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EDITORIAL BOARD

Hon'ble Mr. Justice B.N. Agrawal, Judge, Supreme Court of India
Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India

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LIST OF SUPREME COURT JUDGES

(As on 22nd April, 2008)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
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 H.K. Sema	09.04.2002	01.06.2008
06.	Hon'ble Mr. Justice S.B. Sinha	03.10.2002	08.08.2009
07.	Hon'ble Mr. Justice S.H. Kapadia	18.12.2003	29.09.2012
08.	Hon'ble Mr. Justice A.K. Mathur	07.06.2004	07.08.2008
09.	Hon'ble Mr. Justice C.K. Thakker	07.06.2004	10.11.2008
10.	Hon'ble Mr. Justice Tarun Chatterjee	27.08.2004	14.01.2010
11.	Hon'ble Mr. Justice P.P. Naolekar	27.08.2004	29.06.2008
12.	Hon'ble Mr. Justice Altamas Kabir	09.09.2005	19.07.2013
13.	Hon'ble Mr. Justice R.V. Raveendran	09.09.2005	15.10.2011
14.	Hon'ble Mr. Justice Dalveer Bhandari	28.10.2005	01.10.2012
15.	Hon'ble Mr. Justice Lokeshwar Singh Panta	03.02.2006	23.04.2009
16.	Hon'ble Mr. Justice D.K. Jain	10.04.2006	25.01.2013
17.	Hon'ble Mr. Justice Markandey Katju	10.04.2006	20.09.2011
18.	Hon'ble Mr. Justice H.S. Bedi	12.01.2007	05.09.2011
19.	Hon'ble Mr. Justice V.S. Sirpurkar	12.01.2007	22.08.2011
20.	Hon'ble Mr. Justice B. Sudershan Reddy	12.01.2007	08.07.2011
21.	Hon'ble Mr. Justice P. Sathasivam	21.08.2007	27.04.2014
22.	Hon'ble Mr. Justice G.S. Singhvi	12.11.2007	12.12.2013
23.	Hon'ble Mr. Justice Aftab Alam	12.11.2007	19.04.2013
24.	Hon'ble Mr. Justice J.M. Panchal	12.11.2007	06.10.2011
24.	Hon'ble Dr. Justice Mukundakam Sharma	09.04.2008	18.09.2011

OTHER PUBLICATIONS



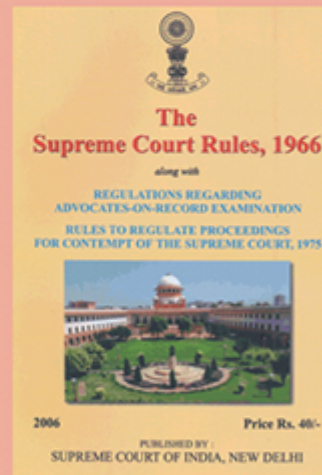
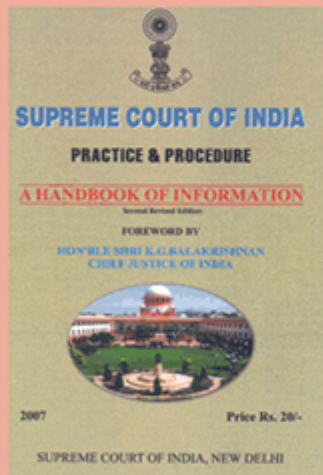
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K. G. Balakrishnan
Chief Justice of India



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New Delhi - 110 011

FROM THE DESK OF CHIEF JUSTICE OF INDIA

With this issue, Court News is completing two years of its publication. The objective behind coming out with this Newsletter was to promote transparency and accountability in the functioning of Justice Delivery System and its various organs. It gives me immense pleasure to learn that this important initiative of Supreme Court Registry has been widely acclaimed, not only by legal fraternity, but by common citizen as well. The information on Judgments of public importance, delivered by this Court, has been found particularly useful by everyone.

This month we had two very important Conferences. Chief Justices' Conference held in Supreme Court on 17th and 18th April, 2008 was followed by Joint Conference of Chief Ministers of States and Chief Justices of the High Courts at Vigyan Bhavan on 19th April, 2008. A number of decisions aimed at reducing arrears and expedite disposal of cases were taken in the Conference. I am confident that, if implemented in right earnest, these decisions, particularly, the decisions to set-up Evening/Morning Courts or Courts of Special Judicial Magistrates, to deal with cases involving petty offences, at least one Family Court in each district, Gram Nyayalayas as and when Gram Nyayalay Bill is passed and notified, one Mediation Centre in each district and additional courts of Special Judges for trial of corruption cases, will go a long way in bringing about substantial improvement in the working of Justice Delivery System.

I hope that in future also this Newsletter will continue to be a reliable source of valuable information on judiciary and its institutions, and thereby serve the purpose behind its publication.

29th April, 2008


(K.G. BALAKRISHNAN)

APPOINTMENT AND RETIREMENT IN SUPREME COURT**APPOINTMENT**

Name of the Hon'ble Judge	Date of Appointment
Dr. Justice Mukundakam Sharma	09-04-2008

RETIREMENT

Name of the Hon'ble Judge	Date of Retirement
Mr. Justice G.P. Mathur	19-01-2008

APPOINTMENT IN HIGH COURTS

(From 01-01-08 to 31-03-08)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1.	Andhra Pradesh	Shri A.R. Dave (As Chief Justice)	07-01-2008
2.	Bombay	Shri S.S. Shinde	17-03-2008
3.	Chhattisgarh	Shri Tankeshwar Prasad Sharma	11-01-2008
4.	Delhi	Shri Siddharth Mridul	13-03-2008
		Shri Manmohan	13-03-2008
5.	Himachal Pradesh	Shri Jagdish Bhalla (As Chief Justice)	02-02-2008
6.	Jammu & Kashmir	Shri K.S.P. Radhakrishnan (As Chief Justice)	07-01-2008
		Shri Sunil Hali	15-03-2008
7.	Karnataka	Shri Ravi Vijaykumar Malimath	18-02-2008
		Smt. B.V. Nagarathna	18-02-2008
8.	Madhya Pradesh	Shri Satish Chandra Sharma	18-01-2008
		Shri Prakash Shrivastava	18-01-2008
9.	Madras	Shri R. Subbiah	24-03-2008
10.	Orissa	Shri Lalit Kumar Mishra	17-01-2008
		Shri Bijaya Krishna Patel	17-01-2008
11.	Patna	Shri Rajesh Balia (As Chief Justice)	05-01-2008
12.	Punjab & Haryana	Smt. Sabina	12-03-2008
		Shri Jora Singh	12-03-2008
13.	Rajasthan	Shri Narayan Roy (As Chief Justice)	05-01-2008

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

TRANSFER BETWEEN HIGH COURTS

(From 01-01-08 to 31-03-08)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Andhra Pradesh High Court	Bombay High Court	Shri Bilal Nazki	07-01-2008
2	Himachal Pradesh High Court	Uttaranchal High Court	Shri V.K. Gupta (Chief Justice)	02-02-2008
3	Madhya Pradesh High Court	Karnataka High Court	Shri Deepak Verma	02-01-2008
4	Madras High Court	Andhra Pradesh High Court	Shri S. Ashok Kumar	24-03-2008
5	Madras High Court	Orissa High Court	Shri S.R. Singharavelu	26-03-2008
6	Rajasthan High Court	Gujarat High Court	Shri Bhagwati Prasad	07-02-2008
7	Uttaranchal High Court	Chhattisgarh High Court	Shri Rajeev Gupta (Chief Justice)	02-02-2008

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 22-04-2008)

Sanctioned Strength	Working strength	Vacancies
26	25	1

B) HIGH COURTS (As on 01-04-08)

S.No.	Name of the High Court	Sanctioned strength	Working strength	Vacancies
1	Allahabad	160	68	92
2	Andhra Pradesh	49	30	19
3	Bombay	75	51	24
4	Calcutta	58	40	18
5	Chhattisgarh	18	07	11
6	Delhi	48	34	14
7	Gauhati	25	22	03
8	Gujarat	42	31	11
9	Himachal Pradesh	11	09	02
10	Jammu & Kashmir	14	11	03
11	Jharkhand	20	09	11
12	Karnataka	41	38	03
13	Kerala	38	25	13
14	Madhya Pradesh	43	42	01
15	Madras	49	44	05
16	Orissa	22	19	03
17	Patna	43	27	16
18	Punjab & Haryana	68	43	25
19	Rajasthan	40	34	06
20	Sikkim	03	02	01
21	Uttaranchal	09	08	01
	TOTAL	876	594	282

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

C) DISTRICT & SUBORDINATE COURTS (As on 31-12-2007)

S.No.	Concerned State/Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2172	1651	521
2.	Andhra Pradesh	906	679	227
3a.	Maharashtra	1897	1521	376
3b.	Goa	49	43	6
4.	West Bengal and A&N Islands	706	502	204
5.	Chhattisgarh	266	225	41
6.	Delhi	415	322	93
7.	Gujarat	953	786	167
8a.	Assam	289	254	35
8b.	Meghalaya	9	4	5
8c.	Tripura	80	59	21
8d.	Manipur	14	10	4
8e.	Nagaland	25	24	1
8f.	Mizoram ¹	43	23	20
8g.	Arunachal Pradesh ²	339	300	39
9.	Himachal Pradesh	126	115	11
10.	Jammu and Kashmir	202	176	26
11.	Jharkhand	503	437	66
12.	Karnataka	865	643	222
13a.	Kerala	430	411	19
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	766	666	100
14b.	Puducherry	20	15	5
15.	Madhya Pradesh	1131	834	297
16.	Orissa	489	389	100
17.	Bihar	1363	1140 ³	248
18a.	Punjab	346	274	72
18b.	Haryana	389	246	143
18c.	Chandigarh	20	20	0
19.	Rajasthan	820	680	140
20.	Sikkim	15	8	7
21.	Uttarakhand	266	89	177
	Total	15917	12549	3393

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

1. Figures are as on 30-09-2007
2. Judiciary is not yet separated from the Executive
3. Including 25 Judicial officers on deputation

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

A) SUPREME COURT OF INDIA (FROM 01-01-2008 TO 31-03-2008)

						Pendency (At the end of 31-12-2007)		
						Admission matters	Regular matters	Total matters
						27,960	18,966	46,926
Institution (01-01-2008 to 31-03-2008)			Disposal (01-01-2008 to 31-03-2008)			Pendency (At the end of 31-03-2008)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
18,993	2,436	21,429	20,090	2,378	22,468	26,863	19,024	45,887

B) HIGH COURTS (FROM 01-10-2007 TO 31-12-2007)

S. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 31-12-07
		Opening Balance as on 01-10-07	Institution from 01-10-07 to 31-12-07	Disposal from 01-10-07 to 31-12-07	Pendency at the end of 31-12-07	Opening Balance as on 01-10-07	Institution from 01-10-07 to 31-12-07	Disposal from 01-10-07 to 31-12-07	Pendency at the end of 31-12-07	
1	Allahabad	604450	29267	23822	609895	203776	21210	15197	209789	819684
2	Andhra Pradesh	132943	14914	9867	137990	14594	3451	2788	15257	153247
3	Bombay	328978	28907	27487	330398	38431	5896	4748	39579	369977
4	Calcutta	239832	12219	8829	243222	39486	4802	4273	40015	283237
5	Chhattisgarh	51728	2731	2329	52130	22973	1288	1050	23211	75341
6	Delhi	61044 ¹	5741	7009	59776	16811	2885	3157	16539	76315
7	Gujarat	80987	12607	7732	85862	29652	5437	5557	29532	115394
8	Gauhati	51973	4737	3872	52838	7366	1849	1722	7493	60331
9	Himachal Pradesh	20333	4171	3192	21312	6448	687	757	6378	27690
10	Jammu & Kashmir	43624	5662	4482	44804	1750	498	412	1836	46640
11	Jharkhand	27709	2106	1513	28302	21567	3380	3279	21668	49970
12	Karnataka	87945	12642	10834	89753	16292	2214	2403	16103	105856
13	Kerala	91193	13950	16976	88167	24557	5326	5512	24371	112538
14	Madhya Pradesh	127393	14278	19340	122331	60284	9086	10076	59294	181625
15	Madras	391116	39207	37499	392824	35231	15065	14288	36008	428832
16	Orissa	204405	13238	8162	209481	23347	6361	5632	24076	233557
17	Patna	70348	5575	4174	71749	31817	13468	10592	34693	106442
18	Punjab & Haryana	208875	9861	8550	210171 ²	46821	9756	8932	47645	257816
19	Rajasthan	160258	12167	8056	164369	52193	7008	6066	53135	217504
20	Sikkim	58	16	8	66	9	9	4	14	80
21	Uttaranchal	16097	3659	4647	15109	6710	848	1683	5875	20984
Total		3001289	247655	218380	3030549	700115	120524	108128	712511	3743060

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

1. Opening figure of the civil cases pending at the beginning of October, 2007 has been modified by the Delhi High Court after physical verification of the cases pertaining to tax matters.
2. 14 RFA and 1 EFA transferred to the concerned District and Sessions Judges.

C) DISTRICT AND SUBORDINATE COURTS (FROM 01-10-2007 TO 31-12-2007)

S. No.	Concerned State/Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 31-12-07
		Opening Balance as on 01-10-07	Institution from 01-10-07 to 31-12-07	Disposal from 01-10-07 to 31-12-07	Pendency at the end of 31-12-07	Opening Balance as on 01-10-07	Institution from 01-10-07 to 31-12-07	Disposal from 01-10-07 to 31-12-07	Pendency at the end of 31-12-07	
1	Uttar Pradesh	1230760	115306	116416	1229650	3586794	437848	379677	3644965	4874615
2	Andhra Pradesh	476386	81036	79376	478046	467300	95059	88751	473608	951654
3(a)	Maharashtra	962925	85765	76065	972625	3069269	309622	305734	3073157	4045782
3(b)	Goa	19137	2869	3256	18750	15036	3645	3500	15181	33931
4	West Bengal and A & N Islands	492048	25166	20751	496463	1692010	132481	126323	1698168	2194631
5	Chhattisgarh	50981	9440	9890	50531	212999	55621	51266	217354	267885
6	Delhi ¹	143563	20295	18815	145043	650196	86606	50138	686664	831707
7	Gujarat	740404	40086	52185	728305	1803956	207185	319394	1691747	2420052
8(a)	Assam	68443	8396	4988	71851	141789	36280	31433	146636	218487
8(b)	Nagaland	1742	151	94	1799	3694	370	498	3566	5365
8(c)	Meghalaya	3936	278	311	3903	6859	959	1011	6807	10710
8(d)	Manipur	3109	310	362	3057	3544	883	875	3552	6609
8(e)	Tripura	6093	1080	1027	6146	27170	13151	9764	30557	36703
8(f)	Mizoram ²	1455	366	259	1562	4257	1236	917	4576	6138
8(g)	Arunachal Pradesh	446	142	127	461	4811	49	32	4828	5289
9	Himachal Pradesh	63604	11547	12889	62262	81455	25673	26480	80648	142910
10	Jammu and Kashmir	61085	11039	11272	60852	101656	42225	39355	104526	165378
11	Jharkhand	43274	3160	2150	44284	220627	22113	14706	228034	272318
12	Karnataka	546751	68445	50920	564276	548954	97420	111373	535001	1099277
13(a)	Kerala	387506	62928	70558	379876	550283	190785	175537	565531	945407
13(b)	Lakshadweep	86	20	15	91	96	56	45	107	198
14	Madhya Pradesh	202688	26695	34848	194535	821251	161542	156745	826048	1020583
15(a)	Tamil Nadu	488299	192772	182053	499018	428171	183952	183095	429028	928046
15(b)	Puducherry	13754	4214	4519	13449	7753	7041	5949	8845	22294
16	Orissa	179417	12712	10408	181721	829867	47854	42916	834805	1016526
17	Bihar	250341	10691	8158	252874	1099284 ³	63367	42099	1120549 ⁴	1373423
18(a)	Punjab	275306	34140	32648	276798	307177	122219	114109	315287	592085
18(b)	Haryana	216207	34638	30293	220552	329718	59196	53032	335882	556434
18(c)	Chandigarh	20853	2872	3159	20566	80308	17095	15359	82044	102610
19	Rajasthan	281054	35650	30106	286598	821864	158964	138141	842687	1129285
20	Sikkim	198	48	43	203	609	175	199	585	788
21	Uttarakhand	30113	5181	4266	31028	104950	20563	15496	110017	141045
	Total	7261964	907438	872227	7297175	18023707	2601235	2503949	18120990	25418165

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

1. Criminal Cases does not include Traffic Cases, STA Cases and Petty Cases (Spl. MM)
2. Figures given are for the period 01-07-2007 to 30-09-2007
3. Pendency figures of criminal cases at the end of 30-09-2007 has been revised by the Patna High Court.
4. 3 criminal cases transferred to JJ Board.

SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

1. On 11th January, 2008, a two Judges Bench in *Brajendra Singh vs State of M.P. & Anr.* [Civil Appeal No.7764 of 2001] held that a Hindu married woman "cannot adopt at all during the subsistence of the marriage except when the husband has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind. If the husband is not under such disqualification, the wife cannot adopt even with the consent of the husband".

In the instant case, a Hindu lady because of her physical deformity lived separately from her husband and that too for a very long period right from the date of marriage. Appellant was adopted by the said lady so that he can look after her. There is no dispute that Appellant was in fact doing so. The said lady claimed entitlement to the declaration that Appellant was her adopted son. Examining the issue, the Bench held that though "the husband and wife were staying separately for a very long period and the wife was living a life like a divorced woman", but "there is conceptual and contextual difference between a divorced woman and one who is leading life like a divorced woman" and "both cannot be equated". The Bench held that the said lady was not entitled to the declaration sought for" since "there was no dissolution of marriage or a divorce in the eye of law".

2. On 16th January, 2008, a three Judges Bench in *Samira Kohli vs Dr. Prabha Manchanda & Anr.* [Civil Appeal No.1949 of 2004] *inter alia* examined the questions as to (i) whether informed consent of a patient is necessary for surgical procedure and if so what is the nature of such consent and (ii) whether, when a patient consults a medical practitioner, consent given for diagnostic surgery can be construed as consent for performing additional or further surgical procedure -- either as conservative treatment or as radical treatment-- without the specific consent for such additional or further surgery, and held as follows:-

"(i) A doctor has to seek and secure the consent of the patient before commencing a 'treatment' (the term 'treatment' includes surgery also). The consent so obtained should be real and valid, which means that : the patient should have the capacity and competence to consent; his consent should be voluntary; and his consent should be on the basis of adequate information concerning the nature of the treatment procedure, so that he knows what he is consenting to;

(ii) The 'adequate information' to be furnished by the doctor (or a member of his team) who treats the patient, should enable the patient to make a balanced judgment as to whether he should submit himself to the particular treatment or not. This means that the Doctor should disclose (a) nature and procedure of the treatment and its purpose, benefits and effect; (b) alternatives if any available; (c) an outline of the substantial risks; and (d) adverse consequences

of refusing treatment. But there is no need to explain remote or theoretical risks involved, which may frighten or confuse a patient and result in refusal of consent for the necessary treatment. Similarly, there is no need to explain the remote or theoretical risks of refusal to take treatment which may persuade a patient to undergo a fanciful or unnecessary treatment. A balance should be achieved between the need for disclosing necessary and adequate information and at the same time avoid the possibility of the patient being deterred from agreeing to a necessary treatment or offering to undergo an unnecessary treatment;

(iii) Consent given only for a diagnostic procedure, cannot be considered as consent for therapeutic treatment. Consent given for a specific treatment procedure will not be valid for conducting some other treatment procedure. The fact that the unauthorized additional surgery is beneficial to the patient, or that it would save considerable time and expense to the patient, or would relieve the patient from pain and suffering in future, are not grounds of defence in an action in tort for negligence or assault and battery. The only exception to this rule is where the additional procedure though unauthorized, is necessary in order to save the life or preserve the health of the patient and it would be unreasonable to delay such unauthorized procedure until patient regains consciousness and takes a decision;

(iv) There can be a common consent for diagnostic and operative procedures where they are contemplated. There can also be a common consent for a particular surgical procedure and an additional or further procedure that may become necessary during the course of surgery;

(v) The nature and extent of information to be furnished by the doctor to the patient to secure the consent need not be of the stringent and high degree mentioned in *Canterbury* case but should be of the extent which is accepted as normal and proper by a body of medical men skilled and experienced in the particular field. It will depend upon the physical and mental condition of the patient, the nature of treatment, and the risk and consequences attached to the treatment."

3. On 18th January, 2008, a two Judges Bench in *Premkumari & Ors vs Prahlad Dev & Ors* [Civil Appeal No.490 of 2008] while examining the question as to whether the insurer was liable in case the driver had a fake licence held that "when the owner after verification satisfied himself that the driver has a valid licence and driving the vehicle in question competently at the time of the accident there would be no breach of Section 149(2)(a)(ii) of the Motor Vehicles Act, 1988, in that event, the Insurance Company would not be absolved of liability."

The Bench held that "even in the case that the licence was fake, the Insurance Company would continue to remain liable unless they prove that the owner was aware or noticed that the licence was fake and still permitted him to drive."

4. On 18th January, 2008, a three Judges Bench in *State of Punjab & Anr. vs Jalour Singh & Ors.* [Civil Appeal No.522 of 2008] held that "the Lok Adalats have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to "hear" parties to adjudicate cases as a court does. It discusses the subject matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalats are guided by principles of justice, equity, fair play. When the Legal Services Authorities Act, 1987 refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat."

"The endeavour and effort of the Lok Adalats should be to guide and persuade the parties, with reference to principles of justice, equity and fair play to compromise and settle the dispute by explaining the pros and cons, strength and weaknesses, advantages and disadvantages of their respective claims", the Bench said.

"Where an award is made by Lok Adalat in terms of a settlement arrived at between the parties, (which is duly signed by parties and annexed to the award of the Lok Adalat), it becomes final and binding on the parties to the settlement and becomes executable as if it is a decree of a civil court, and no appeal lies against it to any court. If any party wants to challenge such an award based on settlement, it can be done only by filing a petition under Article 226 and/or Article 227 of the Constitution, that too on very limited grounds. But where no compromise or settlement is signed by the parties and the order of the Lok Adalat does not refer to any settlement, but directs the respondent to either make payment if it agrees to the order, or approach the High Court for disposal of appeal on merits, if it does not agree, is not an award of the Lok Adalat. The question of challenging such an order in a petition under Article 227 does not arise."

5. On 25th January, 2008, a two Judges Bench in *Mangat Ram vs State of Haryana* [Criminal Appeal No.182 of 2008] held that "when the matter is decided by a Court, reasons must be recorded in support of such decision. It is because the aggrieved party may make grievance in the superior Court that the reasons recorded by the trial Court were non-existent, extraneous, irrelevant, etc. The successful party, on the other hand, may support the reasons recorded by

the Court in his favour. Finally, the superior Court may also consider whether reasons recorded by the Court in support of the order passed by it were in consonance with law and whether interference is called for."

The Bench observed that "if the final order is without any reason, several questions may arise and it will be difficult for the parties to the proceedings as well as the superior Court to decide the matter one way or the other. This Court has, therefore, deprecated the practice of pronouncing final order without recording reasons in support of such order."

6. On 30th January, 2008, a two Judges Bench in *Ran Singh and Anr. vs State of Haryana and Anr.* [Criminal Appeal No.222 of 2008] referring to the word 'dowry' as defined in Section 2 of the Dowry Prohibition Act, 1961 held that "there are three occasions related to dowry. One is before the marriage, second is at the time of marriage and the third 'at any time' after the marriage. The third occasion may appear to be unending period. But the crucial words are 'in connection with the marriage of the said parties'." Other payments which are customary payments e.g. given at the time of birth of a child or other ceremonies as are prevalent in different societies are not covered by the expression 'dowry'."
7. On 1st February, 2008, a two Judges Bench in *State of Rajasthan vs Madan Singh* [Criminal Appeal No.234 of 2008] held that "the measure of punishment in a case of rape cannot depend upon the social status of the victim or the accused. It must depend upon the conduct of the accused, the state and age of the sexually assaulted female and the gravity of the criminal act. Crimes of violence upon women need to be severely dealt with. The socio-economic status, religion, race, caste or creed of the accused or the victim are irrelevant considerations in sentencing policy."

"Courts must hear the loud cry for justice by the society in cases of the heinous crime of rape on innocent helpless girls of tender years, as in this case, and respond by imposition of proper sentence", the Bench said.

"The legislative mandate to impose a sentence for the offence of rape on a girl under 12 years of age, for a term which shall not be less than 10 years, but which may extend to life and also to fine reflects the intent of stringency in sentence. The proviso to Section 376(2) IPC, of course, lays down that the court may, for adequate and special reasons to be mentioned in the judgment, impose sentence of imprisonment of either description for a term of less than 10 years. Thus, the normal sentence in a case where rape is committed on a child below 12 years of age is not less than 10 years' RI, though in exceptional cases 'for special and adequate reasons' sentence of less than 10 years' RI can also be awarded. It is a fundamental rule of construction that a proviso must be considered with relation to the principal matter to which it stands as a proviso particularly in such like penal provisions. The courts are obliged to respect the legislative mandate in the matter of awarding of sentence in all such cases. Recourse to the proviso can be had only

for 'special and adequate reasons' and not in a casual manner. Whether there exist any 'special and adequate reasons' would depend upon a variety of factors and the peculiar facts and circumstances of each case. No hard and fast rule of universal application can be laid down in that behalf", the Bench said.

8. On 20th February, 2008, a two Judges Bench in *Board of Directors, H.P.T.C. & Anr vs K.C. Rahi* [Civil Appeal No.4524 of 2006] held that "the principles of natural justice cannot be put in a straight jacket formula. Its application depends upon the facts and circumstances of each case. To sustain a complaint of non-compliance of the principle of natural justice, one must establish that he has been prejudiced thereby for non-compliance of principle of natural justice."

Inasmuch as Respondent knew that a departmental enquiry was initiated against him yet he chose not to participate in the enquiry proceedings at his own risk, the Bench held that "the plea of principle of natural justice" would be "deemed to have been waived" and he would be "estopped from raising the question of non-compliance of principle of natural justice."

9. On 20th February, 2008, a two Judges Bench in *K.V. Rami Reddi vs Prema* [Civil Appeal No.2551 of 2001] held that "the declaration by a Judge of his intention of what his 'judgment' is going to be, or a declaration of his intention of what final result it is going to embody, is not a judgment until he had crystallized his intentions into a formal shape and pronounced it in open court as the final expression of his mind".

The Bench observed that the "CPC does not envisage the writing of a judgment after deciding the case by an oral judgment and it must not be resorted to and it would be against public policy to ascertain by evidence alone what the 'judgment' of the Court was, where the final result was announced orally but the 'judgment', as defined in the CPC embodying a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision, was finalized later on".

10. On 11th March, 2008, a two Judges Bench in *Divine Retreat Centre vs State of Kerala & Ors.* [Criminal Appeal No.472 of 2008] that the "Public Interest Litigant must disclose his identity so as to enable the court to decide that the informant is not a wayfarer or officious intervener without any interest or concern."

The Bench said that "there is heavy duty cast upon the constitutional courts to protect themselves from the onslaught unleashed by unscrupulous litigants masquerading as Public Interest Litigants".

"The individual judges ought not to entertain communications and letters personally addressed to them and initiate action on the judicial side based on such communication so as to avoid embarrassment; that all communications and petitions invoking the jurisdiction of the court must be addressed to the entire Court, that is to say, the Chief Justice and his companion Judges. The individual letters, if any, addressed to a particular judge are required to be placed before the Chief Justice for consideration as to the proposed action on such petitions. Each Judge cannot

decide for himself as to what communication should be entertained for setting the law in motion be it in PIL or in any jurisdiction", said the Bench.

11. On 12th March, 2008, a two Judges Bench in *Manipal Academy of Higher Education vs Provident Fund Commissioner* [Civil Appeal No.1832 of 2004] while examining the question as to whether the amount received by encashing the earned leave is a part of "basic wage" under Section 2(b) of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 requiring *pro rata* employer's contribution observed that "in many cases the employees do not take leave and encash it at the time of retirement or same is encashed after his death which can be said to be uncertainties and contingencies. Though provisions have been made for the employer for such contingencies unless the contingency of encashing the leave is there, the question of actual payment to the workman does not take place".

"The inevitable conclusion is that basic wage was never intended to include amounts received for leave encashment", the Bench said.

12. On 14th March, 2008, a two Judges Bench in *Chand Patel vs Bismillah Begum & Anr* [Criminal Appeal No.488 of 2008] held that under the Hanafi law as far as Muslims in India are concerned, "an irregular marriage continues to subsist till terminated in accordance with law and the wife and the children of such marriage would be entitled to maintenance under the provisions of Section 125 CrPC.

The Bench held that "the bar of unlawful conjunction (*jama bain-al-mahramain*) renders a marriage irregular and not void."

13. On 26th March, 2008, a two Judges Bench in *Madan Mohan Abbot vs State of Punjab* [Criminal Appeal No.555 of 2008] observed that "that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation."

"This is a common sense approach to the matter based on ground realities and bereft of the technicalities of the law", the Bench said.

14. On 10th April, 2008, a Constitution Bench in *Ashoka Kumar Thakur vs Union of India & Ors.* [Writ Petition (Civil) No.265 of 2006] held that "the Constitution 93rd Amendment Act, 2005 [by which clause (5) was inserted in Article 15 of the Constitution to enable the State to make provision for advancement of SC, ST and Socially and Educationally Backward Classes (SEBC) of citizens in relation to admission to educational institutions] was "valid" and did not "violate the 'basic structure' of the Constitution so far as it related to "the State maintained institutions and

aided educational institutions." Per majority, the Bench left open the question as to whether the Constitution (Ninety Third Amendment) Act, 2005 would be constitutionally valid or not as regards the "private unaided" educational institutions, to be decided in an appropriate case. One of the Hon'ble Judges, however, considered the issue and held that the Constitution (Ninety Third Amendment) Act, 2005 was not constitutionally valid so far as the private unaided educational institutions are concerned.

After the Constitution 93rd Amendment Act, 2005, the Central Educational Institutions (Reservation in Admission) Act, 2006 [Act No.5 of 2007] was passed which provided for reservation of 15% seats for Scheduled Castes, 7½% seats for Scheduled Tribes and 27% for Other Backward Classes in Central Educational Institutions. The Bench held that Act 5 of 2007 was "constitutionally valid subject to the definition of 'Other Backward Classes' in Section 2(g) of Act 5 of 2007 being clarified" to the effect that "if the determination of 'Other Backward Classes' by the Central Government is with reference to a caste, it shall exclude the 'creamy layer' among such caste". The "quantum of reservation of 27% of seats to Other Backward Classes in the educational institutions provided in the Act" was "not illegal", said the Bench.

The Bench further held that "Act 5 of 2007 is not invalid for the reason that there is no time limit prescribed for its operation". But majority of the Hon'ble Judges in the Bench were of the view that "review should be made as to the need for continuance of reservation at the end of 5 years."

MAJOR EVENTS AND INITIATIVES

I. CHIEF JUSTICES' CONFERENCE - 2008: A Conference of Chief Justices of the High Courts was held in Supreme Court on 17th and 18th April, 2008 to devise ways and means to expedite disposal of cases and to streamline and improve the Justice Delivery System. The Conference was presided by Hon'ble the Chief Justice of India. Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Mr. Justice Ashok Bhan, Judges, Supreme Court also participated in the Conference.

The following Resolutions were passed at the Conference:

1. Progress on implementation of the resolutions passed in the previous Chief Justices' Conference held on 6th and 7th April, 2007

That a) Action Taken Reports given by the High Courts are seen. The High Courts will take necessary steps required at their end for implementation of the resolutions passed in Chief Justices' Conference-2007; b) the High Courts will consider desirability of prescribing three years practice at Bar as a qualification for appointment to the post of Civil Judge (Junior Division) and send their views to Hon'ble the Chief Justice of India within eight weeks and c) wherever required, the Chief Justices will take-up the matter at highest level of State Government for providing adequate funds for implementation of the resolutions.

2. Steps required to be taken to reduce arrears and ensure speedy trial of cases.

That a) the High Court will take immediate steps for filling-up of the vacancies of Judicial Officers in their respective jurisdictions and will adhere to the schedule laid down by the Hon'ble Supreme Court in *Malik Mazhar Sultan & Anr. v. Uttar Pradesh Public Service Commission and Ors.*, for appointment of Subordinate Judges; b) the High Courts will make efforts to set-up at least one Family Court in each district, besides additional Family Courts wherever required; c) the High Courts will make efforts to set-up additional Courts of Special Judges, exclusively for trial of corruption cases investigated by Central Bureau of Investigation under Prevention of Corruption Act and d) the High Courts will make efforts for setting-up of additional Courts of Subordinate Judges so as to expedite disposal and reduce arrears of cases.

3. Consideration of the following recommendations of the 2nd Administrative Reforms Commission in its 4th Report titled "Ethics in Governance":

(a) A Legal provision needs to be introduced fixing a time limit for various stages of trial by suitable amendments to the Code of Criminal Procedure.

- (b) Steps have to be taken to ensure that Judges declared as Special Judges under the provisions of the Prevention of Corruption Act give primary attention to disposal of cases under the said Act.**
- (c) It has to be ensured that the proceedings of Courts trying cases under the Prevention of Corruption Act are held on a day-to-day basis, and no deviation is permitted.**
- (d) The High Courts may lay down guidelines to preclude unwarranted adjournments and avoidable delays.**

That Special Judges appointed under Prevention of Corruption Act shall deal primarily with corruption cases and as far as possible held trial of such cases on a day-to-day basis.

4. Upgrading and augmenting the infrastructure of Subordinate Courts.

That the High Courts shall request their respective State Governments to provide funds 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.

5. Preparation of budgets of High Courts and Subordinate Courts and Financial autonomy to the High Courts.

That a) wherever required, Chief Justices of the High Courts be delegated full powers to appropriate and re-appropriate the funds, within the budget allocated by the State Government for the judiciary in the State; b) the High Courts will impress upon the State Governments to suitably increase the allocation of funds so as to meet the budgetary demands of the High Courts and Subordinate Courts and c) Budgets be prepared on scientific basis with the help of competent professionals. Wherever required, Consultants may be engaged for the purpose.

6. Progress in setting-up and functioning of Evening/Morning Courts in Subordinate Courts.

That Evening/Morning Courts be set-up, wherever found feasible, and cases involving petty offences be transferred to such Courts.

7. Norms for revising the strength of Judges in High Courts.

That a) the strength of Judges in the High Courts be delinked from disposal, and, fixed on the basis of pendency of cases and b) Disposal rate of additional Judges of the High Courts be taken into consideration while appointing them against permanent posts.

8. Progress made in setting-up of Fast Track Courts of Magistrates and Fast Track Civil Courts.

That wherever feasible, the High Courts will take steps to set-up Courts of Special Metropolitan Magistrates/special Judicial Magistrates presided by retired government servants and court servants, possessing a professional degree in Law, for trial of petty offences, including traffic cases and cases under Local Municipal Acts. Such Special Magistrates/Special Judicial Magistrates shall work under the control and superintendence of a senior Judicial Officer.

9. Strengthening of A.D.R. system including mediation and conciliation.

That a) Mediation Centres be set-up in the High Court as well as in each district Court, and necessary infrastructure be provided to them utilizing the funds allocated by the National Legal Services Authority (NALSA) as well as other funds that may be available for the purpose. The Mediators be given adequate training in mediation and conciliation and b) Efforts be made to include mediation and conciliation in the curriculum of Law colleges.

10. Strengthening of training of Judicial Officers.

That the training of Judicial Officers be strengthened.

11. Steps required to be taken to curb the misuse of Public Interest Litigation.

That the Conference emphasized on the need to strictly follow the Judgment of Hon'ble Supreme Court dated 11th March, 2008 in Criminal Appeal No. 472 of 2008 - *Divine Retreat Centre v. State of Kerala & Ors.*

12. Progress made in modernization and computerisation of Justice Delivery System.

That adequate steps be taken for modernization & computerisation of Courts and enhancing the use of various IT 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.

13. Merit to be the determinative criteria for elevation of Judicial Officer to the High Court.

That adequate consideration be given to merit, while recommending Judicial Officers, for elevation to the High Courts and only suitable officers be recommended. Recording of Annual Confidential Reports of Judicial Officers be streamlined, wherever necessary.

14. Formation of All India Judicial Service.

That the High Courts will consider entrusting recruitment upto 25% posts in Higher Judicial Service, required to be filled-up by direct recruitment, to a National Commission, on all India basis and send their respective views to Hon'ble the Chief Justice of India, within eight weeks.

15. Strengthening of vigilance cells in the High Courts and progress made in setting-up of vigilance cells in each district.

That a) Vigilance cells in the High Courts be strengthened, wherever required and b) Vigilance cells, headed by a senior District Judge with adequate supporting staff, be set-up for each region, to monitor and watch the activities of ministerial staff of Subordinate Courts.

16. Strengthening of legal aid mechanism.

That only competent and motivated lawyers be engaged by Legal Service Authorities.

17. Progress made in setting-up of permanent mechanism for implementation of resolutions passed by the Chief Justices' Conferences and decisions taken at the Joint Conferences of Chief Ministers and Chief Justices.

That Monitoring Committees, in terms of the resolution passed in Joint Conferences of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007, be set-up, wherever already not set-up. The Finance Secretary of the State be included in the First Level Committee and the Finance Minister be included in the Second Level Committee.

18. Consideration of recommendations of Malimath Committee for increasing the working days of High Courts.

That a) High Courts will consider either extending working hours upto 5 ½ Hours or suitably increasing the working days; b) High Court Judges be requested to work during vacation, on voluntary basis and c) High Court Judges will not go for holidaying on working days.

19. Revision of salary, allowances and service conditions of the Supreme Court and High Court Judges in view of the pay revision of govt. employees.

Discussed.

20. Increase in the age of retirement of High Court Judges.

That the Resolutions passed at the previous Chief Justices' Conference resolving that the age of retirement of High Court Judges be raised to 65 years are reiterated.

II. JOINT CONFERENCE OF THE CHIEF MINISTERS OF STATES AND CHIEF JUSTICES OF THE HIGH COURTS-2008: The Joint Conference was held at Vigyan Bhawan, New Delhi on 19th April, 2008. The Conference was inaugurated by the Hon'ble Prime Minister.

The following decisions were taken at the Joint Conference:

1. Progress on implementation of resolutions passed in the previous Conference of Chief Ministers and Chief Justices held on 8th April, 2007.

Decision

Action Taken Reply, given by Department of Justice, was seen.

2. Upgrading and augmenting the infrastructure of Subordinate Courts and progress made in Modernisation and Computerisation of Justice Delivery System.

Decision

The following decisions taken in the Conference of Chief Ministers of States and the Chief Justices of High Courts held on April 8, 2007 are reiterated:

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 & computerization 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.

3. Steps required to be taken to reduce the arrears and ensure speedy trial of cases; progress made in setting-up of Fast Track Courts of Magistrates and Fast Track Civil Courts; filling-up of vacancies in High Courts as well as Subordinate Judiciary and enhancing Judge Strength at all levels and progress in setting-up and functioning of Evening/Morning courts in Subordinate Courts.

Decision

- 1) All possible steps be taken to reduce arrears of cases and ensure speedy trial within a reasonable time period.
- 2) All the vacancies in High Courts as well as in Subordinate Courts be filled-up on an urgent basis.
- 3) Either Evening/Morning Courts be set-up or Special Judicial Magistrates/Special Metropolitan Magistrates be appointed, to deal with cases involving petty offences, including traffic and municipal offences.
- 4) States, in coordination with Central Government, will take steps to set-up at least one Family Court in each district, for the urban areas comprised in the district.
- 5) Additional Courts of Special Judges will be set-up by the States, exclusively for trial of corruption cases investigated by State Machinery.

4. Gram Nyayalayas.

Decision

States will take steps for setting-up of Gram Nyayalayas as and when Gram Nyayalay Bill is passed by Parliament and is notified.

5. Strengthening of A.D.R. mechanisms including Mediation, Conciliation, Arbitration and Plea-bargaining.

Decision

- 1) More Mediation Centers be set-up so as to have at least one such center in each district and necessary infrastructure and funding be provided to them.
- 2) State Legal Services Authorities be strengthened and be encouraged to hold more Lok Adalats and Mediation Camps so as to bring about a peaceful settlement to the disputes.

6. Strengthening of training of Judicial Officers.

Decision

The Training of Judicial Officers be strengthened and adequate infrastructure and funds be provided to State Judicial Academies.

7. Progress made in setting-up of permanent mechanism for implementation of resolutions passed by the Chief Justices Conference and decisions taken at the Joint Conference of Chief Ministers and Chief Justices.

Decision

1) A Committee, consisting of Hon'ble the Chief Justice of India, Union Minister for Finance and Union Minister for Law & Justice, be set-up and notified at national level for ensuring timely implementation of the decisions taken at Chief Justices' Conference and Joint Conference of Chief Ministers and Chief Justices, as decided in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007.

2) As decided in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007, 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, wherever such Committees have already not been set-up. 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. Constitution of such Committees be duly notified, wherever already not notified.

8. Other items with the permission of Chair:

Some Chief Justices informed that despite decision taken in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 11th March, 2006 and 8th April, 2007, power of appropriation and re-appropriation has not been given to them by the State Government, which was hampering their functioning since they have to go to State Government each time they want appropriation/re-appropriation even in respect of the funds placed at the disposal of the High Court. Some Chief Justices complained that budgetary allocation for judiciary in their State was not adequate even to meet their minimum requirements.

Decision

That 1) The Chief Justice of the High Court be delegated full power to appropriate and re-appropriate the funds out of the budget allocated by the State for the judiciary in the State, wherever such delegation has already not been made and 2) Consistent with their financial resources, States shall provide adequate budgetary allocation for the judiciary.

III. WORKSHOP ON REPORTING OF COURT PROCEEDINGS BY MEDIA AND ADMINISTRATION OF JUSTICE: A two day workshop on Reporting of Court Proceedings by Media and Administration of Justice for Legal Correspondents / Journalists was organized on March 29-30, 2008 at Vigyan Bhawan, New Delhi jointly by Supreme Court Legal Services Committee, Press Council of India, Indian Law Institute, National Legal Services Authority and Editors Guild of India. Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the function in the presence of invited dignitaries and participants including Judges of the Supreme Court, Senior Lawyers, Senior Editors and Journalists.

The inaugural session was followed by six technical sessions on various topics. Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India/Chairman, Supreme Court Legal Services Committee presided over the inaugural session and Professor K.N. Chandrasekharan Pillai, Director, ILI welcomed the gathering.

Speaking at the inaugural session Justice Balakrishnan opined that "the role of media has radically changed now and it has greatly helped the common man to understand the nature and contents of the judicial proceedings". He also appreciated the pivotal roles played by both the media and judiciary in bringing all aspects of administration of justice closer to every citizen. Justice Pasayat pointed out that "the relationship between the media and judiciary is a symbiotic one in relation to the service they seek to provide to the citizens and both institutions play a crucial role in ensuring the maintenance of rule of law". Further, he suggested the need for a uniform curriculum in all journalism colleges and institutes for imparting training for journalists in reporting court proceedings. Hon'ble Mr. Justice S.H. Kapadia in his keynote address mentioned that 'time has come for the Judiciary to explain itself to the public that their decisions are subject to a caveat i.e. legal knowledge of such audience.' Justice H.K. Sema stated that freedom of Press lies in the impartiality of press. Mr. N.Ram the Editor-in-chief, *The Hindu* emphasized the need for reviewing the law of criminal defamation, contempt of court and codifying the law of Parliamentary Privileges. Mr.G.E.Vahanvati, Solicitor General of India stressed the importance of exercising restraint in reporting court proceedings. Professor S. Sivakumar, Research Professor ILI/Coordinator Organising Committee proposed the vote of thanks. This is for the first time that the judiciary and the media interacted on issues concerning reporting of court proceedings.

IV. SUPREME COURT LOK ADALAT: A Lok Adalat will be held in Supreme Court on 3rd May 2008 for settlement of cases of specified categories, pending in the Supreme Court.

V. INDO-BRITISH LEGAL FORUM MEET: The 10th Indo-British Legal Forum Meet was held in Supreme Court on 17th and 18th March, 2008. The British Delegation was headed by Rt. Hon'ble Lord Phillips of Worth Matravers, Lord Chief Justice of England and Wales and other members of the delegation were Rt. Hon'ble Lord Mance, (House of Lords), Rt. Hon'ble Lord Hamilton, Lord President of the Court Session, Rt. Hon'ble Lord Justice Campbell, Lord Justice of Appeal in Northern Ireland, Rt. Hon'ble Lady Justice Arden, (Court of Appeal), Rt. Hon'ble The Baroness Scotland, QC, Attorney General, Sir Sumantra Chakrabarti, Permanent Secretary at the Ministry of Justice and Mr. Michael Payton, Senior Partner of Clyde & Co. LLP. The Indian Side was headed by Hon'ble the Chief Justice of India and other members of the Indian Side were Hon'ble Mr. Justice B.N. Agrawal, Judge, Supreme Court of India, Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India, Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India, Shri T.R. Andhyarujina, Senior Advocate, Shri Gopal Subramaniam, Additional Solicitor General of India, Shri Ranjit Kumar, Senior Advocate, Shri Gourab Banerji, Senior Advocate and Ms. Indu Malhotra, Senior Advocate.

The topics discussed during the Meet were i) Challenges before the Judiciary - Judicial Appointments and Diversity, Judicial Accountability, Conduct and Discipline and Judicial Independence; ii) Comparative Constitutional Issues : Freedom of Speech and the Role of the Media; iii) The Rule of Law and the Constitutional Function of Law Officers and iv) Alternative Dispute Resolution and International Arbitration.

VI. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA):

1. Colloquium on Gender Violence and Protection of Women's Rights: NALSA organized a Colloquium on Gender Violence and Protection of Women's Rights at Kirti Mandap, Gandhi Smriti and Darshan Samiti on 1st January 2008. The programme was organized to develop strategies for Women Empowerment.

2. Summit on Social Justice: An All India Summit of NGOs on Protection of Environment and Access to Social Justice to Citizens affected by Environmental Hazards and Challenges was organized by NALSA from 31st January 2008 to 2nd February 2008 at Bangalore. Concept of Social Justice, Indian Constitution and Social Justice, Rights of Citizens affected by Environmental Hazards and Challenges and Role of State Legal Services Authorities in Access to Social Justice were the main subjects of discussion in the Summit.

3. National Conclave of North-Eastern States for access to Justice to Women: A National Conclave of North-Eastern States for Access to Justice to Women of the Region was organized from 17th February 2008 to 25th February 2008 at New Delhi to promote Access to Justice in the North-Eastern States, namely, Assam, Arunachal Pradesh, Tripura, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim. The Conclave was inaugurated by Her Excellency the President of India, Smt. Pratibha Devisingh Patil in the august presence of Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India, Hon'ble Union Minister for Law & Justice, Dr. H.R. Bhardwaj, Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA and Hon'ble Dr. Justice M.K. Sharma, Judge, Supreme Court of India (the then Chief Justice, Delhi High Court). The objective of the Conclave was to secure participation of North-Eastern population based in Delhi as well as originally from the State as a need was felt that the students community, particularly, girl students be addressed on the subject of legal and human rights redressal. As an outcome of the National Conclave, the Authority launched a Special Protection Initiative by establishing a Legal Assistance Centre for legal support to the women and girls of the North Eastern Region on 25th February 2008 at New Delhi.

4. Regional Meet of Legal Self Help Groups and Women for Justice Forums: The Authority organized a Regional Meet of Legal Self Help Groups and Women for Justice Forums under the National Legal Literacy Mission on 4th March at Vrindaban. The main aim of this Meet was to motivate/encourage the communities to work for people's access to social justice, particularly, the widows of the region.

5. International Women's Day: On the occasion of International Women's Day, the Authority organized a Women's Prayer for Peace and Conflict Resolution at the Amar Jawan Jyoti, India Gate and a March for Social Justice from India Gate to the Residence of His Excellency the Vice President of India, Shri Mohammad Hamid Ansari on 8th March 2008. A Joint Consultative National Meet was organized to highlight the Voices of Women for Justice through a Millennium Development Campaign on Gender Equality and Social Development. Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India, Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice V.S. Sirpurkar, Judge, Supreme Court of India, Hon'ble Dr. Justice M.K. Sharma, Judge, Supreme Court of India (the then Chief Justice, Delhi High Court) and other invited dignitaries graced the occasion. The object of the Meet was to highlight the women's rights and to break barriers towards the protection of Rights of Muslim Women and Prevention of Domestic Violence.

6. Seminar on Rights of Girl Child: NALSA in association with All India Federation of Women Lawyers and Chennai Women Lawyers Association organized a Seminar on "The Right of Girl Child- A New Dimension" at High Court Building, Chennai on 15th March 2008. Hon'ble Mr. Justice R.V. Raveendran, Judge, Supreme Court of India inaugurated the Seminar in the august presence of Hon'ble Mr. Justice P. Sathasivam, Judge, Supreme Court of India and other invited dignitaries. Different sessions were organized in which issues such as child labour with special reference to girl child, sexual abuse of girl child and Law, CEDAW and Girl Child, Juvenile Justice, Domestic violence and other facets of life of the girl child were discussed.

7. Mediation and Conflict Resolution: A National Meet on Mediation and Conflict Resolution was organized on 26th March 2008 at Vigyan Bhawan, New Delhi. Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India inaugurated the Meet. Shri H.R. Bhardwaj, Hon'ble Union Minister of Law & Justice, Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA, Hon'ble Mr. Justice S.B. Sinha, Judge, Supreme Court of India, Hon'ble Mr. Justice R.V. Raveendran, Judge, Supreme Court of India and other dignitaries were present on the occasion. People were made aware of the concept of Mediation, its utility and impact of Mediation on the Justice Delivery System.

IMPORTANT VISITS AND CONFERENCES

OVERSEAS

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India attended the International Conference of the Presidents of the Supreme Courts of the World held at Abu Dhabi, U.A.E. on 23rd and 24th March, 2008. On the occasion, His Lordship presented a paper entitled "An overview of the Indian Justice Delivery Mechanism"
2. Hon'ble Mr. Justice A.K. Mathur participated in the International Meeting of the World Forum Mediation Centres held at Milan, Italy from 28th - 29th March, 2008.

INLAND

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the Mediation Centre at the Jammu and Kashmir High Court Complex on 9th February, 2008. On 1st March, 2008, His Lordship laid the foundation stone of the District Court Complex, Ernakulam.
2. Hon'ble Dr. Justice Arijit Pasayat was the Chief Guest at the National Tax Conference, 2008 held at Jaipur, Rajasthan on 15th March, 2008.
3. Hon'ble Mr. Justice S.H. Kapadia delivered the Presidential Address at the Seminar organized by the High Court of Bombay on "Evaluation of Role of Judiciary in Modern Times and Impact of Development of Constitutional Law on Functioning of Lower Courts" from 8th to 10th February, 2008. On 22nd March, 2008, His Lordship delivered the Key Note address at the Seminar organised by the State Legal Services Authority, West Bengal on "Alternative Dispute Resolution Mechanism". On the said occasion, His Lordship spoke on "Recent developments in Constitutional Adjudication, Commercial and Taxation Laws.
4. Rt. Hon'ble Dato' Abdul Hamid bin Haji Mohamad, Chief Justice, Federal Court of Malaysia visited Supreme Court of India on 18th February, 2008 and had a meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Mr. Justice Ashok Bhan.

5. An eleven-member Sri Lankan delegation headed by Mr. Sisira Ratnayake, District Judge, Colombo, President, JSA visited Supreme Court of India on 7th April, 2008 and had a meeting with the Ld. Secretary General.

