



# COURT NEWS

Vol. X, Issue No. 3

July, 2015 - September, 2015



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# LIST OF SUPREME COURT JUDGES

(As on 30-09-2015)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice H.L. Dattu	17-12-2008 As CJI: 28-09-2014	03-12-2015
02.	Hon'ble Mr. Justice T.S. Thakur	17-11-2009	04-01-2017
03.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
04.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017
05.	Hon'ble Mr. Justice Dipak Misra	10-10-2011	03-10-2018
06.	Hon'ble Mr. Justice J. Chelameswar	10-10-2011	23-06-2018
07.	Hon'ble Mr. Justice F.M. Ibrahim Kalifulla	02-04-2012	23-07-2016
08.	Hon'ble Mr. Justice Ranjan Gogoi	23-04-2012	18-11-2019
09.	Hon'ble Mr. Justice Madan B. Lokur	04-06-2012	31-12-2018
10.	Hon'ble Mr. Justice M. Yusuf Eqbal	24-12-2012	13-02-2016
11.	Hon'ble Mr. Justice V. Gopala Gowda	24-12-2012	06-10-2016
12.	Hon'ble Mr. Justice Vikramajit Sen	24-12-2012	31-12-2015
13.	Hon'ble Mr. Justice Pinaki Chandra Ghose	08-03-2013	28-05-2017
14.	Hon'ble Mr. Justice Kurian Joseph	08-03-2013	30-11-2018
15.	Hon'ble Mr. Justice A.K. Sikri	12-04-2013	07-03-2019
16.	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
17.	Hon'ble Mr. Justice Shiva Kirti Singh	19-09-2013	13-11-2016
18.	Hon'ble Mr. Justice C. Nagappan	19-09-2013	04-10-2016
19.	Hon'ble Mr. Justice R.K. Agrawal	17-02-2014	05-05-2018
20.	Hon'ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022
21.	Hon'ble Mr. Justice Arun Mishra	07-07-2014	03-09-2020
22.	Hon'ble Mr. Justice Adarsh Kumar Goel	07-07-2014	07-07-2018
23.	Hon'ble Mr. Justice R.F. Nariman	07-07-2014	13-08-2021
24.	Hon'ble Mr. Justice Abhay Manohar Sapre	13-08-2014	28-08-2019
25.	Hon'ble Mr. Justice R. Banumathi	13-08-2014	20-07-2020
26.	Hon'ble Mr. Justice Prafulla C. Pant	13-08-2014	30-08-2017
27.	Hon'ble Mr. Justice Uday U. Lalit	13-08-2014	19-11-2022
28.	Hon'ble Mr. Justice Amitava Roy	27-02-2015	01-03-2018

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# VACANCIES IN THE COURTS

## A) SUPREME COURT OF INDIA (As on 30-09-2015)

Sanctioned Strength	Working strength	Vacancies
31	28	03

## B) HIGH COURTS (As on 30-06-2015)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	79	81
2	Andhra Pradesh & Telangana	49	28	21
3	Bombay	94	65	29
4	Calcutta	58	44	14
5	Chhatisgarh	22	9	13
6	Delhi	60	41	19
7	Gujarat	52	29	23
8	Gauhati	24	17	7
9	Himachal Pradesh	13	7	6
10	Jammu & Kashmir	17	10	7
11	Jharkhand	25	14	11
12	Karnataka	62	32	30
13	Kerala	38	38	0
14	Madhya Pradesh	53	33	20
15	Madras	60	38	22
16	Manipur	5	3	2
17	Meghalaya	3	3	0
18	Orissa	27	22	5
19	Patna	43	33	10
20	Punjab & Haryana	85	54	31
21	Rajasthan	50	29	21
22	Sikkim	3	3	0
23	Tripura	4	4	0
24	Uttarakhand	9	6	3
<b>Total</b>		<b>1016</b>	<b>641</b>	<b>375</b>

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

**C) DISTRICT & SUBORDINATE COURTS (As on 30-06-2015)**

S.No.	State/Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	2097	1774	323
2	Andhra Pradesh & Telangana	1034	812	222
3(a)	Maharashtra	2251	1741	510
3(b)	Goa	52	40	12
3(c)	Diu and Daman & Silvassa	7	6	1
4	West Bengal and Andaman & Nicobar	994	856	138
5	Chhatisgarh	356	296	60
6	Delhi	778	469	309
7	Gujarat	1914	1197	717
8(a)	Assam	423	309	114
8(b)	Nagaland	27	25	2
8(c)	Mizoram	67	31	36
8(d)	Arunachal Pradesh	16	15	1
9	Himachal Pradesh	146	138	8
10	Jammu & Kashmir	245	221	24
11	Jharkhand	590	369	221
12	Karnataka	1112	824	288
13(a)	Kerala	456	419	37
13(b)	Lakshadweep	3	3	0
14	Madhya Pradesh	1461	1234	227
15	Manipur	41	31	10
16	Meghalaya	39	30	9
17(a)	Tamil Nadu	1004	840	164
17(b)	Puducherry	21	9	12
18	Orissa	694	613	81
19	Bihar	1727	997	730
20(a)	Punjab	672	498	174
20(b)	Haryana	644	478	166
20(c)	Chandigarh	30	30	0
21	Rajasthan	1191	822	369
22	Sikkim	18	14	4
23	Tripura	104	72	32
24	Uttarakhand	281	208	73
<b>Total</b>		<b>20495</b>	<b>15421</b>	<b>5074</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 [01-07-2015 to 30-09-2015]

i) Table I

						Pendency (At the end of 30-06-2015)		
						Admission matters	Regular matters	Total matters
						35279	27002	62281
Institution (including unregistered CC matters and conversion) (01-07-2015 to 30-09-2015)			Disposal (including unregistered CC matters and conversion) (01-07-2015 to 30-09-2015)			Pendency (At the end of 30-09-2015)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
20573	2742	23315	22346	3340	25686	33506	26404	59910

ii) Table II

	OPENING BALANCE AS ON 01-07-15	INSTITUTION FROM 01-07-15 TO 30-09-15	DISPOSAL FROM 01-07-15 TO 30-09-15	PENDENCY AT THE END OF 30-09-15
Civil cases	50379	17426	19088	48717
Criminal cases	11902	5889	6598	11193
<b>ALL CASES (Total)</b>	<b>62281</b>	<b>23315</b>	<b>25686</b>	<b>59910</b>

**NOTE:**

1. Out of the 59910 pending matters as on 30-09-2015, if connected matters are excluded, the pendency is only of 36414 matters as on 30-09-2015.
2. Out of the 59910 pending matters as on 30-09-2015, 16534 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 43376 matters as on 30-09-2015.
3. Total institution shown above of 23315 includes conversion of 2742 matters from one case type to other and also registration of 7746 unregistered CC matters.
4. Total Disposal shown above of 25686 includes conversion of 2338 matters from one case type to other and also registration of 8869 unregistered CC matters.

## INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS

### HIGH COURTS (FROM 01-04-15 TO 30-06-15)

S. No.	Name of the High Court	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) (As on 1-4-2015)			Freshly instituted Cases during this Quarter (Nos.) (Civil/Crl.)			Disposed of Cases during this Quarter (Nos.) (Civil/Criminal)			Pending cases at the end of this Quarter (Nos.)(Civil/Criminal) (As on 30-6-2015)			% of Institution of Cases w.r.t Opening Balance as on 1-04-15	% of Disposal of Cases w.r.t Opening Balance as on 1-04-15	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-04-15
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Allahabad	652798	364883	1017681	41798	32537	74335	33666	26273	59939	660930	371147	1032077	7.30	5.89	1.41
2	Andhra Pradesh & Telangana	220361	35164	255525	15405	4315	19720	9607	3490	13097	226159	35989	262148	7.72	5.13	2.59
3	Bombay*	182619	42948	225567	16436	5748	22184	11440	4048	15488	187615	44648	232263	9.83	6.87	2.97
4	Calcutta*	178780	39458	218238	11780	4371	16151	10436	4751	15187	180124	39078	219202	7.40	6.96	0.44
5	Chhatisgarh	28420	16742	45162	3623	2970	6593	3221	2420	5641	28822	17292	46114	14.60	12.49	2.11
6	Delhi	51973	15021	66994	7399	3413	10812	5168	3011	8179	54204	15423	69627	16.14	12.21	3.93
7	Gujarat	55290	33019	88309	10449	8982	19431	10432	8096	18528	55307	33905	89212	22.00	20.98	1.02
8	Gauhati	35729	7477	43206	5106	2340	7446	4678	2716	7394	36157	7101	43258	17.23	17.11	0.12
9	Himachal Pradesh	30961	4965	35926	5604	1007	6611	8006	823	8829	28559	5149	33708	18.40	24.58	-6.17
10	Jammu & Kashmir	98183	6895	105078	8048	907	8955	6201	521	6722	100030	7281	107311	8.52	6.40	2.13
11	Jharkhand	42421	37169	79590	2370	5442	7812	2010	5173	7183	42781	37438	80219	9.82	9.03	0.79
12	Karnataka	201052	17424	218476	26705	3711	30416	19670	3031	22701	202087	18104	226191	13.92	10.39	3.53
13	Kerala	110391	37475	147866	20515	4940	25455	12065	5062	17127	118841	37353	156194	17.21	11.58	5.63
14	Madhya Pradesh	167471	93246	260717	16487	14494	30981	15439	11665	27104	168519	96075	264594	11.88	10.40	1.49
15	Madras	236735	35182	271917	22050	15764	37814	15180	16830	32010	243605	34116	277721	13.91	11.77	2.13
16	Manipur*	2962	119	3081	384	14	398	399	9	408	2947	124	3071	12.92	13.24	-0.32
17	Meghalaya	701	62	763	270	39	309	233	60	293	738	41	779	40.50	38.40	2.10
18	Orissa*	135983	35388	171371	7665	9024	16689	10762	8517	19279	134510	36087	170597	9.74	11.25	-0.45
19	Patna	79724	53474	133198	5772	16286	22058	6117	16186	22303	79379	53574	132953	16.56	16.74	-0.18
20	Punjab & Haryana	212618	72532	285150	15559	13759	29318	11069	9591	20660	217108	76700	293808	10.28	7.25	3.04
21	Rajasthan	171117	58328	229445	12190	10327	22517	8094	8248	16342	175213	60407	235620	9.81	7.12	2.69
22	Sikkim	82	37	119	39	21	60	50	32	82	71	26	97	50.42	68.91	-18.49
23	Tripura	3384	614	3998	644	197	841	917	234	1151	3111	577	3688	21.04	28.79	-7.75
24	Uttarakhand	17284	7079	24363	2528	1481	4009	2077	1043	3120	17735	7517	25252	16.46	12.81	3.65
	TOTAL	2917039	1014701	3931740	258826	162089	420915	206937	141830	348767	2970552	1035152	4005704	10.71	8.87	1.88

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

\* Figures revised by the High Court concerned.

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

### DISTRICT AND SUBORDINATE COURTS (FROM 01-04-15 TO 30-06-15)

S. No.	State/ Union Territory	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) (As on 1-4-2015)			Freshly instituted Cases during this Quarter (Nos.) (Civil/Crl.)			Disposed of Cases during this Quarter (Nos.) (Civil/Criminal)			Pending cases at the end of this Quarter (Nos.) (Civil/Criminal) (As on 30-6-2015)			% of Institution of Cases w.r.t Opening Balance as on 1-04-15	% of Disposal of Cases w.r.t Opening Balance as on 1-04-15	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-04-15
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Uttar Pradesh	1428395	4128416	5556811	118528	754791	873319	98474	687949	786423	1448449	4195258	5643707	15.72	14.15	1.56
2	Andhra Pradesh & Telangana	495612	539456	1035068	60534	95344	155878	55522	86813	142335	500624	547987	1048611	15.06	13.75	1.31
3(a)	Maharashtra	1052722	1868768	2921490	80211	331183	411394	69500	311919	381419	1063433	1888032	2951465	14.08	13.06	1.03
3(b)	Goa	21170	14304	35474	4134	5737	9871	2264	5129	7393	23040	14912	37952	27.83	20.84	6.99
3(c)	Diu and Daman	979	836	1815	159	254	413	192	228	420	946	862	1808	22.75	23.14	-0.39
3(d)	Silvassa	860	2295	3155	248	227	475	37	191	228	1071	2331	3402	15.06	7.23	7.83
4(a)	West Bengal	567023	2001333	2568356	39930	255565	295495	40992	240003	280995	565961	2016895	2582856	11.51	10.94	0.56
4(c)	Andaman & Nicobar	2951	6327	9278	216	1176	1392	115	1288	1403	3052	6215	9267	15.00	15.12	-0.12
5	Chhatisgarh	63179	213076	276255	8309	39183	47492	6100	33135	39235	65388	219124	284512	17.19	14.20	2.99
6	Delhi	132865	354238	487103	22848	158002	180850	19566	129459	149025	136147	382781	518928	37.13	30.59	6.53
7	Gujarat	656950	1509609	2166559	41336	232597	273933	33480	214695	248175	664806	1527511	2192317	12.64	11.45	1.19
8(a)	Assam	72452	186831	259283	10127	51591	61718	12688	40835	53523	69891	197587	267478	23.80	20.64	3.16
8(b)	Nagaland	1213	2428	3641	665	927	1592	319	1024	1343	1559	2331	3890	43.72	36.89	6.84
8(c)	Mizoram	1977	2265	4242	1589	1480	3069	1425	1339	2764	2141	2406	4547	72.35	65.16	7.19
8(d)	Arunachal Pradesh	466	4744	5210	176	336	512	289	903	1192	353	4177	4530	9.83	22.88	-13.05
9	Himachal Pradesh	91944	143585	235529	19293	61370	80663	17368	51476	68844	93869	153479	247348	34.25	29.23	5.02
10	Jammu & Kashmir	80610	111092	191702	17163	62516	79679	15831	59680	75511	81942	113928	195870	41.56	39.39	2.17
11	Jharkhand	65735	247926	313661	6946	27965	34911	6440	25398	31838	66241	250493	316734	11.13	10.15	0.98
12	Karnataka	658990	569258	1228248	71860	205107	276967	62436	191965	254401	668414	582400	1250814	22.55	20.71	1.84
13(c)	Kerala	421892	905936	1327828	72720	264445	337165	61500	219132	280632	433112	951249	1384361	25.39	21.13	4.26
13(b)	Lakshadweep	130	229	359	11	42	53	11	12	23	130	259	389	14.76	6.41	8.36
14	Madhya Pradesh	272313	914332	1186645	25623	218786	244409	21788	202637	224425	276148	930481	1206629	20.60	18.91	1.68
15	Manipur*	3645	3462	7107	533	571	1104	665	700	1365	3513	3333	6846	15.53	19.21	-3.67
16	Meghalaya	4073	10191	14264	1325	4736	6061	1102	4092	5194	4296	10835	15131	42.49	36.41	6.08
17(a)	Tamil Nadu	620876	424655	1045531	75849	134653	210502	62751	129842	192593	633974	429466	1063440	20.13	18.42	1.71
17(b)	Puducherry	12757	12679	25436	1675	2391	4066	1416	1982	3398	13016	13088	26104	15.99	13.36	2.63
18	Orissa	250212	839961	1090173	16133	64749	80882	9621	45129	54750	256724	859581	1116305	7.42	5.02	2.40
19	Bihar*	314599	1643323	1957922	19739	105430	125169	11901	69931	81832	322436	1678807	2001243	6.39	4.18	2.21

Contd....

\* Figures revised by the High Court concerned.



20(a)	Punjab	247976	257204	505180	37328	91835	129163	33305	79943	113248	251999	269096	521095	25.57	22.42	3.15
20(b)	Haryana	230224	273286	503510	32508	82062	114570	30254	70664	100918	232478	284684	517162	22.75	20.04	2.71
20(c)	Chandigarh	16906	22623	39529	2701	26311	29012	3013	28159	31172	16594	20775	37369	73.39	78.86	-5.46
21	Rajasthan	456109	961531	1417640	59410	288426	347836	57587	286477	344064	457932	963480	1421412	24.54	24.27	0.27
22	Sikkim	343	712	1055	158	380	538	159	314	473	342	778	1120	51.00	44.83	6.16
23	Tripura	9836	110453	120289	1577	53454	55031	1625	56148	57773	9788	107759	117547	45.75	48.03	-2.28
24	Uttarakhand	29819	113237	143056	8056	66086	74142	7289	56078	63367	30586	123245	153831	51.83	44.30	7.53
	Total	8287803	18400601	26688404	859618	3689708	4549326	747025	3334669	4081694	8400395	18755625	27156020	17.05	15.29	1.75

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

# SOME SUPREME COURT JUDGMENTS/ ORDERS OF PUBLIC IMPORTANCE

(01-07-2015 TO 30-09-2015)

1. On 1st July, 2015, in the case of Indian Performing Rights Society Ltd. v. Sanjay Dalia & Anr. [Civil Appeal Nos.10643-10644 of 2010], the question arising for consideration related to the interpretation of section 62 of the Copyright Act, 1957 and section 134(2) of the Trade Marks Act, 1999 with regard to the place where a suit can be instituted by the plaintiff.

On consideration of the provisions contained in section 20 of the CPC, section 62 of the Copyright Act and section 134 of the Trade Marks Act, and the object with which the latter provisions have been enacted, the Supreme Court held that "if a cause of action has arisen wholly or in part, where the plaintiff is residing or having its principal office/carries on business or personally works for gain, the suit can be filed at such place/s. Plaintiff(s) can also institute a suit at a place where he is residing, carrying on business or personally works for gain de hors the fact that the cause of action has not arisen at a place where he/they are residing or any one of them is residing, carries on business or personally works for gain. However, this right to institute suit at such a place has to be read subject to certain restrictions, such as in case plaintiff is residing or carrying on business at a particular place/having its head office and at such place cause of action has also arisen wholly or in part, plaintiff cannot ignore such a place under the guise that he is carrying on business at other far flung places also. The very intendment of the insertion of provision in the Copyright Act and Trade Marks Act is the convenience of the plaintiff. The rule of convenience of the parties has been given a statutory expression in section 20 of the CPC as well. The interpretation of provisions has to be such which prevents the mischief of causing inconvenience to parties."

It was further held that "the provisions of section 62 of the Copyright Act and section 134 of the Trade Marks Act never intended to operate in the field where the plaintiff is having its principal place of business at a particular place and the cause of action has also arisen at that place so as to enable it to file a suit at a distant place where its subordinate office is situated though at such place no cause of action has arisen. Such interpretation would cause great harm and would be juxtaposed to the very legislative intendment of the provisions so enacted."

2. On 1st July, 2015, in the case of State of M.P. v. Madanlal [Criminal Appeal No. 231 of 2015] it was held that "in a case of rape or attempt of rape, the conception of compromise under no circumstances can really be thought of. These are crimes against the body of a woman which is her own temple. These are offences which suffocate the breath of life and sully the reputation. And reputation, needless to emphasise, is the richest jewel one can conceive of in life. No one would allow it to be extinguished. When a human frame is defiled, the "purest treasure", is lost. Dignity of a woman is a part of her non-perishable and immortal self and no one should ever think of painting it in clay. There cannot be a compromise or settlement as it would be against her honour which matters the most. It is sacrosanct. Sometimes solace is given that the perpetrator of the crime has acceded to enter into wedlock with her

which is nothing but putting pressure in an adroit manner; and we say with emphasis that the Courts are to remain absolutely away from this subterfuge to adopt a soft approach to the case, for any kind of liberal approach has to be put in the compartment of spectacular error. Or to put it differently, it would be in the realm of a sanctuary of error." The Bench held that "such an attitude reflects lack of sensibility towards the dignity, the elan vital, of a woman. Any kind of liberal approach or thought of mediation in this regard is thoroughly and completely sans legal permissibility."

3. On 2nd July, 2015, in the case of S.R. Sukumar v. S. Sunaad Raghuram [Criminal Appeal No. 844 of 2015], while considering the issue as to whether the respondent could be permitted to carry out amendment in a criminal complaint, it was held that "if the amendment sought to be made relates to a simple infirmity which is curable by means of a formal amendment and by allowing such amendment, no prejudice could be caused to the other side, notwithstanding the fact that there is no enabling provision in the Code for entertaining such amendment, the Court may permit such an amendment to be made. On the contrary, if the amendment sought to be made in the complaint does not relate either to a curable infirmity or the same cannot be corrected by a formal amendment or if there is likelihood of prejudice to the other side, then the Court shall not allow such amendment in the complaint." It was further held that in the instant case, though, the proposed amendment was not a formal amendment, but a substantial one, the Magistrate was justified in allowing the amendment application considering the following factors:- Firstly, the Magistrate was yet to apply the judicial mind to the contents of the complaint and had not taken cognizance of the matter. Secondly, since summons was yet to be ordered to be issued to the accused, no prejudice would be caused to the accused. Thirdly, the amendment did not change the original nature of the complaint being one for defamation. Fourthly, the publication of a poem being in the nature of subsequent event created a new cause of action in favour of the respondent which could have been prosecuted by the respondent by filing a separate complaint and therefore to avoid multiplicity of proceedings, the trial court allowed the amendment application.
4. On 3rd July, 2015 in the case of State of Madhya Pradesh v. Anoop Singh [Criminal Appeal No. 442 of 2010], on the issue as to whether the rape victim was below 16 years of age at the time of the incident, the prosecution adduced two documents- birth certificate and middle school examination certificate. On facts and circumstances of the case, it was held that the said two documents could be used for ascertaining the age of the prosecutrix as per Rule 12(3)(b) of the Juvenile Justice (Care and Protection of Children) Rules, 2007, and that the discrepancy of two days in the dates mentioned in the two documents was immaterial. With respect to the finding arrived at by the High Court on the basis of ossification test, that the victim was more than 18 years of age at the time of the incident, it was held that the "High Court should have relied firstly on the documents as stipulated under Rule 12(3)(b) and only in the absence, the medical opinion should have been sought."
5. On 6th July, 2015, in the case of ABC v. The State (NCT of Delhi) [Civil Appeal No. 5003 of 2015], while considering the issue as to whether it is imperative for an unwed mother to specifically notify the putative father of the child whom she has given birth to, in her petition for appointment as the guardian of her child, it was held that "the views of an uninvolved father "are not essential to protect the interests of a child born out of wedlock and being raised solely by his/her mother." There is "no mandatory and inflexible procedural requirement

of notice to be served to the putative father in connection with a guardianship or custody petition preferred by the natural mother of the child of whom she is the sole caregiver." It was held that "if a single parent/unwed mother applies for the issuance of a Birth Certificate for a child born from her womb, the Authorities concerned may only require her to furnish an affidavit to this effect, and must thereupon issue the Birth Certificate, unless there is a Court direction to the contrary." The Bench held that "it is the responsibility of the State to ensure that no citizen suffers any inconvenience or disadvantage merely because the parents fail or neglect to register the birth. Nay, it is the duty of the State to take requisite steps for recording every birth of every citizen."

6. On 7th July, 2015, in the case of Riju Prasad Sarma etc. etc. v. State of Assam & Ors. [Civil Appeal Nos.3276-3278 of 2013], it was held that religious freedoms protected by Articles 25 and 26 of the Constitution "can be curtailed only by law, made by a competent legislature to the permissible extent. The Court can surely examine and strike down a State action or law on the grounds of Articles 14 and 15. But in a pluralist society as existing in India, the task of carrying out reforms affecting religious believes has to be left in the hands of the State." It was held that "while performing judicial functions stricto-sensu, the Judiciary cannot and should not be equated with other organs of State - the executive and the legislature. This also fits in harmony with the concept of separation of powers and spares the judiciary or the courts to dispassionately examine the constitutionality of State action allegedly curbing or curtailing the fundamental rights including those under Articles 25 and 26. The Bench held that "while acting on the judicial side the courts are not included in the definition of the State. Only when they deal with their employees or act in other matters purely in administrative capacity, the courts may fall within the definition of the State for attracting writ jurisdiction against their administrative actions only."
7. On 24th July, 2015, in the case of Dilip K. Basu v. State of West Bengal & Ors. [Crl.M.P. No.16086 of 1997 in Crl.M.P. No.4201 of 1997], with reference to the use of the word 'may' in sub-Section (1) of Section 21 of the Protection of Human Rights Act, 1993 while providing for the setting-up of a State Human Rights Commission; and in contrast use of the word 'shall' in sub-Section (3) of Section 21 while providing for constitution of a National Commission, it was held that "the use of word 'may' is not by itself determinative of the true nature of the power or the obligation conferred or created under a provision." The use of word 'may' does not always mean that the authority upon which the power is vested may or may not exercise that power. Whether or not the word 'may' should be construed as mandatory and equivalent to the word 'shall' would depend upon the object and the purpose of the enactment under which the said power is conferred as also related provisions made in the enactment. The word 'may' has been often read as 'shall' or 'must' when there is something in the nature of the thing to be done which must compel such a reading. In other words, the conferment of the power upon the authority may having regard to the context in which such power has been conferred and the purpose of its conferment as also the circumstances in which it is meant to be exercised carry with such power an obligation which compels its exercise." The Bench held that "there is no reason why the State Governments should not seriously consider the question of specifying human rights Court to try offences arising out of violation of human rights." "The least which the State Governments can and ought to do is to take up the matter with the Chief Justices of High Courts of their respective States and examine the feasibility of specifying Human Rights Court in each district within the contemplation of Section 30 of the Protection of Human Rights Act, 1993."

8. On 29th July, 2015, in the case of Yakub Abdul Razak Memon v. State of Maharashtra, Thr. the Secretary, Home Department and Others [Writ Petition (Crl.) No.129 of 2015], where the conviction of the petitioner and the death warrant issued against him by the Designated TADA Court was confirmed by the Supreme Court, and the Review Petition as well as the Curative Petition filed by the petitioner were also dismissed, question arose for consideration as to whether dismissal of the curative petition was vitiated by any kind of procedural irregularity. It was held that on facts, the curative petition that was decided by three senior-most Judges of this Court, could neither be regarded as void or nullity nor could it be said that there was any impropriety in the constitution of the Bench.
9. On 30th July, 2015, in the case of Yakub Abdul Razak Memon v. State of Maharashtra and Anr. [Writ Petition (Crl.) No. 135 of 2015], where the petitioner was convicted in the "Bombay Blast Case' and sentenced to death, issue arose for consideration as to whether he was entitled to get 14 days' time to assail the rejection of his mercy petition. The Supreme Court held that "when the first mercy petition was rejected, there was sufficient time available to the petitioner to make arrangement for his family members to meet him in prison and make necessary worldly arrangements" and despite sufficient time, the petitioner chose not to challenge the same'. It was held that though the first mercy petition was submitted by the brother of the petitioner, but as the facts would clearly show, he was aware of the same. Regard being had to the totality of facts and circumstances of the case, it was held that it cannot be said that the present mercy petition was preferred by the petitioner for the first time and, therefore, to grant further time to the petitioner to challenge the rejection of the second mercy petition for which one would have to stay the execution of the death warrant would be nothing but travesty of justice.
10. On 21st August, 2015, in the case of Vikram Singh @ Vicky & Anr. v. Union of India & Ors. [Criminal Appeal No.824 of 2013], it was held that (a) punishments must be proportionate to the nature and gravity of the offences for which the same are prescribed; (b) prescribing punishments is the function of the legislature and not the Courts; (c) the legislature is presumed to be supremely wise and aware of the needs of the people and the measures that are necessary to meet those needs;(d) Courts show deference to the legislative will and wisdom and are slow in upsetting the enacted provisions dealing with the quantum of punishment prescribed for different offences; (e) Courts, however, have the jurisdiction to interfere when the punishment prescribed is so outrageously disproportionate to the offence or so inhuman or brutal that the same cannot be accepted by any standard of decency; (f) Absence of objective standards for determining the legality of the prescribed sentence makes the job of the Court reviewing the punishment difficult; (g) Courts cannot interfere with the prescribed punishment only because the punishment is perceived to be excessive; (h) In dealing with questions of proportionality of sentences, capital punishment is considered to be different in kind and degree from sentence of imprisonment. The result is that while there are several instances when capital punishment has been considered to be disproportionate to the offence committed, there are very few and rare cases of sentences of imprisonment being held disproportionate. In this very case, question arose for consideration as to whether the provisions of Section 364A insofar as the same prescribes death or life imprisonment is unconstitutional on account of the punishment being disproportionate to the gravity of the crime. Answering the question in the negative, the Court held that "the gradual growth of the challenges posed by kidnapping and abductions for

ransom, not only by ordinary criminals for monetary gain or as an organized activity for economic gains but by terrorist organizations is what necessitated the incorporation of Section 364A of the IPC and a stringent punishment for those indulging in such activities. Given the background in which the law was enacted and the concern shown by the Parliament for the safety and security of the citizens and the unity, sovereignty and integrity of the country, the punishment prescribed for those committing any act contrary to Section 364A cannot be dubbed as so outrageously disproportionate to the nature of the offence as to call for the same being declared unconstitutional. Judicial discretion available to the Courts to choose one of the two sentences prescribed for those falling foul of Section 364A will doubtless be exercised by the Courts along judicially recognized lines and death sentences awarded only in the rarest of rare cases. But just because the sentence of death is a possible punishment that may be awarded in appropriate cases cannot make it per se inhuman or barbaric." It was held that assumed hypothetical situations cannot be brought to bear upon the vires of Section 364A.

11. On 17th September, 2015, in the case of Committee for C.R. of C.A.P. & Ors. v. State of Arunachal Pradesh & Ors. [Writ Petition (Civil) No.510 of 2007], a petition had been filed under Article 32 of the Constitution mainly seeking direction against Union of India through Ministry of Home Affairs to grant citizenship to the 'Chakma' and 'Hajong' Tribals who migrated to India in 1964-1969 and were settled in the State of Arunachal Pradesh. The Supreme Court directed the Government of India and the State of Arunachal Pradesh to finalise the conferment of citizenship rights on eligible 'Chakmas' and 'Hajongs' and also to ensure compliance of directions in judicial decisions for protection of their life and liberty and against their discrimination in any manner.
  
12. On 22nd September, 2015 in the case of Sushil Ansal v. State through CBI [Criminal Appeal No.597 of 2010], i.e. in the Uphaar Fire tragedy case, a three Judge Bench held that ends of justice would be met if accused-appellant nos. 1 and 2 were directed to pay fine so that the amount of fine can be used either for the purpose of setting up a Trauma Centre in NCT of Delhi or for upgrading Trauma Centres of Hospitals managed in NCT of Delhi by the Government of Delhi. Directing that a fine of Rs.30 crore be imposed on each of the two accused-appellants, the Bench held that as appellant no.1 was fairly aged, it may not be fruitful to ask him to undergo rigorous imprisonment and on the ground of parity and on the peculiar facts of this case, appellant no.2 may also not be constrained to undergo the sentence, if he also pays the same amount of fine.

## **SOME IMPORTANT VISITS AND CONFERENCES**

### **(From 01-07-15 to 30-09-15)**

1. Hon'ble Shri H. L. Dattu, Chief Justice of India visited a) Bengaluru to inaugurate the New Guest House of the High Court of Karnataka at Nyayagrama, Hebbal, Bengaluru on 19th July, 2015; b) Bhubaneswar to preside over the Inaugural Session of the All India Seminar on Global Legal Education at Kalinga Institute of Industrial Technology, Bhubaneswar on 8th August, 2015; c) Bengaluru (i) to chair the General Council Meeting of the National Law School of India University on 29th August, 2015 and (ii) to preside over the XXIII Convocation of the National Law School of India University on 30th August, 2015; and d) Raipur to chair the Meeting of the Executive Council and to preside over the meeting of the General Council of the Hidayatullah National Law University on 22nd August, 2015.
2. On 6-8-2015, Hon'ble the Chief Justice of India had a meeting in the Chamber of His Lordship with Hon'ble Antonio T. Carpio, Associate Judge of the Supreme Court of the Republic of the Philippines.
3. Hon'ble Mr. Justice T. S. Thakur visited a) Bhubaneswar to attend All India Seminar organized by the Confederation of Indian Bar on 'Global Legal Education' at Kalinga Institute of Industrial Technology during the period from 8th to 9th August, 2015; b) Bengaluru to attend Meetings of Executive Council, General Council and 73rd Convocation of National Law School of India University during the period from 29th to 30th August, 2015; and c) Goa to attend 26th POLA Summit (Presidents of Law Association of Asia), 2015 organised by the Bar Association of India on 25th September, 2015 and to attend programme organized by the Goa Legal Services Authority on 26th September, 2015.
4. Hon'ble Mr. Justice Anil R. Dave a) visited Patiala for Inauguration of New Academic Session 2015-16 and Library Building Campus of RGNUL, Patiala on 12th July, 2015; b) attended Orientation Programme as a Chief Guest for LL.B. students at Law Center-1, Faculty of Law, Delhi University (North Campus) on 1st August, 2015; c) visited Bhubaneswar to attend programmes arranged by KIIT University during the period from 7th to 9th August, 2015; d) visited Bengaluru to attend Convocation at National Law School of India University, Bengaluru from 29th to 30th August, 2015; e) attended 2nd Education of NLU Delhi - HSF - International Negotiation Competition followed by Award & Valedictory Ceremony on 13th September, 2015 and f) visited Jaipur as a Chief Guest at "5th FYLC - Ranka National Moot Court Competition, 2015" from 25th to 26th September, 2015.
5. Hon'ble Mr. Justice Dipak Misra visited a) Bhubaneswar as a Chief Guest at the Foundation Day Celebration of State Administrative Tribunal, Bhubaneswar, organized by OSAT Bar Association on 25th July, 2015 and b) Cuttack to preside over and attend the 2nd Convocation of National Law University, Odisha, Cuttack, at Convocation Hall of NLU, Odisha Kathajodi Campus, Sector-13, CDA, Cuttack on 8th August, 2015.

6. Hon'ble Mr. Justice J. Chelameswar visited a) Chennai to attend the "Lawyers Meet 2015" organized by the Bar Council of India at Rajendra Hall, ITC Grand Chola, Guindy on 25th July, 2015; b) Sonapat (Haryana) to attend the Fourth Convocation of the O.P. Jindal Global University as Guest of Honour on 7th August, 2015; c) Bengaluru (i) to attend General Council Meeting of NLSIU at Conference Hall at Training Centre, NLSIU on 29th August, 2015 and (ii) to attend 23rd Annual Convocation of NLSIU at NLSIU Campus on 30th August, 2015 and d) Chennai to attend the Vicennial Celebration of Dharmamurthi Rao Bahadur Calavala Cunnan Chetty's Hindu College on 19th September, 2015.
7. Hon'ble Mr. Justice F. M. Ibrahim Kalifulla visited a) Chennai (i) to attend "Lawyers Meet, 2015" on "Public Litigation Policy, Access to Justice and Environmental Law" at Rajendra Hall, ITC Grand Chola, Guindy, Chennai and (ii) to attend Inauguration of Library and Library Section in the name of "Justice Fakir Mohamed Section" in the Labour Law Practitioner's Association premises at Chennai on 25th July, 2015; b) Mumbai as a Chief Guest of the Independence Day Celebrations of the Maharashtra National Law University in co-ordination with TISS and to hoist the National Flag at Maharashtra National Law University, New Camp Office: Tata Institute of Social Sciences, V. N. Purav Marg, Deonar, Chembur, Mumbai on 15th August, 2015 and c) Chennai to attend 20th Annual Day Celebrations of "Sri R. M. Jain Vidhyashram" at V. M. Nagar, Tiruvallur on 22nd August, 2015.
8. Hon'ble Mr. Justice Madan B. Lokur visited a) Ahmedabad to inaugurate the National Seminar organized by Unitedworld School of Law, Karnavati, Knowledge Village Uvarsad, Gandhinagar, Gujarat and also to deliver keynote address as Chief Guest during the period from 24th to 25th July, 2015; b) Bhubaneswar to attend the All India Seminar on 'Global Legal Education' organized in association with Kalinga Institute of Industrial Technology (KIIT) University at University Convention Centre, Bhubaneswar during the period from 7th to 9th August, 2015; c) Patna to attend the Regional Consultation on Strengthening Rehabilitation of Children under the Juvenile Justice (Care and Protection of Children) Act, 2000 organized by the Supreme Court Committee on Juvenile Justice and the Patna High Court Committee on Juvenile Justice at State Judicial Academy, Patna during the period from 28th to 30th August, 2015; d) Bhopal to attend Workshop on Impact Assessment: Methods Available as a resource person during the period from 4th to 6th September, 2015; e) Kolkata to attend the Regional Consultation on Strengthening Rehabilitation of Children under the Juvenile Justice (Care and Protection of Children) Act, 2000 organized by the Supreme Court Committee on Juvenile Justice and the Calcutta High Court Committee on Juvenile Justice at High Court Sesquicentennial Hall, Kolkata during the period from 11th to 13th September, 2015 and f) Lucknow to attend the Regional Conference on Mediation during the period from 26th to 27th September, 2015.
9. Hon'ble Mr. Justice M. Y. Eqbal visited a) Chennai, Tamil Nadu to attend inaugural function of "Lawyers' Meet 2015" on "Public litigation Policy and Access to Justice" as Guest of Honour organized by Bar Council of India on 25th July, 2015; b) Judicial Academy, Ranchi, Jharkhand as Chief Guest of the inaugural function pertaining to induction course for the newly appointed Judicial Officers commencing 16th August, 2015; c) Lucknow as Chief Guest of the "Law Conference" organized by the Bar Council of India on 22nd August, 2015 and d) Kolkata to attend Regional Consultation on effective implementation of Juvenile Justice Act



for the participating North-Eastern States organized by High Court Judges Committee during the period from 12th to 13th September, 2015.

10. Hon'ble Mr. Justice V. Gopala Gowda visited a) Bengaluru to attend the Inaugural function of the New High Court Guest House at Nyayagrama, Hebbal, Bengaluru as a Chief Guest on 19th July, 2015; b) Chennai to attend the Inaugural function of "Lawyers' Meet 2015" as Guest of Honour at Rajendra Hall, ITC Grand Chola, Guindy, Chennai on 25th July, 2015; c) Cuttack (i) to attend the Second Convocation at National Law University, Odisha at Cuttack, (ii) to attend the All India Seminar at KIIT University on 8th August, 2015 and (iii) to chair the working sessions at All India Seminar at KIIT University on 9th August, 2015; d) Patiala to deliver a lecture to the faculty and students of Rajiv Gandhi National University of Law, Punjab, Sidhwal, Bhadson Road, Patiala on 22nd August, 2015; e) Bengaluru (i) to attend the General Council Meeting of National Law School of India University at the Conference Hall at Training Centre, NLSIU, Nagarbhavi, Bengaluru on 29th August, 2015 and (ii) to attend the Annual Convocation of National Law School of India University at the Conference Hall at University Campus, Nagarbhavi, Bengaluru on 30th August, 2015; and f) Gudibande, Chikkaballapur to inaugurate the newly constructed Civil Judge & JMFC Building at Court Premises at Gudibande and (b) Sidlaghatta, District Chikkaballapur to inaugurate the newly constructed Civil Judge and JMFC Building at Court Premises on 6th September, 2015.
11. Hon'ble Mr. Justice Kurian Joseph visited a) Bhopal to address the National Conference of Newly Elevated High Court Judges organized by the National Judicial Academy, Bhopal during the period from 22nd to 23rd August, 2015; b) Chennai, to address the Lawyers' Meet-2015 organized by the Bar Council of India on 25th July, 2015; c) Kozhikode to deliver Valedictory Address at the National Seminar organized by the Bar Association of India on 1st August, 2015; and again d) Bhopal (i) to address the National Judicial Academy programme on "Advanced Course for Justice Handling commercial Matters" on 30th August, 2015; (ii) to address the Workshop on "Methods Available for Impact Assessment" organized by National Judicial Academy on 6th September, 2015; (iii) to address the Workshop on "Court Room Technology" organized by the National Judicial Academy, Bhopal on 13th September, 2015 and (iv) to address the Conference on "Public Trust & Confidence in Justice System" organized by the National Judicial Academy, Bhopal on 20th September, 2015.
12. Hon'ble Mr. Justice A. K. Sikri visited a) Neemrana (Rajasthan) to attend the Flag Hoisting Ceremony organized by Raffles University, Japanese Zone, National Highway-8, Neemrana (Rajasthan) on 15th August, 2015; b) Bengaluru to attend the Executive and General Council meetings as also Convocation of the National Law School of India University, Bengaluru during the period from 29th to 30th August, 2015; and c) Udaipur to attend the National Legal Seminar organized by the Bar Association of Udaipur, celebrating its 50th year of establishment during the period from 26th to 27th September, 2015.
13. On 11-8-2015, Hon'ble Mr. Justice A.K. Sikri had a meeting at the Residential Office of His Lordship with a 3 member delegation consisting of Mr. Justin Antonipillai, Deputy General counsel of U.S. Department of Commerce; Ms. Nancy V. Alquist, Chief Judge, U.S.

Bankruptcy Court, U.S. District Court for the District of Maryland; and Mr. Steve Gardner, Chief Counsel, Commercial Law Development Program (CLDP).

14. Hon'ble Mr. Justice S. A. Bobde visited Bengaluru to attend the meeting of the General Council and 23rd Annual Convocation of National Law School of India University during the period from 29th to 30th August, 2015.
15. Hon'ble Mr. Justice Shiva Kirti Singh visited a) Patna to attend the Pt. Tara Kant Jha Memorial Lecture during the period from 11th to 12th July, 2015; b) Rajgir to attend as Chief Guest the Regional Event at Rajgir, as part of Centenary Celebrations of the Patna High Court on 26th July, 2015; c) Bhubaneswar to attend the All India Seminar on 'Global Legal Education' organized by Confederation of Indian Bar in association with Kalinga Institute of Industrial Technology University during the period from 8th to 9th August, 2015 and d) Patna to attend the Regional Consultation on Strengthening Rehabilitation of Children under the Juvenile Justice (Care and Protection of Children) Act, 2000 on 29th August, 2015.
16. Hon'ble Mr. Justice N. V. Ramana visited Bhubaneswar (i) to attend the Inauguration of All India Seminar on "Global Legal Education" at KIIT University on 8th August, 2015 (ii) to attend Cultural Evening at May Fair Convension Hall, Bhubaneswar on 8th August, 2015 and (iii) to chair Session No.4 at Seminar Hall No.4 on the topic "Role of Lawyers in upholding Rule of Law" on 9th August, 2015.
17. Hon'ble Mr. Justice C. Nagappan visited Chennai to attend Lawyers' Meet 2015 organized by Bar Council of India at ITC Grand Chola on 25th July, 2015.
18. Hon'ble Mr. Justice R. K. Agrawal visited Lucknow (i) to participate in the Conference organized by the Bar Council of India at Scientific Convention Centre Management Society, 1, Shah Mina Road, Chowk, (Opp. Gautam Buddha Park), Lucknow on 22nd August, 2015; and (ii) to participate in the Regional Conference on Mediation organized by the Mediation and Conciliation Project Committee of the Supreme Court of India at IJTR, Gomti Nagar, Lucknow on 26th September, 2015.
19. Hon'ble Mr. Justice Arun Mishra visited Bhubaneswar to attend All India Seminar to be conducted by the Confederation of Indian Bar, New Delhi during the period from 7th to 9th August, 2015.
20. Hon'ble Mr. Justice A. K. Goel visited a) Chandigarh to attend the Low Budget Regional Conference organized by Mediation & Conciliation Project Committee on 22nd August, 2015; and b) Guwahati to attend the Refresher Training Programme for Legal and Counsels organized by the Assam State Legal Services Authority at Administrative Staff College, Jawahar Nagar, Khanapara, Guwahati on 27th September, 2015.
21. Hon'ble Mrs. Justice R. Banumathi visited Chennai to attend the function organized by the Bar Council of India during the period from 24th to 27th July, 2015.



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**Highlights of the issue**

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