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EDITORIAL BOARD

Hon'ble Mr. Justice Altamas Kabir, 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 30-09-2011)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice S.H. Kapadia, Chief Justice of India (CJI)	18-12-2003 As CJI: 12-05-2010	29-09-2012
02.	Hon'ble Mr. Justice Altamas Kabir	09-09-2005	19-07-2013
03.	Hon'ble Mr. Justice R.V. Raveendran	09-09-2005	15-10-2011
04.	Hon'ble Mr. Justice Dalveer Bhandari	28-10-2005	01-10-2012
05.	Hon'ble Mr. Justice D.K. Jain	10-04-2006	25-01-2013
06.	Hon'ble Mr. Justice P. Sathasivam	21-08-2007	27-04-2014
07.	Hon'ble Mr. Justice G.S. Singhvi	12-11-2007	12-12-2013
08.	Hon'ble Mr. Justice Aftab Alam	12-11-2007	19-04-2013
09.	Hon'ble Mr. Justice J.M. Panchal	12-11-2007	06-10-2011
10.	Hon'ble Mr. Justice Cyriac Joseph	07-07-2008	28-01-2012
11.	Hon'ble Mr. Justice Asok Kumar Ganguly	17-12-2008	03-02-2012
12.	Hon'ble Mr. Justice Rajendra Mal Lodha	17-12-2008	28-09-2014
13.	Hon'ble Mr. Justice H.L. Dattu	17-12-2008	03-12-2015
14.	Hon'ble Mr. Justice Deepak Verma	11-05-2009	28-08-2012
15.	Hon'ble Dr. Justice B.S. Chauhan	11-05-2009	02-07-2014
16.	Hon'ble Mr. Justice A.K. Patnaik	17-11-2009	03-06-2014
17.	Hon'ble Mr. Justice T.S. Thakur	17-11-2009	04-01-2017
18.	Hon'ble Mr. Justice K.S. Radhakrishnan	17-11-2009	15-05-2014
19.	Hon'ble Mr. Justice S.S. Nijjar	17-11-2009	07-06-2014
20.	Hon'ble Mr. Justice Swatanter Kumar	18-12-2009	31-12-2012
21.	Hon'ble Mr. Justice C.K. Prasad	08-02-2010	15-07-2014
22.	Hon'ble Mr. Justice H.L. Gokhale	30-04-2010	10-03-2014
23.	Hon'ble Mrs. Justice Gyan Sudha Misra	30-04-2010	28-04-2014
24.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
25.	Hon'ble Mr. Justice S.J. Mukhopadhaya	13-09-2011	15-03-2015
26.	Hon'ble Mrs. Justice Ranjana P. Desai	13-09-2011	30-10-2014
27.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017

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

**APPOINTMENTS AND RETIREMENTS
IN SUPREME COURT OF INDIA
(FROM 01-07-2011 TO 30-09-2011)**

APPOINTMENTS

S.No.	Name of Hon'ble Judge	Date of Appointment
1.	Hon'ble Mr. Justice S.J. Mukhopadhaya	13-09-2011
2.	Hon'ble Mrs. Justice Ranjana P. Desai	13-09-2011
3.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011

RETIREMENTS

S.No.	Name of Hon'ble Judge	Date of Retirement
1.	Hon'ble Mr. Justice B. Sudershan Reddy	08-07-2011
2.	Hon'ble Mr. Justice V.S. Sirpurkar	22-08-2011
3.	Hon'ble Mr. Justice H.S. Bedi	05-09-2011
4.	Hon'ble Dr. Justice Mukundakam Sharma	18-09-2011
5.	Hon'ble Mr. Justice Markandey Katju	20-09-2011

APPOINTMENTS IN HIGH COURTS (From 01-07-2011 to 30-09-2011)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	Vinay Kumar Mathur	05-09-11
		Dinesh Gupta	05-09-11
		Surendra Kumar	05-09-11
		Anil Kumar Agarwal	05-09-11
		S.V.S. Rathore	05-09-11
		Sudhir Kumar Saxena	05-09-11
		Kalim Ullah Khan	05-09-11
		Ashok Pal Singh	05-09-11
		Vijay Prakash Pathak	05-09-11
2	Jammu & Kashmir	F.M.I. Kalifulla (As Chief Justice)	18-09-11
3	Jharkhand	P.C. Tatia (As Chief Justice)	11-09-11
4	Punjab & Haryana	Paramjeet Singh	30-09-11
		Naresh Kumar Sanghi	30-09-11
		Rameswar Singh Malik	30-09-11
		Rajiv Narain Raina	30-09-11
		Tejinder Singh Dhindsa	30-09-11
		G. S. Sandhwalia	30-09-11
5	Uttarakhand	Umesh Chandra Dhyani	13-09-11

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

**TRANSFERS BETWEEN HIGH COURTS
(From 01-07-2011 to 30-09-2011)**

S. No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Delhi	Karnataka	Vikramajit Sen	13-09-11
2	Jammu & Kashmir	Allahabad	Sunil Hali	04-07-11
3	Madhya Pradesh	Allahabad	S.R. Alam (Chief Justice)	05-08-11
4	Punjab & Haryana	Gauhati	Adarsh Kumar Goel	12-09-11

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 01-10-2011)

Sanctioned Strength	Working strength	Vacancies
31	27	04

B) HIGH COURTS (As on 01-10-2011)

S.No.	Name of the High Court	Sanctioned strength	Working strength	Vacancies
1	Allahabad	160	69	91
2	Andhra Pradesh	49	33	16
3	Bombay	75	60	15
4	Calcutta	58	41	17
5	Chhattisgarh	18	12	06
6	Delhi	48	35	13
7	Gauhati	24	19	05
8	Gujarat	42	22	20
9	Himachal Pradesh	11	11	00
10	Jammu & Kashmir	14	07	07
11	Jharkhand	20	12	08
12	Karnataka	50	40	10
13	Kerala	38	29	09
14	Madhya Pradesh	43	37	06
15	Madras	60	49	11
16	Orissa	22	17	05
17	Patna	43	39	04
18	Punjab & Haryana	68	48	20
19	Rajasthan	40	27	13
20	Sikkim	03	01	02
21	Uttarakhand	09	08	01
TOTAL		895	616	279

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-06-2011)

S. No.	State/Union Territory concerned	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2104	1897	207
2.	Andhra Pradesh	930	816	114
3a.	Maharashtra	2012	1818	194
3b.	Goa	49	42	7
3c.	Diu, Daman & Dadra and Nagar Haveli	7	5	2
4.	West Bengal	932	786	146
5.	Chhattisgarh	262	241	21
6.	Delhi	623	470	153
7.	Gujarat	1679	863	816
8a.	Assam	346	252	94
8b.	Meghalaya	36	6	30
8c.	Tripura	92	63	29
8d.	Manipur	33	26	7
8e.	Nagaland	28	23	5
8f.	Mizoram	65	31	34
8g.	Arunachal Pradesh	2	2	0
9.	Himachal Pradesh	132	119	13
10.	Jammu and Kashmir	207	187	20
11.	Jharkhand*	498	419	79
12.	Karnataka	945	790	155
13a.	Kerala	434	398	36
13b.	Lakshadweep	3	2	1
14a.	Tamil Nadu	842	768	74
14b.	Puducherry	20	13	7
15.	Madhya Pradesh	1313	1164	149
16.	Orissa	623	520	103
17.	Bihar**	1666	985	681
18a.	Punjab	426	380	46
18b.	Haryana	476	364	112
18c.	Chandigarh	20	20	0
19.	Rajasthan	922	753	169
20.	Sikkim	13	9	4
21.	Uttarakhand	268	142	126
TOTAL		18008	14374	3634

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

*The Scheme for Fast Track Courts (sanctioned post-89) expired on 31.03.2011

**219 posts of excadre A.D.J have been recently created.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

A) SUPREME COURT OF INDIA (From 01-07-2011 to 30-09-2011)

i) TABLE I

						Pendency (At the end of 30-06-2011)		
						Admission matters	Regular matters	Total matters
						33,974	23,205	57,179
Institution (01-07-2011 to 30-09-2011)			Disposal (01-07-2011 to 30-09-2011)			Pendency (At the end of 30-09-2011)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
18,844	3,123	21,967	20,695	2,147	22,842	32,123	24,181	56,304

- Note:** 1. Out of the 56,304 pending matters as on 30-09-2011, if connected matters are excluded, the pendency is only of 32,423 matters as on 30-09-2011.
 2. Out of the said 56,304 pending matters, 19,968 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 36,336 matters as on 30-09-2011.

ii) TABLE II

	OPENING BALANCE AS ON 01-07-11	INSTITUTION FROM 01-07-11 TO 30-09-11	DISPOSAL FROM 01-07-11 TO 30-09-11	PENDENCY AT THE END OF 30-09-11
CIVIL CASES	46,534	16,562	17,410	45,686
CRIMINAL CASES	10,645	5,405	5,432	10,618
ALL CASES (TOTAL)	57,179	21,967	22,842	56,304

B) HIGH COURTS (FROM 01-04-11 TO 30-06-11)

S. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Opening Balance as on 1.04.2011	Total Institution of Cases from 1.04.2011 to 30.06.2011	Total Disposal of Cases from 1.04.2011 to 30.06.2011	Total Pendency of Cases at the end of 30.06.2011	% of Institution of Cases from 1.04.2011 to 30.06.2011	% of Disposal of Cases from 1.04.2011 to 30.06.2011	#Status of Pendency in %
		Opening Balance as on 1.04.2011	Institution from 1.04.2011 to 30.06.2011	Disposal from 1.04.2011 to 30.06.2011	Pendency at the end of 30.06.2011	Opening Balance as on 1.04.2011	Institution from 1.04.2011 to 30.06.2011	Disposal from 1.04.2011 to 30.06.2011	Pendency at the end of 30.06.2011							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Allarabad	660139	36436	31540	665035	309935	26690	20052	316573	97074	63126	51592	961608	6.51	5.32	1.19
2	Andhra Pradesh*	171242	14077	9380	170185	26785	3313	2237	28572	198027	17390	11617	198757	8.78	5.87	2.92
3	Bombay	308208	24557	22873	309892	45446	7131	6492	48085	336554	31688	29365	353977	8.96	8.30	0.66
4	Calcutta	296348	13161	11759	297750	40165	4467	3270	41362	336513	17628	15029	339112	5.24	4.47	0.77
5	Chhaisgarh	37440	2818	3161	37097	16532	1765	1690	16607	53972	4583	4851	53704	8.49	8.99	-0.50
6	Delhi	51351	6320	7778	49893	12400	2368	2043	12725	63751	8688	9821	62618	13.63	15.41	-1.78
7	Gujarat	61566	7273	9360	59479	25758	5893	4467	27184	87324	13166	13827	86663	15.08	15.83	-0.76
8	Gauhati	43897	5398	6262	43033	8947	2704	2592	9059	52844	8102	8854	52092	15.33	16.75	-1.42
9	Himachal Pradesh	38325	10017	9060	40282	6018	759	903	5874	45343	10776	9963	46156	23.77	21.97	1.79
10	Jammu & Kashmir	68664	7509	3955	73218	3915	760	663	4012	73879	8269	4618	77230	11.24	6.28	4.96
11	Jharkhand	32653	2457	1627	33483	28073	4397	4539	27931	60726	6854	6166	61414	11.29	10.15	1.13
12	Karnataka	211395	38742	27644	222493	22991	4923	4159	23735	234386	43665	31803	246248	18.63	13.57	5.06
13	Kerala	94391	11556	9789	96158	30677	5055	4673	31059	125068	16611	14462	127217	13.28	11.56	1.72
14	Madhya Pradesh	154176	15697	13481	165392	71066	10732	9070	72748	225262	26429	22551	229140	11.73	10.01	1.72
15	Madras	405549	38124	29979	413694	48926	16546	13927	51545	464475	54670	43906	465239	12.03	9.66	2.37
16	Orissa	253028	17120	13361	266787	29643	10117	9554	30206	282671	27237	22915	288993	9.64	8.11	1.53
17	Punjab	79848	6529	10104	76273	48174	10902	12191	46885	128022	17431	22295	123158	13.62	17.41	-3.80
18	Punjab & Haryana**	186063	13693	12913	186639	47542	11518	9005	50055	233605	25211	21918	236694	10.79	9.38	1.41
19	Rajasthan	234048	20470	20579	233939	66590	10372	9489	67473	300638	30842	30068	301412	10.26	10.00	0.26
20	Sikkim	32	21	14	39	22	10	10	22	54	31	24	61	57.41	44.44	12.96
21	Uttarakhand	12256	2132	1683	12705	6347	1148	1025	6470	18603	3280	2708	19175	17.63	14.56	3.07
	Total	3402619	294107	256302	3434666	895972	141570	122051	916202	4298591	435677	378353	4350868	10.14	8.80	1.33

* Physical Verification relating to cases on Civil side and Criminal side was taken up during this Summer Vacation. In the course of Physical Verification of records it was noticed that disposal relating to Civil Cases (Original & Appellate Side) numbering 5,754 cases were not marked in the computer system. The said Disposals are now entered in the Computer system. Consequently the pendency is reduced from 1,75,939 to 1,70,185 (on civil side). On Criminal Side 711 cases were not entered in the Computer System by oversight. The same is now entered and consequently the pendency on Criminal Side is increased from 27,861 to 28,572.

** 4 RFA were transferred to the concerned District and Session Judges.

Figures shown in negative at Column 'O' reflects that % of disposal of cases is more than % of Institution of cases and if this performance remains constant, pendency will be decreasing.

M = (J X 100)/I, N = (K X 100)/L, O = (M-N).

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

C) DISTRICT AND SUBORDINATE COURTS (FROM 01-04-11 TO 30-06-11)

S No.	NAME OF THE STATE/UNION TERRITORY	Civil Cases				Criminal Cases				Total Opening Balance as on 1.04.2011	Total Institution of Cases from 1.04.2011 to 30.06.2011	Total Disposal of Cases from 1.04.2011 to 30.06.2011	Total Pendency at the end of 30.06.2011	% of Institution of Cases from 1.04.2011 to 30.06.2011	% of Disposal of Cases from 1.04.2011 to 30.06.2011	#Status of Pendency in %
		A	B	C	D	E	F	G	H							
1	Uttar Pradesh	1307716	100511	95138	1313089	4322404	577372	540941	4358835	5630120	677883	636079	5671924	12.04	11.30	0.74
2	Andhra Pradesh	451869	60904	57226	485547	498748	71406	67649	502505	950617	132310	124875	958052	13.92	13.14	0.78
3(a)	Maharashtra	971684	154613	144920	981377	2760067	454962	528806	2686223	3731751	609575	673726	3667600	16.33	18.05	-1.72
3(b)	Goa	17221	2917	2579	17559	11893	4554	4696	11751	29114	7471	7275	29310	28.66	24.99	0.67
3(c)	Diu and Daman	961	152	174	939	946	276	256	966	1907	428	430	1905	22.44	22.95	-0.10
3(d)	Dadra and Nagar Haveli	1016	82	91	1007	2866	332	314	2884	3882	414	405	3891	10.66	10.43	0.23
4(a)	West Bengal	550447	29176	29103	550520	2292259	180812	137785	2335306	2842706	209988	166868	2885826	7.39	5.87	1.52
4(b)	Andaman & Nicobar Island	2142	162	85	2219	12887	1962	1564	13285	15029	2124	1649	15504	14.13	10.97	3.16
5	Chhattisgarh	55015	6112	4466	56661	211268	29977	27422	213823	266283	36089	31888	270484	13.55	11.98	1.58
6	Delhi	168772	17785	23319	163238	749332	245381	291217	703496	918104	263166	314536	866734	26.66	34.26	-5.60
7	Gujarat	682168	48885	45643	685210	1499420	215549	217623	1497346	2181588	264234	263266	2182556	12.11	12.07	0.04
8(a)	Assam	76737	9327	15443	70621	176396	55109	41377	190128	253133	64436	56820	260749	28.46	22.45	3.01
8(b)	Nagaland	1872	122	95	1899	3186	182	153	3215	5058	304	248	5114	6.01	4.90	1.11
8(c)	Meghalaya	1360	69	114	1315	1499	687	340	1846	2859	756	454	3161	26.44	15.88	10.56
8(d)	Manipur	4186	654	583	4257	5315	3102	2976	5441	9501	3756	3559	9698	39.53	37.46	2.07
8(e)	Tripura	6919	1118	1223	6814	40754	27319	19221	48852	47673	28437	20444	55666	59.65	42.88	16.77
8(f)	Mizoram	1584	584	681	1487	3188	1617	2214	2591	4772	2201	2895	4078	46.12	60.67	-14.54
8(g)	Arunchal Pradesh	976	275	300	951	5465	1821	1707	5579	6441	2096	2007	6530	32.54	31.16	1.38
9	Himachal Pradesh	72202	16754	15027	73929	106288	38578	34786	110070	178490	55332	49823	183999	31.00	27.91	3.09
10	Jammu & Kashmir	71076	13974	12929	72121	119895	58037	52986	124766	190771	72011	65895	196887	37.75	34.54	3.21
11	Jharkhand	52744	4300	3653	53391	241913	25267	21357	245823	294657	29567	25010	299214	10.03	8.49	1.55
12	Karnataka	553680	66116	60050	597946	582787	144398	140020	587165	1136467	210514	200070	1146911	16.52	17.60	0.82
13(a)	Kerala	362581	56523	45103	374001	623608	193456	172454	644610	986189	249979	217557	1018611	26.35	22.06	3.29
13(b)	U.T. of Lakshadweep	74	5	15	64	103	14	23	94	177	19	38	158	10.73	21.47	-10.73
14	Madhya Pradesh	218298	51558	42436	274220	896490	234631	201325	929796	1114788	286189	243761	1157216	26.67	21.87	3.87
15(a)	Tamil Nadu	725850	197433	205695	717588	480632	169461	176414	473679	1206482	366894	382109	1191267	30.41	31.67	-1.26
15(b)	Puducherry	13555	3690	3890	13355	11635	9795	9733	11697	25190	13485	13623	25052	53.53	54.08	-0.55
16	Orissa	205992	14274	9962	210304	888953	57510	56476	899987	1104945	71784	66438	1110291	6.50	6.01	0.48
17	Bihar*	253132	14229	13007	264346	1296578	78366	60372	1314518	1549710	92595	73379	1588864	5.97	4.74	1.24
18(a)	Punjab	270185	71729	67156	274758	290185	145057	133989	301253	560370	216786	201145	576011	36.69	35.90	2.79
18(b)	Haryana	225771	55045	52213	228603	338427	101362	102771	337018	564198	156407	154984	555621	27.72	27.47	0.25
18(c)	Chandigarh	22018	11330	9920	23428	51941	51351	54746	48546	73959	62681	64666	71974	84.75	87.43	-2.68
19	Rajasthan	388769	57918	52893	403794	1115071	230558	240391	1105238	1513840	288476	293284	1509032	19.06	19.37	-0.32
20	Sikkim	370	112	114	368	916	373	417	872	1286	485	531	1240	37.71	41.29	-3.58
21	Uttaranchal	32492	7623	7911	32204	113521	50032	46470	117083	146013	57655	54381	149287	39.49	37.24	2.24
	Total	7781434	1075861	1023157	7834130	19766636	3460666	3390961	19836287	27548070	4536527	4414118	27670417	16.47	16.02	0.44

Note:

Figures shown in negative at Column 'O' reflects that % of disposal of cases is more than % of Institution of cases and if this performance remains constant, pendency will be decreasing.

M = (J X 100)/I, N = (K X 100)/I, O = (M-N).

* 8 Civil cases and 54 criminal cases amalgamated/transferred during this quarter.

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

SOME SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE (01-07-2011 to 30-09-2011)

1. On 4th July, 2011, in the case of *Mrs. Saradamani Kandappan v. Mrs. S. Rajalakshmi & Ors.* [Civil Appeal nos.7254-7256 of 2002 and Contempt Petition (C) No. 28-29 of 2009], the Court observed that “there is an urgent need to revisit the principle that time is not of the essence in contracts relating to immovable properties and also explain the current position of law with regard to contracts relating to immovable property made after 1975, in view of the changed circumstances arising from inflation and steep increase in prices.”

“We can take judicial notice of the comparative purchase power of a rupee in the year 1975 and now, as also the steep increase in the value of the immovable properties between then and now”, the Court observed.

The Court further observed that “precedents from an era, when high inflation was unknown, holding that time is not of the essence of the contract in regard to immovable properties, may no longer apply, not because the principle laid down therein is unsound or erroneous, but the circumstances that existed when the said principle was evolved, no longer exist.”

2. On 8th July, 2011, in the case of *Fuerst Day Lawson Ltd. v. Jindal Exports Ltd.* [Special Leave Petition (Civil) No.11945 of 2010], it was held that that “no letters patent appeal will lie against an order which is not appealable under Section 50 of the Arbitration and Conciliation Act, 1996”. The Court arrived at the conclusion regarding the exclusion of a letters patent appeal in two different ways; “one, so to say, on a micro basis by examining the scheme devised by sections 49 and 50 of the 1996 Act and the radical change that it brings about in the earlier provision of appeal under section 6 of the Foreign Awards (Recognition and Enforcement) Act, 1961 and the other on a macro basis by taking into account the nature and character of the 1996 Act as a self-contained and exhaustive code in itself.”
3. On 12th July, 2011, in the case of *Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers & others* [Civil Appeal No.5322 of 2011], the Court, while examining issues relating to the working conditions of the sewage workers, held that “the State and its agencies/instrumentalities cannot absolve themselves of the responsibility to put in place effective mechanism for ensuring safety of the workers employed for maintaining and cleaning the sewage system.”

Earlier, Respondent no.1, which is engaged in the welfare of sewage workers, had filed Writ Petition in the Delhi High Court to highlight the plight of sewage workers many of whom died on account of contemptuous apathy shown by the public authorities and contractors engaged by them and even private individuals/enterprises in the matter of providing safety equipments to those who are required to work under extremely odd conditions. Deprecating the attitude of a

public authority like the appellant, the Court said it “used the judicial process for frustrating the effort made by respondent No.1 for getting compensation to the workers, who died due to negligence of the contractor to whom the work of maintaining sewage system was outsourced” .

The Court held that “the human beings who are employed for doing the work in the sewers cannot be treated as mechanical robots, who may not be affected by poisonous gases in the manholes. The State and its agencies/instrumentalities or the contractors engaged by them are under a constitutional obligation to ensure the safety of the persons who are asked to undertake hazardous jobs.”

4. On 3rd August, 2011, in the case of *Vijay Kumar v. State of U.P. and another* [Criminal Appeal No. 1345 of 2011], it was held that “the wide discretion conferred on the court to summon a witness must be exercised judicially, as wider the power, the greater is the necessity for application of the judicial mind. Whether to exercise the power or not would largely depend upon the facts and circumstances of each case.”
5. On 4th August, 2011, in the case of *Rafiq Ahmed @ Rafi v. State of U.P.* [Criminal Appeal No.656 of 2005], the Court, while examining the applicability of the principle of 'cognate offences' held that “a person charged with a heinous or grave offence can be punished for a less grave offence of cognate nature whose essentials are satisfied with the evidence on record.” The Court observed that the “concept of punishing the accused for a less grave offence than the one for which he was charged is not unique to the Indian Judicial System. It has its relevancy even under the English jurisprudence under the concept of alternative verdicts.”
6. On 9th August, 2011, in the case of *Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Ors.* [Civil Appeal No.6454 of 2011], the Court *inter alia* considered the questions: 1) Whether an examinee's right to information under the Right to Information Act, 2005 (RTI Act) includes a right to inspect his evaluated answer books in a public examination or taking certified copies thereof; 2) Whether an examining body holds the evaluated answer books “in a fiduciary relationship” and consequently has no obligation to give inspection of the evaluated answer books under section 8 (1)(e) of RTI Act and 3) If the examinee is entitled to inspection of the evaluated answer books or seek certified copies thereof, whether such right is subject to any limitations, conditions or safeguards. The Court referred to the statement of objects and reasons, the preamble and the relevant provisions of the RTI Act and answered the said questions respectively as follows:-
 - (i) “The evaluated answer-book is also an 'information' under the RTI Act.” “Having regard to section 3 of the RTI Act, the citizens have the right to access to all information held by or under the control of any public authority except those excluded or exempted under the Act.” “The examining bodies (Universities, Examination Boards, CBSC etc.) are neither security nor intelligence organisations and therefore the exemption under section 24 of the Act will not apply to them. The disclosure of information with reference to answer-books does not also involve infringement of any copyright and therefore section 9 of the Act will not apply. Resultantly, unless the examining bodies are able to demonstrate that the evaluated answer-

books fall under any of the categories of exempted 'information' enumerated in clauses (a) to (j) of sub-section (1) section 8 of the Act, they will be bound to provide access to the information and any applicant can either inspect the document/record, take notes, extracts or obtain certified copies thereof."

(ii) "The test for finding out whether the information is exempted or not, is not in regard to the answer book but in regard to the evaluation by the examiner." "The examining body is not in the position of a fiduciary with reference to the examiner. On the other hand, when an answer-book is entrusted to the examiner for the purpose of evaluation, for the period the answer-book is in his custody and to the extent of the discharge of his functions relating to evaluation, the examiner is in the position of a fiduciary with reference to the examining body and he is barred from disclosing the contents of the answer-book or the result of evaluation of the answer-book to anyone other than the examining body. Once the examiner has evaluated the answer books, he ceases to have any interest in the evaluation done by him. He does not have any copy-right or proprietary right, or confidentiality right in regard to the evaluation. Therefore it cannot be said that the examining body holds the evaluated answer books in a fiduciary relationship, qua the examiner." Therefore "an examining body does not hold the evaluated answer-books in a fiduciary relationship. Not being information available to an examining body in its fiduciary relationship, the exemption under section 8(1)(e) is not available to the examining bodies with reference to evaluated answer-books. As no other exemption under section 8 is available in respect of evaluated answer books, the examining bodies will have to permit inspection sought by the examinees."

(iii) "The answer book usually contains not only the signature and code number of the examiner, but also the signatures and code number of the scrutiniser/co-ordinator/head examiner. The information as to the names or particulars of the examiners/co-ordinators/scrutinisers/ head examiners are therefore exempted from disclosure under section 8(1)(g) of RTI Act, on the ground that if such information is disclosed, it may endanger their physical safety. Therefore, if the examinees are to be given access to evaluated answer-books either by permitting inspection or by granting certified copies, such access will have to be given only to that part of the answer-book which does not contain any information or signature of the examiners/co-ordinators/scrutinisers/head examiners, exempted from disclosure under section 8(1)(g) of RTI Act. Those portions of the answer-books which contain information regarding the examiners/co-ordinators/scrutinisers/head examiners or which may disclose their identity with reference to signature or initials, shall have to be removed, covered, or otherwise severed from the non-exempted part of the answer-books, under section 10 of RTI Act." "The obligation under the RTI Act is to make available or give access to *existing information* or information which is expected to be preserved or maintained. If the rules and regulations governing the functioning of the respective public authority require preservation of the information for only a limited period, the applicant for information will be entitled to such information only if he seeks the information when it is available with the public authority." "The RTI Act provides access to all information *that is available and existing*. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant

may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.” “The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties.”

7. On 18th August, 2011, in the case of *P.V. Indiresan v. Union of India & Ors.* [Civil Appeal No. 7084 of 2011], the Court considered the question relating to the implementation of the 27% reservation for other backward classes ('OBCs') in Central Educational Institutions under the Central Educational Institutions (Reservation in Admission) Act, 2006 (Act No.5 of 2007) ('CEI Act'). The question related to the meaning of the words “cut-off marks” used in the clarificatory order dated 14.10.2008 in *P.V. Indiresan & Ors. v. Union of India*, in regard to the decision of the Constitution Bench in *Ashoka Kumar Thakur v. Union of India*. The Court held as follows:-

“The words 'cut off marks' occurring in three places in the second para of the order dated 14.10.2008 has three distinct and different meanings: (i) the use of the words, '*extent of cut off marks*' in the first sentence refers to the 'minimum eligibility marks' (or to the 'minimum qualifying marks' if there is entrance examination), for admission of OBC candidates; (ii) The use of the words, “*maximum cut-off marks for OBCs*” in the first part of the second sentence refers to the percentage of marks by which the eligibility/qualifying marks could be lowered from the minimum eligibility/qualifying marks prescribed for general category students. In other words, it refers to the difference between the minimum eligibility/qualifying marks for general category and minimum eligibility/qualifying marks for OBCs and directs that such difference should not be more than 10% of the minimum eligibility/qualifying marks prescribed for general category candidates and (iii) The use of the words, “*cut off marks of general category candidates*” in the latter part of the second sentence, refers to the minimum eligibility marks (or

to the minimum qualifying marks if there is an entrance examination) prescribed for general category candidates.”

“The use of the words 'cut-off-marks' in none of the three places in para 2 of the order dated 14.10.2008, refers to the marks secured by the last candidate to be admitted in general category or in any particular category, or to the minimum marks to be possessed by OBC candidates, determined with reference to the marks secured by the last candidate to be admitted under general category.”

“The order dated 14.10.2008 means that where minimum eligibility marks in the qualifying examinations are prescribed for admission, say as 50% for general category candidates, the minimum eligibility marks for OBCs should not be less than 45% (that is 50 less 10% of 50). The minimum eligibility marks for OBCs can be fixed at any number between 45 and 50, at the discretion of the Institution. Or, where the candidates are required to take an entrance examination and if the qualifying marks in the entrance examination is fixed as 40% for general category candidates, the qualifying marks for OBC candidates should not be less than 36% (that 40 less 10% of 40).”

8. On 29th August, 2011, a three Judge Bench in the case of *C. Venkatachalam v. Ajitkumar C. Shah and others* [Civil Appeal No.868 of 2003], in order to ensure smooth, consistent, uniform and unvarying functioning of the National Consumer Disputes Redressal Commission, the State Consumer Disputes Redressal Commissions and the District Forums, deemed it appropriate to direct the National Commission to frame comprehensive rules regarding appearances of the agents, representatives, registered organizations and/or non-advocates appearing before the National Commission, the State Commissions and the District Forums governing their qualifications, conduct and ethical behaviour of agents/non-advocates/representatives, registered organizations and/or agents appearing before the consumer forums. The Court held as follows:-

“The National Commission may consider following suggestions while framing rules:

The Commission may consider non-advocates appearing without accreditation - A party may appoint a non-advocate as its representative provided that the representative – 1) is appearing on an individual case basis; 2) has a pre-existing relationship with the complainant (e.g., as a relative, neighbour, business associate or personal friend); 3) is not receiving any form of direct or indirect remuneration for appearing before the Forum and files a written declaration to that effect and 4) demonstrates to the presiding officer of the Forum that he or she is competent to represent the party.

Accreditation Process: a) The National Commission may consider creating a process through which non-advocates may be accredited to practice as representatives before a Forum; b) Non-advocates who are accredited through this process shall be allowed to appear before a Forum on a regular basis; c) The accreditation process may consist of – i) an written examination that tests an applicant's knowledge of relevant law and ability to make legal presentations and arguments; ii) an inspection of the applicant's educational and professional

background and iii) an inspection of the applicant's criminal record and d) the National Commission may prescribe additional requirements for accreditation at its discretion provided that the additional requirements are not arbitrary and do not violate existing law or the Constitution.

Fees: a) A representative who wishes to receive a fee must file a written request before the Forum; b) The presiding officer will decide the amount of the fee, if any, a representative may charge or receive; c) When evaluating a representative's request for a fee, the presiding officer may consider the following factors: (i) the extent and type of services the representative performed; (ii) the complexity of the case; (iii) the level of skill and competence required of the representative in giving the services; (iv) the amount of time the representative spent on the case; and (v) the ability of the party to pay the fee and d) If a party is seeking monetary damages, its representative may not seek more a fee of more than 20% of the damages.

Code of Conduct for representatives: The National Commission to create a code of conduct which would apply to non-advocates, registered organizations and agents appearing before a Forum.

Disciplinary Powers of a Forum: (a) The presiding officer of a Forum may be given specific power to discipline non-advocates, agents, authorized organizations and representatives for violating the code of conduct or other behaviour that is unfitting in a Forum; (b) In exercising its disciplinary authority, the presiding officer may – (i) revoke a representative's privilege to appear before the instant case; (ii) suspend a representative's privilege to appear before the Forum; (iii) ban a representative from appearing before the forum and (iv) impose a monetary fine on the representative.”

9. On 2nd September, 2011, in the case of *Arun Kumar Aggarwal v. State of Madhya Pradesh & Ors.* [Criminal Appeal Nos. 1706-1708 of 2011], the Court, while examining the nature and scope of “obiter dictum” in the order of the Court, held that “obiter dictum is a mere observation or remark made by the court by way of aside while deciding the actual issue before it.”

The Court held that “the mere casual statement or observation which is not relevant, pertinent or essential to decide the issue in hand does not form the part of the judgment of the Court and have no authoritative value. The expression of the personal view or opinion of the Judge is just a casual remark made whilst deviating from answering the actual issues pending before the Court. These casual remarks are considered or treated as beyond the ambit of the authoritative or operative part of the judgment.”

10. On 6th September, 2011, in the case of *Bharat Sanchar Nigam Ltd. v. R. Santhakumari Velusamy & Ors.* [Civil Appeal Nos.5286-87 of 2005], the Court summarised the principles relating to promotion and upgradation as follows:- “(i) Promotion is an advancement in rank or grade or both and is a step towards advancement to higher position, grade or honour and dignity. Though in the traditional sense promotion refers to advancement to a higher post, in its wider sense, promotion may include an advancement to a higher pay scale without moving to a different post. But the mere fact that both – that is advancement to a higher position and advancement to a higher pay scale – are described by the common term 'promotion', does not

mean that they are the same. The two types of promotion are distinct and have different connotations and consequences. (ii) Upgradation merely confers a financial benefit by raising the scale of pay of the post without there being movement from a lower position to a higher position. In an upgradation, the candidate continues to hold the same post without any change in the duties and responsibilities but merely gets a higher pay scale. (iii) Therefore, when there is an advancement to a higher pay scale without change of post, it may be referred to as upgradation or promotion to a higher pay scale. But there is still difference between the two. Where the advancement to a higher pay-scale without change of post is available to everyone who satisfies the eligibility conditions, without undergoing any process of selection, it will be upgradation. But if the advancement to a higher pay-scale without change of post is as a result of some process which has elements of selection, then it will be a promotion to a higher pay scale. In other words, upgradation by application of a process of selection, as contrasted from an upgradation simplicitor can be said to be a promotion in its wider sense that is advancement to a higher pay scale. (iv) Generally, upgradation relates to and applies to all positions in a category, who have completed a minimum period of service. Upgradation, can also be restricted to a percentage of posts in a cadre with reference to seniority (instead of being made available to all employees in the category) and it will still be an upgradation simplicitor. But if there is a process of selection or consideration of comparative merit or suitability for granting the upgradation or benefit of advancement to a higher pay scale, it will be a promotion. A mere screening to eliminate such employees whose service records may contain adverse entries or who might have suffered punishment, may not amount to a process of selection leading to promotion and the elimination may still be a part of the process of upgradation simplicitor. Where the upgradation involves a process of selection criteria similar to those applicable to promotion, then it will, in effect, be a promotion, though termed as upgradation. (v) Where the process is an upgradation simplicitor, there is no need to apply rules of reservation. But where the upgradation involves selection process and is therefore a promotion, rules of reservation will apply. (v) Where there is a restructuring of some cadres resulting in creation of additional posts and filling of those vacancies by those who satisfy the conditions of eligibility which includes a minimum period of service, will attract the rules of reservation. On the other hand, where the restructuring of posts does not involve creation of additional posts but merely results in some of the existing posts being placed in a higher grade to provide relief against stagnation, the said process does not invite reservation.”

11. On 9th September, 2011, in the case of *Raghuvansh Dewanchand Bhasin v. State of Maharashtra & Anr.* [Criminal Appeal No.1758 of 2011], the Court, in order to prevent any paradoxical situation, and to check or obviate the possibility of misuse of an arrest warrant, deemed it appropriate to issue the following guidelines to be adopted in all cases where non-bailable warrants are issued by the Courts:- “a) All the High Court shall ensure that the Subordinate Courts use printed and machine numbered Form No.2 for issuing warrant of arrest and each such form is duly accounted for; b) Before authenticating, the court must ensure that complete particulars of the case are mentioned on the warrant; c) The presiding Judge of the court (or responsible officer specially authorized for the purpose in case of High

Courts) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon; d) The Court must ensure that warrant is directed to a particular police officer (or authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein; e) Every Court must maintain a register (*format given in the judgment*), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process; f) No warrant of arrest shall be issued without being entered in the register mentioned above and the concerned court shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the concerned case; g) A register similar to the one in clause (e) supra shall be maintained at the concerned police station. The Station House Officer of the concerned Police Station shall ensure that each warrant of arrest issued by the Court, when received is duly entered in the said register and is formally entrusted to a responsible officer for execution; h) Ordinarily, the Courts should not give a long time for return or execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long; i) On the date fixed for the return of the warrant, the Court must insist upon a compliance report on the action taken thereon by the Station House Officer of the concerned Police Station or the Officer In-charge of the concerned agency; j) The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing of responsibility in case of misuse; k) In the event of warrant for execution beyond jurisdiction of the Court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and l) In the event of cancellation of the arrest warrant by the Court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the concerned authority, requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid registers. A copy of such order shall also be supplied to the accused.”

12. On 13th September, 2011, in the case of *M/s. Cauvery Coffee Traders, Mangalore v. M/s. Hornor Resources (Intern.) Co. Ltd.* [Arbitration Petition Nos. 7 & 8 of 2009], the Court, while dealing with arbitration applications under Section 11(5) & (9) of the Arbitration and Conciliation Act, 1996 for appointment of Arbitrator in an international arbitration dispute, held that “a party cannot be permitted to “blow hot and cold”, “fast and loose” or “approbate and reprobate”.”

The Court held that “where one knowingly accepts the benefits of a contract or conveyance or an order, he is estopped to deny the validity or binding effect on him of such contract or conveyance or order. This rule is applied to do equity, however, it must not be applied in a manner as to violate the principles of right and good conscience.” It was held that in the facts and circumstances of the case, “as the respondents had resorted to clause 5 of the Purchase Agreement regarding price adjustment and the offer so made by the respondents was accepted by the applicants and they agreed to receive a particular sum offered by the respondents as a full and final settlement, the dispute comes to an end. “The applicants cannot

take a complete somersault and agitate the issue that the offer made by the respondents had erroneously been accepted.”

13. On 19th September, 2011, in the case of *State of M.P. & Ors. v. Premlal Shrivastava* [Civil Appeal No.2331 of 2004], it was held that “in matters involving correction of date of birth of a government servant, particularly on the eve of his superannuation or at the fag-end of his career, the Court or the Tribunal has to be circumspect, cautious and careful while issuing direction for correction of date of birth, recorded in the service book at the time of entry into any government service.”

It was held that “unless, the Court or the Tribunal is fully satisfied on the basis of the irrefutable proof relating to his date of birth and that such a claim is made in accordance with the procedure prescribed or as per the consistent procedure adopted by the department concerned, as the case may be, and a real injustice has been caused to the person concerned, the Court or the Tribunal should be loath to issue a direction for correction of the service book.” It was held that “if a government servant makes a request for correction of the recorded date of birth after lapse of a long time of his induction into the service, particularly beyond the time fixed by his employer, he cannot claim, as a matter of right, the correction of his date of birth, even if he has good evidence to establish that the recorded date of birth is clearly erroneous. No Court or the Tribunal can come to the aid of those who sleep over their rights.”

14. On 19th September, 2011, in the case of *Banatwala & Company v. L.I.C of India & Anr.* [Civil Appeal No. 7171 of 2010], the Court considered the question as to whether the provisions for fixation of standard rent, and provisions prescribing other obligations for the landlord such as maintenance of essential services under the concerned Rent Control Act viz. Maharashtra Rent Control Act, 1999 as in the case in question, are applicable in respect of public premises owned by a corporation such as the first respondent Life Insurance Corporation of India (L.I.C) which is otherwise covered by the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (the Public Premises Act) and *inter alia* held as follows:- (a) The provisions of the Maharashtra Rent Control Act, 1999 with respect to fixation of Standard Rent for premises, and requiring the landlord not to cut off or withhold essential supply or service, and to restore the same when necessary, are not in conflict with or repugnant to any of the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971; (b) The provisions of the Public Premises Act, 1971 shall govern the relationship between the public undertakings covered under the Act and their occupants to the extent they provide for eviction of unauthorised occupants from public premises, recovery of arrears of rent or damages for such unauthorised occupation, and other incidental matters specified under the Act and (c) The provisions of the Maharashtra Rent Control Act, 1999 shall govern the relationship between the public undertakings and their occupants to the extent this Act covers the other aspects of the relationship between the landlord and tenants, not covered under the Public Premises Act, 1971.”

15. On 23rd September, 2011, in the case of *A.B. Bhaskara Rao v. Inspector of Police, CBI Visakhapatnam* [Criminal Appeal No. 650 of 2008], it was held that “the power under Article 142

of the Constitution is a constitutional power and not restricted by statutory enactments. However, this Court would not pass any order under Article 142 which would amount to supplant the substantive law applicable or ignoring statutory provisions dealing with the subject. In other words, acting under Article 142, this Court cannot pass an order or grant relief which is totally inconsistent or goes against the substantive or statutory enactments pertaining to the case.”

16. On 30th September, 2011, in the case of *Union of India v. Hassan Ali Khan & Anr.* [Criminal Appeal No.1883 of 2011], the Court observed that the distinction between an application for cancellation of bail and an appeal preferred against an order granting bail cannot be ignored. It was held that “while the ground for cancellation of bail would relate to post-bail incidents, indicating misuse of the said privilege, an appeal against an order granting bail would question the very legality of the order passed.”

RECENT MAJOR EVENTS AND INITIATIVES (01-07-2011 to 30-09-2011)

- I. **BRITISH DELEGATION:** On 27-9-2011, a British Delegation led by Rt. Hon. Kenneth Clarke QC MP had a meeting with Hon'ble the Chief Justice of India in the Chamber of His Lordship.
- II. **MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA):**
 - a. **Academic Programme for Judges from Sri Lanka (August 08 -12, 2011):** The main objective of the five day academic programme for the 31 judges from the Sri Lankan Judiciary was to provide a brief overview of the current issues and recent developments in selected areas of law and justice, which would help the members of the Sri Lankan judiciary better understand the functioning of the Indian judicial system. The discussions covered the following topics: 1. Contemporary Issues in Criminal Justice Administration; 2. Components of Transformative Justice; 3. Public and Private Law Interface; 4. Environmental Law; 5. Stress Management; 6. Sentencing Policy; 7. Juvenile Justice; 8. Court, Case-Load and Case Management; 9. Court Administration.
 - b. **National Judicial Workshop on Adjudication Management: Adjudication of Cases Involving Women's Rights (August 19 - 22, 2011):** The main objective of this programme was to highlight and help strengthen the quality of judicial management of cases involving women's rights, cutting across various knowledge and skill requirements. The programme focused on the understanding of the Protection of Women against Domestic Violence Act, 2005 (PWDVA), criminal law and other laws relating to women's rights, major decisions delivered by the Supreme Court and different High Courts contributing and augmenting to the course of development of law. The programme covered such aspects as the socio-economic context, judicial attitude and constitutional and human rights norms, background of violence against women; relevant court and case management methods, substantive and procedural law, judging and decision making skills and evaluation of quality and timeliness in cases involving women's rights. The programme was well received by the Twenty eight judges from the district and subordinate judiciary from across the country.
 - c. **National Judicial Workshop on Adjudication Management: Adjudication of Criminal Cases (September 2- 5, 2011):** The basic objective of the programme was to enhance the application of constitutional values in adjudication of criminal cases. The programme, therefore, aspired to sensitize the members of District Judiciary regarding the protection of the rights of the parties including both accused and as well as victim by ensuring fair trials according to the values of the Constitution. The programme also considered the full life cycle of adjudication of criminal cases— the origin of these cases, issues in investigation and prosecution, rights of the parties, challenges in timely conduct of adjudication including service

of process and obtaining presence of accused and witnesses; time taken up by non-judicial tasks, and other work environment issues affecting adjudication. The Workshop dealt in detail on the following crucial topics i) Fair Trial-Challenges in Timely Disposal of Criminal Cases; ii) Fair Investigation of Criminal Cases: Role of Court; iii) Confession & Protection of Rights: Role of Court; iv) Adjudication of Cross Cases; v) Insurgency & Protection of Human Rights: Role of Court; v) Criminal Justice Administration and Protection of Rights: Role of Courts; v) Sentencing and Rights of Prisoners.

- d. **National Judicial Workshop on Adjudication Management: Adjudication of Economic and Commercial Cases (September 30 – October 3, 2011):** This particular programme brought together district judicial officers from across the country to discuss new areas of legal development and challenges facing the judicial system in adjudication of economic and commercial cases. The following topics were discussed at the various sessions spread over four days: i) Decision Making Process in suits relating to IPR with specific reference to copyright: Social, Cultural and Economic Dimensions; ii) Decision Making Process in Suits Relating to Trade Marks Cases; iii) Decision Making Process in money suits, NI Act & debt recovery cases; iv) Decision making process in suits relating To Company Matters; v) Role of court in Land Acquisition matters; vi) Land Acquisition *vis a vis* Economic Development with specific reference to farmer's and tribal rights; vii) Alternative Dispute Resolution and section 89 of CPC and viii) Ensuring Labour Rights in the era of Globalization

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

- a. **National Seminar on Access to Justice : What it means to a Child on 9-10 July, 2011:** NALSA in association with Delhi State Legal Services Authority organized a National Seminar on "Access to Justice : What it means to a Child" on 9-10 July, 2011 at Vigyan Bhawan, New Delhi. Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA inaugurated the Seminar. Hon'ble Mr. Justice S.S. Nijjar, Judge, Supreme Court of India attended the inaugural function. As a follow up of the National Seminar meeting was held at NALSA office and it was decided to draft a Bill for amending Section 41 of the Juvenile Justice Act and also to draft a Bill on "Special Adoption".
- b. **Legal Training to Judicial Officers, Lawyers and Law Students on Legal Services Authorities Act, 1987 and Juvenile Justice System- 11th September, 2011 at Amity University, Noida:** NALSA in association with the U.P. State Legal Services Authority organised a programme "Legal Training to Judicial officers, Lawyers and Law Students on Legal Services Authorities Act, 1987 and Juvenile Justice System" on 11th September, 2011 at Amity University, Noida. Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA inaugurated the programme.

SOME IMPORTANT VISITS AND CONFERENCES (From 01-07-11 to 30-09-11)

1. Hon'ble Shri S. H. Kapadia, Chief Justice of India delivered the Keynote Address at Inaugural Session of International Seminar on Global Environment & Disaster Management: Law & Society at Vigyan Bhawan, New Delhi on 22nd July, 2011 and also addressed the Valedictory session of the said Seminar on 24th July, 2011. His Lordship visited Mumbai in connection with Inauguration of the Sesquicentennial of the High Court of Bombay on 14th August, 2011.
2. Hon'ble Mr. Justice Altamas Kabir visited Noida (U.P.) in connection with a NALSA Workshop held at Amity University Campus, Noida on 11th September, 2011.
3. Hon'ble Mr. Justice Dalveer Bhandari attended the Mediation and Conciliation Project on the Topic Mediation - Yesterday, Today and Tomorrow organized by Mediation and Conciliation Project Committee, Supreme Court of India at PUSA Institute, New Delhi on 10th September, 2011 and also attended the Clinical Legal Education and Career Options programme organized by Law Centre-I, Faculty of Law, University of Delhi on 30th September, 2011.
4. Hon'ble Mr. Justice V. S. Sirpurkar visited Bangalore to attend meeting of General Council and Annual Convocation of the National Law School of India University during the period from 6th August to 7th August, 2011.
5. Hon'ble Mr. Justice P. Sathasivam visited 1) Chennai to participate in the function organised by the T.N. State Legal Services Authority & Dist. Legal Services Authority, Chennai for laying of Foundation Stone for A.D.R. Centre, Chennai on 16th July, 2011; 2) Coimbatore to inaugurate the Hon'ble Justice Sengottuvelan Advocates Academy on 13th August, 2011; 3) Jabalpur to participate in the State Level Meet of Para Legal Volunteers organised by the State Legal Services Authority on 17th September, 2011; 4) Lucknow (a) to attend the function organised by the Oudh Bar Association for 110th year Celebration function at High Court Compound on 20th August, 2011 and (b) to attend Seminar on the topic "ADR viz-a-viz Mediation, its problems and Prospects" organised by the Mediation and Conciliation Centre, High Court at Dr. Ram Manohar Lohiya Law University on 21st August, 2011 and 5) Erode to attend Silver Jubilee Function of Al-Ameen Services and Charity Trust on 30th July, 2011.
6. Hon'ble Dr. Justice Mukundakam Sharma visited 1) Guwahati to attend function organised by Pragjyotish College, Guwahati; 2) Nalbari to attend 1st Surendra Nath Sarma Memorial Lecture, at Nalbari Law College, Nalbari on 3rd September, 2011; 3) Imphal to conduct a training programme at Uripok Cheirap Court Complex on 10th September, 2011 and 4) Bangalore to preside over the Valedictory function of Moot Court Competition of School of Law, Christ University, Hosur Road, Bangalore on 11th September, 2011.

7. Hon'ble Mr. Justice Asok Kumar Ganguly visited Kolkata a) to attend the Anti Trafficking Prosecutor Workshop 2011 at the West Bengal National University of Juridical Sciences, Kolkata on 9th July, 2011; b) to attend the Meeting of the Search Committee at the premises of WB National University of Juridical Sciences, the Meeting of the Executive Council at the premises of WB National University of Juridical Sciences as also the Meeting of the General Council at the premises of WB National University of Juridical Sciences on 27th August, 2011.
8. Hon'ble Mr. Justice H. L. Dattu visited Bangalore to attend the inauguration of Judges' Bungalow organised by the High Court of Karnataka on 31st August, 2011.
9. Hon'ble Mr. Justice Deepak Verma visited Jabalpur 1) to attend the Installation Ceremony at Rotary Club, Jabalpur during the period from 16th July to 17th July, 2011 and b) to attend the Mediation Awareness Programme organised by Madhya Pradesh State Legal Services Authority, Jabalpur on 6th August, 2011; 2) Indore to attend the closing ceremony of Golden Jubilee Celebrations and to inaugurate the renovated Library in memory of Late Shri S.K. Gambhir, Senior Advocate, High Court Bar Association, Indore during the period from 2nd September to 4th September, 2011 and 3) Bhopal/Jabalpur to attend a Seminar on "Para Legal Volunteers" during the period from 16th September to 18th September, 2011.
10. Hon'ble Dr. Justice B. S. Chauhan visited 1) Lucknow (a) to attend function at Oudh Bar Association High Court Compound, Lucknow on "Constitutional Philosophy and Rule of Bar in Dispensation of Justice" on 20th August, 2011 and (b) to attend Seminar on "Alternative Dispute Resolution, viz-a-viz Mediation, its problems and prospects", organised by the Mediation and Conciliation Centre, High Court, Lucknow on 21st August, 2011 and 2) Bhopal to preside the National Conference of High Court Justices on "Criminal Justice Administration" during the period from 3rd September to 4th September, 2011.
11. Hon'ble Mr. Justice A.K. Patnaik visited 1) Bhubaneswar to attend the Seminar of Telecom Disputes Settlement & Appellate Tribunal at Hotel Swosti Premium, Bhubaneswar on 9th July, 2011; 2) Chhattisgarh to attend the inaugural function of Chhattisgarh Bar Council Law Journal at the Auditorium Hall of the High Court of Chhattisgarh, Bodri, Bilaspur on 16th July, 2011 and 3) Cuttack to attend the Symposium of the High Court Bar Association at Saheed Bhawan, Cuttack on 20th August, 2011.
12. Hon'ble Mrs. Justice Gyan Sudha Misra visited Jaipur to inaugurate 1st Five Year Law College Ranka National Moot Court Competition during the period from 9th September to 10th September, 2011.

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