayatullah National Law University (HNLU), Raipur on 14<sup>th</sup> December, 2013.
4. Hon'ble Dr. Justice B. S. Chauhan visited a) Cuttack to attend function at Sahid Bhawan on 10<sup>th</sup> October, 2013; b) Allahabad to attend function in S. S. Khanna Girls' College on 2<sup>nd</sup> October, 2013; c) Chandigarh to attend National Judicial Conference on 16<sup>th</sup> November, 2013 and d) Lucknow to attend convocation of Dr. Ram Manohar Lohiya National Law University on 23<sup>rd</sup> November, 2013.
5. Hon'ble Mr. Justice A. K. Patnaik visited a) Indore to attend the International Conference on

“Gandhi Disarmament & Development” on 5<sup>th</sup> October, 2013; b) Cuttack (i) to attend Birth Centenary function of Late Sri Viswanath Pasayat on 10<sup>th</sup> October, 2013; (ii) to attend a function at New Academy Building of Odisha Judicial Academy, Cuttack on 30<sup>th</sup> November, 2013; (iii) to attend Judicial Colloquium by Odisha Judicial Academy, Cuttack at New Academy Building and to attend Inaugural function of the Lawyers' Academy on 18<sup>th</sup> December, 2013 and (ii) for Inauguration of the Teachers' Training Programme at National Law University, Odisha at Cuttack on 21<sup>st</sup> December, 2013; c) Morena to attend 80<sup>th</sup> Foundation Day Celebration of Morena District Bar Association on 26<sup>th</sup> October, 2013; d) Nagpur to attend the function of National Academy of Direct Taxes at Nagpur on 7<sup>th</sup> December, 2013; e) Raipur to attend the Golden Jubilee Function of Pt. Ravishankar Shukla University, Raipur on 14<sup>th</sup> December, 2013; (f) Raghunathpur, Distt. Jagatsinghpur (Odisha) to attend Diamond Jubilee Celebration of Purnachandra Vidyamandir, Raghunathpur on 22<sup>nd</sup> December, 2013 and (g) Berhampur, Ganjam (Odisha) to attend Annual Day Celebration of Ganjam Law College, Ambapura Main Road, Berhampur on 23<sup>rd</sup> December, 2013.

6. Hon'ble Mr. Justice T. S. Thakur visited a) Cuttack to attend the programme at Shahid Bhawan, Cuttack on 10<sup>th</sup> October, 2013; b) Srinagar to attend NJA Regional Conference (NZ) organised by J & K High Court, State Judicial Academy and National Judicial Academy during the period from 18<sup>th</sup> to 20<sup>th</sup> October, 2013; c) Chandigarh to inaugurate the Auditorium and Extension of Judges' Library Building of Punjab and Haryana High Court during the period from 25<sup>th</sup> to 28<sup>th</sup> October, 2013; d) Bengaluru to attend the International Conference on ADR – Conciliation and Mediation on 7<sup>th</sup> December, 2013 and e) Jammu to participate in the Induction programme of newly appointed Civil Judges at High Court Complex, Jammu on 7<sup>th</sup> December, 2013.
7. Hon'ble Mr. Justice Surinder Singh Nijjar visited Mumbai to inaugurate the Conference on Mediation on 15<sup>th</sup> December, 2013.
8. Hon'ble Mrs. Justice Gyan Sudha Misra visited a) Bhopal to attend the National Seminar on Empowerment of Women & Children on 30<sup>th</sup> November, 2013; b) Lucknow to attend the Inaugural Session of the 14<sup>th</sup> International Conference of Chief Justices of the World on Article 51 of the Constitution of India as Chief Guest at World Unity Convention Centre, Lucknow on 14<sup>th</sup> December, 2013 and c) Dehradun to inaugurate the Seminar and chair first session of the two days training programme for Police Personnel on Police Sensitization Programme on Human Rights during the period from 19<sup>th</sup> to 20<sup>th</sup> December, 2013.
9. Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya visited a) Chennai to deliver Lecture on “Protection of Women against Atrocities : Legal Remedies and Judicial Response” of this year conducted by Madras Bar Association and the Trustees of the “S. Viswanathan and B. R. Dolia Lecture Endowment Trust” on 7<sup>th</sup> November, 2013 and b) Bhopal to participate in the National Conference of Judges of the District Judiciary on issues relating to Women and Children on 23<sup>rd</sup> November, 2013.
10. Hon'ble Mr. Justice Ranjana Prakash Desai visited a) Chandigarh to attend the National Judicial Conference organized by Chandigarh Judicial Academy on 16<sup>th</sup> November, 2013

and b) Mumbai to attend the National Seminar organized by All India Federation of Women Lawyers at Dr. Kashinath Ghanekar Natyagraha, Thane on 14<sup>th</sup> December, 2013.

11. Hon'ble Mr. Justice Dipak Misra (a) inaugurated XI<sup>th</sup> All Delhi (NCR) Moot Court Competition held at Law Centre-I, University of Delhi on 5<sup>th</sup> October, 2013; b) attended the Prabir Palit Memorial Lecture, 2013 as Chief Guest at Cuttack, Odisha on the topic "Social Justice for the Poor and the Marginalized – A Judicial Perspective" on 16<sup>th</sup> November, 2013; c) attended the Celebration of the National Press Day at Bhubaneswar as Chief Guest organized by National Journalist Welfare Board on 16<sup>th</sup> November, 2013; d) attended the Annual Day Function of Association of Medical Consultants based in Mumbai (Reputed Association of Specialist Doctors hailing from all over Maharashtra) at Mumbai as Guest Speaker and delivered Key Note Address on the topic "Judicial Trends: In Criminal Law vis-a-vis Medical Practitioners in the context of Supreme Court Judgments in Re: Jacob Mathew vs. State of Punjab & Anr. (Crl. Appeal Nos. 144-145 of 2004 & Re: Martin F. D'Souza vs. Mohd. Ishfaq (Crl. Appeal No.3541 of 2002) on 24<sup>th</sup> November, 2013; e) attended the Seminar on the occasion of "20 years of Asian Patent Attorneys Association (Indian Group) at New Delhi and delivered Key Note Address on the topic "The Path of IPR & Innovation in India" on 23<sup>rd</sup> November, 2013 and f) chaired one of the Sessions "Judicial Harmonization of the NYC – Discussion of Best Practices" of Judicial Dialogue on the New York Convention 1958, organized by International Council for Commercial Arbitration at New Delhi on 23<sup>rd</sup> November, 2013.
12. Hon'ble Mr. Justice J. Chelameswar visited a) Cuttack to attend the function organised by Viswanath Pasayat Birth Centenary Committee on 10<sup>th</sup> October, 2013; b) Mumbai to attend the Award Ceremony at the 5<sup>th</sup> Rizvi Law College Saquib Memorial National Moot Court Competition held in the Moot Court Hall of Rizvi Law College, Bandra, Mumbai on 20<sup>th</sup> October, 2013 and c) Chandigarh to attend the National Judicial Conference on "Women rights are Human Rights : Role of Judiciary to transform the Rhetoric into Reality" on 16<sup>th</sup> November, 2013.
13. Hon'ble Mr. Justice F. M. Ibrahim Kalifulla visited (a) Sivagangai (Tamil Nadu) to attend inauguration of the combined Courts building and Malalir Neethimandram (Fast Track Mahila Court), Sivagangai on 9<sup>th</sup> October, 2013 and (ii) to attend and inaugurate the Library Sections in Madurai Bench of Madras High Court Bar Association on 10<sup>th</sup> October, 2013; and b) Chennai (i) to attend Special Programme on conclusion of the training of Civil Judges 2012 Batch at Tamil Nadu State Judicial Academy, Chennai on 9<sup>th</sup> November, 2013; (ii) to attend Special Programme for District Judges at Tamil Nadu State Judicial Academy, Chennai and to deliver speech on "An Endeavour: Mandatory Application of Mediation by Civil Courts in Pending Litigation on 7<sup>th</sup> December, 2013; (iii) to attend the 'Inaugural Function of the Launch of Redefining Legal Practice for Advocates-Generation Next (0-10 Years Practice) at District Level' at Tamil Nadu State Judicial Academy on 15<sup>th</sup> December, 2013 and (iv) to deliver a lecture at the Madras Bar Association, Chennai on the topic "Law Day and the Evolution of our Constitution" on 19<sup>th</sup> December, 2013.
14. Hon'ble Mr. Justice Madan B. Lokur visited a) Kavaratti Island to inaugurate the E-Courts project activities of Lakshdweep in Kavaratti District Court on 9<sup>th</sup> October, 2013; b) Guwahati on the Invitation of the President of AALA to attend the release of Publication – "A

History of Judiciary in Assam” on 5<sup>th</sup> October, 2013; c) Kochi to attend the South Zone Regional Conference on Mediation on 19<sup>th</sup> October, 2013; d) Shillong to release the official Newsletter of the Meghalaya State Legal Services Authority entitled “NEW LIGHT” on 16<sup>th</sup> November, 2013; e) Jaipur to participate in the West Zone Regional Conference on Mediation on 30<sup>th</sup> November, 2013 and f) Bhopal to attend the National Conference of State Judicial Academics on Continuing Judicial Education : Review of Research and Refresher Programmes at SJAs at Bhopal during the period from 6<sup>th</sup> to 8<sup>th</sup> December, 2013.

15. Hon'ble Mr. Justice V. Gopala Gowda visited a) Arkalgud, Karnataka for Inauguration of the newly constructed Senior Civil & JMFC Court Building (1<sup>st</sup> Floor), Arkalgud on 26<sup>th</sup> October, 2013 and b) Cuttack to deliver valedictory address in National Conference on “Plea Bargaining & Sentencing” at Odisha Judicial Academy, Cuttack during the period from 30<sup>th</sup> November to 1<sup>st</sup> December, 2013.
16. Hon'ble Mr. Justice Pinaki Chandra Ghose visited Ranchi to deliver an Address at the Central University of Jharkhand Auditorium, Brambe Campus, Jharkhand on 21<sup>st</sup> December, 2013.
17. Hon'ble Mr. Justice Kurian Joseph visited Shimla to inaugurate the new Administrative Block of the High Court of Himachal Pradesh on 5<sup>th</sup> October, 2013.
18. Hon'ble Mr. Justice A. K. Sikri visited a) Kochi to attend the South Zone Conference during the period from 18<sup>th</sup> to 20<sup>th</sup> October, 2013; b) Rishikesh to attend the All India Federation of Tax Practitioners (NZ), on 15<sup>th</sup> November, 2013 and c) Lucknow to attend the function of the Academic Council of Dr. Ram Manohar Lohia National Law University, Lucknow on 23<sup>rd</sup> November, 2013.
19. Hon'ble Mr. Justice C. Nagappan visited Salem (Tamil Nadu) to participate as Chief Guest in the Founders' Day Celebration of Karur Vysya Bank (KVB) at Park Plaza, Salem on 19<sup>th</sup> October, 2013.