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## SUPREME COURT OF INDIA

### PRACTICE & PROCEDURE

### A HANDBOOK OF INFORMATION

FOREWORD BY

HON'BLE SHRI Y.K. SABHARWAL
CHIEF JUSTICE OF INDIA

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*along with*

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# COURT NEWS

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(As on 1st April, 2007)

| S. No. | Name of the Hon'ble Judge | Date of Appointment | Date of Retirement |
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| 01. | Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India (CJI) | 08.06.2000 As CJI: On 14.01.2007 | 12.05.2010 |
| 02. | Hon'ble Mr. Justice B.N. Agrawal | 19.10.2000 | 15.10.2009 |
| 03. | Hon'ble Mr. Justice Ashok Bhan | 17.08.2001 | 02.10.2008 |
| 04. | Hon'ble Dr. Justice Arijit Pasayat | 19.10.2001 | 10.05.2009 |
| 05. | Hon'ble Mr. Justice B.P. Singh | 14.12.2001 | 09.07.2007 |
| 06. | Hon'ble Mr. Justice H.K. Sema | 09.04.2002 | 01.06.2008 |
| 07. | Hon'ble Mr. Justice S.B. Sinha | 03.10.2002 | 08.08.2009 |
| 08. | Hon'ble Mr. Justice G.P. Mathur | 20.12.2002 | 19.01.2008 |
| 09. | Hon'ble Mr. Justice S.H. Kapadia | 18.12.2003 | 29.09.2012 |
| 10. | Hon'ble Mr. Justice A.K. Mathur | 07.06.2004 | 07.08.2008 |
| 11. | Hon'ble Mr. Justice C.K. Thakker | 07.06.2004 | 10.11.2008 |
| 12. | Hon'ble Mr. Justice Tarun Chatterjee | 27.08.2004 | 14.01.2010 |
| 13. | Hon'ble Mr. Justice P.K. Balasubramanyan | 27.08.2004 | 28.08.2007 |
| 14. | Hon'ble Mr. Justice P.P. Naolekar | 27.08.2004 | 29.06.2008 |
| 15. | Hon'ble Mr. Justice Altamas Kabir | 09.09.2005 | 19.07.2013 |
| 16. | Hon'ble Mr. Justice R.V. Raveendran | 09.09.2005 | 15.10.2011 |
| 17. | Hon'ble Mr. Justice Dalveer Bhandari | 28.10.2005 | 01.10.2012 |
| 18. | Hon'ble Mr. Justice Lokeshwar Singh Panta | 03.02.2006 | 23.04.2009 |
| 19. | Hon'ble Mr. Justice D.K. Jain | 10.04.2006 | 25.01.2013 |
| 20. | Hon'ble Mr. Justice Markandey Katju | 10.04.2006 | 20.09.2011 |
| 21. | Hon'ble Mr. Justice H.S. Bedi | 12.01.2007 | 05.09.2011 |
| 22. | Hon'ble Mr. Justice V.S. Sirpurkar | 12.01.2007 | 22.08.2011 |
| 23. | Hon'ble Mr. Justice B. Sudershan Reddy | 12.01.2007 | 08.07.2011 |

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

*5, Krishna Menon Marg,*
*New Delhi - 110 011*

## FROM THE DESK OF CHIEF JUSTICE OF INDIA

Court News is entering the second year of its publication, with this issue. I am happy to note that the response to the previous issues has been highly encouraging. For the first time, not only Judges, Advocates and other members of legal fraternity, but also the common citizens had an authentic source of information on various activities of judiciary and the important judgments, on the matters of public interest, delivered by this court, from time to time. It also gave them vital information on the institution, pendency and disposal of cases at all levels, as also on the manpower and other constraints of the system.

Recently, we had two very important conferences. Chief Justices' Conference held in Supreme Court on 6th and 7th April, 2007 discussed various difficulties being faced by Justice Delivery System and we tried to find out ways and means to overcome them. The focus of the Joint Conference of Chief Ministers of the States and Chief Justices' of the High Courts, held on 8th April, 2007, was on taking effective steps to reduce the huge pendency of cases, particularly, at the level of High Courts and subordinate courts, and expedite their disposal. I am confident that the decisions taken at the conference, if implemented in right earnest, will go a long way in meeting the challenges being faced by us.

I hope that the Newsletter will continue to provide valuable and reliable information to its readers, on judiciary and its institution, and thereby serve the purpose behind its publication.

23rd April, 2007

(K.G. BALAKRISHNAN)

# APPOINTMENTS AND RETIREMENTS IN SUPREME COURT
(From 1st January, 2007 to 31st March, 2007)

## APPOINTMENTS

### Chief Justice of India

| Name | Date of Appointment |
|---|---|
| Hon'ble Mr. Justice K.G. Balakrishnan | 14-01-2007 |

### Judges

| S.No. | Name | Date of Appointment |
|---|---|---|
| 01. | Hon'ble Mr. Justice H.S. Bedi | 12-01-2007 |
| 02. | Hon'ble Mr. Justice V.S. Sirpurkar | 12-01-2007 |
| 03. | Hon'ble Mr. Justice B. Sudershan Reddy | 12-01-2007 |

## RETIREMENTS

### Chief Justice of India

| Name | Date of Retirement |
|---|---|
| Hon'ble Mr. Justice Y.K. Sabharwal | 14-01-2007 |

### Judge

| Name | Date of Retirement |
|---|---|
| Hon'ble Dr. Justice AR. Lakshmanan | 22-03-2007 |

## APPOINTMENTS IN HIGH COURT
(From 1st January, 2007 to 31st March, 2007)

| S.No. | Name of the High Court | Name of the Hon'ble Judge(s) | Date of Appointment |
|---|---|---|---|
| 1. | Allahabad | H.L. Gokhale (As Chief Justice) | 07-03-2007 |
| 2. | Bombay | Swatanter Kumar (As Chief Justice) | 31-03-2007 |
| 3. | Calcutta | S.S. Nijjar (As Chief Justice) | 07-03-2007 |
| 4. | Chhattisgarh | H.L. Dattu (As Chief Justice) | 12-02-2007 |
| 5. | Delhi | V.B. Gupta | 09-01-2007 |
| 6. | Gujarat | Y.R. Meena (As Chief Justice) | 03-02-2007 |
| 7. | Himachal Pradesh | Sanjay Karol | 02-03-2007 |
| 8. | Jammu & Kashmir | B.A. Khan (As Chief Justice) | 25-01-2007 |
| 9. | Kerala | T.R. Ramachandran Nair<br>Antony Dominic | 30-01-2007 |
| 10. | Madhya Pradesh | Sanjay Yadav<br>Kedar Singh Chauhan | 02-03-2007 |
| 11. | Madras | T. Sudanthiram<br>K. Veeraraghavan<br>S. Nagamuthu<br>S. Palanivelu | 22-03-2007 |
| 12. | Orissa | A.K. Ganguly (As Chief Justice)<br>Kumari Sanju Panda | 02-03-2007 |
| 13. | Rajasthan | Guman Singh<br>Bhanwaru Khan Parian<br>Deo Narain Thanvi | 12-03-2007 |

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

## TRANSFERS BETWEEN HIGH COURTS
(From 1st January, 2007 to 31st March, 2007)

| S.No. | From | To | Name of the Hon'ble Judge | Date of Transfer |
|---|---|---|---|---|
| 1. | Allahabad High Court | Sikkim High Court | A.N. Ray (Chief Justice) | 27-01-2007 |
| 2. | Bombay High Court | Rajasthan High Court | R.M. Lodha | 02-02-2007 |

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

# VACANCIES IN COURTS

## A) SUPREME COURT OF INDIA (As on 1st April, 2007)

| Sanctioned Strength | Working Strength | Vacancies |
|---|---|---|
| 26 | 23 | 3 |

## B) HIGH COURTS ( As on 1st April, 2007)

| S.No. | Name of the High Court | Sanctioned Strength | Working Strength | Vacancies |
|---|---|---|---|---|
| 1. | Allahabad | 95 | 81 | 14 |
| 2. | Andhra Pradesh | 39 | 34 | 05 |
| 3. | Bombay | 64 | 56 | 08 |
| 4. | Calcutta | 50 | 44 | 06 |
| 5. | Chhattisgarh | 08 | 07 | 01 |
| 6. | Delhi | 36 | 32 | 04 |
| 7. | Gauhati | 26 | 21 | 05 |
| 8. | Gujarat | 42 | 33 | 09 |
| 9. | Himachal Pradesh | 09 | 07 | 02 |
| 10. | Jammu and Kashmir | 14 | 07 | 07 |
| 11. | Jharkhand | 12 | 10 | 02 |
| 12. | Karnataka | 40 | 33 | 07 |
| 13. | Kerala | 29 | 25 | 04 |
| 14. | Madhya Pradesh | 42 | 41 | 01 |
| 15. | Madras | 49 | 46 | 03 |
| 16. | Orissa | 22 | 14 | 08 |
| 17. | Patna | 43 | 30 | 13 |
| 18. | Punjab & Haryana | 53 | 35 | 18 |
| 19. | Rajasthan | 40 | 32 | 08 |
| 20. | Sikkim | 03 | 02 | 01 |
| 21. | Uttaranchal | 09 | 09 | 00 |
| | **TOTAL** | **725** | **599** | **126** |

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

## C) DISTRICT & SUBORDINATE COURTS (As on 31st December, 2006)

| S.No. | Concerned State/ Union Territory | Sanctioned Strength | Working Strength | Vacancies |
|---|---|---|---|---|
| 1. | Uttar Pradesh | 2172 | 1689 | 483 |
| 2. | Andhra Pradesh | 827 | 712 | 115 |
| 3. | Maharashtra | 1600 | 1406 | 194 |
| 4. | West Bengal and A & N Islands | 706 | 560 | 146 |
| 5. | Chhattisgarh | 241 | 230 | 11 |
| 6 | Delhi | 414 | 296 | 118 |
| 7. | Gujarat | 941 | 818 | 123 |
| 8a. | Assam | 289 | 261 | 28 |
| 8b. | Meghalya[1] | 9 | 6 | 3 |
| 8c. | Tripura | 78 | 56 | 22 |
| 8d. | Manipur | 34 | 27 | 7 |
| 8e. | Nagaland | 2 | 1 | 1 |
| 8f. | Mizoram [2] | Nil | Nil | Nil |
| 8g. | Arunachal Pradesh [2] | Nil | Nil | Nil |
| 9. | Himachal Pradesh | 130 | 121 | 9 |
| 10. | Jammu and Kashmir | 202 | 190 | 12 |
| 11. | Jharkhand | 503 | 446 | 57 |
| 12. | Karnataka | 828 | 661 | 167 |
| 13. | Kerala | 420 | 415 | 5 |
| 14a. | Tamil Nadu | 765 | 705 | 60 |
| 14b. | Puducherry | 20 | 15 | 5 |
| 15. | Madhya Pradesh | 907 | 747 | 160 |
| 16. | Orissa | 477 | 403 | 74 |
| 17. | Bihar | 1359 | 841 | 518 |
| 18a. | Punjab | 328 | 280 | 48 |
| 18b. | Haryana | 307 | 248 | 59 |
| 18c. | Chandigarh | 20 | 20 | 0 |
| 19. | Rajasthan | 820 | 699 | 121 |
| 20. | Sikkim | 15 | 9 | 6 |
| 21. | Uttarakhand | 265 | 95 | 170 |
| | **Total** | **14679** | **11957** | **2722** |

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

1. Judiciary is not separated from the Executive in the State of Meghalaya except Shillong Municipal Area
2. Judiciary is not yet separated from the Executive

# INSTITUTION, DISPOSAL AND PENDENCY OF CASES

## A) SUPREME COURT OF INDIA (FROM 01-01-2007 TO 31-03-2007)

| | | | | | | Pendency (At the end of 31-12-2006) | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Admission | Regular | Total |
| | | | | | | 22,361 | 17,419 | 39,780 |
| Institution (01-01-2007 to 31-03-2007) | | | Disposal (01-01-2007 to 31-03-2007) | | | Pendency (At the end of 31-03-2007) | | |
| Admission | Regular | Total | Admission | Regular | Total | Admission | Regular | Total |
| 17,315 | 2063 | 19,378 | 16,227 | 1350 | 17,577 | 23,449 | 18,132 | 41,581 |

## B) HIGH COURTS (FROM 01-10-2006 TO 31-12-2006)

| S. No. | Name of High Court | CIVIL CASES | | | | CRIMINAL CASES | | | | Total Pendency of Civil and Criminal Cases at the end of 31.12.2006 |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Opening Balance as on 01.10.2006 | Institution from 01.10.2006 to 31.12.2006 | Disposal from 01.10.2006 to 31.12.2006 | Pendency at the end of 31.12.2006 | Opening Balance as on 01.10.2006 | Institution from 01.10. 2006 to 31.12.2006 | Disposal from 01.10.2006 to 31.12.2006 | Pendency at the end of 31.12.2006 | |
| 1 | Allahabad | **591959** | 33091 | 24778 | **600272** | **211717** | 21339 | 18158 | **214898** | **815170** |
| 2 | Andhra Pradesh | **140669** | 12996 | 16769 | **136896** | **14024** | 2554 | 3211 | **13367** | **150263** |
| 3 | Bombay | **323174** | 25111 | 21924 | **326361** | **36524** | 5961 | 5896 | **36589** | **362950** |
| 4 | Calcutta | **227323** | 12024 | 9825 | **229522** | **38230** | 4071 | 3465 | **38836** | **268358** |
| 5 | Chhattisgarh | **53585** | 10918 | 3813 | **60690** | **24395** | 2098 | 1560 | **24933** | **85623** |
| 6 | Delhi | **64695** | 8911 | 7544 | **66062** | **16975** | 5394 | 5630 | **16739** | **82801** |
| 7 | Gujarat | **83814** | 9646 | 7875 | **85585** | **29457** | 4504 | 5035 | **28926** | **114511** |
| 8 | Gauhati | **52685** | 4972 | 5511 | **52146** | **6867** | 1781 | 1657 | **6991** | **59137** |
| 9 | Himachal Pradesh | **19755** | 3057 | 2722 | **20090** | **6146** | 528 | 402 | **6272** | **26362** |
| 10 | Jammu & Kashmir | **41839** | 5137 | 5477 | **41499** | **1841** | 596 | 634 | **1803** | **43302** |
| 11 | Jharkhand | **25210** | 12102 | 11282 | **26030** | **19763** | 16593 | 14773 | **21583** | **47613** |
| 12 | Karnataka | **77495** | 12496 | 11154 | **78837** | **14472** | 2521 | 2196 | **14797** | **93634** |
| 13 | Kerala | **97450** | 13403 | 18342 | **92511** | **24789** | 4995 | 4746 | **25038** | **117549** |
| 14 | Madras | **370592** | 45006 | 42625 | **372973** | **33705** | 12550 | 12270 | **33985** | **406958** |
| 15 | Madhya Pradesh | **125930** | 16664 | 15474 | **127120** | **56349** | 8530 | 8214 | **56665** | **183785** |
| 16 | Orissa | **197632** | 12275 | 6795 | **203112** | **17719** | 7265 | 6044 | **18940** | **222052** |
| 17 | Patna | **68770** | 6209 | 3762 | **71217** | **23812** | 15858 | 14663 | **25007** | **96224** |
| 18 | Punjab & Haryana | **199847** | 10228 | 10243 | **199295** | **41732** | 9599 | 8358 | **42973** | **242268** |
| 19 | Rajasthan | **158910** | 9402 | 11221 | **157091** | **50682** | 7082 | 6760 | **51004** | **208095** |
| 20 | Sikkim | **48** | 10 | 16 | **42** | **7** | 6 | 4 | **9** | **51** |
| 21 | Uttaranchal | **23396** | 1759 | 3844 | **21311** | **6879** | 726 | 769 | **6836** | **28147** |
| | **Total** | **2944778** | **265417** | **240996** | **2968662** | **676085** | **134551** | **124445** | **686191** | **3654853** |

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

## C) DISTRICT AND SUBORDINATE COURTS (FROM 01-10-2006 TO 31-12-2006)

| S. No. | Concerned State/Union Territory | CIVIL CASES | | | | CRIMINAL CASES | | | | Total Pendency of Civil and Criminal Cases at the end of 31.12.2006 |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Opening Balance as on 1.10.2006 | Institution from 1.10.2006 to 31.12.2006 | Disposal from 1.10.2006 to 31.12.2006 | Pendency at the end of 31.12.2006 | Opening Balance as on 1.10.2006 | Institution from 1.10.2006 to 31.12.2006 | Disposal from 1.10.2006 to 31.12.2006 | Pendency at the end of 31.12.2006 | |
| 1 | Uttar Pradesh | 1235551 | 114972 | 121987 | 1228536 | 3431116 | 523521 | 478873 | 3475764 | 4704300 |
| 2 | Andhra Pradesh | 492291 | 91590 | 99712 | 484169 | 469092 | 80292 | 87158 | 462226 | 946395 |
| 3 | Maharashtra | 985545 | 87403 | 93488 | 979460 | 3174581 | 339014 | 345036 | 3168559 | 4148019 |
| 4 | West Bengal and A & N Islands | 489633 | 36018 | 35468 | 490183 | 1562405 | 207789 | 193066 | 1577128 | 2067311 |
| 5 | Chhattisgarh | 51288 | 20459 | 19312 | 52435 | 217780 | 108670 | 101777 | 224673 | 277108 |
| 6 | Delhi | 141113 | 21792 | 21167 | 141738 | 514132 | 49531 | 28782 | 534881 | 676619 |
| 7 | Gujarat | 772453 | 54527 | 62811 | 764169 | 2544091 | 308477 | 728270 | 2124298 | 2888467 |
| 8(a) | Assam | 58548 | 10128 | 6736 | 61940 | 119968 | 37374 | 33302 | 124040 | 185980 |
| 8(b) | Nagaland | 1130 | 172 | 121 | 1181 | 2806 | 192 | 430 | 2568 | 3749 |
| 8(c) | Meghalya | 4164 | 1200 | 1341 | 4023 | 6849 | 1186 | 1215 | 6820 | 10843 |
| 8(d) | Manipur | 3234 | 1771 | 2021 | 2984 | 4076 | 4357 | 4915 | 3518 | 6502 |
| 8(e) | Tripura | 6068 | 1415 | 995 | 6488 | 25676 | 12755 | 12074 | 26357 | 32845 |
| 8(f) | Mizoram | 1274 | 297 | 196 | 1375 | 3619 | 665 | 796 | 3488 | 4863 |
| 8(g) | Arunachal Pradesh | 307 | 236 | 111 | 432 | 5085 | 100 | 247 | 4938 | 5370 |
| 9 | Himachal Pradesh | 64436 | 11473 | 11156 | 64753 | 91139 | 31761 | 34836 | 88064 | 152817 |
| 10 | Jammu and Kashmir | 51813 | 11961 | 11054 | 52720 | 99354 | 63759 | 67483 | 95630 | 148350 |
| 11 | Jharkhand | 45707 | 3018 | 3735 | 44990 | 231368 | 23345 | 25614 | 229099 | 274089 |
| 12 | Karnataka | 554562 | 98576 | 88690 | 564448 | 511569 | 112857 | 113055 | 511371 | 1075819 |
| 13 | Kerala | 410715 | 62926 | 68353 | 405288 | 513842 | 152003 | 157817 | 508028 | 913316 |
| 14(a) | Tamil Nadu | 438824 | 200265 | 195433 | 443656 | 409590 | 194350 | 190787 | 413153 | 856809 |
| 14(b) | Puducherry | 13318 | 5049 | 5354 | 13013 | 8369 | 2854 | 3438 | 7785 | 20798 |
| 15 | Madhya Pradesh | 198818 | 42239 | 44412 | 196645 | 781181 | 194367 | 186736 | 788812 | 985457 |
| 16 | Orissa | 178136 | 12382 | 12088 | 178430 | 808402 | 54598 | 48993 | 814007 | 992437 |
| 17 | Bihar | 239248 | 9171 | 9217 | 239201 | 1046131 | 75809 | 51449 | 1070487 | 1309688 |
| 18(a) | Punjab | 262049 | 37395 | 32468 | 266976 | 299870 | 87434 | 87816 | 299488 | 566464 |
| 18(b) | Haryana | 214125 | 28689 | 34047 | 208767 | 305213 | 62023 | 51028 | 316208 | 524975 |
| 18(c) | Chandigarh | 21910 | 1985 | 2395 | 21500 | 70907 | 12239 | 11559 | 71587 | 93087 |
| 19 | Rajasthan | 287220 | 36457 | 34388 | 289289 | 769744 | 169194 | 152548 | 786390 | 1075679 |
| 20 | Sikkim | 195 | 63 | 69 | 189 | 510 | 314 | 320 | 504 | 693 |
| 21 | Uttarakhand | 26885 | 10640 | 9007 | 28518 | 101345 | 31080 | 30174 | 102251 | 130769 |
| | Total | 7250560 | 1014269 | 1027332 | 7237496 | 18129810 | 2941910 | 3229594 | 17842122 | 25079618 |

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

# SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

**(Delivered between 1st January, 2007 and 31st March, 2007)**

**1.** On 5th January, 2007, a two Judges Bench in *Appasaheb & Anr. vs State of Maharashtra* [Criminal Appeal No. 1613 of 2005] held that "demand for money on account of some financial stringency or for meeting some urgent domestic expenses or for purchasing manure cannot be termed as a demand for dowry as the said word is normally understood."

**2.** On 10th January, 2007, a Constitution Bench in *Raja Ram Pal vs The Hon'ble Speaker, Lok Sabha & Ors* [ Writ Petition (Civil) No.1 of 2006] examined the question as to whether in exercise of the powers, privileges and immunities as contained in Article 105 of the Constitution, the Houses of Parliament are competent to expel their respective Members from membership of the House; that if such a power exists, is it subject to judicial review and if so, the scope of such judicial review.

Summarizing the principles relating to parameter of Judicial Review in relation to exercise of Parliamentary Provisions, the Bench *per majority* held as follows:- "(i) Parliament is a co-ordinate organ and its views do deserve deference even while its acts are amenable to judicial scrutiny; (ii) Constitutional system of government abhors absolutism and it being the cardinal principle of our Constitution that no one, howsoever lofty, can claim to be the sole judge of the power given under the Constitution, mere co-ordinate constitutional status, or even the status of an exalted constitutional functionaries, does not disentitle this Court from exercising its jurisdiction of judicial review of action which part-take the character of judicial or quasi-judicial decision; (iii) Expediency and necessity of exercise of power or privilege by the legislature are for the determination of the legislative authority and not for determination by the courts; (iv) Judicial review of the manner of exercise of power of contempt or privilege does not mean the said jurisdiction is being usurped by the judicature; (v) Having regard to the importance of the functions discharged by the legislature under the Constitution and the majesty and grandeur of its task, there would always be an initial presumption that the powers, privileges etc have been regularly and reasonably exercised, not violating the law or the Constitutional provisions, this presumption being a rebuttable one; (vi) Fact that Parliament is an august body of co-ordinate constitutional position does not mean that there can be no judicially manageable standards to review exercise of its power; (vii) While the area of powers, privileges and immunities of the legislature being exceptional and extraordinary its acts, particularly relating to exercise thereof, ought not to be tested on the traditional parameters of judicial review in the same manner as an ordinary administrative action would be tested, and the Court would confine itself to the acknowledged parameters of judicial review and within the judicially discoverable & manageable standards, there is no foundation to the plea that a legislative body cannot be attributed jurisdictional error; (viii) Judicature is not prevented from scrutinizing the validity

of the action of the legislature trespassing on the fundamental rights conferred on the citizens; (ix) Broad contention that the exercise of privileges by legislatures cannot be decided against the touchstone of fundamental rights or the constitutional provisions is not correct; (x) If a citizen, whether a non-member or a member of the Legislature, complains that his fundamental rights under Article 20 or 21 had been contravened, it is the duty of this Court to examine the merits of the said contention, especially when the impugned action entails civil consequences; (xi) There is no basis to claim of bar of exclusive cognizance or absolute immunity to the Parliamentary proceedings in Article 105(3) of the Constitution and (xii) The manner of enforcement of privilege by the legislature can result in judicial scrutiny, though subject to the restrictions contained in the other Constitutional provisions, for example Article 122 or 212. Article 122 (1) and Article 212 (1) prohibit the validity of any proceedings in legislature from being called in question in a court merely on the ground of irregularity of procedure."

The Bench *per majority* further held that “(i) Ordinarily, the legislature, as a body, cannot be accused of having acted for an extraneous purpose or being actuated by caprice or mala fide intention, and the court will not lightly presume abuse or misuse, giving allowance for the fact that the legislature is the best judge of such matters, but if in a given case, the allegations to such effect are made, the Court may examine the validity of the said contention, the onus on the person alleging being extremely heavy; (ii) The rules which the legislature has to make for regulating its procedure and the conduct of its business have to be subject to the provisions of the Constitution; (iii) Mere availability of the Rules of Procedure and Conduct of Business, as made by the legislature in exercise of enabling powers under the Constitution, is never a guarantee that they have been duly followed; (iv) The proceedings which may be tainted on account of substantive or gross illegality or unconstitutionality are not protected from judicial scrutiny; (v) Even if some of the material on which the action is taken is found to be irrelevant, the court would still not interfere so long as there is some relevant material sustaining the action and (vi) An ouster clause attaching finality to a determination does ordinarily oust the power of the court to review the decision but not on grounds of lack of jurisdiction or it being a nullity for some reason such as gross illegality, irrationality, violation of constitutional mandate, mala fides, non-compliance with rules of natural justice and perversity”.

**3.** On 11th January, 2007, a nine Judges Bench in *I.R. Coelho (Dead) By Lrs. vs. State of Tamil Nadu* [ Civil Appeal Nos 1344-45 of 1976] determined the nature and character of protection provided by Article 31-B of the Constitution to the laws added to the Ninth Schedule by amendments made after 24th April, 1973. On the said date the judgment in the *Kesavananda Bharati* case was pronounced propounding the doctrine of Basic Structure of the Constitution to test the validity of constitutional amendments.

The Bench held that "the constitutional validity of the Ninth Schedule Laws on the touchstone of basic structure doctrine can be adjudged by applying the direct impact and effect

test, i.e., rights test, which means the form of an amendment is not the relevant factor, but the consequence thereof would be determinative factor." In conclusion, it held that : "(i) A law that abrogates or abridges rights guaranteed by Part III of the Constitution may violate the basic structure doctrine or it may not. If former is the consequence of law, whether by amendment of any Article of Part III or by an insertion in the Ninth Schedule, such law will have to be invalidated in exercise of judicial review power of the Court; (ii) The majority judgment in *Kesavananda Bharati's* case read with *Indira Gandhi's* case, requires the validity of each new constitutional amendment to be judged on its own merits. The actual effect and impact of the law on the rights guaranteed under Part III has to be taken into account for determining whether or not it destroys basic structure. The impact test would determine the validity of the challenge; (iii) All amendments to the Constitution made on or after 24th April, 1973 by which the Ninth Schedule is amended by inclusion of various laws therein shall have to be tested on the touchstone of the basic or essential features of the Constitution as reflected in Article 21 read with Article 14, Article 19, and the principles underlying them. To put it differently even though an Act is put in the Ninth Schedule by a constitutional amendment, its provisions would be open to attack on the ground that they destroy or damage the basic structure if the fundamental right or rights taken away or abrogated pertains or pertain to the basic structure. (iv) Justification for conferring protection, not blanket protection, on the laws included in the Ninth Schedule by Constitutional Amendments shall be a matter of Constitutional adjudication by examining the nature and extent of infraction of a Fundamental Right by a statute, sought to be Constitutionally protected, and on the touchstone of the basic structure doctrine as reflected in Article 21 read with Article 14 and Article 19 by application of the "rights test" and the "essence of the right" test taking the synoptic view of the Articles in Part III as held in *Indira Gandhi's* case. Applying the above tests to the Ninth Schedule laws, if the infraction affects the basic structure then such a law(s) will not get the protection of the Ninth Schedule; (v) If the validity of any Ninth Schedule law has already been upheld by this Court, it would not be open to challenge such law again on the principles declared by this judgment. However, if a law held to be violative of any rights in Part III is subsequently incorporated in the Ninth Schedule after 24th April, 1973, such a violation/infraction shall be open to challenge on the ground that it destroys or damages the basic structure as indicated in Article 21 read with Article14, Article 19 and the principles underlying thereunder and (vi) Action taken and transactions finalized as a result of the impugned Acts shall not be open to challenge".

**4.** On 12th February, 2007, a two Judges Bench in *N. Suriyakala vs. A. Mohandoss & Ors.* [Criminal Appeal No. 188 of 2007] while clarifying the scope of Article 136 of the Constitution said that "Article 136 of the Constitution is not a regular forum of appeal at all. It is a residual provision which enables the Supreme Court to interfere with the judgment or order of any court or tribunal in India in its discretion". "The use of the words "in its discretion" in Article 136 clearly indicates that Article 136 does not confer a right of appeal upon any party but merely vests a discretion in the Supreme Court to interfere in exceptional cases", the Bench said.

Re-iterating that Article 136 was never meant to be an ordinary forum of appeal at all like Section 96 or even Section 100 CPC, the Bench said "under the constitutional scheme, ordinarily the last court in the country in ordinary cases was meant to be the High Court. The Supreme Court as the Apex Court in the country was meant to deal with important issues like constitutional questions, questions of law of general importance or where grave injustice had been done. If the Supreme Court entertains all and sundry kinds of cases it will soon be flooded with a huge amount of backlog and will not be able to deal with important questions relating to the Constitution or the law or where grave injustice has been done, for which it was really meant under the Constitutional Scheme. After all, the Supreme Court has limited time at its disposal and it cannot be expected to hear every kind of dispute."

**5.** On 14th February, 2007, a Constitution Bench in *Sri Rajendra Singh Rana & Ors. vs Swami Prasad Maurya & Ors.* [ Civil Appeal No.765 of 2007] held that the 13 MLAs of the Uttar Pradesh Legislative Assembly who had met the Governor and requested him to invite the leader of the opposition party to form the Government stood disqualifed from the Assembly. "The very giving of a letter to the Governor requesting him to call the leader of the opposition party to form a Government by them itself would amount to their voluntarily giving up the membership of their original political party within the meaning of paragraph 2 of the Tenth Schedule to the Constitution. If so, the conclusion is irresistible that the 13 members of BSP who met the Governor on 27.8.2003 stand disqualified in terms of Article 191(2) of the Constitution read with paragraph 2 of the Tenth Schedule thereof, with effect from 27.8.2003", the Bench said.

**6.** On 21st February, 2007, a two Judges Bench in *Smt. Mayadevi vs. Jagdish Prasad* [Civil Appeal No. 877 of 2007] held that "cruelty includes mental cruelty, which falls within the purview of a matrimonial wrong. Cruelty need not be physical." The Bench observed that "in physical cruelty, there can be tangible and direct evidence, but in the case of mental cruelty there may not at the same time be direct evidence. In cases where there is no direct evidence, Courts are required to probe into the mental process and mental effect of incidents that are brought out in evidence. It is in this view that one has to consider the evidence in matrimonial disputes."

The Bench held that to "constitute cruelty, the conduct complained of should be "grave and weighty" so as to come to the conclusion that the petitioner spouse cannot be reasonably expected to live with the other spouse. It must be something more serious than "ordinary wear and tear of married life". "Conduct has to be considered in the background of several factors such as social status of parties, their education, physical and mental conditions, customs and traditions." Observing that it is difficult to lay down a precise definition or to give exhaustive description of the circumstances, which would constitute cruelty, the Bench said "it must be of the type as to satisfy the conscience of the Court that the relationship between the parties had deteriorated to such an extent due to the conduct of the other spouse

that it would be impossible for them to live together without mental agony, torture or distress, to entitle the complaining spouse to secure divorce. Physical violence is not absolutely essential to constitute cruelty and a consistent course of conduct inflicting immeasurable mental agony and torture may well constitute cruelty within the meaning of Section 10 of the Hindu Marriage Act, 1955. Mental cruelty may consist of verbal abuses and insults by using filthy and abusive language leading to constant disturbance of mental peace of the other party."

However the Bench said that "petty quibbles, trifling differences should not be exaggerated and magnified to destroy what is said to have been made in heaven. All quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case and always keeping in view the physical and mental conditions of the parties, their character and social status." "A too technical and hyper-sensitive approach would be counter-productive to the institution of marriage", the Bench held.

**7.** On 26th February, 2007, a two Judges Bench in *Manager, ICICI Bank Ltd. vs Prakash Kaur & Ors.* [Criminal Appeal No. 267 of 2007] held that Banks "should resort to procedure recognized by law to take possession of vehicles in cases where the borrower may have committed default in payment of the instalments instead of taking resort to strong arm tactics." Deprecating the practice of hiring recovery agents, who are musclemen", the Bench said such practice "needs to be discouraged".

**8.** On 15th March, 2007, a three Judges Bench in *Rama Narang vs Ramesh Narang & Anr.* [Contempt Petition No. 148 of 2003] held that in order to maintain sanctity of the orders of the highest court of the country, it is imperative that "those who are guilty of deliberately disregarding the orders of the Court in a clandestine manner should be appropriately punished." "The Majesty of the Court and the Rule of Law can never be maintained unless this Court ensures meticulous compliance of its orders", the Bench said.

**9.** On 19th March, 2007, a two Judges Bench in *Ramkripal S/o Shyamlal Charmakar vs. State of Madhya Pradesh* [Criminal Appeal No. 370 of 2007] while examining the applicability of Section 354, which penalizes assault or use of criminal force on a woman to outrage her modesty held that "the essence of a woman's modesty is her sex."

"Culpable intention of the accused is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. Modesty in this Section is an attribute associated with female human beings as a class. It is a virtue which attaches to a female owing to her sex. The act of pulling a woman, removing her saree, coupled with a request for sexual intercourse, is such as would be an outrage to the modesty of a woman; and knowledge, that modesty is likely to be outraged, is sufficient to constitute the offence without any deliberate intention having such outrage alone for its object", the Bench said. The Bench held that the "point of distinction between an offence of attempt to commit rape and

to commit indecent assault is that there should be some action on the part of the accused which would show that he was just going to have sexual connection with her."

The Bench further said the "sine qua non of the offence of rape is penetration, and not ejaculation. Ejaculation without penetration constitutes an attempt to commit rape and not actual rape. Definition of "rape" as contained in Section 375 IPC refers to "sexual intercourse" and the Explanation appended to the Section provides that penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape. Intercourse means sexual connection."

**10.** On 26th March, 2007, a three Judges Bench in *Samar Ghosh vs. Jaya Ghosh* [Civil Appeal No. 151 of 2004] held that there cannot be any comprehensive definition of the concept of 'mental cruelty' within which all kinds of cases of mental cruelty can be covered. "What is cruelty in one case may not amount to cruelty in other case. The concept of cruelty differs from person to person depending upon his upbringing, level of sensitivity, educational, family and cultural background, financial position, social status, customs, traditions, religious beliefs, human values and their value system", the Bench said.

The Bench further said that the "concept of mental cruelty cannot remain static; it is bound to change with the passage of time, impact of modern culture through print and electronic media and value system etc. etc. What may be mental cruelty now may not remain a mental cruelty after a passage of time or vice versa."

Observing that no uniform standard can ever be laid down for guidance, the Bench enumerated the following fourteen illustrative (but not exhaustive) instances of human behaviour which may be relevant in dealing with the cases of 'mental cruelty':-(i) On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty; (ii) On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party; (iii) Mere coldness or lack of affection cannot amount to cruelty, frequent rudeness of language, petulance of manner, indifference and neglect may reach such a degree that it makes the married life for the other spouse absolutely intolerable; (iv) Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty; (v) A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse; (vi) Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty; (vii) Sustained reprehensible conduct, studied neglect, indifference or total departure from the normal standard of conjugal kindness causing injury to mental health or deriving sadis-

tic pleasure can also amount to mental cruelty; (viii) The conduct must be much more than jealousy, selfishness, possessiveness, which causes unhappiness and dissatisfaction and emotional upset may not be a ground for grant of divorce on the ground of mental cruelty; (ix) Mere trivial irritations, quarrels, normal wear and tear of the married life which happens in day to day life would not be adequate for grant of divorce on the ground of mental cruelty; (x) The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill-conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty; (xi) If a husband submits himself for an operation of sterilization without medical reasons and without the consent or knowledge of his wife and similarly if the wife undergoes vasectomy or abortion without medical reason or without the consent or knowledge of her husband, such an act of the spouse may lead to mental cruelty; (xii) Unilateral decision of refusal to have intercourse for considerable period without there being any physical incapacity or valid reason may amount to mental cruelty; (xiii) Unilateral decision of either husband or wife after marriage not to have child from the marriage may amount to cruelty and (xiv) Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty.

# MAJOR EVENTS

## I. CHIEF JUSTICES' CONFERENCE - 2007

In the Chief Justices' Conference held on 6th and 7th April, 2007, the following resolutions were passed:

**1.** a) High Court will make all endeavours at their end to ensure implementation of the resolutions passed in Chief Justices' Conference, 2006 and b) wherever co-operation or finances from the State Government are required for implementation of the resolutions, the matter will forthwith be taken up by the Chief Justices at the highest level, so as to get the needful done at an early date.

**2.** The fund requirements sent by the High Court to the State Government should be supported by project reports and firm plans.

**3.** (a) As far as the issue of appointment of ad-hoc judges in the High Courts is concerned, the stand of the Central Government that unless the full strength of the High Court Judges stands appointed, no ad-hoc judges be appointed was discussed. The conference was of the uniform view that if the vacancies of regular judges in the High Courts are not more than 25%, in such High Courts ad-hoc judges should be appointed. The recommendations already made by the Chief Justices of various High Courts be processed accordingly; (b) As far as the issue of increase in the judge strength in the High Courts is concerned, the existing norms should be revised because the increase in judge strength, linked with disposal of cases, does not bring about the desired effect. The increase in the judge strength in the High Court should be dependent only upon the pendency of cases as well as the trend of institution of fresh cases in the High Court ; (c) Cases involving petty offences, including traffic and municipal challans, be transferred to the Courts of Special Metropolitan Magistrates/Special Judicial Magistrates; (d) Additional Magisterial Courts be set-up to deal with complaints under Section 138 of the Negotiable Instruments Act; e) the time schedule stipulated by the Hon'ble Supreme Court in Malik Mazhar Sultan & Another Vs. Uttar Pradesh Public Service Commission and Others [JT 2007 (3) 352] for appointment of subordinate judges, be adhered to; (f) While issuing summons to an accused, he may be informed of the provisions of plea bargaining contained in Chapter-XXI A of the Code of Criminal Procedure; g) The matter of placing police personnel at the disposal of courts, for service of summons and execution of warrants, be taken up at the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts. However, the Chief Justices were of the view that with every Court special police officials be attached for ensuring speedy and effective service of summons.

**4.** Evening/morning Courts, to be presided over either by serving or retired Judicial Officers, assisted either by serving or retired court staff, be set-up, wherever found feasible and

various earmarked cases including those involving petty offences also be transferred to such courts.

**5.** (a) Consistent with the rules framed by the High Court, and with such modifications as may be deemed appropriate by it, National Plan for Mediation, prepared by the National Judicial Academy, be adopted by each High Court and (b) If otherwise feasible, engagement of serving Judicial Officers as mediators or conciliators, be avoided.

**6.** (a) National Judicial Education Strategy, prepared by the National Judicial Academy, be adopted by the High Courts with such modifications as may be found necessary in view of the local requirements and (b) National Judicial Academy be requested to consider audio/video recording the lectures/presentations given to the participants attending various courses organized by it and send these to the State Judicial Academies, for the benefit of Judicial Officers of the State.

**7.** (a) The National Judicial Infrastructure Plan prepared by the National Judicial Academy be approved and adopted as far as it is applicable to local conditions and with such modifications as may be found necessary; (b) If there are more than 2000 cases in a subordinate court, additional court(s) be set-up to deal with the excess cases and (c) Courts of civil Judges (Junior Division) and Judicial Magistrate be set-up at Taluka level as also for a block of 3-4 villages, provided that enough litigation is generated at that level.

**8.** The process of modernisation and computerisation of justice delivery system at all levels of Indian Judiciary and establishment of E-courts as well as provision of video conferencing facilities be expedited and steps be taken to examine the existing infrastructure facilities relating thereto so as to obtain the maximum and optimum levels. Digitisation/scanning of record be taken-up, subject to rules of the High Court and that as far as E-filing is concerned, the individual High Courts may examine the feasibility of introducing this at the High Court and local levels.

**9.** In view of the huge pendency of civil and criminal cases at the level of trial courts [lowest level in the hierarchy of Judicial Courts] a) more Courts of Civil Judges (Junior Division) and Judicial Magistrates in sufficient number be created keeping in view the recommendation by the Law Commission; b) for the present the aforesaid increase be atleast to the extent of 25% of the existing strength and also that c) keeping in view the fact that judicial officers at various levels are sent on deputation, at least 15% of the cadre strength of judicial officers in each State be increased in the cadre to cater to such requirement.

**10.** The earlier resolutions on the subject which relate to the grant of complete financial autonomy to the High Courts were reiterated.

**11.** (a) The Vigilance Cells constituted in every High Court should be headed by a Senior District Judge of impeccable integrity and should be under the direct control of the Chief Justice of the High Court and (b) to monitor and watch the members of the Ministerial staff of

subordinate courts in the States, the High Courts will set-up the separate Vigilance Cells in High Court. It should be manned by an officer of the rank of Senior District Judge and should have enough subordinate staff to assist him in the discharge of his duties, especially looking into the fact that the ambit of its application shall cover all the subordinate courts in the State.

**12.** The resolution adopted in the Joint Conference of Chief Ministers and Chief Justices held at New Delhi on March 11, 2006 was reiterated and the issue of constitution of committees at appropriate level left to the individual Chief Justice of the respective High Courts.

**13.** The following resolutions adopted in the Joint Conference of Chief Ministers of States and Chief Justices of High Courts held on March 11, 2006 was reiterated : "In States of Himachal Pradesh, West Bengal, Punjab and Kerala, setting up of question papers and evaluation of answer sheets be entrusted to the High Court. In other States, where selection of subordinate Judicial Officers is not being made by the High Court, such selection be entrusted to the High Court, by amending the relevant rules."

**14.** (a) The time frame relating to filing of written statements under Order VIII Rule 1 of CPC should be strictly adhered to and only in exceptional cases the Courts should permit filing of written statements beyond the upper time limit of 90 days; (b) The cost has to be actual reasonable cost including the cost of time spent by successful party, cost of transportation and lodging, if any, and other incidental cost besides court fee, lawyer's fee, typing charges, etc. The High Courts should immediately make rules so as to provide appropriate guidelines for subordinate courts in this regard, as mandated by the Supreme Court in Salem Bar Association Case, wherever it has already not been done; (c) The provisions relating to (i) examination of parties (Order X Rule 2 of CPC) (ii) discovery and inspection (Order XI of CPC) (iii) issues (Order IVX Rule 2 of CPC) and (iv) ex-parte injunctions (Order XXXIX Rule 3 and 3 A) should be strictly implemented; (d) It has been experienced that the entire pleadings of the parties are almost reproduced in the affidavits of witnesses instead of confining them to the facts required to be proved by the witnesses. The Court should carefully scrutinize the affidavits before serving copy on the opposite parties and wherever it is found that the scope of the affidavits have been unnecessarily enlarged, such affidavits should be rejected with heavy costs; (e) As far as service of summons is concerned the Court should resort to the amended provisions of CPC providing service of summons through courier, fax, e-mail, etc. and (f) Frequent adjournments be avoided.

High Court to accordingly issue suitable instruction to all the Civil Courts

**15.** The following steps may be taken in right earnest for substantially strengthening the legal aid movement in the country: (a) spread of legal literacy and holding of legal literacy at all levels; (b) appointment of legal aid counsel to provide free legal aid to the needy persons; (c) for setting up legal aid clinics/ camps, services of NGOs and law students may be utilised and (d) to take steps to strengthen the legal aid services offered in the prisons to the undertrials as well as convicted prisoners.

**16.** (a) High Courts will explore the possibility of sitting High Court Judges working on voluntary basis and subordinate judges working on incentive basis, during vacation and (b) The issue of reduction in vacation periods and holidays be left for appropriate decision at the level of the respective High Courts.

## II. CONFERENCE OF THE CHIEF MINISTERS OF STATES AND THE CHIEF JUSTICES OF THE HIGH COURTS on ADMINISTRATION OF JUSTICE ON FAST TRACK

In the said conference held on 8th April, 2007 the following decisions were taken:

**1** (a) Consistent with the resources available to them, the States will provide adequate funds, as required by the High Court, for upgrading and augmenting the infrastructure of subordinate courts by replacing the dilapidated buildings with new buildings, upgrading the existing court complexes and constructing new court complexes and residential quarters for judicial officers.

(b) Adequate steps be taken for modernization & computerisation of courts and enhancing the use of various I.T. tools including video conferencing, internet usage, E-mail based communication, electronic dissemination of information and use of digital signatures, particularly at the level of subordinate courts.

**2.** Immediate steps be taken to reduce the arrears of cases and to provide a speedy and efficient justice delivery system to the people by taking adequate measures, including suitably increasing the strength of Judges in High Courts and subordinate courts, filling-up of existing vacancies at all levels on an urgent basis and by timely filling-up of the vacancies in future.

**3.** Evening/morning courts to be set-up, wherever found feasible, and appropriate cases including those involving petty offences be transferred to such courts. Either retired Judicial Officers be re-employed or serving Judicial Officers be given suitable incentive, to preside over these Courts.

**4.** Alternative Dispute Redressal systems such as mediation, negotiation, conciliation and lok adalats be adequately strengthened so as to bring about a peaceful settlement to the disputes and as far as possible members of the bar alone be engaged as mediators and conciliators.

**5.** The States in which recruitment of judicial officers is still being made by the Public Service Commission will take appropriate steps in terms of the decision taken in the last Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and will, in the meanwhile, ensure that there was no delay on the part of their respective Public Service Commission in filling-up the vacancies of judicial officers.

**6.** The following resolution passed at the last Joint Conference of Chief Ministers of States and Chief Justices of High Courts held on 11th March, 2006 was reiterated: " (i) Chief Jus-

tice of the High Court be delegated full power to appropriate and reappropriate the funds within the budget allocated by the State Government for the judiciary in the State; (ii) Consistent with their financial resources, State Governments shall provide adequate budgetary allocation for judiciary."

**7.** The following resolution adopted in the last Joint Conference of Chief Ministers of States and Chief Justices of High Courts held on 11th March, 2006 was reiterated: "(i) A Committee consisting of Hon'ble the Chief Justice of India, Union Minister for Finance and Union Minister for Law & Justice be set-up at national level for ensuring timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices. Wherever deemed appropriate, Hon'ble Prime Minister of India be invited to the meeting of the Committee. and (ii) Monitoring Committees at two levels be set-up in each State for timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices. The first level Committee should consist of Chief Secretary, Registrar General of the High Court and Law Secretary of the State, whereas the second level Committee should consist of Chief Minister, Chief Justice and Law Minister of the State."

## III. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

**A.** *Inauguration of Community Legal Aid Clinics in West Bengal:* Community Legal Aid Clinics have been set up at various places in West Bengal. Shri K. Venkatapathy, Hon'ble Minister of State for Law & Justice, Government of India, during his visit to West Bengal, announced the opening of Community Legal Aid Clinics at all the Correctional Homes of West Bengal so as to declare the West Bengal Correctional Homes as the Special Legal Literacy Zones with effect from 1st January 2007. The objective of these Legal Aid Clinics is to provide legal literacy to the masses and communities by disseminating information regarding benefits of free legal aid, Lok Adalats, ADR, Plea-bargaining and Conciliation/Mediation.

**B.** *Workshop on Implementation of Legal Aid Schemes & Infrastructure Development:* NALSA in association with Tamil Nadu State Legal Services Authority organized a State Policy Dialogue for Access to Social Justice for the Victims/Survivors of Trafficking and HIV/AIDS on 5th January 2007 at Nirmala College for Women, Redfields, Coimbatore. Shri K. Venkatapathy, Hon'ble Minister of State for Law & Justice, Government of India inaugurated the programme.

**C.** *Regional Policy Dialogue of Judges:* A Regional Policy Initiative of Judges regarding the Protection of Legal & Human Rights of Beneficiary Groups was organized by NALSA on 27th January 2007 at Cuttack, Orissa. The Initiative was inaugurated by Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India in the august presence of Hon'ble Mr. Justice Arijit Pasayat, Judge, Supreme Court of India & Chairman, Supreme Court Legal Services Committee and Shri K. Venkatapathy, Hon'ble Minister of State for Law & Justice, Government of India.

**D.** *All India Meet of State Legal Services Authorities:* All India Meet of State Legal Services Authorities was organized on 17-18 February 2007 at Kochi, Kerala. Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India & Patron-in-Chief, NALSA inaugurated the Meet in the august presence of Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA, Hon'ble Mr. Justice Arijit Pasayat, Judge, Supreme Court of India & Chairman, Supreme Court Legal Services Committee, Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India and Shri K. Venkatapathy, Hon'ble Minister of State for Law & Justice, Government of India. Deliberations were held on the issues of smooth functioning and expansion of the Lok Adalats, bringing about uniformity and consistency in Legal Aid Activities of the State Authorities, effective implementation of ADR Programmes in the country, concept of Plea Bargaining and Right to Education for All.

**E.** *Project 'Jago Re':* Under Project National Legal Literacy Mission, NALSA organized an Omnibus, multi-sectoral, mutilple-benefit, holistically packaged legal literacy awareness campaign under the title 'Jago Re'. The Jago Re Campaign addressed the Law Institutions, Colleges, Social Institutions, Hospitals, Correctional Homes/Remand Homes, Nariniketans and the District Courts. The Project 'Jago Re' Omnibus was flagged off by Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India from His Lordship's Residence on 1st February 2007. The project covered 30 Districts of Uttar Pradesh from 1st February, 2007 to 2nd March, 2007.

**F.** *Observation of International Women's Day & National Legal Aid Week for Women:* NALSA organized National Legal Aid Week for Women from 8 - 14 March 2007 across the country on the occasion of International Women's Day. The programme was inaugurated by Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India on 8th March, 2007 at Ashok Theatre, New Delhi. During the week, NALSA in collaboration with its State Legal Services Authorities and District Legal Services Authorities organized the following programmes: i) Legal Literacy Camps for Women; ii) Legal Awareness Campaign for Women especially for Tribal Women; iii) Legal Services Training Programme through Street Plays, Folk and Musical Arts; iv) Mobile Legal Literacy Campaign for Victims of Trafficking and Sexual Exploitation and v) Integration of Women Legal Aid Counsels into Legal Awareness Activity.

**G.** *Judicial Colloquium for Development of Policy and Programme for North-Eastern region mandating Social Justice:* Under the National Legal Literacy Mission, NALSA in association with Assam State Legal Services Authority and Indian Red Cross Society organized a Judicial Colloquium for Development of Policy and Programme for North-Eastern Region mandating Social Justice and Equality for Survivors of Trafficking and HIV/AIDS at Guwahati on 10 -11 March 2007. The Colloquium was inaugurated by Hon'ble Mr. Justice K.G. Balarkrishnan, the Chief Justice of India and Patron-in-Chief, NALSA in the august presence of Shri Tarun Gogoi, Hon'ble Chief Minister of Assam. Hon'ble Mr. Justice H.K. Sema, Judge, Supreme Court of India and Hon'ble Mr. Justice P.P. Naolekar, Judge, Supreme Court of India also took part in the Colloquium.

**H.** *State Protective Dialogue for Protection of Child Rights:* A State Protective Dialogue on Child Rights was organized by Institute for Gender Justice in collaboration with NALSA on 19th March, 2007 at Nehru Memorial Museum & Library, Teen Murti House, Teen Murti Marg, New Delhi. Representatives of around 80 social institutions took part in this initiative.

**I.** *National Cooperation Dialogue for Development of a policy for Equitable access to Justice in North-Eastern Region:* NALSA in collaboration with Gauhati High Court Legal Services Committee organized a National Cooperation Dialogue for Development of a Policy for Equitable Access to Justice in North-Eastern Region on 31 March 2007 at Assam Administrative Staff College, Guwahati. Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA inaugurated the programme in the august presence of Hon'ble Mr. Justice H.K. Sema, Judge, Supreme Court of India.

# IMPORTANT VISITS AND CONFERENCES

## INLAND

**1.** Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated (i) the Regional Policy Dialogue organized by NALSA/OSLSA at Cuttack, Orissa on 27th January, 2007 and (ii) the Seminar and Workshop on Plea Bargaining organized by OJA at Jobra, Cuttack on 28th January, 2007. He addressed the participants of the Third Regional Education Program of National Judicial Academy at Judicial Training and Research Institute (JTRI), Lucknow on 25th March, 2007. He also inaugurated the National Seminar on Indian Economy organized by Centre for Developmental Studies on 31st March, 2007, held at Trivandrum, Kerala.

**2.** Hon'ble Dr. Justice Arijit Pasayat was the Chief Guest at the Seminar organised by Social Justice and Empowerment Department, Government of Rajasthan on "Juveniles Delinquency" at Jaipur on 24th March, 2007.

**3.** Hon'ble Mr. Justice B.P. Singh delivered the Silver Jubilee Memorial Lecture at S.D.M. Law College, Mangalore on 13th January, 2007 where he spoke on the subject "Legal Education and Career prospects". His Lordship attended the workshop organized by the High Court of Madhya Pradesh and the State Legal Services Authority at Indore on "Plea Bargaining " on 11th March, 2007. He also inaugurated the training programme organized by the Institute of Judicial Training and Research, U.P on "Court and Financial Management and Matters related to Land Acquisition" on 17th March, 2007 held at Lucknow.

**4.** Hon'ble Mr. Justice S.B. Sinha inaugurated a Workshop on "Intellectual Property Rights (IPRs) for Judiciary" organised by EU-India Trade and Investment Development Programme (TIDP)-IPR component [A joint programme of the Ministry of Commerce and Industry, Government of India and the EU] on 13th January, 2007 at Hotel Taj President, Cuffe Parade, Mumbai.

**5.** Hon'ble Mr. Justice Dalveer Bhandari was a Key-note speaker at the International Conclave on Intellectual Property for Judiciary & IP Practitioners organised by Confederation of Indian Industry (CII) in association with the George Washington Law University, USIBC and Andhra Pradesh Technology Department and Promotion Centre (APTDC) on 20th January, 2007 at Goa. The Conclave was part of the IPR Summit-2007, an annual flagship event of CII on Intellectual Property Rights.

**6.** 25 MBA students and some members of faculty of the Stanford University visited Supreme Court of India on 3rd January, 2007 and had a meeting with Hon'ble the Chief Justice of India and interaction with the Secretary General, Supreme Court of India.

**7.** A twelve member Afghan delegation led by Dr. Ghulam Farooq Wardak, Minister of State for Parliamentary Affairs visited Supreme Court of India on 26th February, 2007 and had a

meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal, Hon'ble Dr. Justice Arijit Pasayat and Hon'ble Mr. Justice B.P. Singh.

## OVERSEAS

Hon'ble Mr. Justice Dalveer Bhandari was a Key-note Speaker at the Inaugural Session of Management Team and Protocol Meetings organized by the Asia Pacific Advisory Forum on Judicial Education on Equality Issues at Karachi, Pakistan on 13th January, 2007. His Lordship delivered speech on "Gender Justice & Sensitization of Judiciary- An overview". The Chief Justice of Pakistan and other Judges of the Supreme Court of Pakistan participated in the Conference.