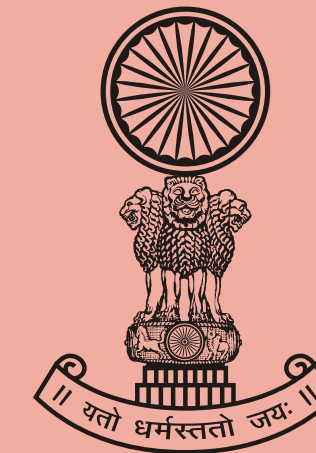


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The
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2008 Vol. 12 (Part-IV) • 28th December, 2008

Highlights of the issue

Demand of fresh allotment charges against re-allotted flats amounts to unfair practice.

V.N. Bharat vs. D.D.A. & Anr.P-1119

Mens rea can only be decided at the time of trial and not at the stage of issuing summons.

Bholu Ram vs. State of Punjab P-959

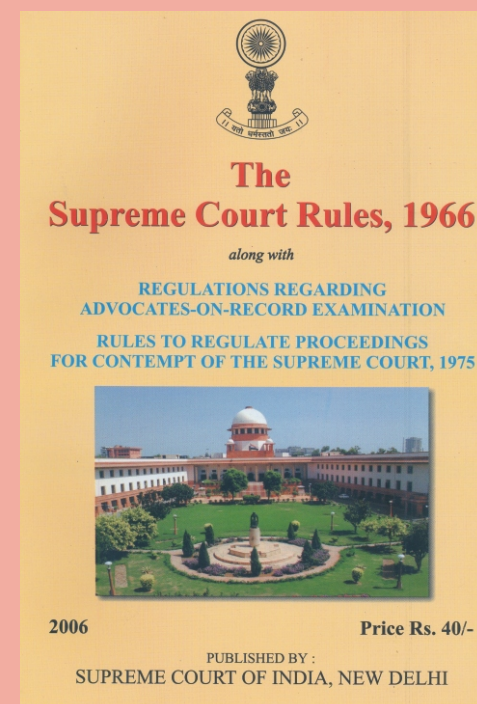
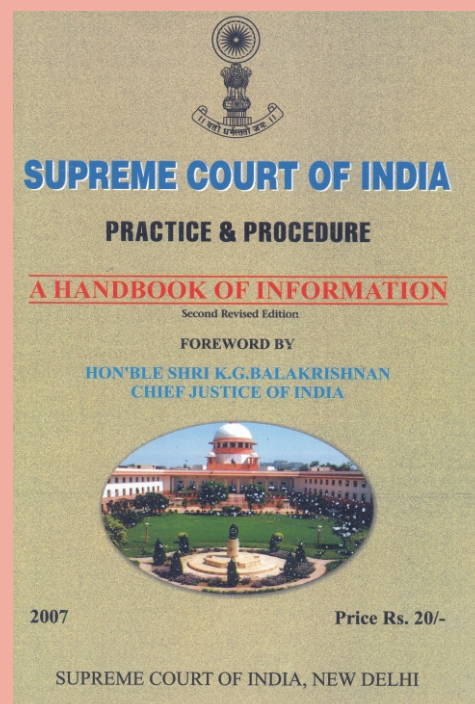
Court Martial - Non-examination of prime witness amounts to gross violation of principles of natural justice.

Rajiv Arora Vs. Union of IndiaP-1026

High Court, in exercise of power under s.482 Cr. P.C., not empowered to re-open/alter its earlier order.

State, Rep. by D.S.P., S.B. C.I.D.
Chennai vs. K.V. Rajendran & Ors.P-1141

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CONTENTS

From the desk of Chief Justice of India	1
Appointment and Retirement in Supreme Court	2
Appointment in High Courts	3
Transfer between High Courts	4
Vacancies in Courts	5-6
Institution, Disposal and Pendency of Cases	7-9
Some Recent Supreme Court Judgments of Public Importance	10-13
Major Events and Initiatives	14-22
Important Visits and Conferences	23-24

LIST OF SUPREME COURT JUDGES

(As on 1st January, 2009)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
•01.	Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India (CJI)	08.06.2000 AS CJI :On 14.01.2007	12.05.2010
•02.	Hon'ble Mr. Justice B. N. Agrawal	19.10.2000	15.10.2009
•03.	Hon'ble Dr. Justice Arijit Pasayat	19.10.2001	10.05.2009
•04.	Hon'ble Mr. Justice S. B. Sinha	03.10.2002	08.08.2009
•05.	Hon'ble Mr. Justice S. H. Kapadia	18.12.2003	29.09.2012
•06.	Hon'ble Mr. Justice Tarun Chatterjee	27.08.2004	14.01.2010
•07.	Hon'ble Mr. Justice Altamas Kabir	09.09.2005	19.07.2013
•08.	Hon'ble Mr. Justice R. V. Raveendran	09.09.2005	15.10.2011
•09.	Hon'ble Mr. Justice Dalveer Bhandari	28.10.2005	01.10.2012
•10.	Hon'ble Mr. Justice Lokeshwar Singh Panta	03.02.2006	23.04.2009
•11.	Hon'ble Mr. Justice D. K. Jain	10.04.2006	25.01.2013
•12.	Hon'ble Mr. Justice Markandey Katju	10.04.2006	20.09.2011
•13.	Hon'ble Mr. Justice H. S. Bedi	12.01.2007	05.09.2011
•14.	Hon'ble Mr. Justice V. S. Sirpurkar	12.01.2007	22.08.2011
•15.	Hon'ble Mr. Justice B. Sudershan Reddy	12.01.2007	08.07.2011
•16.	Hon'ble Mr. Justice P. Sathasivam	21.08.2007	27.04.2014
•17.	Hon'ble Mr. Justice G. S. Singhvi	12.11.2007	12.12.2013
•18.	Hon'ble Mr. Justice Aftab Alam	12.11.2007	19.04.2013
•19.	Hon'ble Mr. Justice J. M. Panchal	12.11.2007	06.10.2011
•20.	Hon'ble Dr. Justice Mukundakam Sharma	09.04.2008	18.09.2011
•21.	Hon'ble Mr. Justice Cyriac Joseph	07.07.2008	28.01.2012
•22.	Hon'ble Mr. Justice Asok Kumar Ganguly	17.12.2008	03.02.2012
•23.	Hon'ble Mr. Justice R. M. Lodha	17.12.2008	28.09.2014
•24.	Hon'ble Mr. Justice H.L. Dattu	17.12.2008	03.12.2015



5, Krishna Menon Marg,
New Delhi - 110 011

K. G. Balakrishnan
Chief Justice of India

FROM THE DESK OF CHIEF JUSTICE OF INDIA

It gives me immense satisfaction to note that each issue of Court News is now being widely appreciated and welcomed in all quarters including Judges, Advocates and Academicians. They find it very informative and helpful in understanding the functioning of our Judicial Institutions. The information on pendency of cases and gist of the judgments of this Court on the matters of public importance are of particular interest to them.

The 3rd Lok Adalat for settlement of disputes, pending in Supreme Court, was held on 6th December, 2008 and was very successful. We were assisted by the Mediators from Delhi High Court Mediation Centre, in persuading the parties to come to an amicable settlement of matrimonial disputes. We propose to continue this initiative and hold the next Lok Adalat on 7th February, 2009.

In a unique initiative taken by National Judicial Academy, the Judges of Supreme Court had an opportunity to interact with Jurists, Senior Advocates and other eminent persons on current matters of national importance such as *International Financial Crisis, Criminal Justice Administration: Safety and Security, Public Expectations Regarding the Role of Courts and Strengthening the Judicial System in response to emerging challenges*. The deliberations proved to be quite stimulating and thought provoking. Similar initiatives need to be taken by State Judicial Academies for High Court Judges.

It is a matter of concern that the pendency of cases in the Courts is not coming down, despite sustained increase in disposal. Increase in institution of cases being higher than the increase in disposal is primarily responsible for the huge backlog at various levels. I would request the legal fraternity to devise innovative and effective measures to contain the problem so as not to allow it to go out of hands.

I am confident that in future also this Newsletter will continue to be useful to all its readers and provide authentic information to them on the working of Judiciary. The suggestions for further improvement of the Newsletter will be welcomed by Supreme Court Registry.

[K.G. Balakrishnan]

28th January, 2009

APPOINTMENT AND RETIREMENT IN SUPREME COURT

APPOINTMENT

S.No.	Name of the Hon'ble Judge	Date of Appointment
1	Mr. Justice Asok Kumar Ganguly	17-12-2008
2	Mr. Justice R.M. Lodha	17-12-2008
3	Mr. Justice H.L. Dattu	17-12-2008

RETIREMENT

S.No.	Name of the Hon'ble Judge	Date of Retirement
1	Mr. Justice C.K. Thakker	10-11-2008

APPOINTMENT IN HIGH COURTS (From 01-10-08 to 31-12-08)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Gauhati	Arun Chandra Upadhyay	28-12-2008
		Chitta Ranjan Sarma	28-12-2008
2	J&K	Muzaffar Hussain Attar	05-11-2008
		Vinod Kumar Gupta	05-11-2008
3	Uttaranchal	Vijai Kumar Bist	01-11-2008
		Sudhanshu Dhulia	01-11-2008

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

**TRANSFER BETWEEN HIGH COURTS
(From 01-10-08 to 31-12-08)**

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Madras High Court	Punjab & Haryana High Court	K. Kannan	01-11-2008

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 01-01-09)

Sanctioned Strength	Working strength	Vacancies
26	24	2

B) HIGH COURTS (As on 01-01-09)

S.No.	Name of the High Court	Sanctioned strength	Working strength	Vacancies
1	Allahabad	160	73	87
2	Andhra Pradesh	49	30	19
3	Bombay	75	59	16
4	Calcutta	58	40	18
5	Chhattisgarh	18	06	12
6	Delhi	48	39	09
7	Gauhati	24	22	02
8	Gujarat	42	30	12
9	Himachal Pradesh	11	10	01
10	Jammu & Kashmir	14	11	03
11	Jharkhand	20	10	10
12	Karnataka	41	39	02
13	Kerala	38	25	13
14	Madhya Pradesh	43	38	05
15	Madras	60	43	17
16	Orissa	22	17	05
17	Patna	43	24	19
18	Punjab & Haryana	68	48	20
19	Rajasthan	40	32	08
20	Sikkim	03	01	02
21	Uttaranchal	09	09	00
	TOTAL	886	606	280

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-09-2008)

S.No.	Concerned State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2174	1619	555
2.	Andhra Pradesh	926	741	185
3a.	Maharashtra	1898	1634	264
3b.	Goa	49	43	6
3c.	Diu Daman & Silvassa	3	3	0
4.	West Bengal and A&N Islands	706	593	113
5.	Chhatisgarh	348	265	83
6.	Delhi	591	355	236
7.	Gujarat	1028	774	254
8a.	Assam	289	254	35
8b.	Meghalaya	10	4	6
8c.	Tripura	80	58	22
8d.	Manipur	34	26	8
8e.	Nagaland	27	27	0
8f.	Mizoram	40	23	17
8g.	Arunachal Pradesh	339	300	39
9.	Himachal Pradesh	126	116	10
10.	Jammu and Kashmir	208	177	31
11.	Jharkhand	527	423	104
12.	Karnataka	872	636	236
13a.	Kerala	430	396	34
13b.	Lakshadweep	3	2	1
14a.	Tamil Nadu	788	646	142
14b.	Puducherry	20	15	5
15.	Madhya Pradesh	1307	1179	128
16.	Orissa	531	390	141
17.	Bihar	1367	1112	255
18a.	Punjab	346	308	38
18b.	Haryana	393	307	86
18c.	Chandigarh	20	20	0
19.	Rajasthan	825	748	77
20.	Sikkim	13	8	5
21.	Uttarakhand	273	130	143
Total		16591	13332	3259

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

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

A) SUPREME COURT OF INDIA (FROM 01-10-2008 TO 31-12-2008)

						Pendency (At the end of 30-09-2008)		
						Admission matters	Regular matters	Total matters
						29,726	19,620	49,346
Institution (01-10-2008 to 31-12-2008)			Disposal (01-10-2008 to 31-12-2008)			Pendency (At the end of 31-12-2008)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
12,691	1,265	13,956	12,330	1,153	13,483	30,087	19,732	49,819

B) HIGH COURTS (FROM 01-07-2008 TO 30-09-2008)

S.No	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-08
		Opening Balance as on 01-07-08	Institution from 01-07-08 to 30-09-08	Disposal from 01-07-08 to 30-09-08	Pendency at the end of 30-09-08	Opening Balance as on 01-07-08	Institution from 01-07-08 to 30-09-08	Disposal from 01-07-08 to 30-09-08	Pendency at the end of 30-09-08	
1	Allahabad	630625	43279	26801	647103	229149	31671	20521	240299	887402
2	Andhra Pradesh	145368	14837	13807	146398	17634	3549	2718	18465	164863
3	Bombay	320445	30468	52524	298389	40598	7506	8551	39553	337942
4	Calcutta	247532	25048	19948	252632	41173	6632	5836	41969	294601
5	Chhattisgarh	52716	3480	4644	51552	22892	1626	2176	22342	73894
6	Delhi	60189	7420	9231	58378	13581	3434	3106	13909	72287
7	Gujarat	85536	6928	17359	75105	32529	5786	5721	32594	107699
8	Gauhati	52372	5922	5313	52981	7884	3007	2485	8406	61387
9	Himachal Pradesh	21470	4682	3944	22208	6421	887	920	6388	28596
10	Jammu & Kashmir	45197	3979	3071	46105	1799	335	298	1836	47941
11	Jharkhand	28149	2721	2470	28400	23008	4716	3392	24332	52732
12	Karnataka	92481	39429	38592	93318	14783	6879	7561	14101	107419
13	Kerala	86537	14979	18033	83483	25598	6372	5627	26343	109826
14	Madhya Pradesh	124416	16689	13670	127435	61389	10028	11670	59747	187182
15	Madras	405887	51515	48929	408473	37706	17885	17089	38502	446975
16	Orissa	213658	13836	12951	214543	23134	8840	9792	22182	236725
17	Patna	78090	8472	9648	76914	35794	19506	13906	41394	118308
18	Punjab & Haryana	215627	15045	18052	212604 [#]	46640	12317	14184	44773	257377
19	Rajasthan	166364	20283	15405	171242	51855	10648	10662	51841	223083
20	Sikkim	48	14	16	46	17	9	8	18	64
21	Uttaranchal	12875	3206	4148	11933	6084	667	763	5988	17921
TOTAL		3085582	332232	338556	3079242	739668	162300	146986	754982	3834224

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

16 RFA transferred to the District and Sessions Judges

C) DISTRICT AND SUBORDINATE COURTS (FROM 01-07-2008 TO 30-09-2008)

S.No.	Concerned State/ Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-08
		Opening Balance as on 01-07-08	Institution from 01-07-08 to 30-09-08	Disposal from 01-07-08 to 30-09-08	Pendency at the end of 30-09-08	Opening Balance as on 01-07-08	Institution from 01-07-08 to 30-09-08	Disposal from 01-07-08 to 30-09-08	Pendency at the end of 30-09-08	
1	Uttar Pradesh	1238175	149684	139024	1248835	3750568	612684	524744	3838508	5087343
2	Andhra Pradesh	471415	86651	88373	469693	486407	98003	99702	484708	954401
3(a)	Maharashtra	983566	110194	112679	981081	3100420	407599	379044	3128975	4110056
3(b)	Goa	18670	1678	3248	17100	14222	4797	4559	14460	31560
3(c)	Diu and Daman	895	101	86	910	1013	121	157	977	1887
3(d)	Dadra and Nagar Haveli	649	47	53	643	2573	115	159	2529	3172
4	West Bengal and A & N Islands	497764	37830	30057	505537	1824082	249022	221972	1851132	2356669
5	Chhattisgarh	51144	9477	9474	51147	214296	45620	47063	212853	264000
6	Delhi	151049	27239	23668	154620	801088	103639	74333	830394	985014
7	Gujarat	726859	68171	62838	732192	1580631	244958	209839	1615750	2347942
8(a)	Assam	77003	8572	8331	77244	162524	41851	41286	163089	240333
8(b)	Nagaland	1894	92	90	1896	3751	290	254	3787	5683
8(c)	Meghalaya	3928	182	186	3924	8116	253	133	8236	12160
8(d)	Manipur	3012	626	573	3065	3430	1795	1813	3412	6477
8(e)	Tripura	6174	1701	1585	6290	36270	28419	24474	40215	46505
8(f)	Mizoram	2374	153	104	2423	5189	1319	1249	5259	7682
8(g)	Arunachal Pradesh	563	77	30	610	4141	405	301	4245	4855
9	Himachal Pradesh	63032	12868	12583	63317	77878	28771	27641	79008	142325
10	Jammu and Kashmir	64118	10569	9524	65163	103680	36153	29172	110661	175824
11	Jharkhand	44968	4597	5206	44359	222040	35237	36044	221233	265592
12	Karnataka	567542	76128	75799	567871	570097	133707	112446	591358	1159229
13(a)	Kerala	376220	66447	73714	368953	588122	190713	182352	596483	965436
13(b)	Lakshadweep	80	2	2	80	98	31	37	92	172
14	Madhya Pradesh	204015	69371	67027	206359	861774	290048	286341	865481	1071840
15(a)	Tamil Nadu	547756	222668	208745	561679	426240	215102	198374	442968	1004647
15(b)	Puducherry	14221	4028	2326	15923	8690	5042	4261	9471	25394
16	Orissa	185680	12640	11967	186353	848132	62267	54568	855831	1042184
17	Bihar [#]	255520	13844	15479	253642*	1149688	81312	68161	1162430**	1416072
18(a)	Punjab	276733	36470	38569	274634	312866	52461	65169	300158	574792
18(b)	Haryana	223339	34716	32649	225406	339998	76736	63325	353409	578815
18(c)	Chandigarh	20464	2292	2086	20670	75886	25603	19582	81907	102577
19	Rajasthan [#]	347311	55961	51816	351456	897789	199898	181465	916222	1267678
20	Sikkim	235	39	48	226	730	295	238	787	1013
21	Uttarakhand	32499	8405	8142	32762	124771	51006	44948	130829	163591
	Total	7458867	1133520	1096081	7496063	18607200	3325272	3005206	18926857	26422920

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

Opening balance of Civil and Criminal Cases has been revised by the concerned High Court.

* 243 cases transferred to Lok Adalat

** 229 cases transferred and 180 cases amalgamated.

SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

1. On 13th October, 2008, a two Judges Bench in *Siddhapal Kamala Yadav vs State of Maharashtra* [Crl. A. No.1602 of 2008] held that "under Section 84 IPC, a person is exonerated from liability for doing an act on the ground of unsoundness of mind if he, at the time of doing the act, is either incapable of knowing (a) the nature of the act, or (b) that he is doing what is either wrong or contrary to law. The accused is protected not only when, on account of insanity, he was incapable of knowing the nature of the act, but also when he did not know either that the act was wrong or that it was contrary to law, although he might know the nature of the act itself. He is, however, not protected if he knew that what he was doing was wrong, even if he did not know that it was contrary to law, and also if he knew that what he was doing was contrary to law even though he did not know that it was wrong. The onus of proving unsoundness of mind is on the accused. But where during the investigation previous history of insanity is revealed, it is the duty of an honest investigator to subject the accused to a medical examination and place that evidence before the Court and if this is not done, it creates a serious infirmity in the prosecution case and the benefit of doubt has to be given to the accused. The onus, however, has to be discharged by producing evidence as to the conduct of the accused shortly prior to the offence and his conduct at the time or immediately afterwards, also by evidence of his mental condition and other relevant factors."

"The mere fact that an accused is conceited, odd irascible and his brain is not quite all right, or that the physical and mental ailments from which he suffered had rendered his intellect weak and had affected his emotions and will, or that he had committed certain unusual acts, in the past or that he was liable to recurring fits of insanity at short intervals, or that he was subject to getting epileptic fits but there was nothing abnormal in his behaviour, or that his behaviour was queer, cannot be sufficient to attract the application of this section", the Bench said.

2. On 16th October, 2008, a two Judges Bench in *Maganlal son of Kishanlal Godha vs Nanasaheb son of Udhaorao Gadewar* [C.A. No. 6125 of 2008] while examining the order recorded by the

Rent Controller granting permission to the landlord under Clause 13(3) (iv) and (vi) of the Central Provinces and Berar Letting of Houses and Rent Control Order, 1949, held that "the notice issued by the Advocate on behalf of the appellant-landlord prior to filing of the application for eviction of the respondent-tenant under Clause 13 (3) (vi) was not a mandatory requirement postulated under the provisions of the Rent Control Order."

The Bench observed that "as there was no statutory requirement that the landlord should issue a notice of eviction to the tenant before initiating proceedings under clause 13(3) of the Rent Control Order, the Division Bench of the High Court was not right in drawing an inference against the appellant-landlord for not stating the ground of bona fide requirement of the premises in the notice dated 12.07.1982 issued to the respondent-tenant before the institution of eviction proceedings which commenced on 30.09.1982."

3. On 7th November, 2008, a two Judges Bench in *Paschimanchal Vidyut Vitran Nigam Ltd. & Ors. vs. M/s. DVS Steels & Alloys Pvt. Ltd. & Ors.* [C.A. No.6565 of 2008] held that "when the purchaser of a premises approaches the distributor seeking a fresh electricity connection to its premises for supply of electricity, the distributor can stipulate the terms subject to which it would supply electricity. It can stipulate as one of the conditions for supply, that the arrears due in regard to the supply of electricity made to the premises when it was in the occupation of the previous owner/occupant, should be cleared before the electricity supply is restored to the premises or a fresh connection is provided to the premises. If any statutory rules govern the conditions relating to sanction of a connection or supply of electricity, the distributor can insist upon fulfillment of the requirements of such rules and regulations. If the rules are silent, it can stipulate such terms and conditions as it deems fit and proper, to regulate its transactions and dealings. So long as such rules and regulations or the terms and conditions are not arbitrary and unreasonable, courts will not interfere with them."

The Bench observed that "a stipulation by the distributor that the dues in regard to the electricity supplied to the premises should be cleared before electricity supply is restored or a new connection is given to a premises, cannot be termed as unreasonable or arbitrary. In the absence of such a

stipulation, an unscrupulous consumer may commit defaults with impunity, and when the electricity supply is disconnected for non-payment, may sell away the property and move on to another property, thereby making it difficult, if not impossible for the distributor to recover the dues. Having regard to the very large number of consumers of electricity and the frequent moving or translocating of industrial, commercial and residential establishments, provisions similar to clause 4.3(g) and (h) of Electricity Supply Code are necessary to safeguard the interests of the distributor."

The Bench did not "find anything unreasonable in a provision enabling the distributor/supplier, to disconnect electricity supply if dues are not paid, or where the electricity supply has already been disconnected for non-payment, insist upon clearance of arrears before a fresh electricity connection is given to the premises."

It is the "duty of the purchasers/occupants of premises to satisfy themselves that there are no electricity dues before purchasing/occupying a premises. They can also incorporate in the deed of sale or lease, appropriate clauses making the vendor/lessor responsible for clearing the electricity dues up to the date of sale/lease and for indemnity in the event they are made liable", said the Bench.

4. On 12th November, 2008, a two Judges Bench in *Deepak Bajaj vs State of Maharashtra & Anr* [Writ Petition (Crl.) No.77 of 2008] held that the "reputation of a person is a facet of his right to life under Article 21 of the Constitution." "If a person is sent to jail then even if he is subsequently released, his reputation may be irreparably tarnished", the Bench observed.

5. On 12th December, 2008, a two Judges Bench in *U.P. Pollution Control Board vs Dr. Bhupendra Kumar Modi & Anr.* [Crl. A. No.2019 of 2008] held that since escalating pollution level of environment "affects on the life and health of human beings as well as animals, the courts should not deal with the prosecution for offences under the pollution and environmental Acts in a causal or routine manner." The Bench observed that the Courts "cannot afford to deal lightly with cases involving pollution of air and water."

6. On 12th December, 2008, a two Judges Bench in *M/s. Harman Electronics (P) Ltd. & Anr. vs M/s. National Panasonic India Ltd.* [Crl. A. No. 2021 of 2008] while examining the territorial jurisdiction of a court to try an offence under Section 138 of the Negotiable Instruments

Act, 1881, observed that "a banking institution holding several cheques signed by the same borrower can not only present the cheque for its encashment at four different places but also may serve notices from four different places so as to enable it to file four complaint cases at four different places. This only causes grave harassment to the accused. It is, therefore, necessary in a case of this nature to strike a balance between the right of the complainant and the right of an accused vis-à-vis the provisions of the Code of Criminal Procedure."

7. On 16th December, 2008 a two Judges Bench in *M/s. Kumar Exports vs M/s. Sharma Carpets* [Criminal Appeal No.2045 of 2008] held that "the accused in a trial under Section 138 of the Negotiable Instruments Act, 1881 has two options. He can either show that consideration and debt did not exist or that under the particular circumstances of the case the non-existence of consideration and debt is so probable that a prudent man ought to suppose that no consideration and debt existed. To rebut the statutory presumptions an accused is not expected to prove his defence beyond reasonable doubt as is expected of the complainant in a criminal trial. The accused may adduce direct evidence to prove that the note in question was not supported by consideration and that there was no debt or liability to be discharged by him. However, the court need not insist in every case that the accused should disprove the non-existence of consideration and debt by leading direct evidence because the existence of negative evidence is neither possible nor contemplated. At the same time, it is clear that bare denial of the passing of the consideration and existence of debt, apparently would not serve the purpose of the accused. Something which is probable has to be brought on record for getting the burden of proof shifted to the complainant. To disprove the presumptions, the accused should bring on record such facts and circumstances, upon consideration of which, the court may either believe that the consideration and debt did not exist or their non-existence was so probable that a prudent man would under the circumstances of the case, act upon the plea that they did not exist. Apart from adducing direct evidence to prove that the note in question was not supported by consideration or that he had not incurred any debt or liability, the accused may also rely upon circumstantial evidence and if the circumstances so relied upon are compelling, the burden may likewise shift again on to the complainant."

MAJOR EVENTS AND INITIATIVES

I. LOK ADALAT: In the third Lok Adalat held at the Supreme Court premises on 6th December, 2008, a total of 38 cases were settled.

II. MAJOR EVENTS AT NJA:

a) THIRD ORIENTATION PROGRAMME FOR NEWLY APPOINTED ADJs UNDERGOING STATE LEVEL INDUCTION PROGRAMME (3-7 October, 2008): The programme was attended by 30 newly appointed ADJs from all over the Country. The programme was structured around the theme-"Visualizing India's Subordinate Courts in 2025". There were also discussion on the evolving vision of Justice guiding Judging, changing role and responsibility of a Judge, Judicial ethics, values, conduct and accountability and Delay and Arrears reduction.

b) WORKSHOP ON "JUDGING SKILLS FOR EFFECTIVE USE OF ADR: MEDIATION, LOK ADALAT AND PLEA BARGAINING" (17-19 October, 2008): The objective of the workshop was to discuss and develop judging skills needed for the effective use of ADR including mediation, lok adalat and plea bargaining. The workshop discussed the strategies for effective use of Alternative dispute mechanism for reducing delay in litigation and finding more time by court to attend litigations involving right issues. This workshop was attended by around thirty judges from across the country.

c) PROGRAMME DEVELOPMENT LAB ON COURT PROCEDURES, ADR AND DISPUTE SETTLEMENT (17-19 October, 2008): The Programme development lab (PDL) was attended by Directors and Additional Directors of State Judicial Academies, as well as Judges who are visiting the SJAs as faculty members. The purpose of this programme was to take stock of the work of the state judicial academies on court procedures, ADR and dispute settlement and discuss NJAs programmes on the topic and to develop a model programme for the SJAs on the same topic.

d) HIGH COURT JUSTICES' CONFERENCE ON HUMAN RIGHTS LAW: CURRENT ISSUES AND EMERGING CHALLENGES (18-19 October, 2008): The objective of the conference was to understand the challenges faced by High Courts in protecting human rights; to discuss how High Courts are responding to these challenges; and to examine the contribution

of High Courts in developing the jurisprudence of human rights. The deliberations turned to looking at three types of human rights challenges that are being agitated before the Courts: 1. Human Rights vis-à-vis Economic Development; 2. Human Rights vis-à-vis Security and Safety; 3. Human Rights vis-à-vis preserving the Social Order. 25 judges from all across the country participated in the programme.

e) JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (NORTH ZONE: DELHI, PUNJAB&HARYANA, UTTAR PRADESH, UTTARAKHAND, HIMACHAL PRADESH, JAMMU & KASHMIR)(29 November-1 December, 2008): Around 100 judges from the subordinate Courts participated in this workshop. In this programme, the concept of planning and management for the district judiciary was introduced. The PMTJ framework is predominantly a bottom-up, Court-wise planning system with separate case management and caseload management systems. It also encompasses Human Resource Management and Information Management system for Administration of Justice (IMAJ). These aspects of PMTJ were discussed in detail. The template for Court-wise Planning for Timely Justice (CPTJ) formulated by the NJA was discussed by the participants in detail.

f) WORKSHOP ON SOCIALLY SENSITIVE JUDGING: JUDGING SKILLS FOR PROTECTING THE RIGHTS OF POOR AND SOCIALLY EXCLUDED LITIGANTS;PUBLIC INTEREST LITIGATION;IMPLEMENTATION OF LEGAL AID AND STRENGTHENING ACCESS TO JUSTICE (14-16 November, 2008): The objective of the workshop was to understand the meaning of social exclusion; to provide an overview of the extent, prevalence, patterns, causes and consequences of social exclusion in Indian society; and to discuss whether the state, including the judiciary, exacerbates or ameliorates this situation. In this light, the programme sought to highlight the special responsibility of courts within the Constitutional scheme in addressing the issue of social exclusion and to understand how court processes might contribute to judicial, and hence, social exclusion. With this background, the programme aimed at developing methodologies for gender-, poverty-, caste- and religion-sensitive judging. The programme relied extensively on simulations and break out group exercises. 26 judges from all across the country participated in the programme.

g) WORKSHOP ON "STRATEGIES FOR STRENGTHENING EQUAL ACCESS TO COURTS AND USER-FRIENDLINESS OF JUDICIAL INSTITUTIONS" (14-16 November, 2008):

The purpose of the programme was to develop effective strategies for identifying access to justice issues and overcoming them; for assessing and enhancing user friendliness of courts and improved communication between courts and justice seekers.

h) FOURTH ORIENTATION PROGRAMME FOR NEWLY APPOINTED ADJs UNDERGOING STATE LEVEL INDUCTION PROGRAMME (14-18 November, 2008): This programme was attended by 30 newly appointed ADJs.

i) SEMINAR FOR SENIOR DISTRICT JUDGES ON CONSTITUTIONAL AND ADMINISTRATIVE LAW: CURRENT ISSUES (21-23 November, 2008): The purpose of the programme was to familiarize senior members of the District Judiciary with Constitutional and Administrative Law adjudication in High Courts, and also to develop effective strategies for an expanded role for Subordinate Courts in upholding Constitutional Rights and Principles of Administrative Law within their jurisdiction and powers. The Seminar was attended by 26 judges from across the country.

j) SEMINAR ON TORT AND CONSUMER PROTECTION LAW (21-23 November, 2008): The objective of the Seminar on Tort and Consumer Protection Law was to emphasize on the greater use of Private Action through civil cases to redress personal injury. The Seminar was attended by around 30 Senior District Court judges.

k) NATIONAL CONSULTATION ON LEGISLATIVE REFORM OF PROCEDURAL LAW FOR ENHANCING TIMELY JUSTICE (23 NOVEMBER 2008): The primary goal of this Consultation was to provide a mandate and strategy for future reform. In line with the above discussed objective, various provisions of the CPC and CrPC were discussed during the day and proposals for amendments at various levels of procedural law were mooted, deliberated upon and analyzed.

l) PROGRAMME DEVELOPMENT LAB ON PUBLIC LAW (7-9 November, 2008): The Programme Development Lab (PDL) was attended by Directors and Additional Directors of State Judicial Academies, as well as Judges who are visiting the SJAs as faculty members. The purpose of the programme was to discuss in detail judicial education programmes currently offered in this area at the national level and at the state level and identify new areas where new programmes are needed to fill any gaps. The programme concluded with a discussion on the need to develop effective impact evaluation techniques for judicial education programmes.

m) SEMINAR ON GLOBALIZATION AND LAW: IMPLICATION FOR DISTRICT JUDICIARY (7-9 November, 2008): The overall objective of this programme was to discuss how the judicial system at the district level needs to evolve so as to effectively respond to the challenges of globalization. The discussion revolved around changes needed in the (i) role of district judiciary; (ii) judicial method and access to justice; and (iii) knowledge and method for adjudication, especially in dealing with foreign and international elements. Around 30 Judges participated in the seminar.

n) HIGH COURT JUSTICES' CONFERENCE ON ENVIRONMENT PROTECTION, SUSTAINABLE DEVELOPMENT AND THE LAW: KEY ISSUES AND CHALLENGES (8-9 November, 2008): In this two-day Conference of High Court Justices, several aspects of environmental law and challenges in environmental governance were discussed. Participant Judges presented the engagement of their respective High Courts with environmental law and governance followed by discussion on strategies to protect the environment through judicial intervention.

o) JUDICIAL WORKSHOP ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (WEST ZONE: BOMBAY, RAJASTHAN, GUJARAT, MADHYA PRADESH) (5-7 December, 2008): The objective of this West Zone Workshop was also to analyze the needs and requirements of a system on Planning and Management in the four states of M.P., Gujarat, Rajasthan and Maharashtra and to provide an opportunity for inputs and suggestion of judges from these four states on the proposed framework and its implementation. The Workshop was chaired by Hon'ble Justice S.B. Sinha and valuable inputs were provided by the senior most High Court judges from M.P., Gujarat, Rajasthan and Maharashtra. It was attended by 110 Senior District Court judges from the respective four states under the West Zone.

p) SEMINAR ON SECURING CONSTITUTIONAL JUSTICE IN THE FAMILY: KEY CHALLENGES (12-14 December, 2008): The purpose of the programme was to discuss and clarify how courts should promote Constitutional rights and values within the family and not compromise on such values and rights for the sake of competing social values. In this context, a few themes were identified for discussion over three days of the programme. These include Clash of Constitutional and Traditional Values: The Family in a Changing World, Marriage, Divorce, Maintenance & Custody, Adoption, Inheritance & Succession, Domestic Violence, Child Abuse, Changing Status of Women, and Protecting Constitutional Rights

in the Family and Equipping Family Courts to fulfill their responsibilities. The focal point of the programme was that as Family law matters constitute one of the most important areas of litigation before the subordinate courts so in this regard judicial protection of constitutional rights within the family must be strengthened. The seminar was attended by around 30 judges from across the country.

q) PROGRAMME DEVELOPMENT LAB ON CIVIL, COMMERCIAL AND ECONOMIC LAW (INCLUDING LAND LAW) (12-14 December, 2008): The outcome of this PDL was a very effective content based judicial education program on Civil, Commercial and Economic Law which then can be used as an input into similar programmes of the State Judicial Academies.

r) HIGH COURT JUSTICES' CONFERENCE ON CIVIL, COMMERCIAL AND ECONOMIC LAW IN INDIA: CURRENT ISSUES & EMERGING CHALLENGES (13-14 December, 2008): The primary objective of this conference, attended by over 25 High Court judges, was to strengthen the civil, economic and commercial legal and adjudication system in India. This included the strengthening of the role of courts in timely protection of public and private rights, enforcement of duties and accountabilities and safeguarding of legality. In pursuance of the above objective, the following issues were discussed- identification of key developments in law and crucial challenges facing civil, economic and commercial law and adjudication in Indian courts. Viable solutions to these challenges were also proposed and discussed during the programme. Sessions of this conference were chaired by the Hon'ble Mr. Justice S.B. Sinha, Judge, and Supreme Court of India, who interacted with all participants, exchanged ideas with them and provided a framework for discussion during the conference. These discussions were further guided by eminent resource persons, experts from various fields, who made presentations on several specialized areas of civil, economic and commercial law. The Conference was concluded with presentations from delegate justices on recent High Court jurisprudence on civil, economic and commercial law in India.

s) WORKSHOP ON LAW PRECEDENT & INTERPRETATION OF STATUTES AND DEEDS (26-28 December, 2008): The objective of this workshop was to discuss in detail law and judicial method relating to appreciation of law: covering interpretation of statutes and deeds as well as the law of precedent. The workshop identified the main issues and challenges in this area and formulated suggestions on how to enhance the quality of judicial approaches to law.

The workshop concluded with the suggestions as to improve the predictability in decision making by district judiciary. This workshop was attended by around thirty judges from across the country.

t) SEMINAR ON ECONOMIC OFFENCES (26-28 December, 2008): The main objective of this programme was to discuss judicial approaches in dealing with economic crimes. The seminar began with a discussion on what offences can be defined as "economic crimes." Subsequently, approaches that the legislature has taken, for instance, introduction of strict liability, reverse onus clauses etc were analyzed and the judicial response to the same was examined. Money Laundering, Corruption, Cyber crimes, banking and Financial Frauds were discussed over the next two days. Functionaries investigating into these crimes were invited to discuss the context in which these crimes are being committed and the implications of the same. The participant judges then analyzed approaches that they ought to use, to effectively adjudicate on issues involving economic crimes. Sentencing in cases of economic crimes was also discussed in detail. Twenty five judges of special courts dealing with economic crimes participated in the seminar.

u) FIFTH ORIENTATION PROGRAMME FOR NEWLY APPOINTED ADJs UNDERGOING STATE LEVEL INDUCTION PROGRAMME (26-30 December, 2008): The Fifth Orientation Programme for newly appointed ADJs was held at NJA from 26th -30th of December, 2008. This programme was attended by 30 newly appointed ADJs.

v) WORKSHOP ON EFFECTIVE USE OF INTER-DISCIPLINARY SKILLS AS TOOLS IN JUDGING (USING ANALYTICAL TOOLS OF PSYCHOLOGY, SOCIOLOGY & ECONOMICS) (19-21 December, 2008): The Workshop was organized with an objective to provide a forum for Judges to discuss and analyze the conventional approaches to judicial decision making and to find out the extent to which analytical approaches, tools and techniques under various inter-disciplinary skills can be used in judicial decision making. During the programme valuable inputs were provided by the experts in respective fields of Economics, Sociology, Psychology, Political Science and Forensic Sciences. After a General introduction to inter-disciplinary approaches and tools; advantages and pitfalls; potential and limitations, the programme proceeded by underlining the goal of the judicial system to secure Constitutional Justice. The programme introduced the analytical tools used in inter-disciplinary

subjects like Sociology, Psychology, Economics, Political Science and Forensic Science to the judges which can be relevant to judicial decision making. Further the programme also focused on Analysis of impact of the use of such tools on outcomes of court proceedings. The workshop was attended by around 30 Senior District Court judges from all over the Country.

w) SEMINAR ON ENVIRONMENTAL LAW: CURRENT ISSUES (19-21 December, 2008):

The Seminar was aimed to discuss the methodologies to improve the environmental justice through district judiciary. The seminar was attended by around thirty judges from across the country.

x) SEMINAR ON IPR AND CYBER LAW (19-21 December, 2008):

The seminar was anchored by Prof. N.S.Gopalakrishnan, India's leading authority on Intellectual Property Rights. Various fields of intellectual property, including copyrights, patents and trademarks were discussed in detail. The overarching theme of the programme was the protection of "public interest" in intellectual property claims and litigation. The juridical foundations of intellectual property rights as a limited monopolistic privilege granted in order to reward the creator to encourage enrichment of the public domain was explored. IPRs and the Judiciary's attitude towards protection of IPRs have a tremendous impact on basic rights such as access to health and access to information. The programme also dealt with Cyber Law issues, especially that of cyber forensics, interception and other important evidentiary issues. The seminar was attended by around Thirty Judges from across the country.

III. MAJOR EVENTS AT NALSA :

1. Initiative on Supporting the National Rural Employment Guarantee Scheme through

State Legal Services Authorities & Interaction on Implementation of National Rural

Employment Guarantee Scheme:

Initiative on Supporting the National Rural Employment Guarantee Scheme through State Legal Services Authorities & Interaction on Implementation of National Rural Employment Guarantee Scheme was organized on 2nd October at Vigyan Bhawan, New Delhi by National Legal Services Authority in association with Ministry of Rural Development, Govt. of India. The Initiative was inaugurated by Dr. Manmohan Singh, Hon'ble Prime Minister of India in the august presence of Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India, Dr. H.R. Bhardwaj, Union Minister for Law & Justice and other dignitaries.

2. Observance of Children's Day: Children's Day was celebrated on 14th November 2008 at Supreme Court Lawns, New Delhi. Hon'ble Mr. Justice K.G. Balakrishnan, the Chief Justice of India and other Hon'ble Judges of the Supreme Court were present on the occasion. The Hon'ble Judges interacted with the children from various schools.

3. Colloquium on Justice Delivery in Human Trafficking Crimes for Judicial Officers Prosecutors and Police Officers: A Colloquium on Justice Delivery in Human Trafficking Crimes for Judicial Officers Prosecutors and Police Officers was organized at Vigyan Bhawan, New Delhi on 15th November 2008 by National Legal Services Authority in association with UNODC. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the Colloquium in the august presence of Dr. H.R. Bhardwaj, Hon'ble Minister for Law & Justice, Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India and Executive Chairman, NALSA, Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India, Hon'ble Mr. Justice P. Sathasivam, Judge, Supreme Court of India, Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India, Hon'ble Mr. Justice Cyriac Joseph, Judge, Supreme Court of India, other Hon'ble Judges, Shri S. Umapathi, IG, A.P. and other delegates.

4. Five Day Residential Training Course on Reporting of Court Proceedings by Media and Administration of Justice for Legal Correspondents/Journalists: A Five Day Residential Training Course on Reporting of Court Proceedings by Media and Administration of Justice for Legal Correspondents/Journalists was organized from 7-11 December 2008 at Indira Gandhi National Open University (IGNOU) by National Legal Services Authority in association with IGNOU, Press Council of India & Editors Guild of India. The Course was inaugurated by Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India and Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India & Executive Chairman, NALSA presided the inaugural as well as valedictory functions. Hon'ble Mr. Justice Altamas Kabir, Hon'ble Mr. Justice R.V. Raveendran, Hon'ble Mr. Justice Dalveer Bhandari, Hon'ble Mr. Justice V.S. Sirpurkar, Hon'ble Mr. Justice B. Sudershan Reddy, Hon'ble Mr. Justice P. Sathasivam, Hon'ble Mr. Justice Aftab Alam, Hon'ble Mr. Justice J.M. Panchal, Hon'ble Dr. Justice Mukundakam Sharma, Hon'ble Mr. Justice Cyriac Joseph, Judges, Supreme Court of India, Hon'ble Mr. Justice G.N. Ray, Chairman, Press Council of India, Hon'ble Mr. Justice A.P. Shah, Chief Justice, Delhi High Court, Hon'ble Mr. Justice Mukul Mudgal, Hon'ble Mr. Justice Madan B. Lokur, Hon'ble Mr. Justice Vikramjit Sen, Hon'ble Mr. Justice A.K. Sikri, Judges,

Delhi High Court, Hon'ble Shri Goolam E. Vahanvati, Solicitor General of India, Shri P.P. Malhotra, Additional Solicitor General of India, Prof. N.R. Madhava Menon, Member, Commission on Centre-State Relations, Prof. VN Rajasekharan Pillai, Vice-Chancellor, IGNOU, Shri Pravin H. Parekh, President, SCBA, Shri Arun B. Saharya, Shri P.P. Rao, Shri M.N. Rao, Mr. Ravindra Shrivastava, Shri Jitender Sharma, Shri KTS Tulsi, Shri Paramjit Singh Patwalia and Shri Ravisanker Prasad, Senior Advocates, Shri T.K. Vishwanathan, Law Secretary, Govt. of India, Shri Rajdeep Sardesai, President, Editors Guild of India, Shri K. Sachidananda Murty, Secretary General, Editors Guild of India, Shri J. Venkatesan, Deputy Editor, The Hindu, Shri R. Prasannan, Bureau Chief, The Week, Shri Rohit Bansal, Treasurer, Editors Guild of India and Shri V.K. Jain, Secretary General, Supreme Court of India also participated in the discussions. Prof. S. Sivakumar, Research Professor, ILI, coordinated the programme.

IMPORTANT VISITS AND CONFERENCES

(From 01-10-2008 to 31-12-2008)

OVERSEAS

1.Hon'ble Shri K.G. Balakrishnan, Chief Justice of India and Hon'ble Mr. Justice Lokeshwar Singh Panta participated in the First Indo-Israel Legal Forum Meet held at Jerusalem (Israel) from 26th December 2008 to 31st December 2008 and presented a paper on "Judicial review-problems and perspective"

2.Hon'ble Shri K.G. Balakrishnan, Chief Justice of India delivered the Annual Lecture for the year 2008 at Singapore Academy of Law, Singapore from 5th to 11th October 2008. His Lordship also delivered a lecture on "Role of foreign court precedents in the legal system of a country" on 28th October 2008 at the Northwestern University School of Law, Chicago, Illinois, U.S.A., and the Key-note speech at the Conference on "Judicial Reforms in India" held at London, U.K. on 31st October 2008.

3.Hon'ble Dr. Justice Arijit Pasayat attended a seminar on "Indian Federalism and the Role of Supreme Court" on 29th and 30th October 2008 organized by the Seconda Universita degli Studi di Napoli at Naples, Italy. His Lordship also attended a meeting of the Indo-EU Business Forum on "Judicial Reforms in India" held at London, U.K.

INLAND

1.Hon'ble Shri K.G. Balakrishnan, Chief Justice of India laid the foundation stone of Golden Jubilee Chamber Complex in the Kerala High Court Premises, Ernakulam and inaugurated the "Kerala High Court Day" at Kerala High Court, Ernakulam on 8th November, 2008.

2.Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated a Seminar on Plantation Labour Act on 24th December, 2008 at Kolkata, West Bengal.

3. Hon'ble Mr. Justice S.B. Sinha inaugurated a Judicial Colloquium on "Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994" from 14th to 16th November, 2008 held at Palampur, Himachal Pradesh.
4. A five-member Kazakhstan Delegation headed by Hon'ble Mr. Kairat Mami, Chairman, Supreme Court, Kazakhstan visited Supreme Court of India on 15th October, 2008 and had a meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Dr. Justice Arijit Pasayat.
5. Hon'ble Mr. Justice Tore Schei, Chief Justice, Supreme Court of Norway visited Supreme Court of India on 4th November, 2008 and had a meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Dr. Justice Arijit Pasayat.
6. A two-member Belarusian Delegation headed by Hon'ble Mr. Justice Pyotr P. Miklashevich, Chairman, Constitutional Court of Belarus visited Supreme Court of India on 14th November, 2008 and had a meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Dr. Justice Arijit Pasayat.
7. A six-member Bhutan Delegation headed by Mr. Dasho Rinzin Penjor, Attorney General of Bhutan visited Supreme Court of India on 18th December, 2008 and had a meeting with Hon'ble the Chief Justice of India.