



COURT NEWS

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EDITORIAL BOARD

Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India
Hon'ble Mr. Justice J. Chelameswar, Judge, Supreme Court of India

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LIST OF SUPREME COURT JUDGES

(As on 30-06-2016)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice T.S. Thakur, Chief Justice of India	17-11-2009 As CJI: 03-12-2015	04-01-2017
02.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
03.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017
04.	Hon'ble Mr. Justice Dipak Misra	10-10-2011	03-10-2018
05.	Hon'ble Mr. Justice J. Chelameswar	10-10-2011	23-06-2018
06.	Hon'ble Mr. Justice F.M. Ibrahim Kalifulla	02-04-2012	23-07-2016
07.	Hon'ble Mr. Justice Ranjan Gogoi	23-04-2012	18-11-2019
08.	Hon'ble Mr. Justice Madan B. Lokur	04-06-2012	31-12-2018
09.	Hon'ble Mr. Justice V. Gopala Gowda	24-12-2012	06-10-2016
10.	Hon'ble Mr. Justice Pinaki Chandra Ghose	08-03-2013	28-05-2017
11.	Hon'ble Mr. Justice Kurian Joseph	08-03-2013	30-11-2018
12.	Hon'ble Mr. Justice A.K. Sikri	12-04-2013	07-03-2019
13.	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
14.	Hon'ble Mr. Justice Shiva Kirti Singh	19-09-2013	13-11-2016
15.	Hon'ble Mr. Justice C. Nagappan	19-09-2013	04-10-2016
16.	Hon'ble Mr. Justice R.K. Agrawal	17-02-2014	05-05-2018
17.	Hon'ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022
18.	Hon'ble Mr. Justice Arun Mishra	07-07-2014	03-09-2020
19.	Hon'ble Mr. Justice Adarsh Kumar Goel	07-07-2014	07-07-2018
20.	Hon'ble Mr. Justice R.F. Nariman	07-07-2014	13-08-2021
21.	Hon'ble Mr. Justice Abhay Manohar Sapre	13-08-2014	28-08-2019
22.	Hon'ble Mrs. Justice R. Banumathi	13-08-2014	20-07-2020
23.	Hon'ble Mr. Justice Prafulla C. Pant	13-08-2014	30-08-2017
24.	Hon'ble Mr. Justice Uday U. Lalit	13-08-2014	09-11-2022
25.	Hon'ble Mr. Justice Amitava Roy	27-02-2015	01-03-2018
26.	Hon'ble Mr. Justice A.M. Khanwilkar	13-05-2016	30-07-2022
27.	Hon'ble Dr. Justice D.Y. Chandrachud	13-05-2016	11-11-2024
28.	Hon'ble Mr. Justice Ashok Bhushan	13-05-2016	05-07-2021
29.	Hon'ble Mr. Justice L. Nageswara Rao	13-05-2016	08-06-2022

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**APPOINTMENTS AND RETIREMENTS
IN THE SUPREME COURT OF INDIA
(FROM 01-04-2016 TO 30-06-2016)**

APPOINTMENTS

S.No.	Name of the Hon'ble Judge	Date of Appointment
1	Hon'ble Mr. Justice A.M. Khanwilkar	13-05-2016
2	Hon'ble Dr. Justice D.Y. Chandrachud	13-05-2016
3	Hon'ble Mr. Justice Ashok Bhushan	13-05-2016
4	Hon'ble Mr. Justice L. Nageswara Rao	13-05-2016

**APPOINTMENTS AND RETIREMENTS
IN THE HIGH COURTS
(FROM 01-04-2016 TO 30-06-2016)**

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	Abhai Kumar	07-04-16
		Alok Kumar Mukherjee	07-04-16
		Anil Kumar Srivastava-II	07-04-16
		Ravindra Nath Kakkar	07-04-16
		Dr.Vijay Laxmi	07-04-16
		Umesh Chandra Srivastava	07-04-16
		Ravindra Nath Misra-II	07-04-16
		Prabhat Chandra Tripathi	07-04-16
		Vinod Kumar Srivastava-III	07-04-16
2	Gujarat	Ashutosh Jayantilal Shastri	06-04-16
		Biren Aniruddh Vaishnav	06-04-16
		Alpesh Yeshvant Kogje	06-04-16
		Arvindsingh Ishwarsingh Supehia	06-04-16
		B.N. Karia	06-04-16
3	Himachal Pradesh	Vivek Singh Thakur	12-04-16
		Ajay Mohan Goel	12-04-16
		Sandeep Sharma	12-04-16
		Chander Bhusan	12-04-16
4	Jharkhand	Ananda Sen	08-04-16
		Anant Bijay Singh	11-04-16

5	Madhya Pradesh	Atul Shreedharan	07-04-16
		Vivek Agarwal	07-04-16
		Nandita Dubey	07-04-16
		Sushrut Arvind Dharmadhikari	07-04-16
		Vivek Rusia	07-04-16
		Anand Pathak	07-04-16
		Ved Prakash Sharma	07-04-16
		Jagdish Prasad Gupta	07-04-16
		Anurag Kumar Shrivastava	07-04-16
		Housla Prasad Singh	07-04-16
		Ashok Kumar Joshi	07-04-16
6	Madras	V. Bharathidasan	07-04-16
		D. Krishnakumar	07-04-16
		S.S. Sundar	07-04-16
		M.V. Muralidharan	07-04-16
		Ponnusamy Kalaiyaran	07-04-16
		B. Gokuldas	07-04-16
7	Rajasthan	Ganga Ram Moolchandani	11-04-16
		Deepak Maheshwari	11-04-16
		Vijay Kumar Vyas	11-04-16
		Kailash Chandra Sharma	11-04-16
		Goverdhan Bardhar	11-04-16
		Pankaj Bhandari	11-04-16
		Dinesh Chandra Somani	11-04-16
8	Telangana & Andhra Pradesh	G. Shyam Prasad	20-05-16

TRANSFERS BETWEEN THE HIGH COURTS (FROM 01-04-2016 TO 30-06-2016)

S. No.	From (Name of concerned High Court)	To (Name of concerned High Court)	Name of Hon'ble Judge	Date of Transfer
1.	Gujarat	Allahabad	K.J. Thaker	11-04-16
2.	Delhi	Madras	Rajiv Shakti	11-04-16
3.	Allahabad	Madras	Huluvadi G. Ramesh	11-04-16
4.	Bombay	Punjab & Haryana	A.B. Chaudhari	11-04-16
5.	Orissa	Jharkhand	P.K. Mohanty	11-04-16
6.	Punjab & Haryana	Rajasthan	Sabina	11-04-16
7.	Delhi	Telangana & Andhra Pradesh	Suresh Kumar Kait	12-04-16
8.	Madhya Pradesh	Bombay	S.S.Kemkar	16-04-16
9.	Rajasthan	Karnataka	Vineet Kothari	18-04-16
10.	Madras	Jammu & Kashmir	R. Sudhakar	18-04-16
11.	Telangana & Andhra Pradesh	Madras	N. Ramamohana Rao	18-04-16
12.	Madras	Telangana & Andhra Pradesh	V. Ramasubramanian	27-04-16
13.	Bombay	Allahabad	A.M. Thipsay	02-05-16
14.	Chhattisgarh	Rajasthan	Navin Sinha (Chief Justice)	14-05-16
15.	Tripura	Chhattisgarh	Deepak Gupta (Chief Justice)	16-05-16
16.	Gauhati	Tripura	T. Vaiphei	16-05-16
17.	Jharkhand	Allahabad	Prashant Kumar	19-05-16
18.	Madras	Sikkim	S.K. Agnihotri	23-05-16
19.	Delhi	Meghalaya	V.P. Vaish	23-05-16
20.	Calcutta	Punjab & Haryana	Sudip Ahluwalia	23-05-16

VACANCIES IN THE COURTS

A) SUPREME COURT OF INDIA (As on 30-06-2016)

Sanctioned Strength	Working strength	Vacancies
31	29	02

B) HIGH COURTS (As on 30-06-2016)

S. No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	78	82
2	Andhra Pradesh & Telangana	61	25	36
3	Bombay	94	64	30
4	Calcutta	72	41	31
5	Chhatisgarh	22	8	14
6	Delhi	60	35	25
7	Gujarat	52	33	19
8	Gauhati	24	14	10
9	Himachal Pradesh	13	11	2
10	Jammu & Kashmir	17	9	8
11	Jharkhand	25	14	11
12	Karnataka	62	27	35
13	Kerala	47	33	14
14	Madhya Pradesh	53	34	19
15	Madras	60	38	22
16	Manipur	5	4	1
17	Meghalaya	4	3	1
18	Orissa	27	19	8
19	Patna	53	29	24
20	Punjab & Haryana	85	46	39
21	Rajasthan	50	31	19
22	Sikkim	3	3	0
23	Tripura	4	4	0
24	Uttarakhand	11	6	5
TOTAL		1064	609	455

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-06-2016)

S. No.	State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	2394	1770	624
2	Andhra Pradesh & Telangana	975	806	169
3(a)	Maharashtra	2257	1918	339
3(b)	Goa	57	47	10
3(c)	Diu and Daman & Silvassa	7	4	3
4	West Bengal and Andaman & Nicobar	1013	889	124
5	Chhatisgarh	395	340	55
6	Delhi	778	486	292
7	Gujarat	1953	1159	794
8(a)	Assam	424	316	108
8(b)	Nagaland	27	25	2
8(c)	Mizoram	63	31	32
8(d)	Arunachal Pradesh	17	17	0
9	Himachal Pradesh	155	139	16
10	Jammu & Kashmir	245	219	26
11	Jharkhand	671	457	214
12	Karnataka	1294	927	367
13(a)	Kerala	466	377	89
13(b)	Lakshadweep	3	3	0
14	Madhya Pradesh	1461	1259	202
15	Manipur	41	34	7
16	Meghalaya	57	29	28
17(a)	Tamil Nadu	1032	953	79
17(b)	Puducherry	26	14	12
18	Orissa	804	613	191
19	Bihar	1825	1033	792
20(a)	Punjab	674	547	127
20(b)	Haryana	644	507	137
20(c)	Chandigarh	30	30	0
21	Rajasthan	1199	989	210
22	Sikkim	18	14	4
23	Tripura	106	77	29
24	Uttarakhand	280	222	58
TOTAL		21391	16251	5140

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

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT [01-04-2016 to 30-06-2016]

i) Table I

						Pendency (At the end of 31-03-2016)		
						Admission matters	Regular matters	Total matters
						33,376	26,219	59,595
Institution (01-04-2016 to 30-06-2016) (including unregistered CC matters and conversion)			Disposal (01-04-2016 to 30-06-2016) (including unregistered CC matters and conversion)			Pendency (At the end of 30-06-2016)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
15,080	1,298	16,378	12,194	1,133	13,327	36,262	26,384	62,646

ii) Table II

	OPENING BALANCE AS ON 01-04-16	INSTITUTION FROM 01-04-16 TO 30-06-16	DISPOSAL FROM 01-04-16 TO 30-06-16	PENDENCY AT THE END OF 30-06-16
CIVIL CASES	48,532	12,521	9,880	51,173
CRIMINAL CASES	11,063	3,857	3,447	11,473
ALL CASES (TOTAL)	59,595	16,378	13,327	62,646

Note:

1. Out of the **62,646** pending matters as on 30-06-2016, if connected matters are excluded, the pendency is only of **36,680** matters as on 30-06-2016.
2. Out of the **62,646** pending matters as on 30-06-2016, **18,503** matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of **44,143** matters as on 30-06-2016.
3. Total institution shown above of **16,378** matters includes conversion of **1,263** matters from one case type to other and also registration of **6,201** unregistered CC matters.
4. Total Disposal shown above of **13,327** matters includes conversion of **503** matters from one case type to other and also registration of **4,954** unregistered CC matters.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS (FROM 01-04-16 TO 30-06-16)

Sl. No.	Name of the High Court	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) As on 01/04/2016			Freshly instituted Cases(Civil/Crl.) during this Quarter (Apr - Jun 2016)			Disposed of Cases (Civil/Crl.) during this Quarter (Apr - Jun 2016)			Pending Cases (Civil/Crl.) at the end of this Quarter (Apr - Jun 2016) (As on 30/06/2016)			% of Institution of Cases w.r.t Opening Balance as on 01/04/2016	% of Disposal of Cases w.r.t Opening Balance as on 01/04/2016	% Increase or Decrease in Pendency w.r.t Opening Balance as on 01/04/2016
		CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)			
1	Allahabad	554626	358412	913038	31597	39374	70971	28518	35896	64414	557705	361890	919595	7.77	7.05	0.72
2	Andhra Pradesh & Telangana	234612	38359	272971	15142	6095	21237	10834	4679	15513	238920	39775	278695	7.78	5.68	2.10
3	Bombay	202893	47995	250888	17335	5474	22809	13831	4424	18255	206397	49045	255442	9.09	7.28	1.82
4	Calcutta	181385	39826	221211	11515	3983	15498	16907	6288	23195	175993	37521	213514	7.01	10.49	-3.48
5	Chhatisgarh	31773	19327	51100	4483	3295	7778	2544	2240	4784	33712	20382	54094	15.22	9.36	5.86
6	Delhi	46739	16350	63089	7183	3166	10349	5890	2383	8273	48032	17133	65165	16.40	13.11	3.29
7	Gujarat	51856	33175	85031	10149	10877	21026	9803	10201	20004	52202	33851	86053	24.73	23.53	1.20
8	Gauhati	22081	4932	27013	3004	584	3588	2685	371	3056	22400	5145	27545	13.28	11.31	1.97
9	Himachal Pradesh	26314	5603	31917	5293	1045	6338	6353	1253	7606	25254	5395	30649	19.86	23.83	-3.97
10	Jammu & Kashmir	52860	4841	57701	3317	456	3773	2643	279	2922	53534	5018	58552	6.54	5.06	1.47
11	Jharkhand	42641	38853	81494	2539	5671	8210	2640	5026	7666	42540	39498	82038	10.07	9.41	0.67
12	Karnataka	221857	20661	242518	30534	4147	34681	18281	2409	20690	234110	22399	256509	14.30	8.53	5.77
13	Kerala	122406	35604	158010	14832	5323	20155	12619	4494	17113	124619	36433	161052	12.76	10.83	1.93
14	Madhya Pradesh	175326	103176	278502	16230	15586	31816	13258	13130	26388	178298	105632	283930	11.42	9.47	1.95
15	Madras	255308	35515	290823	22190	13771	35961	17758	13121	30879	259740	36165	295905	12.37	10.62	1.75
16	Manipur	3123	126	3249	405	22	427	417	25	442	3111	123	3234	13.14	13.60	-0.46
17	Meghalaya	568	39	607	155	23	178	139	19	158	584	43	627	29.32	26.03	3.29
18	Orissa*	130748	38705	169453	8011	8400	16411	9857	6865	16722	128902	40240	169142	9.68	9.87	-0.18
19	Patna	79334	49017	128351	8095	14240	22335	6370	13711	20081	81059	49546	130605	17.40	15.65	1.76
20	Punjab & Haryana	202058	83098	285156	16287	13822	30109	16038	10299	26337	202307	86621	288928	10.56	9.24	1.32
21	Rajasthan	184694	63797	248491	13181	11397	24578	13897	8936	22833	183978	66258	250236	9.89	9.19	0.70
22	Sikkim	83	45	128	32	19	51	33	23	56	82	41	123	39.84	43.75	-3.91
23	Tripura	2342	505	2847	573	138	711	422	149	571	2493	494	2987	24.97	20.06	4.92
24	Uttarakhand	19453	8268	27721	3007	2445	5452	1503	1132	2635	20957	9581	30538	19.67	9.51	10.16
	Total	2845080	1046229	3891309	245089	169353	414442	213240	147353	360593	2876929	1068229	3945158	10.65	9.27	1.38

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

* Opening balance modified by the High Court concerned.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE DISTRICT & SUBORDINATE COURTS (FROM 01-04-16 TO 30-06-16)

Sl. No	Name of the State/UT	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) As on 01/04/2016			Freshly instituted Cases(Civil/Crl.) during this Quarter (Apr - Jun 2016)			Disposed of Cases (Civil/Crl.) during this Quarter (Apr - Jun 2016)			Pending Cases (Civil/Crl.) at the end of this Quarter (Apr - Jun 2016) (As on 30/06/2016)			% of Institution of Cases w.r.t Opening Balance as on 01/04/16	% of Disposal of Cases w.r.t Opening Balance as on 01/04/16	% Increase or Decrease in Pendency w.r.t Opening Balance as on 01/04/16
		CIVIL	CRL.	(Civ+ Crl.)	CIVIL	CRL.	(Civ+ Crl.)	CIVIL	CRL.	(Civ+ Crl.)	CIVIL	CRL.	(Civ+ Crl.)			
1	Uttar Pradesh	1491145	4245179	5736324	125464	878111	1003575	102036	749299	851335	1514573	4373991	5888564	17.50	14.84	2.65
2	A.P & Telangana	492248	536989	1029237	54446	93111	147557	43952	76671	120623	502742	553429	1056171	14.34	11.72	2.62
3(a)	Maharashtra	1097351	1997420	3094771	83239	585632	668871	66835	564203	631038	1113755	2018849	3132604	21.61	20.39	1.22
3(b)	Goa	24403	16050	40453	3620	8094	11714	3348	6249	9597	24675	17895	42570	28.96	23.72	5.23
3(c)	Diu and Daman	963	753	1716	140	318	458	184	294	478	919	777	1696	26.69	27.86	-1.17
3(d)	Silvasa	1549	2399	3948	99	286	385	40	278	318	1608	2407	4015	9.75	8.05	1.70
4(a)	West Bengal	566216	2089506	2655722	32453	233183	265636	42964	191736	234700	555705	2130953	2686658	10.00	8.84	1.16
4(b)	Andaman & Nicobar	3286	5762	9048	484	1293	1777	401	1613	2014	3369	5442	8811	19.64	22.26	-2.62
5	Chhatisgarh	64562	215223	279785	6729	37091	43820	6372	34311	40683	64919	218003	282922	15.66	14.54	1.12
6	Delhi*	161473	411817	573290	30423	141877	172300	25318	122227	147545	166578	431467	598045	30.05	25.74	4.32
7	Gujarat	656336	1473180	2129516	46637	269001	315638	128380	260543	388923	574593	1481638	2056231	14.82	18.26	-3.44
8(a)	Assam	68240	185401	253641	9563	57571	67134	11162	54237	65399	66641	188735	255376	26.47	25.78	0.68
8(b)	Nagaland	1883	2397	4280	313	999	1312	435	695	1130	1761	2701	4462	30.65	26.40	4.25
8(c)	Mizoram	2232	2533	4765	911	1711	2622	1220	1983	3203	1923	2261	4184	55.03	67.22	-12.19
8(d)	Arunachal Pradesh	1630	8014	9644	475	1152	1627	443	1055	1498	1662	8111	9773	16.87	15.53	1.34
9	Himachal Pradesh	96683	122735	219418	18532	73849	92381	15983	57789	73772	99232	138795	238027	42.10	33.62	8.48
10	Jammu & Kashmir	47419	88676	136095	6652	32190	38842	5991	27036	33027	48080	93830	141910	28.54	24.27	4.27
11	Jharkhand	64997	263525	328522	4858	27027	31885	4797	21001	25798	65058	269551	334609	9.71	7.85	1.85
12	Karnataka*	683195	608587	1291782	73017	193813	266830	56562	170262	226824	699874	632142	1332016	20.66	17.56	3.11
13(a)	Kerala	429061	973475	1402536	69390	259363	328753	65229	200656	265885	433222	1032182	1465404	23.44	18.96	4.48
13(b)	Lakshadweep	140	215	355	13	55	68	21	74	95	132	196	328	19.15	26.76	-7.61
14	Madhya Pradesh	272399	936261	1208660	56043	272334	328377	50489	248843	299332	277953	959752	1237705	27.17	24.77	2.40
15	Manipur	3732	3406	7138	1135	569	1704	645	530	1175	4222	3445	7667	23.87	16.46	7.41
16	Meghalaya*	3063	11048	14111	499	3068	3567	340	3082	3422	3222	11034	14256	25.28	24.25	1.03
17(a)	Tamil Nadu*	649987	431922	1081909	65026	117894	182920	64916	113679	178595	649317	436134	1085451	16.91	16.51	0.33
17(b)	Puduchery	13805	12550	26355	1797	3458	5255	1544	2228	3772	14058	13780	27838	19.94	14.31	5.63
18	Orissa	267479	829248	1096727	16005	84963	100968	11578	52540	64118	271906	861671	1133577	9.21	5.85	3.36
19	Bihar	337642	1748622	2086264	17981	82054	100035	18650	79122	97772	336973	1751554	2088527	4.79	4.69	0.11
20(a)	Punjab	245443	268265	513708	34797	89107	123904	28531	74103	102634	251709	283269	534978	24.12	19.98	4.14
20(b)	Haryana	234223	296419	530642	33680	92338	126018	26006	76522	102528	241897	312235	554132	23.75	19.32	4.43
20(c)	Chandigarh	15449	22330	37779	2793	35577	38370	2393	33288	35681	15849	24619	40468	101.56	94.45	7.12
21	Rajasthan	479662	1036667	1516329	57075	299732	356807	61322	278074	339396	475415	1058325	1533740	23.53	22.38	1.15
22	Sikkim	400	933	1333	177	353	530	161	383	544	416	903	1319	39.76	40.81	-1.05
23	Tripura	9762	145645	155407	1974	50160	52134	1993	66078	68071	9743	129727	139470	33.55	43.80	-10.26
24	Uttarakhand	31047	142392	173439	6087	41889	47976	5225	34390	39615	31909	149891	181800	27.66	22.84	4.82
	Total	8519105	19135544	27654649	862527	4069223	4931750	855466	3605074	4460540	8525610	19599694	28125304	17.83	16.13	1.70

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

* Figures modified by the High Court concerned.

SOME SUPREME COURT JUDGMENTS/ORDERS OF PUBLIC IMPORTANCE (01-04-2016 TO 30-06-2016)

1. On 4th April, 2016, in the case of *Common Cause v. Union of India and Others* [Writ Petition (Civil) No. 114 of 2014], *inter alia*, it was held that in view of the provisions as contained in Section 4A(4) of the Mines and Minerals (Development and Regulation) Act, 1957 and Rule 28(1) of the Mineral Concession Rules, “a mining lease under Section 4A(4) would not be deemed to have lapsed, till the State Government passes an order, declaring the mining lease to have lapsed, and further communicates the same to the leaseholder.”
2. On 8th April, 2016, in the case of *State of Kerala & Ors. v. M/s Kerala Rare Earth & Minerals Limited & Ors.* [Civil Appeal No. 3608 of 2016], per majority, a three Judges Bench held that if the State Government proposes to reserve any Mining area for exploitation by the State owned corporation or company, it must resort to making of such reservation in terms of Section 17A of the Mines and Minerals (Development and Regulation) Act, 1957 “with the approval of the Central Government and by a notification specifying boundaries of the area and mineral or minerals in respect of which such areas will be reserved.”
3. On 12th April, 2016, in the case of *Hindustan Unilever Ltd. v. State of Rajasthan & Anr.* [Criminal Appeal No.252 of 2016], it was held that “where there are many accused, once right is exercised under Section 13(2) of the Prevention of Food Adulteration Act, 1954 by any of the accused leading to a certificate from the Director of the CFL, the consequence would be supersession of the report given earlier by the Public Analyst under sub-section (1) of Section 13 and such supersession must enure to the benefit of all the co-accused.”
4. On 13th April, 2016, in the case of *Rishabh Chand Jain & Another v. Ginesh Chandra Jain* [Civil Appeal No.4543 of 2016], it was held that the impugned order dismissing the suit on the ground of Res Judicata did not cease to be a decree on account of a procedural irregularity of non-framing an issue. It was held that “the court ought to treat the decree as if the same has been passed after framing the issue and on adjudication thereof, in such circumstances. What is to be seen is the effect and not the process. Even if there is a procedural irregularity in the process of passing such order, if the order passed is a decree under law, no revision lies under Section 115 of CPC in

view of the specific bar under sub-Section (2) thereof. It is only appealable under Section 96 read with Order XLI of CPC.”

5. On 18th April, 2016, in the case of *Kunapareddy @ Nookala Shanka Balaji v. Kunapareddy Swarna Kumari & Anr.* [Criminal Appeal No.516 of 2016], it was held that “it cannot be said that the Court dealing with the application under the Domestic Violence Act, 2005 has no power and/or jurisdiction to allow the amendment of the said application.” It was held that if the amendment becomes necessary in view of subsequent events or to avoid multiplicity of litigation, Court will have the power to permit such an amendment.

6. On 19th April, 2016, in the case of *Messer Holdings Ltd. v. Shyam Madanmohan Ruia & Others* [Special Leave Petition (Civil) Nos. 33429 – 33434 of 2010], the Court deprecated the abuse of judicial process by unscrupulous litigants. The Bench observed that the case in question served as a proof of the abuse of the discretionary Jurisdiction of the Supreme Court under Article 136 of the Constitution by the rich and powerful in the name of a ‘fight for justice’ at each and every interlocutory step of a suit, and that enormous amount of judicial time of the Supreme Court and two High Courts was spent on this litigation, most of it was avoidable and could have been well spent on more deserving cases. Accordingly, the Court imposed exemplary costs quantified at Rs.25,00,000.00 (Rupees Twenty Five Lakhs only) to be paid by each of the three parties i.e. GGL, MGG and RUIAS. It was also held that “the said amount is to be paid to National Legal Services Authority as compensation for the loss of judicial time of this country and the same may be utilized by the National Legal Services Authority to fund poor litigants to pursue their claims before this Court in deserving cases.”

7. On 22nd April, 2016, in the case of *Axis Bank v. SBS Organics Private Limited and Another* [Civil Appeal No.4379 of 2016], it was held that “partial deposit before the Debt Recovery Appellate Tribunal (DRAT) as a pre-condition for considering the appeal on merits in terms of Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), is not a secured asset. It is not a secured debt either, since the borrower or the aggrieved person has not created any security interest on such pre-deposit in favour of the secured creditor. If that be so, on disposal of the appeal, either on merits or on withdrawal, or on being rendered infructuous, in case, the appellant makes a prayer for refund of the pre-deposit, the same has to be allowed and the pre-deposit has to be returned to the appellant, unless the Appellate Tribunal, on the request of the secured creditor but with the consent of the depositors, had already appropriated the pre-deposit towards the liability of the borrower, or with the consent, had adjusted the amount

towards the dues, or if there be any attachment on the pre-deposit in any proceedings under Section 13(10) of the Act read with Rule 11 of The Security Interest (Enforcement) Rules, 2002, or if there be any attachment in any other proceedings known to law.” It was also held that “the pre-deposit made by a borrower for the purpose of entertaining the appeal under Section 18 of the Act is not with the bank but with the Tribunal. It is not a bailment with the bank as provided under Section 148 of The Indian Contract Act, 1872.”

8. On 26th April, 2016, in the case of *ITC Limited Gurgaon v. Commissioner of I.T. (TDS) Delhi* [Civil Appeal Nos. 4435-37 of 2016], it was held that if a tip is included and paid by way of a credit card by a customer, and the tip goes into the account of the employer after which it is distributed to the employees, the payment of such tips would not be payments made “by or on behalf of” an employer since the employer “would have no title to the money as he would hold such money in a fiduciary capacity for and on behalf of his employees. In the said circumstances, it is clear that such payments would be outside the purview of Section 15(b) of the Income Tax Act.”

9. On 26th April, 2016, in the case of *M.K. Indrajeet Sinhji Cotto P. Ltd. v. Narmada Cotton Coop. Spg. Mills Ltd. & Ors.* [Civil Appeal No.766 of 2016], the question which arose for consideration was whether the Registrar of Co-operative Societies who is empowered by Section 112 of the Gujarat Co-operative Societies Act to decide the limited question whether leave should be granted or refused to institute or to continue a suit against a society in liquidation is competent to take into account whether a suit is tenable for want of notice under Section 167 of the Gujarat Co-operative Societies Act and on that basis refuse permission to institute or continue a suit, if he finds it untenable. It was held that “a question whether a suit is tenable under Section 167 of the Co-operative Societies Act for want of notice under the said provision is a question within the exclusive competence of a Civil Court, as indeed all questions of tenability are. Thus, the Registrar cannot look into the question whether the suit is tenable for want of notice and decide the question directly or impliedly and thereby decide whether leave to institute or continue a suit could be granted or withheld.”

10. On 29th April, 2016, in the case of *Mohammad Sadique v. Darbara Singh Guru* [Civil Appeal No. 4870 of 2015], it was held that “it is not essential for anyone to change one’s name after embracing a different faith. However, such change in name can be a corroborating fact regarding conversion or reconversion into a religion/faith in appropriate cases. Also it is not necessary in law that entire family of a person should convert or reconvert to the religion to which he has converted.”

11. On 2nd May, 2016, in the case of *Modern Dental College and Research Centre & Ors. v. State of Madhya Pradesh & Ors.* [Civil Appeal No.4060 of 2009], the appellants-unaided private medical and dental colleges challenged the validity/*vires* of the provisions of a statute passed by the Madhya Pradesh State Legislature i.e. '*Niji Vyavasayik Shikshan Sanstha (Pravesh Ka Viniyaman Avam Shulk Ka Nirdharan) Adhiniyam, 2007*'; and also *vires* of the Rules framed under the said Act, namely, Admissions Rules, 2008 and the Madhya Pradesh Private Medical and Dental Post Graduate Courses Entrance Examination Rules, 2009 which regulated the admission of students in post graduate courses in private professional educational institutions and also contained provisions for fixation of fee and reservation of seats.

While upholding the constitutional validity of the said Act and Rules, the Supreme Court observed that having regard to the malpractices noticed in the Common Entrance Test (CET) conducted by such private institutions themselves, it is "in the larger interest and welfare of the students community to promote merit, add excellence and curb malpractices" and that the "extent of restriction has to be viewed keeping in view all these factors" and, therefore, "the impugned provisions which may amount to '*restrictions*' on the right of the appellants to carry on their '*occupation*', are clearly '*reasonable*' and satisfied the test of proportionality." It was held that "though the fee can be fixed by the educational institutions and it may vary from institution to institution depending upon the quality of education provided by each of such institution, commercialisation is not permissible. In order to see that the educational institutions are not indulging in commercialisation and exploitation, the Government is equipped with necessary powers to take regulatory measures and to ensure that these educational institutions keep playing vital and pivotal role to spread education and not to make money." The Court further observed that "the occupation of education cannot be treated at par with other economic activities. In this field, State cannot remain a mute spectator and has to necessarily step in, in order to prevent exploitation, privatization and commercialisation by the private sector."

12. On 5th May, 2016, in the case of *R. Rachaiah v. Home Secretary, Bangalore* [Criminal Appeal No. 2375 of 2009], it was held that "Sections 216 and 217 of CrPC are mandatory in nature as they not only sub-serve the requirement of principles of natural justice but guarantee an important right which is given to the accused persons to defend themselves appropriately by giving them full opportunity. Cross-examination of the witnesses, in the process, is an important facet of this right. Credibility of any witness can be established only after the said witness is put to cross-examination by the accused person."

13. On 10th May, 2016, in the case of *Vohra Sadikbhai Rajakbhai & Ors. v. State of Gujarat & Ors.* [Civil Appeal No. 1866 of 2016], it was held that “if damage has resulted from two or three causes, namely, from an act of God as well as a negligent act of a party, the award of damages can be apportioned to compensate only the injury that can be attributed to the negligent act”

14. On 11th May, 2016, in the case of *Swaraj Abhiyan – (I) v. Union of India & Ors.* [Writ Petition (C) No. 857 of 2015], the Supreme Court adverted to the drought or drought-like conditions prevailing in several parts of India and issued certain directions for compliance. The Court directed the Union of India to constitute a National Disaster Response Force and also a National Disaster Mitigation Fund in terms of Sections 44 and 47 of the Disaster Management Act, 2005 respectively. The Union of India was also directed to formulate a National Plan in terms of Section 11 of the Disaster Management Act, 2005 at the very earliest and with immediate concern. The Court further directed that the Drought Management Manual be revised and updated on or before 31st December, 2016.

15. On 12th May, 2016, in the case of *Parag Bhati (Juvenile) thrgh. Legal Guardian-Mother-Smt. Rajni Bhati v. State of Uttar Pradesh and Anr.* [Criminal Appeal No. 486 of 2016], it was held that the benefit of the principle of benevolent legislation attached to the Juvenile Justice (Care and Protection of Children) Act, 2000 would “apply to only such cases wherein the accused is held to be a juvenile on the basis of at least *prima facie* evidence regarding his minority as the benefit of the possibilities of two views in regard to the age of the alleged accused who is involved in grave and serious offence which he committed and gave effect to it in a well-planned manner reflecting his maturity of mind rather than innocence indicating that his plea of juvenility is more in the nature of a shield to dodge or dupe the arms of law, cannot be allowed to come to his rescue.”

16. On 12th May, 2016, in the case of *Jeeja Ghosh & Anr. v. Union of India & Ors.* [Writ Petition (C) No. 98 of 2012], the Supreme Court asked Respondent no.3 [SpiceJet Ltd] to pay Rupees Ten Lakhs to Jeeja Ghosh, an eminent activist involved in disability rights, for forcibly de-boarding her by the flight crew, because of her disability. The Court held that “a little care, a little sensitivity and a little positive attitude on the part of the officials of the airlines would not have resulted in the trauma, pain and suffering that Jeeja Ghosh had to undergo. This has resulted in violation of her human dignity and, thus, her fundamental right, though by a private enterprise (respondent No.3).” On the “finding that respondent No.3 acted in a callous manner, and in the process violated the Aircraft Rules, 1937 and Civil Aviation Requirements(CAR),2008 guidelines resulting in

mental and physical suffering experienced by Jeeja Ghosh and also unreasonable discrimination against her”, the Court awarded a sum of Rs. 10,00,000 as damages to be payable to her by respondent No.3.

17. On 13th May, 2016, in the case of *Subramanian Swamy v. Union of India, Ministry of Law & Ors.* [Writ Petition (Criminal) No. 184 of 2014], while examining the law on criminal defamation, the Supreme Court upheld the constitutional validity of Sections 499 and 500 of the Indian Penal Code and Section 199 of the Code of Criminal Procedure. It was held that “the right to reputation is a constituent of Article 21 of the Constitution” and that reputation of “one cannot be allowed to be crucified at the altar of the other’s right of free speech. The legislature in its wisdom has not thought it appropriate to abolish criminality of defamation in the obtaining social climate.” It was further held that the “right to freedom of speech and expression is a highly valued and cherished right but the Constitution conceives of reasonable restriction. In that context criminal defamation which is in existence in the form of Sections 499 and 500 IPC is not a restriction on free speech that can be characterized as disproportionate. Right to free speech cannot mean that a citizen can defame the other.”

18. On 13th May, 2016, in the case of *Uddar Gagan Properties Ltd. v. Sant Singh & Ors.* [Civil Appeal No. 5072 of 2016], it was held that the “owner of land has guarantee against being deprived of his rights except under a valid law for compelling needs of the society and not otherwise. The commercial use of land can certainly be rewarding to an individual. Initiation of acquisition for public purpose may deprive the owner of valuable land but it cannot permit another person who may be able to get permission to develop colony to take over the said land. If the law allows the State to take land for housing needs, the State itself has to keep the title or dispose of land consistent with Article 14 of the Constitution after completion of acquisition. If after initiation of acquisition, process is not to be completed, land must revert back to owner on the date of Section 4 notification under the Land Acquisition Act and not to any one else directly or indirectly.” It was further held that “the power to release land from acquisition has to be exercised consistent with the doctrine of public trust and not arbitrarily.”

19. On 13th May, 2016, in the case of *Eitzen Bulk A/S v. Ashapura Minechem Ltd. & Anr.* [Civil Appeal Nos. 5131-5133 of 2016], it was held “where the parties choose a juridical seat of Arbitration outside India and provide that the law which governs Arbitration will be a law other than Indian law, part I of the Arbitration Act would not have any application and, therefore, the award debtor would not be entitled to challenge the award by raising objections under Section 34 before a Court in India. A Court in India could not have jurisdiction to entertain such objections under Section 34 in such a

case.” It was further held that “as a matter of fact the mere choosing of the juridical seat of Arbitration attracts the law applicable to such location. In other words it would not be necessary to specify which law would apply to the Arbitration proceedings, since the law of the particular country would apply *ipso jure*.”

20. On 17th May, 2016, in the case of *Chamoli District Co-operative Bank Ltd. through its Secretary / Mahaprandhak & Anr. v. Raghunath Singh Rana & Ors.*[Civil Appeal No.2265 of 2011], it was held that compliance of principles of natural justice in disciplinary proceedings “is not a mere formality, more so when the statutory provisions specifically provides that disciplinary proceedings shall be conducted with due observations of the principles of natural justice.”

21. On 29th June, 2016, in the case of *M/s Madura Coats Limited v. M/s Modi Rubber Ltd. & Anr.* [Civil Appeal No. 1475 of 2006], a three Judges Bench held that “different situations can arise in the process of winding up a company under the Companies Act but whatever be the situation, whenever a reference is made to the Board of Industrial and Financial Reconstruction (BIFR) under Sections 15 and 16 of the Sick Industrial Companies (Special Provisions) Act, 1985 (SICA’), the provisions of the SICA would come into play and they would prevail over the provisions of the Companies Act and proceedings under the Companies Act must give way to proceedings under the SICA.” Accordingly, the view taken by the High Court in concluding that the winding up proceedings before the Company Court cannot continue after a reference has been registered by the BIFR and an enquiry initiated under Section 16 of the SICA, was upheld.

22. On 30th June, 2016, in the case of *Rajeev Kumar Gupta & Others v. Union of India & Others* [Writ Petition (Civil) No.521 of 2008], the Court directed the Government to extend three percent reservation to ‘persons with disability’ (“PWD”) as defined under Section 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 “in all IDENTIFIED POSTS in Group A and Group B, irrespective of the mode of filling up of such posts.”

MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA)

(April, 2016 to June, 2016)

1. **Conference for Registrar (Miscellaneous) [4th - 6th April, 2016]:** The Conference focused on enhancing core soft skills of Registrars (Misc.) in managing their functions in administrative work. Deliberations were held on specific topics like performance management, conflict management, effective leadership, team building, importance of technology and different types of communication which would help participating Registrars to manage specific areas of their work. The Conference also discussed the need for managing change process, making use of information technology, software for auditing, re-engineering of administrative processes and various methodologies to avoid implementation failure.

2. **Refresher Course for MACT Courts [7th - 10th April, 2016]:** The Course aimed at capacity building of judges presiding over the Motor Vehicle Claims Tribunal (MACT) to help them in timely and responsive adjudication of motor accidents claims. Discussions were held on the role of motor accident claims tribunal, civil law and procedures applicable to MACT cases, tools and techniques to expedite MACT cases, medical & psychological needs of victims of road accidents, issues & challenges faced by motor accident claims tribunals, evidentiary issues in MACT cases and assessment of disability. In addition to the above, issues like compensation in case of gratuitous passengers, liability of insurer vis-à-vis commencement of insurance policy, identification of material facts, mediation as a tool to expedite MACT cases, concept of disability, medical requirement for victim, compensation on the basis of no fault liability, application of section 170 and essential provision of section 147 were also deliberated upon. Deliberations also shed light on the interdisciplinary understanding of the issue of road accidents, victimology and issues that every presiding officer needs to address in dealing with victims of road accidents.

3. **Supreme Court Judges' Retreat 2016 [15th April - 17th April, 2016]:** The main objective of conducting the retreat for the Hon'ble Justices of the Supreme Court of India was to provide them an opportunity to reflect on the progress of the nation towards the vision and goals set by the Constitution of India in the context of contemporary

challenges, both National and global. This Retreat 2016 was held after a gap of seven years. The Judges' Retreat 2016 was inaugurated by the Hon'ble President of India Shri Pranab Mukherjee who congratulated the Hon'ble Chief Justice of India and other companion judges for organizing such an event, pointing out that discussions and reflections on current areas is important to keep pace with time and for delivery of fair and effective justice in a rapidly changing world. The President expressed that the Retreat be institutionalized and held regularly in future. Discussions through the three days centered around issues like Strengthening Democratic Institutions, Accountability and Corruption, Human Rights, National Security issues with regard to Global Terrorism, Climate Change, Emerging challenges for Science and Society, Advances in scientific investigation, Poverty eradication and Role of the Judiciary in Advancing Constitutional Goals and Vision in the Current and Emerging Context.

4. Seminar on Management of Resources [29th April - 1st May, 2016]: The Seminar was conducted for principal district judges. The aim of this seminar was to enable participants to exchange information and experiences about management policies and strategies. Participants and resource persons deliberated on standard specifications for model court rooms, management of court resources, management of financial resources, management of human resources, management of bar & litigants and transfer policy & change management for effective environment in courts. It was also discussed that there is a need of using "Video Conferencing" in day to day practices whenever possible to avoid unnecessary expenses on the escorting team, transportation of prisoners and police arrangements.

5. Conference to Resolve Cleavage in Judicial Pronouncement by different High Courts [29th April - 1st May, 2016]: The Conference was held in order to initiate discussions on complex issues pertaining to differences in opinion among various High Courts on the same issue. The debate also encompassed the issue of creation of paradoxes due to changing role of judges in modern democracy. It was suggested that a mechanism be introduced that whenever decisions of High Courts present conflicting views, the Supreme Court can take notice and take up the matter suo motu and resolve the conflict.

6. Workshop on PC & PNDT Act [29th April - 1st May, 2016]: The Workshop was conducted for Magistrates from all over India, with the objective of building capacity for effective implementation of the PC & PNDT Act. Discussions centred on factors that contribute to greater incidence of sex selection in India, measures for controlling and regulating the sale and use of ultrasound machines, major successes of the PC&PNDT

Act in terms of conviction rates, implications of the decline in the sex ratio, jurisprudence with respect to implementation of the PC&PNDT Act, major judicial decisions on the constitutional validity of the PC&PNDT Act, role of High Courts in interpreting the Act in its broader perspective and in keeping with human rights & constitutional principles, comparison of the aims, objectives and scope of the Medical Termination of Pregnancy Act and the PC&PNDT Act, the right of a woman to abort a foetus as an essential reproductive right, effectiveness of curbs in preventing sex selection, scope of the powers of appropriate authority under the said Act, procedure of search and seizure by the appropriate authority, trial issues under the PC&PNDT Act and role of police under the PC&PNDT Act.

MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA) (April, 2016 to June, 2016)

1. During the period from 1st April, 2016 to 30th June, 2016, more than 1,07,158 persons were benefited through legal aid services in the country. Out of them, about 8,700 persons belonged to the Scheduled Castes, about 5,378 belonged to Scheduled Tribes, about 23,337 were women and about 2,154 were children.
2. From 1st April, 2016 to 30th June, 2016, more than 22,576 Lok Adalats were organized in the country. More than 4.70 lac cases including cases pending in the courts as well as those at the pre-litigation stage were settled in these Lok Adalats. Since there is no appeal against the award of the Lok Adalat, therefore, these many cases were permanently removed from the formal court system.
3. From February, 2016, National Lok Adalats are being held on a specific subject matter every month all over the country. The number of pending and pre-litigation cases settled in each of the National Lok Adalats (February, 2016 to June, 2016) are as under:

S. No.	Date	Subject	No. of Disposal of cases/matters (Both Pre-litigative and Post litigative stages)
1	13.02.2016	Bank Matters: - Section 138, NI Act, Recovery suits etc. (pending and pre-litigation matters).	3,63,565
2	12.03.2016	Civil and Revenue Cases.	14,25,819
3.	09.04.2016	Labour and Family Matters.	8,01,552
4.	14.05.2016	MACT & Insurance Claims	1,11,828
5.	11.06.2016	MACT & Insurance Claims	1,10,673

4. The 14th All India Meet of the State Legal Services Authorities was held at Hyderabad, Telangana, on 9-10th April, 2016. The Meet was inaugurated by Hon'ble Mr. Justice T. S. Thakur, Chief Justice of India & Patron-in-Chief, NALSA in the august presence of Sri K.Chandrashekar Rao, Hon'ble Chief Minister, State of Telangana, Sri D. V. Sadananda Gowda, Hon'ble Minister of Law & Justice, Hon'ble

Mr. Justice Anil R. Dave, Judge, Supreme Court of India & Executive Chairman, NALSA, Hon'ble Mr. Justice N. V. Ramana, Judge, Supreme Court of India, and other dignitaries.

5. The Regional Meet of the State Legal Services Authorities of North Eastern States under the aegis of NALSA on "Effective Implementation of Legal Services Programmes: Challenges and Way Forward" was held on 18th June, 2016 at Agartala, The Regional Meet was inaugurated by Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India & Executive Chairman, NALSA.

SOME IMPORTANT VISITS AND MEETINGS (From 01-04-16 to 30-04-16)

ABROAD :

1. Hon'ble Shri T. S. Thakur, Chief Justice of India visited (i) Seoul, Republic of Korea (a) to attend the 2016 Incheon Trade Law Forum held in Incheon, Republic of Korea on 16-18 May, 2016 and (b) to participate as a First Speaker at the Judicial Session on "Glocalization of International Trade Law" Scheduled on 16th May, 2016; and (ii) Japan to attend a Seminar on "Intellectual Property Rights and Indian Judicial Systems" as the Chief Guest held at Tokyo, Kyoto and Hiroshima from 18-23 May, 2016. His Lordship also visited (i) London to participate in a Round Table Discussion at Chatham House, The Royal Institute of International Affairs at London on 10th June, 2016 and (ii) Hawaii to participate in Judicial Colloquium held at Supreme Court of Hawaii from 13th to 16th June, 2016.

2. Hon'ble Mr. Justice Anil R. Dave visited (i) Seoul, Republic of Korea to attend the 2016 Incheon Trade Law Forum held in Incheon, Republic of Korea on 16-18 May, 2016 and (ii) Japan to attend a Seminar on "Intellectual Property Rights and Indian Judicial Systems" held at Tokyo, Kyoto and Hiroshima from 18-23 May, 2016.

3. Hon'ble Mr. Justice Dipak Misra participated in the International Conference on "Modern Constitutional Justice : Challenges and Prospects" at St. Petersburg, Russia on 17th May, 2016 and VI St. Petersburg International Legal Forum from 18th to 20th May, 2016.

4. Hon'ble Mr. Justice Kurian Joseph visited U.S.A. to participate in the 19th International Judicial Conference sponsored by The Furth Family Foundation and co-sponsored by University of Michigan Law School & the International Foundation for Electoral Systems from 18th to 21st May, 2016.

5. Hon'ble Mr. Justice A. K. Sikri visited (i) London to participate in a Round Table Discussion at Chatham House, The Royal Institute of International Affairs at London from 10th June, 2016 and (ii) Hawaii to participate in Judicial Colloquium held at Supreme Court of Hawaii from 13th to 16th June, 2016.

6. Hon'ble Mr. Justice N. V. Ramana visited (i) Seoul, Republic of Korea to attend the 2016 Incheon Trade Law Forum held in Incheon, Republic of Korea on 16-18 May, 2016 and (ii) Japan to attend a Seminar on "Intellectual Property Rights and Indian Judicial Systems" held at Tokyo, Kyoto and Hiroshima from 18-23 May, 2016.

INLAND :

1. Hon'ble Shri T. S. Thakur, Chief Justice of India, visited (i) Hyderabad for (a) Inaugural function of 14th All India meet of State Legal Services Authority (b) Meeting of Central Authority and (c) Inaugural Function of Ten Court Building Complex, on 9th April, 2016; (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016 and (iii) Cuttack to (a) attend 3rd Convocation of National Law University, Odisha, Cuttack on 7th May, 2016 and (b) inaugurate the Centenary of the first sitting of the Circuit Bench for Orissa at Cuttack on 8th May, 2016.
2. Hon'ble Mr. Justice Anil R. Dave visited (i) Hyderabad to attend Annual Meet at NALSA on 9th April, 2016; (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (iii) Cuttack to attend Inaugural function of the Centenary Celebration of the first sitting of the Circuit Bench for Orissa at Cuttack on 8th May, 2016 and (iv) Agartala to attend a NALSA function on 17th June, 2016.
3. Hon'ble Mr. Justice Jagdish Singh Khehar visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal, from 15th to 17th April, 2016.
4. Hon'ble Mr. Justice Dipak Misra (i) participated in the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (ii) participated in inauguration ceremony of "Orissa High Court Middle Income Group Legal Aid Society" at Orissa Judicial Academy, Cuttack on 30th April, 2016; (iii) attended the Third Convocation, 2016 of the National Law University Odisha at NLU, Cuttack on 7th May, 2016; (iv) attended the inaugural function of Centenary Celebration of the Orissa High Court in the High Court premises, Cuttack on 8th May, 2016; (v) delivered Convocation Address at the Second Convocation of Dr. Shakuntala Misra National Rehabilitation University, Lucknow on 28th May, 2016 and (vi) delivered key note speech at the inauguration of Bar Council of India Training Session, 2016 at Dehradun on 5th June, 2016.
5. Hon'ble Mr. Justice J. Chelameswar visited (i) Chennai to attend 6th Convocation of Vels University, Pallavaram, Chennai on 7th May, 2016 and (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.
6. Hon'ble Mr. Justice F. M. Ibrahim Kalifulla visited (i) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; and (ii) Cuttack to attend (a) 3rd Convocation of the National Law University Odisha, Cuttack on 7th May, 2016 and (b) Inaugural function of Centenary Celebration in the High Court premises at Cuttack on 8th May, 2016.

7. Hon'ble Mr. Justice Ranjan Gogoi visited Ratangarh for Inauguration of Sports Complex at Gandhi Bal Niketan on 21st May, 2016.

8. Hon'ble Mr. Justice Madan B. Lokur visited (i) Chandigarh to participate in the "Regional Discussion regarding the eCourts Project held at Chandigarh Judicial Academy Campus on 2nd and 3rd April, 2016; (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (iii) Guwahati to attend the Regional Consultation on Juvenile Justice Issues on 7-8 May, 2016; (iv) Tezpur, Assam to attend the Workshop of WWF – India's NE landscape teams and CSOs on Environmental Law & Procedural Aspects organized by WWF-India & Legal Initiative for Forest and Environment (LIFE) from 28th to 29th May, 2016; (v) Kolkata to attend State Child Protection Day at Rabindra Sadan, Kolkata organized by West Bengal Commission for Protection of Child Rights on 9th June, 2016 and (vi) Jaipur to attend the South Asia Groundwater Forum: Regional Challenges and Opportunities for Building Drought and Climate Resilience for Farmers, Cities and Villages at Jaipur, Rajasthan on 2nd June, 2016.

9. Hon'ble Mr. Justice V. Gopala Gowda visited (i) Bhubaneswar to attend 9th Annual Convocation of Asian School of Business Management at Shiksha Vihar, Chandaka, Bhubaneswar on 2nd April, 2016; (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016 and (iii) Cuttack to attend (a) Third Convocation of National Law University Odisha at NLU, Kathajodi Campus, Cuttack on 7th May, 2016 and (b) Centennial Celebrations of First Sitting of Circuit Bench of High Court for Orissa at Cuttack on 8th May, 2016.

10. Hon'ble Mr. Justice Pinaki Chandra Ghose visited (i) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016 and (ii) Cuttack for (a) Third Convocation of National Law University Odisha at NLU, Kathajodi Campus, Cuttack on 7th May, 2016 and (b) Centennial Celebrations of First Sitting of Circuit Bench of High Court for Orissa at Cuttack on 8th May, 2016.

11. Hon'ble Mr. Justice Kurian Joseph visited Bhopal (a) to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (b) to attend the Workshop on "Need to revisit curriculum developed in 2003" organized by National Judicial Academy, Bhopal on 20th April, 2016 and (c) to attend the Conference to Resolve Cleavage in Judicial Pronouncement by different High Courts organized by National Judicial Academy, Bhopal on 30th April, 2016.

12. Hon'ble Mr. Justice A. K. Sikri visited (i) Allahabad to attend the Symposium organized by Pt. Kanhaiya Lal Misra Memorial Committee on 9th April, 2016; (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (iii) Kamptee, Nagpur for addressing the officers attending 'Judge Advocates Advance Course' organized by Institute of Military Law, Kamptee on 16th May, 2016 and (iv)

Manesar to attend the Inaugural Session of the Judicial Colloquim on Corporate Laws hosted by Ministry of Corporate Affairs through the Indian Institute of Corporate Affairs on 26th June, 2016.

13. Hon'ble Mr. Justice S. A. Bobde visited (i) Nagpur to attend the Celebration of post centenarian Silver Jubilee of District Bar Association, Nagpur on 9th April, 2016 and (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

14. Hon'ble Mr. Justice Shiva Kirti Singh visited (i) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (ii) Ranchi to attend a function in Delhi Public School, Mesra, Ranchi on 30th April, 2016; (iii) Cuttack to attend the Inaugural function to mark the Centenary Celebrations of Orissa High Court on 8th May, 2016 and (iv) Shillong to attend a Seminar organized by Telecom Disputes Settlement and Appellate Tribunal at Shillong on 14th May, 2016.

15. Hon'ble Mr. Justice C. Nagappan visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

16. Hon'ble Mr. Justice R. K. Agrawal (i) visited Faridabad to participate in the Expert's Workshop on Criminal Prosecution at Manav Rachna International University, Delhi Suraj Kund Road, Sector 43, Faridabad, Haryana on 2nd April, 2016; (ii) visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (iii) participated in the Conference of Chief Ministers and Chief Justices of High Courts at Vigyan Bhawan, New Delhi on 24th April, 2016; (iv) visited Cuttack to attend Centenary Celebrations of Orissa High Court on 8th May, 2016; (v) visited Allahabad to participate in (a) Advocates' Association Programme at High Court, Allahabad on 14th May, 2016 and (b) Vyakhyan Mala and Divangat Adhivaktaon ke Chitro ka Anavaran at High Court Bar Association, Allahabad on 30th May, 2016.

17. Hon'ble Mr. Justice N. V. Ramana visited (i) Hyderabad to take part in the 14th All India Meeting of Legal Services Authorities on 8th April, 2016 and (ii) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

18. Hon'ble Mr. Justice Arun Mishra visited (i) Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016; (ii) Madhya Pradesh to attend Seminar by Distt. Advocates' Association, Bhind, Madhya Pradesh on 7th May, 2016; and (iii) Jaipur to attend the Conference on Legal Profession organized by the Jaipur Bar Association at HCM Rajasthan State Institute of Public Administration (OTS), Jawahar Lal Nehru Marg, Jaipur on 14th May, 2016.

19. Hon'ble Mr. Justice Adarsh Kumar Goel visited (i) Allahabad to preside over the symposium on "Miracles of Mediation" by Pt. Kanhaiya Lal Misra Memorial Committee on 9th April, 2016; (ii) Bhopal (a) to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016 and (b) to attend the Conference to Resolve Cleavage in Judicial Pronouncement by different High Courts organized by National Judicial Academy, Bhopal on 30th April, 2016; and (iii) Cuttack to attend the inaugural function of the Centenary Celebration of the first sitting of Circuit Bench for Orissa at Cuttack on 8th May, 2016.

20. Hon'ble Mr. Justice Abhay Mahohar Sapre visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

21. Hon'ble Mrs. Justice R. Banumathi visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

22. Hon'ble Mr. Justice Uday Umesh Lalit visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

23. Hon'ble Mr. Justice Amitava Roy visited Bhopal to attend the Retreat of the Judges of the Supreme Court at National Judicial Academy, Bhopal on 16th April, 2016.

THE CHIEF JUSTICES' CONFERENCE, 2016

[22nd & 23rd APRIL, 2016]

The Chief Justices' Conference, 2016 presided by Hon'ble the Chief Justice of India was held in the Supreme Court premises on 22nd and 23rd April, 2016. The following Resolutions were adopted in the aforesaid Conference:-

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[1] PROGRESS ON IMPLEMENTATION OF THE RESOLUTIONS ADOPTED IN THE PREVIOUS CHIEF JUSTICES' CONFERENCE HELD ON APRIL 3 – 4, 2015: The progress made by the High Courts for the Implementation of the resolutions adopted in the Conference of Chief Justices held on 3 and 4 April 2015 was reviewed and noted. The Conference resolved that the Chief Justices will set up a Cell or Committee for monitoring the implementation of the resolutions passed in the Chief Justices' Conferences. Each High Court shall create a mechanism for submitting progress reports to the Supreme Court on the implementation of the resolutions by periodically updating feedback formats. The Conference resolved to affirm the desirability of creating a mini Secretariat for tracking the progress made in implementing the resolutions which have been agreed upon.

[2] INFRASTRUCTURE IN SUBORDINATE COURTS:

PART A

- (i) Augmenting the infrastructure of subordinate courts**
- (ii) Use of renewable energy for court complexes**
- (iii) Differently-abled friendly complexes**
- (iv) Need for mechanism for review of infrastructure development**

The progress made in augmenting the infrastructure of state judiciaries was reviewed. The Conference noted (i) the deficit between the need for and the availability of infrastructure, particularly in the District Judiciary; (ii) delays in the completion of projects; (iii) the urgent need for enhancing the availability of judicial infrastructure including courts (with adequate facilities for all stakeholders) and residential accommodation for the Judges of the District Judiciary; (iv) the desirability of adopting environment friendly measures in existing and prospective court complexes, such as renewable energy and rain water harvesting; (v) the need to provide facilities for promoting access to the differently-abled; and (vi) the necessity of ensuring proper and

timely utilization of funds so as to obviate the surrendering of funds allocated for judicial infrastructure in various States,

Resolved that

The Chief Justices must adopt proactive steps to: (a) identify the infrastructural needs of the State Judiciary by developing suitable five year and annual action plans for the future; (b) ensure the completion of under construction projects pending for three or more years on a mission mode basis; (c) ensure timely completion of projects for the construction of court complexes and residential accommodation, particularly for Judges in the District Judiciary; (d) constitute a Committee of three Judges of the High Court of which Chief Secretary and the Secretaries of the Departments of Finance, Public Works and Law be co-opted as Members to closely monitor the timely completion of projects and to facilitate a proper coordination between the officials at the district level and the decision-making authorities of the State Government including the Chief Secretaries, and Secretaries in the Departments of Finance, Public Works and Law; (e) constitute, at the district level, Committees consisting of the District Judges and Portfolio Judges in-charge of the districts; (f) create a mechanism for monthly reporting and monitoring of work and the proper utilization of allocated funds to ensure the proper and complete utilisation of funds. On-line updation of progress made in creating and upgrading of infrastructure by all High Courts be adopted.

PART – B

- (i) Creation of new posts/revision of cadre strength at all levels along with supporting staff and requisite infrastructure**
- (ii) Filling up of existing and additional vacancies**
- (iii) Vesting of power to the High Courts for selection and appointment of Judicial Magistrates in the State**

Having reviewed the data emanating from the State judiciaries in regard to: (i) sanctioning and creation of new posts; (ii) revision of cadre strength at all levels; (iii) availability of supporting staff with requisite infrastructure; (iv) position of vacancies of Judges and of supporting staff in the State judiciaries; and (v) recruitment at the induction level of Judicial Magistrates by the High Courts themselves in some States and through Public Service Commissions in others,

Resolved that

- (i) the Chief Justices shall take effective steps in coordination with the State Governments (a) to ensure an increase in the cadre strength of the district judiciary commensurate with the needs of their States and in compliance with the judgment of the Supreme Court in **Brij Mohan Lal Vs Union of India (2002) 5 SCC 1**; (b) to ensure compliance with the time schedule and directions laid down in the judgment of the

Supreme Court in **Malik Mazhar Sultan & Anr. Vs U P Public Service Commission & Ors. (2006) 9 SCC 507.**

(ii) the Chief Justices shall, in particular, ensure that the Selection and Appointment Committees in the High Courts periodically monitor the process of filling up of vacancies in the District Judiciary; and

(iii) the Chief Justices constitute, where such Cells have not been constituted, Special Cells in the High Courts with an officer in the rank of Registrar for assisting the Selection and Appointment Committee in complying with the time schedule;

(iv) urgent steps be taken by the High Courts to ensure that posts of administrative staff in the District Judiciary are filled up at the earliest, and if found to be feasible, by centralizing the process of recruitment;

(v) an on-line portal be developed for continuous monitoring of vacancies.

Resolved further that it be left to each High Court to determine, having regard to the needs and exigencies of the State and upon a review of the existing procedure for selection, whether any alteration is required to be made in current procedure followed for the appointment of Judicial Magistrates in the States.

[3] FILLING UP OF VACANCIES IN THE HIGH COURTS

The position of vacancies in the High Courts was reviewed together with the steps taken towards the appointment of Judges. Considering the urgent need to make judicial appointments in the High Courts to effectively address the problem of arrears in criminal and civil cases,

Resolved that the Chief Justices take proactive steps to initiate the process of appointment of Judges in their High Courts by forwarding their recommendations in respect of current vacancies and for vacancies anticipated over a period of the next six months.

Resolved further that, keeping in view the large pendency of civil and criminal cases, especially criminal appeals where convicts are in jail and having due regard to the recommendation made by the 17th Law Commission of India in 2003, the Chief Justices will actively have regard to the provisions of Article 224A of the Constitution as a source for enhancing the strength of Judges to deal with the backlog of cases for a period of two years or the age of sixty five years, whichever is later until a five plus zero pendency is achieved.

[4] PERFORMANCE OF MORNING / EVENING COURTS – A REVIEW

The Conference noted that :

(i) after the conclusion of the tenure of the 13th Finance Commission and the resolution passed in the previous Conference of Chief Justices in April 2015, morning and evening

courts have been discontinued in all but three States (Delhi, Telangana and Andhra Pradesh, Tamil Nadu);

(ii) only 9.5% of the budget allocated for morning and evening courts by the 13th Finance Commission was utilised.

Upon reviewing the performance, including the disposal of cases by morning and evening courts and the potential of enhancing their effectiveness by utilizing the services of retired judicial personnel,

Resolved that the Chief Justices may, where it is considered feasible:

(i) appropriately consider the restructuring of the Scheme of morning, evening and holiday courts by utilizing the services of retired judicial officers as well;

(ii) ensure, where feasible, the utilisation of these courts for the timely disposal of cases relating to petty offences, such as traffic cases and legal aid cases.

[5] MONITORING MECHANISM FOR TRACKING THE PROGRESS OF CASES OF UNDER-TRIAL PRISONERS

The data collected from the High Courts has been reviewed and the areas of concern that emerge are:

(i) 63% of jail inmates are under-trial prisoners;

(ii) 226 cases relating to under-trial prisoners are pending for more than ten years and 52 under-trial prisoners are in jail for more than ten years;

(iii) over 18,000 cases of under-trial prisoners are pending for more than three years of which 80% cases are concentrated in seven States; and

(iv) 33% of positions of jail staff are vacant thereby affecting the conditions of incarceration of persons who remain in jail and contributing to pitiable jail conditions.

Having considered the available data and while reiterating the obligation of the Judiciary to secure the efficacious disposal of pending cases and to ensure proper conditions in jail by engaging with the jail administration,

Resolved that

(i) the disposal of cases pending for over ten years in relation to under-trials shall be taken up on a mission-mode basis;

(ii) top priority shall be assigned to cases pending for over three years;

(iii) High Courts shall evolve a mechanism for regular and periodic identification of under-trial prisoners completing more than half of their maximum possible sentences;

(iv) data available on the National Judicial Data Grid (NJDG) shall be utilized to monitor the cases of under-trials, for generating monthly reports and to progressively reduce the pendency of oldest cases;

(v) State Governments should be proactively prevailed upon to fill up vacancies in the sanctioned strength of jail staff; and

(vi) State Governments shall ensure proper connectivity by video conferencing between courts and jails.

[6] IMPLEMENTATION OF INFORMATION AND COMMUNICATION TECHNOLOGY

i. Establishment of E-courts;

ii. Updation on National Judicial Data Grid;

iii. Uniform nomenclature;

iv. Cadre of technical manpower;

v. E-filing and Video Conferencing;

vi. Scanning & digitization.

The progress made by High Courts in adopting information technology was reviewed. The Conference noted that

(i) connectivity is one of the most serious challenges which the Judiciary is facing in the area of ICT implementation and if it is not resolved soon, efforts on ICT implementation may not bear desired fruit for litigants and public;

(ii) although it has been made part of the 14th Finance Commission by recommending Rs 479.68 crores for technical manpower support, most of the State Governments are yet to come forward to start provisioning resources for technical manpower support for the Courts, which is hindering the sustenance of the project activities;

(iii) one of the major challenges being faced in the implementation and sustenance of the project is the lack of support from a number of State Governments which have not acceded to the repeated requests of High Courts to sanction posts of technical manpower, provisioning funds for Annual Maintenance Contracts (AMCs) or upgradation of the hardware provided in Phase I of the eCourts Project;

(iv) as per figures shared by the High Courts, as on 1 January 2016, as against 2.62 crore pending cases, only 2.06 crore cases are shown pending on NJDG. This difference is mainly due to lack or failure of connectivity at many Court Complexes, gap in the updation of case filing/disposal at many Court Complexes etc;

(v) financial resource provisioning required for maintenance of the equipment beyond warranty period and also for the consumables required for D G Sets, Printers etc. is also

becoming difficult in certain States leading to issues in continuity of Project activities and services to the litigants, lawyers and public;

(vi) there are instances where not all the important fields of the Case Information System are updated by the concerned Court Officials. As this data entry is the primary source for ultimate case information and statistics being disseminated through National eCourts portal and National Judicial Data Grid, it is very vital to ensure accurate, complete and regular data entry of cases and its progress in the Case Information Software.

Resolved that

(i) Chief Justices should actively take up projects for scanning and digitization of case files in the High Courts and the District Judiciary;

(ii) a Conference on scanning and digitization be organized by the Allahabad High Court at the recently inaugurated Centre for Information Technology at which the representatives of the Computer Committees of High Courts and the staff thereto may be deputed for exchange of experiences and sharing of best practices by all High Courts which have already embarked upon the project for digitization;

(iii) a webpage in the name of Indian Courts and IT be created by NJA containing all the schemes of the High Courts in order to enable all the High Courts to upload their experiences and results in order that best practices can be shared;

(iv) a uniform nomenclature for all cases registered in the High Courts be adopted on priority under the auspices of the National Court Management System (NCMS) since this process is interlinked with the development and standardization of Case Information Software (CIS) for the High Courts.

(v) the National Judicial Academy be requested to undertake a study of different practices and procedures in court proceedings and the need for unification of such procedures and practices in the High Courts.

(vi) The State Governments be moved with the highest priority to:

(a) resolve issues of connectivity;

(b) provide technical manpower support, by provisioning resources for courts made available in the 14th Finance Commission;

(c) immediately resolve issues pertaining to sanctioning of posts for technical manpower, provide funds for annual maintenance contracts and upgradation of hardware;

(d) provision for adequate financial resources for maintenance of equipments and for consumables;

(vii) ensure accurate, complete and regular data entry by court officials at all levels.

[7] ELECTRONIC EVIDENCE: RULES, DIRECTIONS/ GUIDELINES – A REVIEW

Considering the need for formulating uniform Rules, Directions and Guidelines governing the reception of electronic evidence,

Resolved that the Chief Justices of the High Courts of Delhi and Punjab and Haryana shall jointly constitute a Committee to frame Draft Rules to serve as models for adoption by the High Courts. The Committee shall present its report to NCMS for finalization.

[8] DELAY AND ARREARS COMMITTEE:

i. Constitution and working of Arrears Committee;

ii. Reduction of arrears and ensuring speedy trial;

iii. Making Five plus Zero a reality.

The reports submitted by the Delay and Arrears Committees of various High Courts have indicated a need to prioritize areas of immediate concern in the disposal of pending cases. The Conference noted that:

(i) the pendency of cases in the High Court has been stagnant for over three years;

(ii) 43% of the pendency is of cases of over five years;

(iii) concentration of 'five years plus' cases in a few High Courts;

(iv) stagnant pendency figures of five years plus cases (33.50 % in 2015) in district courts;

(v) concentration of cases in (iv) above in a few States.

Accordingly,

Resolved that

(i) all High Courts shall assign top most priority for disposal of cases which are pending for more than five years;

(ii) High Courts where arrears of cases pending for more than five years are concentrated shall facilitate their disposal in mission mode;

(iii) High Courts shall progressively thereafter set a target of disposing of cases pending for more than four years;

(iv) while prioritizing the disposal of cases pending in the district courts for more than five years, additional incentives for the Judges of the district judiciary be considered where feasible; and

(v) efforts be made for strengthening case-flow management rules.

[9] NATIONAL JUDICIAL ACADEMY AND STATE JUDICIAL ACADEMIES – INTEGRATION TO ENSURE QUALITY, RESPONSIVENESS AND TIMELINESS

Emphasizing the need for integrating the work of the National Judicial Academy (NJA) with State Judicial Academies (SJAs) and towards realising the benefits of synergy between the institution at the national level and the academies in the States,

Resolved that

- (i) integration of the work of networking and close cooperation between NJA and the SJAs should be pursued to optimise the utilisation of existing infrastructure facilities across the country;
- (ii) web casts of NJA programmes should progressively be made available for all SJAs;
- (iii) a web portal be developed at which NJA as well as the SJAs can contribute;
- (iv) a National Judicial Academic Council (NJAC) be set up. Its constitution shall be as follows:

Chief Justice of India –	Chairperson
Two senior most Judges of the Supreme Court –	Members
President of the Governing Body/Chairman of the Committee/Judges In-charge of State Judicial Academies –	Members
Secretary, Department of Justice, Government of India –	Member
Any other Judge/Jurist Academician/Person –	Nominee of the Chief Justice of India
Director, National Judicial Academy, Bhopal –	Member-Secretary

The Council shall oversee the academic programmes of NJA and SJAs. The Council shall devise uniform and integrated training programmes on judicial education.

The function of the Councils would be to:-

- (i) Promote the cause of judicial education
- (ii) Devise the academic calendar for NJA
- (iii) Prescribe and approve academic calendars for SJAs
- (iv) Promote the growth and availability of resources required for judicial training and education
- (v) Coordinate & monitor the functioning of NJA & SJAs

(vi) Suggest methods for improving judicial education facilities and cooperation among NJA and SJAs.

NJA and SJAs will submit annual academic calendars of their respective academies to the Council for finalization. The annual calendars of SJAs be prepared in a manner that to the extent practicable, the distribution of subjects be divided in the ratio of 80 : 20 between pan India subjects and State specific subjects (the proportion shall be 50:50 for the States of Nagaland, Mizoram, Meghalaya, Arunachal Pradesh and Manipur).

[10] (i) STRENGTHENING THE LEGAL AID PROGRAMS -

- Alternative Dispute Resolution System;

- Lok Adalat;

- Mediation

(ii) REVIEW OF THE WORKING OF PARA LEGAL VOLUNTEERS

The Conference noted the concerns raised in the letter dated 4th April, 2016, of the Union Minister of Law and Justice and the observations of the Parliamentary Consultative Committee. With a view to strengthen the availability of legal services and enhance the efficacy of legal aid,

Resolved that

The Chief Justices in their capacity as Patrons-in-Chief of SLSAs shall take necessary steps to ensure the following:

- (a) compliance with NALSA Regulations on Legal Aid Clinics, 2011 and the Free and Compulsory Legal Services Regulations, 2010;
- (b) provision of minimum training and sensitization for panel advocates;
- (c) ensuring that all jails are equipped with legal services clinics;
- (d) legal awareness programmes are conducted in jails and juvenile homes;
- (e) optimal utilisation of para legal volunteers in training of prisoners together with periodic refresher courses;
- (f) regular training sessions for Judges and advocates;
- (g) regular visits of panel lawyers to jails in coordination with jail authorities;
- (h) regular meetings of Monitoring Committees;
- (i) suitable amendments to SLSA Regulations to enhance the fees payable to panel lawyers along lines suggested by NALSA;
- (j) appointment of whole time Secretaries of DLSAs.

[11] FAST TRACKING OF MATTERS RELATING TO CRIME AGAINST WOMEN, CHILDREN, DIFFERENTLY-ABLED PERSONS, SENIOR CITIZENS, MARGINALISED SECTIONS OF THE SOCIETY AND PREVENTION OF CORRUPTION ACT CASES.

The Conference noted the concerns of the Central Vigilance Commissioner and CBI of the delay in the disposal of cases. While taking note of these concerns, the Conference observed that trials in CBI cases are prolonged for a number of reasons including the unavailability of prosecutors or witnesses. In order to facilitate the expeditious trial of such cases,

Resolved that special courts constituted to deal with CBI cases shall exclusively deal with the cases assigned, and other work may be taken up only if CBI cases do not fully occupy the time of the court, to obviate a loss of productive judicial time.

Resolved further that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to

(a) prioritize the disposal of cases falling in these categories within the existing court system;

(b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases.

Further resolved that in order to formulate a uniform listing policy for the disposal of such cases, a Committee of Chief Justices is constituted to consist of Hon'ble Mr Justice A M Khanwilkar, Hon'ble Mr Justice Navin Sinha and Hon'ble Mr Justice R Subhash Reddy.

[12] (i) STRENGTHENING THE JUVENILE JUSTICE SYSTEM;

(II) CONSTITUTION AND WORKING OF AUTHORITIES AND ESTABLISHMENT AND CONDITION OF VARIOUS HOMES REFERRED TO IN THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000.

The Conference noted the necessity for ensuring institutional support for juveniles in conflict of law and children in need of care and protection.

Resolved that:

(i) cases pending for a period in excess of one year be disposed of on priority by the JJBs;

(ii) Juvenile Justice Committees of the High Courts shall monitor the pendency and disposal of adoption cases and applications for declaring children free for adoption on a priority basis;

(iii) steps be taken to ensure that every district is equipped with a Child Protection Unit, Special Juvenile Police Unit, Observation Homes and Children Homes;

(iv) pending cases of orphaned, abandoned and surrendered children be monitored by the Juvenile Justice Committees of High Courts;

(v) training and refresher training be imparted to judicial officers;

(vi) vacancies in juvenile justice institutions be filled up on a mission mode basis in three months; and

(vii) State Legal Services Authorities should actively discharge their role.

[13] EFFECTIVE INTEGRATION OF NATIONAL COURT MANAGEMENT SYSTEMS AND STATE COURT MANAGEMENT SYSTEMS.

The Conference reiterated that the object is to institutionalize the response of the judicial system to existing challenges and to develop a rationalized approach thereto. Accordingly,

Resolved that

(i) periodical meetings be held of SCMSs in each High Court;

(ii) vision statements be prepared on the basis of the National Vision Statement formulated by the Committee of three Chief Justices in the Conference held in April 2015;

(iii) Secretaries be appointed to facilitate the work of SCMSs;

(iv) constitution of SCMSs be rationalized and a permanent secretariat be set up;

(v) District Sub Committees be constituted; and

(vi) SCMSs monitor the performance of respective courts in achieving a 'Five Plus Zero' pendency and to implement a pilot project on quality, timelines and efficacy of judicial decision-making.

[14] (i) FINANCIAL AUTONOMY TO THE HIGH COURTS;

(ii) UPWARD REVISION IN THE POWER OF RE-APPROPRIATION.

Discussed

[15] PROGRESS MADE ON THE IMPLEMENTATION OF NATIONAL VISION AND MISSION – JUSTICE FOR ALL: 2015-2020

Discussed

[16] UTILISATION OF GRANT SANCTIONED BY 14TH FINANCE COMMISSION UNDER DIFFERENT HEADS – A STRATEGY.

In order to facilitate the adoption of a rational and scientific approach to the utilization of funds under the 14th Finance Commission,

Resolved that the following strategy be adopted by the High Courts:

(i) constitution of a Dedicated Cell for the utilization of funds. The composition of the Cell should consist of policy makers, experts in planning and budgeting, senior judicial officers and persons to be nominated by the Chief Justice. The Cell shall be assigned the task of: (a) preparing perspectives/annual plans and time lines; (b) drawing up budget estimates; (c) monitoring and review of the implementation of each scheme; (d) taking up the matter with the State Government to ensure release of funds.

(ii) submitting a request for funds from the State Government within time for financial years 2016-17 to 2019-2020;

(iii) ensuring that funds are spent in accordance with the budgetary allocation and speedy and effective utilization. For this purpose, periodical meetings and reviews be conducted; and

(iv) monitoring of schemes and outcomes through special on-line portals and ICT tools. Progress made be reviewed in SCMS meetings and quarterly progress reports be forwarded to the Supreme Court for review by NCMS.

[17] ELEVATION TO THE HIGH COURT FROM INCOME TAX APPELLATE TRIBUNAL.

Resolved that the resolution passed in the Conference of Chief Justices of 2002 is reiterated.

[18] REVIEW OF THE QUALITY LEGAL EDUCATION PROGRAMME(S) IN THE STATES : TRENDS AND CHALLENGES.

In order to promote the spirit of quality legal education in all the States,

Resolved that:

(i) in States where there is no National Law University, the High Courts should actively take up the setting up of such a law school with the State Governments;

(ii) in other States, efforts be made to strengthen and support the existing law schools to enhance the quality of legal education.

[19] TO CONSIDER THE REPORT OF THE COMMITTEE COMPRISING HON'BLE DR. JUSTICE D Y CHANDRACHUD, CHIEF JUSTICE, ALLAHABAD HIGH COURT, HON'BLE MS. JUSTICE G ROHINI, CHIEF JUSTICE, DELHI HIGH COURT AND HON'BLE MR. JUSTICE NAVIN SINHA, CHIEF JUSTICE, CHHATTISGARH HIGH COURT ON POST RETIRAL BENEFITS TO RETIRED CHIEF JUSTICES AND JUDGES OF THE HIGH COURTS.

(i) The following recommendation made in the report of the Committee of Chief Justices is accepted: "Monthly payment for one Domestic Help should be made equivalent to the salary payable to a Class-IV employee of the High Court at the minimum of the scale

(basic pay and dearness allowance). This shall continue during the lifetime of the Judge and a surviving spouse. The same payment must be made to a surviving spouse”.

(ii) The Draft Rules viz; “Domestic Help to former Chief Justices and former Judges of the High Court Rules, 2016” are approved, except Rule 10 which will be modified as follows: “**10.** The High Court shall pay wages equivalent for one Domestic Help at the rate prescribed in Rule 9.”

(iii) The discussion on the rest of the report is deferred.

[20] ESTABLISHMENT OF COMMERCIAL COURTS, COMMERCIAL DIVISION AND COMMERCIAL APPELLATE DIVISION OF HIGH COURTS.

The need for setting up commercial courts was appreciated and discussed. The Conference resolved that additional infrastructure in terms of court complexes and judicial and other manpower would be required to make the concept meaningful.

[21] NATIONAL INITIATIVE FOR MODEL COURTS.

In the light of the proposal of setting up Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, the Commercial Courts can be developed as model courts.

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