



# COURT NEWS

Vol. IV Issue No. 4

October-December, 2009



## EDITORIAL BOARD

Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India  
Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India

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

FROM THE DESK OF CHIEF JUSTICE OF INDIA

I am happy to note that "Court News" continues to be useful to all its readers by providing them authentic and useful information on various aspects of the Indian Judiciary. The newsletter is being widely acclaimed in all quarters, both India and abroad, which gives me immense satisfaction and contentment.

National Consultation for Strengthening the Judiciary towards reducing the pendency and delays was held on 24<sup>th</sup> and 25<sup>th</sup> October, 2009 and the Resolution of National Consultation was adopted by the delegates. One of the significant programmes at the National Consultation was to reduce the number of under-trial cases and to ease congestion in jails. It was also decided to launch the mission on 26<sup>th</sup> January, 2010 and to complete the same by 31<sup>st</sup> July, 2010. The intention is to reduce the under-trial cases upto 2/3<sup>rd</sup> by 31<sup>st</sup> July, 2010. Necessary steps including the appointment of Task Force at each High Court have been taken to release the under-trials from 26<sup>th</sup> January, 2010.

Any suggestion for further improvement of the newsletter will be duly welcomed by the Supreme Court Registry.

  
[K.G. Balakrishnan]

2<sup>nd</sup> February, 2010

## **APPOINTMENT AND RETIREMENT IN SUPREME COURT (From 01-10-2009 to 31-12-2009)**

### **APPOINTMENTS**

<b>Name of the Hon'ble Judges</b>	<b>Date of Appointment</b>
Mr. Justice A.K. Patnaik	17-11-2009
Mr. Justice T.S. Thakur	17-11-2009
Mr. Justice K.S. Radhakrishnan	17-11-2009
Mr. Justice S.S. Nijjar	17-11-2009
Mr. Justice Swatanter Kumar	18-12-2009

### **RETIREMENT**

<b>Name of the Hon'ble Judge</b>	<b>Date of Retirement</b>
Hon'ble Mr. Justice B.N. Agrawal	15-10-2009

## APPOINTMENT IN HIGH COURTS (From 01-10-2009 to 31-12-2009)

S. No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Andhra Pradesh	N.B. Narayan Rao	14-10-2009
		S. Govindarajulu	14-10-2009
		Noushad Ali	18-12-2009
2	Calcutta	M.S. Shah (As Chief Justice)	24-12-2009
3	Chhattisgarh	Prashant Kumar Mishra	10-12-2009
		Mahindra Mohan Shrivastava	10-12-2009
4	Delhi	Mukta Gupta	23-10-2009
5	Gujarat	S.J. Mukhopadhaya (As Chief Justice)	09-12-2009
6	J & K	Ghulam Hasnain Masoodi	13-11-2009
7	Madhya Pradesh	Syed Rafat Alam (As Chief Justice)	20-12-2009
		Piyush Mathur	14-10-2009
		Alok Aradhe	29-12-2009
8	Orissa	Bilal Nazki (As Chief Justice)	14-11-2009
		Bijaya Kumar Nayak	07-10-2009
		Sanjaya Kumar Mishra	07-10-2009
		Chitta Ranjan Dash	07-10-2009
9	Patna	Dipak Misra (As Chief Justice)	23-12-2009
		Rakesh Kumar	25-12-2009
10	Punjab & Haryana	Mukul Mudgal (As Chief Justice)	05-12-2009
		Gurdev Singh	12-10-2009
		M.S. Sullar	12-10-2009
		Ram Chand Gupta	12-10-2009
11	Uttaranchal	Jagdish Singh Khehar (As Chief Justice)	29-11-2009
		Alok Singh	12-10-2009

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

**TRANSFER BETWEEN HIGH COURTS  
(From 01-10-2009 to 31-12-2009)**

<b>S. No.</b>	<b>From</b>	<b>To</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Transfer</b>
1	Uttaranchal High Court	Punjab & Haryana High Court	Alok Singh	21-12-2009

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

## VACANCIES IN COURTS

### A) SUPREME COURT OF INDIA (As on 31-12-2009)

Sanctioned Strength	Working strength	Vacancies
31	27	04

### B) HIGH COURTS ( As on 31-12-2009)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	78	82
2	Andhra Pradesh	49	32	17
3	Bombay	75	62	13
4	Calcutta	58	39	19
5	Chhattisgarh	18	11	7
6	Delhi	48	42	6
7	Gauhati	24	21	3
8	Gujarat	42	26	16
9	Himachal Pradesh	11	9	2
10	Jammu & Kashmir	14	10	4
11	Jharkhand	20	14	6
12	Karnataka	50	37	13
13	Kerala	38	32	6
14	Madhya Pradesh	43	34	9
15	Madras	60	53	7
16	Orissa	22	17	5
17	Patna	43	24	19
18	Punjab & Haryana	68	48	20
19	Rajasthan	40	30	10
20	Sikkim	3	3	0
21	Uttaranchal	9	8	1
<b>TOTAL</b>		<b>895</b>	<b>630</b>	<b>265</b>

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

**C) DISTRICT & SUBORDINATE COURTS (As on 30-09-2009)**

<b>S.No.</b>	<b>Concerned State/ Union Territory</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacancies</b>
1	Uttar Pradesh	2184	1840	344
2	Andhra Pradesh	931	820	111
3a.	Maharashtra	2053	1703	350
3b.	Goa	49	42	7
3c.	Diu, Daman & Dadra & Nagar Haveli	3	3	0
4	West Bengal	933	731	202
5	Chhattisgarh	293	267	26
6	Delhi	605	434	171
7	Gujarat	1030	835	195
8a.	Assam	289	254	35
8b.	Meghalaya	10	4	6
8c.	Tripura	80	58	22
8d.	Manipur	34	26	8
8e.	Nagaland	27	26	1
8f.	Mizoram	40	23	17
8g.	Arunachal Pradesh <sup>#</sup>	2	0	2
9	Himachal Pradesh	126	115	11
10	Jammu and Kashmir	207	167	40
11	Jharkhand	546	404	142
12	Karnataka	913	824	89
13a.	Kerala	434	421	13
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	823	806	17
14b.	Puducherry	20	15	5
15	Madhya Pradesh	1307	1147	160
16	Orissa	536	425	111
17	Bihar	1367	1071	296
18a.	Punjab	346	300	46
18b.	Haryana	406	292	114
18c.	Chandigarh	20	19	1
19	Rajasthan	850	728	122
20	Sikkim	15	9	6
21	Uttarakhand	264	134	130
<b>TOTAL</b>		<b>16746</b>	<b>13946</b>	<b>2800</b>

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

<sup>#</sup> 2 Judicial posts are there in the State, which are lying vacant. Executive Officers are discharging Judicial functions in the State.



## INSTITUTION, DISPOSAL AND PENDENCY OF CASES

### A) SUPREME COURT OF INDIA (FROM 01-10-2009 TO 31-12-2009)

						<b>Pendency (At the end of 30-09-2009)</b>		
						Admission matters	Regular matters	Total matters
						32,875	20,346	53,221
<b>Institution (01-10-2009 to 31-12-2009)</b>			<b>Disposal (01-10-2009 to 31-12-2009)</b>			<b>Pendency (At the end of 31-12-2009)</b>		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
19,157	1,761	20,918	17,056	1,292	18,348	34,976	20,815	55,791

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

S. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-2009
		Opening Balance as on 01-07-09	Institution from 01-07-09 to 30-09-09	Disposal from 01-07-09 to 30-09-09	Pendency at the end of 30-09-09	Opening Balance as on 01-07-09	Institution from 01-07-09 to 30-09-09	Disposal from 01-07-09 to 30-09-09	Pendency at the end of 30-09-09	
1	Allahabad	685304	29400	39562	675142	264133	27150	18288	272995	948137
2	Andhra Pradesh	154765	14390	10501	158654	21081	4708	2858	22931	181585
3	Bombay	298442	34304	38331	294415	41817	7786	7978	41625	336040
4	Calcutta	265107	16427	14365	267169	44625	8054	7057	45622	312791
5	Chhatisgarh	45082	3681	5694	43069	18630	1910	2574	17966	61035
6	Delhi	53240	6656	8111	51785	12274	3611	3964	11921	63706
7	Gujarat	64599	34513	22978	76134	32052	4182	10217	26017	102151
8	Gauhati	54093	5150	4892	54351	8442	2845	2605	8682	63033
9	Himachal Pradesh	47190	6371	5020	48541	6316	864	735	6445	54986
10	Jammu & Kashmir	49062	6689	5522	50229	1727	590	344	1973	52202
11	Jharkhand	28995	2704	1925	29774	25072	4739	5372	24439	54213
12	Karnataka	129557	35847	25710	139694	16085	5359	5108	16336	156030
13	Kerala	84644	16071	15738	84977	27415	5317	5137	27595	112572
14	Madhya Pradesh	129702	15640	13626	131716	60452	10619	10838	60233	191949
15	Madras	421716	51360	51266	421810	45983	19546	21507	44022	465832
16	Orissa	220665	14550	9303	225912	25581	10278	9680	26179	252091
17	Patna	79688	8413 <sup>#</sup>	7584	80517	44384	13619 <sup>##</sup>	12190	45813	126330
18	Punjab & Haryana	202604	13794	19509	196889	46463	12677	12109	47031	243920
19	Rajasthan	187902	18002	9749	196155	55306	9019	7669	56656	252811
20	Sikkim	62	26	25	63	31	4	10	25	88
21	Uttaranchal	11958	1661	2005	11614	6668	1049	1184	6533	18147
TOTAL		3214377	335649	311416	3238610	804537	153926	147424	811039	4049649

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

# 302 Civil Cases were restored during the quarter.

## 168 Criminal Cases were restored during the quarter.

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

S. No.	Concerned State/ Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-2009
		Opening Balance as on 01-07-09	Institution from 01-07-09 to 30-09-09	Disposal from 01-07-09 to 30-09-09	Pendency at the end of 30-09-09	Opening Balance as on 01-07-09	Institution from 01-07-09 to 30-09-09	Disposal from 01-07-09 to 30-09-09	Pendency at the end of 30-09-09	
1	Uttar Pradesh	1269357	143706	124149	1288914	4028114	644328	597391	4075051	5363965
2	Andhra Pradesh	465822	74095	78073	461844	493998	81467	75185	500280	962124
3(a)	Maharashtra	986717	96104	103100	979721	3213803	355143	369461	3199485	4179206
3(b)	Goa	16358	2108	2425	16041	13819	5277	5846	13250	29291
3(c)	Diu and Daman	966	116	147	935	989	125	116	998	1933
3(d)	Dadra and Nagar Haveli	1052	47	88	1011	2482	207	183	2506	3517
4(a)	West Bengal	516658	34052	24414	526296	2019423	217707	195802	2041328	2567624
4(b)	Andaman & Nicobar Islands	1742	224	92	1874	12458	2292	2227	12523	14397
5	Chhatisgarh	52147	11362	10508	53001	221970	51554	51822	221702	274703
6	Delhi	237862	28153	32495	233520	807009	46936	82734	771211	1004731
7	Gujarat	704785	53723	58661	699847	1500156	240070	228459	1511767	2211614
8(a)	Assam	77453	9937	9770	77620	154474	35965	33120	157319	234939
8(b)	Nagaland	1948	132	56	2024	3769	196	216	3749	5773
8(c)	Meghalaya	4193	877	729	4341	8069	2107	2285	7891	12232
8(d)	Manipur	3252	539	493	3298	4352	1041	1005	4388	7686
8(e)	Tripura	6663	1462	1404	6721	55762	25145	23038	57869	64590
8(f)	Mizoram	2093	512	403	2202	4565	954	1387	4132	6334
8(g)	Arunachal Pradesh	812	70	61	821	4766	435	405	4796	5617
9	Himachal Pradesh	66538	13275	11573	68240	84564	33302	30230	87636	155876
10	Jammu & Kashmir	66050	13271	13193	66128	113784	46417	42679	117522	183650
11	Jharkhand	45605	4667	3544	46728	220068	27218	27291	219995	266723
12	Karnataka	566293	104759	105151	565901	534784	185497	164599	555682	1121583
13(a)	Kerala	372798	60797	70518	363077	633690	213798	222327	625161	988238
13(b)	Lakshadweep	83	30	13	100	102	21	28	95	195
14	Madhya Pradesh	209425	57465	53571	213319	935088	225071	242917	917242	1130561
15(a)	Tamil Nadu	619396	256977	251059	625314	449368	197068	197317	449119	1074433
15(b)	Puducherry	15636	3676	3979	15333	10091	4279	3657	10713	26046
16	Orissa	191669	13249	11674	193244	868569	56138	48448	876259	1069503
17	Bihar	250768	13986	11871	252883	1207522	82581	63511	1226416 <sup>#</sup>	1479299
18(a)	Punjab	268360	35342	34229	269473	304861	79899	77429	307331	576804
18(b)	Haryana <sup>##</sup>	227208	37898	44506	220600	340416	79288	77355	342349	562949
18(c)	Chandigarh	20601	2591	2157	21035	77825	26158	26226	77757	98792
19	Rajasthan	366855	53165	45991	374029	973873	230254	205371	998756	1372785
20	Sikkim	225	59	29	255	863	272	253	882	1137
21	Uttarakhand	32408	8542	8446	32504	146761	53357	52690	147428	179932
TOTAL		7669798	1136968	1118572	7688194	19452207	3251567	3153010	19550588	27238782

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

# 176 cases were amalgamated / transferred in Criminal side during the quarter.

## Opening balance of Civil & Criminal Cases has been revised by the concerned High Court

## SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE (From 01-10-2009 to 31-12-2009)

1. On 9<sup>th</sup> October, 2009, a two Judges Bench in *Revajeetu Builders and Developers v. Narayanaswamy and Sons and Ors.* [Civil Appeal No. 6921 of 2009] observed that while deciding applications for amendments, “the courts must not refuse *bonafide*, legitimate, honest and necessary amendments” but “should never permit *malafide*, worthless and/or dishonest amendments.”

The Bench held that the “first condition which must be satisfied before the amendment can be allowed by the court is whether such amendment is necessary for the determination of the real question in controversy. If that condition is not satisfied, the amendment cannot be allowed. This is the basic test which should govern the courts’ discretion in grant or refusal of the amendment. The other important condition which should govern the discretion of the Court is the potentiality of prejudice or injustice which is likely to be caused to other side.”

“The Courts have very wide discretion in the matter of amendment of pleadings but court’s powers must be exercised judiciously and with great care”, said the Bench.

2. On 22<sup>nd</sup> October, 2009, a two Judges Bench in *Alagarsamy and Ors. v. State by Deputy Superintendent of Police* [Criminal Appeal No.1984 of 2008] held that “the FIR is not a be-all and end-all of the matter, though it is undoubtedly, a very important document.”

“In most of the cases, the FIR provides corroboration to the evidence of the maker thereof. It provides a direction to the Investigating Officer and the necessary clues about the crime and the perpetrator thereof. True it is that a concocted FIR, wherein some innocent persons are deliberately introduced as the accused persons, raises a reasonable doubt about the prosecution story, however, a vigilant,

competent and searching investigation can despoil all the doubts of the Court and on the basis of the evidence led before the Court, the Court can weigh the inconsistencies in the FIR and the direct evidence led by the prosecution. It is not a universal rule that once FIR is found to be with discrepancies, the whole prosecution case, as a rule, has to be thrown. Such can never be the law”, the Bench said.

3. On 30<sup>th</sup> October, 2009, a two Judges Bench in *Ms. Celina Coelho Pereira and Ors. v. Ulhas Mahabaleshwar Kholkar and Ors.* [Civil Appeal No.7258 of 2009] summarised the legal position on eviction of tenant on the ground of sub-letting as follows:-

- (i) “In order to prove mischief of subletting as a ground for eviction under rent control laws, two ingredients have to be established, (one) parting with possession of tenancy or part of it by tenant in favour of a third party with exclusive right of possession and (two) that such parting with possession has been done without the consent of the landlord and in lieu of compensation or rent.
- (ii) Inducting a partner or partners in the business or profession by a tenant by itself does not amount to subletting. However, if the purpose of such partnership is ostensible and a deed of partnership is drawn to conceal the real transaction of sub-letting, the court may tear the veil of partnership to find out the real nature of transaction entered into by the tenant.
- (iii) The existence of deed of partnership between tenant and alleged sub-tenant or ostensible transaction in any other form would not preclude the landlord from bringing on record material and circumstances, by adducing evidence or by means of cross-examination, making out a case of sub-letting or parting with possession in tenancy premises by the tenant in favour of a third person.
- (iv) If tenant is actively associated with the partnership business and retains the control over the tenancy premises with him, may be along with partners, the tenant may not be said to have parted with possession.

- (v) Initial burden of proving subletting is on landlord but once he is able to establish that a third party is in exclusive possession of the premises and that tenant has no legal possession of the tenanted premises, the onus shifts to tenant to prove the nature of occupation of such third party and that he (tenant) continues to hold legal possession in tenancy premises. (vi) In other words, initial burden lying on landlord would stand discharged by adducing prima facie proof of the fact that a party other than tenant was in exclusive possession of the premises. A presumption of sub-letting may then be raised and would amount to proof unless rebutted.”

The Bench said that “if the purpose of constituting partnership by the tenant is ostensible and a deed of partnership is drawn to conceal the real transaction of subletting in a given case, the court may be required to tear the veil of partnership to find out the real nature of transaction entered into by the tenant and in such circumstances the evidence let in by the landlord cannot be ignored on the ground that there is some variance between pleading and proof.”

4. On 6<sup>th</sup> November, 2009, a two Judges Bench in *Rasiklal Dalpatram Thakkar v. State of Gujarat and Ors.* [Criminal Appeal No. 2041 of 2009] examined the question as to whether in regard to an order passed under Section 156(3) Cr.P.C., the police authorities empowered under Sub-Section (1) of Section 156 can unilaterally decide not to conduct an investigation on the ground that they had no territorial jurisdiction to do so. The Bench held that “the powers vested in the Investigating Authorities, under Sections 156(1) Cr.P.C., did not restrict the jurisdiction of the Investigating Agency to investigate into a complaint even if it did not have territorial jurisdiction to do so.” “Unlike as in other cases, it was for the Court to decide whether it had jurisdiction to entertain the complaint as and when the entire facts were placed before it” said the Bench.
5. On 2<sup>nd</sup> December, 2009, a three Judges Bench in *Dr. Gulshan Prakash and Ors. v. State of Haryana* [Civil Appeal No.7964 of 2009] examined the issue of reservation of seats for Scheduled Caste/Scheduled Tribe/Other Backward Class candidates in admission to educational institutions at the Post-Graduate level.

The Bench held that “the State Government is the best judge to grant reservation for SC/ST/Backward Class categories at Post-Graduate level in admission”. The Bench said that “every State can take its own decision with regard to reservation depending on various factors.”

6. On 4<sup>th</sup> December, 2009, a two Judges Bench in *Shabana Bano v. Imran Khan* [Criminal Appeal No.2309 of 2009] held that “even if a Muslim woman has been divorced, she would be entitled to claim maintenance from her husband under Section 125 of the Code of Criminal Procedure after the expiry of period of *iddat* also, as long as she does not remarry.” “The amount of maintenance to be awarded under Section 125 of the Code of Criminal Procedure cannot be restricted for the *iddat* period only”, said the Bench.
7. On 10<sup>th</sup> December, 2009, a two Judges Bench in *Ramraj @ Nanhoo @ Bihnu v. State of Chhattisgarh* [Special Leave Petition (Criminal) No.4614 of 2006], on a conjoint reading of Sections 45 and 47 of the Indian Penal Code and Sections 432, 433 and 433A of the Code of Criminal Procedure, held that “a convict awarded life sentence has to undergo imprisonment for at least 14 years.”

“While Sections 432 and 433 of the Code of Criminal Procedure (CrPC) empowers the appropriate Government to suspend, remit or commute sentences, including a sentence of death and life imprisonment, a fetter has been imposed by the legislature on such powers by the introduction of Section 433A into CrPC by the Amending Act of 1978. By virtue of the *non-obstante* clause used in Section 433A Cr.P.C., the minimum term of imprisonment in respect of an offence where death is one of the punishments provided by laws or where a death sentence has been commuted to life sentence, has been prescribed as 14 years”, said the Bench.

The Bench said that “in no case, with the possible exception of the powers vested in the President under Article 72 of the Constitution and the power vested in the Governor under Article 161 of the Constitution, even with remissions earned, can a sentence of imprisonment for life be reduced to below 14 years. It is thereafter left to the discretion of the concerned authorities to determine the actual length of

imprisonment having regard to the gravity and intensity of the offence.”

8. On 15<sup>th</sup> December, 2009 a two Judges Bench in *Sharda v. State of Rajasthan* [Criminal Appeal No.699 of 2008] while elucidating the law on admissibility of dying declaration held that “it is not an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated.” “The rule requiring corroboration is merely a rule of prudence”, said the Bench.
9. On 17<sup>th</sup> December, 2009, a two Judges Bench in *Dwarika Prasad v. Nirmala and Ors.* [Civil Appeal No. 8407 of 2009] held that “in a suit for partition of the joint properties every defendant is also in the capacity of the plaintiff and would be entitled to decree in his favour, if it is established that he has the share in the properties.” In the instant case, the Bench accordingly held that the “suit for partition of the joint properties, filed by the late father of respondent No.1, could not have been dismissed as withdrawn without notice to another brother, who was also entitled to share in the properties.”



## MAJOR EVENTS AND INITIATIVES (From 01-10-2009 to 31-12-2009)

- I. **NATIONAL CONSULTATION FOR STRENGTHENING THE JUDICIARY:** Hon'ble Shri K.G. Balakrishnan, Chief Justice of India delivered the inaugural address at the "National Consultation for Strengthening the Judiciary towards reducing Pendency and Delays" held on October 24-25, 2009, at Vigyan Bhawan, New Delhi. Hon'ble Dr. M. Veerappa Moily, Union Minister of Law and Justice presided over the function. A formal resolution was passed thereat on 25<sup>th</sup> October, 2009, details of which are as follows:-

### RESOLUTION DATED 25<sup>th</sup> October, 2009

The participants,

*Reiterating the Constitutional promise to deliver equal justice under law to all citizens and to provide access to justice to all, particularly the weaker sections of society*

*Noting* that the President of India in her address to the Joint session of Parliament delivered on June 3<sup>rd</sup> 2009 had emphasized the need for a roadmap for judicial reforms

*Noting* that the Prime Minister of India in his address to the Conference of Chief Ministers and Chief Justices on August 16<sup>th</sup> 2009 described the huge arrears and case backlogs as the prime source of concern in relation to the Indian legal system

*Recalling* the consensus of all those present, including the Honourable Chief Justice of India, the Honourable Union Minister for Law and Justice, the Honourable Attorney General of India and the Learned Solicitor General of India and others that the pendency and delays in the courts calls for urgent and immediate action

*Reaffirming* the commitment of those present including the Justices of the Supreme Court of India and other members of the Judiciary, Judicial officers, Law officers, Members of the Bar, representatives of the Union Ministry of Law and Justice and members of the public to dedicate themselves to reduce the pendency of cases from 15 years to 3 years and to work together to implement the various steps required to ensure expeditious, quality and inclusive justice.

*Taking Note* of the Vision Document presented by the Honourable Union Minister of Law and Justice to the Honourable Chief Justice of India

*Adopt the* Vision Statement and Action Plan as a public commitment for redesigning the justice delivery system to reduce pendency and delays

*Urge* all constituents to recognise their special role and responsibility to implement the Action Plan

*Decide* that to implement the Action Plan the National Arrears Grid and the Special Purpose vehicle be incorporated no later than 26<sup>th</sup> November, 2009, Law Day

*Recommend* the High Court's make available all the data for the National Grid by 30<sup>th</sup> November, 2009

*Also decide* that the implementation of the Action Plan should focus on human resource development, infrastructure development and procedural reforms

*Commit to comprehensive* human resource development in all sectors including judges, lawyers, law officers, prosecutors and court staff in an inclusive manner

*Further commit* to efficient and optimum utilization of existing infrastructure and improvements and additions to physical and technological infrastructure

*Also commit* to specific implementation of procedural reforms at all levels in a time bound manner including curtailment of adjournments, introducing a system of continuous hearing in civil cases and criminal trials and expediting execution proceedings by removing unnecessary delays

*Acknowledge* the initiative undertaken by the Government of India to frame a National Litigation Policy by 31<sup>st</sup> December 2009 with a view to ensure conduct of responsible litigation by the Central Government and urges every State Government to evolve similar policies

*Welcome and Applaud* the idea of an SPV as an autonomous and flexible means to provide infrastructural, managerial, technological and manpower services to the Judiciary and the singular contribution of Dr. Sam Pitroda in the conceptualisation of the SPV and the implementation of its programs

*Bearing in mind* that all such changes should focus on inclusive growth reaching all levels of society and acknowledging the need to create an Indian model

*Request* the Central Government to make available adequate and committed resources to implement and support the Action Plan

*Recognize* the need for mediation and other methods of dispute resolution as an organized mainstream justice delivery mechanism

*Further* recognise the principle behind judicial appointments should be delivery of quality and expeditious justice and public service

*Commend* for consideration the establishment of an All India Judicial Service through an open competitive examination ensuring the best possible selection

*Welcome* the suggestion of the Honourable Chief Justice of India for a notional increase in the sanctioned strength of Judges by 25% in order to enable the judiciary to make advance selection for appointment as soon as the vacancy arises

*Also* recognize the need for appointment of ad hoc judges at all levels of the judiciary on a temporary basis from amongst retired judges and members of the bar

*Recommend* the creation of a National Pool of Judicial Officers from retired Judges to enable persons from the pool to be appointed as HC judges in various States.

*Recommend* assigning special judges to deal with all pending criminal cases where the term is less than 3 years

*Welcome and Applaud* the leadership given by the Chief Justice of India, Judges of the Supreme Court and Chief Justices of the various High Courts and their colleagues, Bar Councils of India and Bar Associations for their positive role in initiating and furthering a meaningful dialogue to further the objectives of the vision document.

- II. **PROXIMITY CARDS AND PHOTO ENTRY PASSES:** The entry to the High Security Zone of Supreme Court is now restricted with proximity cards and photo entry passes. Photo Entry Passes are issued to the parties as well as other visitors, on production of a suitable photo identity card.

III. **MAJOR ACTIVITIES OF NJA (NATIONAL JUDICIAL ACADEMY):**

**NATIONAL JUDICIAL WORKSHOP ON JUDICIAL CONDUCT AND ETHICS (3-5 OCTOBER, 2009):** *The National Judicial Workshop on Judicial Conduct and Ethics* was organised from 3<sup>rd</sup> to 5<sup>th</sup> October, 2009 with the objective of critically appraising the present standards of judicial conduct and ethics that regulate the behaviour of the judges within and outside of court.

**NJA NATIONAL CONFERENCE OF STATE JUDICIAL ACADEMIES: REVIEW OF REFRESHER PROGRAMMES (3-5 OCTOBER, 2009):** A three day National Conference of Directors/Additional Directors of State Judicial Academies on 'Review of Refresher Programmes' was held at National Judicial Academy from October 3<sup>rd</sup> to 5<sup>th</sup>, 2009. The Conference aimed at providing opportunity to the Directors/Additional Directors of the State Judicial Academies to exchange knowledge, views and experiences among themselves and National Judicial

Academy on Refresher Programmes being conducted by the State Judicial Academies and develop a policy based and goal oriented framework for Refresher Programmes as part of continuing judicial education.

**NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF MACT CASES (3-6 OCTOBER, 2009):** National Judicial Academy conducted a Workshop on “Adjudication Management: Adjudication of MACT Cases from 3<sup>rd</sup> to 6<sup>th</sup> October, 2009. Twenty four judges from the district judiciary participated in this workshop. The main objective of the workshop was to strengthen the quality of management of adjudication of MACT cases cutting across various knowledge and skill requirements.

**NATIONAL CONFERENCE OF PRINCIPAL DISTRICT AND SESSIONS JUDGES ON PLANNING AND MANAGEMENT FOR TIMELY JUSTICE (PMTJ) (9-11 OCTOBER, 2009):** The Fourth National Conference for Principal District Judges on Planning and Management for Timely Justice was organized at the National Judicial Academy from 9<sup>th</sup> -11<sup>th</sup> October, 2009. The Conference was attended by around 35 District Judges from all over the country. The Academy presented its 25 point agenda for improving the efficiency of the judicial system. The aim of the conference was to provide a forum for Principal District Judges to discuss the “why”, “what” and “how” of developing and implementing the above vision, mission and strategy and planning and management systems.

**NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF MASS CRIMES AND MASS TORTS (9-12 OCTOBER, 2009):** NJA organized a ‘National Judicial Workshop on Adjudication Management: Adjudication of Mass Crimes and Mass Torts’ from 9<sup>th</sup> October, 2009 to 12<sup>th</sup> October, 2009. The main focus of the workshop was on mass crime from the social perspective. The participants discussed the various methods to deal with mass crimes and mass tort cases which is one of the important causes of delay in courts.

**NATIONAL CONFERENCE OF HIGH COURT JUSTICES ON POVERTY ERADICATION, COMBATING SOCIAL EXCLUSION AND ADVANCING SOCIAL JUSTICE: ROLE OF COURTS (24-25 OCTOBER, 2009):** National Conference of High Courts on *Poverty Eradication, Combating Social Exclusion and Advancing Social Justice: Role of Courts* was organized at National Judicial Academy, Bhopal on October 24-25, 2009. The objective of the programme was to table the agenda of social justice and alleviation of poverty for the consideration of judges and explore the role of writ courts in furthering the same. Three sessions namely the “State of Dalits in the Indian polity”, “Challenges in the effective implementation of the Scheduled Castes and Tribes (Prevention of Atrocities) Act” and “Manual Scavenging: A Case Study” reflected the Social Justice aspect of the Programme whereas sessions on “Right to Food”, “Rising Inequalities and Agrarian Distress” focused on Poverty related challenges in the country.

**NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF FAMILY DISPUTES (13-16 NOVEMBER, 2009):** National Judicial Workshop on Adjudication Management: Adjudication of Family Disputes” was organized at National Judicial Academy from 13<sup>th</sup> November to 16<sup>th</sup> November, 2009. 22 Family Court Judges from across 16 High Court jurisdictions participated in the programme. The Programme aimed at identifying issues involved in Adjudication of Family Disputes with particular reference to socio-economic perspectives of such disputes and to discuss and clarify role of the courts in protection of constitutional rights in family disputes; identifying challenges in enhancing access to family court; distinguishing real interests and issues from apparent issues in such matters; moulding effective solutions & remedies for marital disputes; identifying welfare of the child in custody & guardianship disputes and developing effective judicial strategies for protecting women from violence in the privacy of her home.

**NATIONAL CONFERENCE OF NEWLY ELEVATED HIGH COURT JUSTICES (13-15 NOVEMBER, 2009):** The National Judicial Academy, Bhopal organized the National Conference of Newly Elevated High Court Justices from 13<sup>th</sup> November 2009 to 15<sup>th</sup> November 2009. This conference was also briefly attended by the



Chief Justice of India, Hon'ble Mr. Justice K.G. Balakrishnan on Saturday 14<sup>th</sup> November 2009. The conference had participation of approximately 20 newly appointed/elevated High Court Justices. The aim of the conference was to provide newly appointed High Court Justices from across the country an opportunity to discuss mutually and with senior members of the judiciary the main challenges facing the country and the judicial system and the role of courts in meeting these challenges. The main lines on which the programme was structured and discussions held were 'Enhancing Excellence in Judging: Common Issues and Challenges', 'Judicial Review, Public Interest Litigation, Separation of Powers and Judicial Activism', and lastly 'Providing Strategic Leadership for the Development and Strengthening of Subordinate Courts'.

**NATIONAL JUDICIAL SEMINAR ON THE CONTRIBUTION OF HIGH COURTS TO THE DEVELOPMENT OF LAW SINCE JANUARY 2008 (20-22 NOVEMBER, 2009):** The National Judicial Academy organized a Seminar on the contribution of High Courts to the Development of Law since January, 2008. The brief objective of this programme was to bring together district judiciary judges from across the country to discuss new area of legal development and challenges facing the judicial system and contribution to the law through the decisions of various High Courts. All the participants presented papers highlighting major decisions rendered by their respective High Courts contributing to the development of law since January, 2008. Twenty five judges from the district judiciary participated in this workshop.

**NATIONAL CONFERENCE OF HIGH COURT JUSTICES ON GLOBALIZATION AND THE INDIAN JUDICIAL SYSTEM: KEY ISSUES AND CHALLENGES (21-22 NOVEMBER, 2009):** High Court Justices' Conference *on Globalization and the Indian Judicial System: Key Issues and Challenges* was held in Bhopal by the National Judicial Academy on November 21-22. The objective of the conference was to present various point of views on Globalization as also to arrive at an understanding of the phenomenon which will be relevant for the judiciary.

**NATIONAL JUDICIAL SEMINAR ON THE CONTRIBUTION OF THE SUPREME COURT TO THE DEVELOPMENT OF LAW SINCE JANUARY 2008(4-6 DECEMBER, 2009):** A three day National Judicial seminar of the District Judiciary on the Contribution of the Supreme Court to the Development of Law since January 2008 was organized at National Judicial Academy from 4-6<sup>th</sup> December 2009. 27 Judges of District Judiciary from across the country participated in this programme. The programme focused on major decisions delivered by the Supreme Court since January 2008 contributing and augmenting to the course of development of law. The idea was to explore the new initiatives and approaches particularly in the background of seven major challenges facing the justice administration system – (i) securing fundamental rights; (2) poverty alleviation and justice; (3) strengthening social cohesion; (4) enhancing safety security and redress for injury; (5) enhancing environmental protection; (6) enhancing constitutional governance and rule of law and (7) enhancing investment and economic growth.

**NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF ATROCITIES AGAINST WOMEN (11-14 DECEMBER, 2009):** In the series of Adjudication Management Programmes, a Workshop on “Adjudication Management: Adjudication of Atrocities against Women was held at National Judicial Academy from 11<sup>th</sup> to 14<sup>th</sup> December, 2009. Twenty six judges from the district judiciary across the country participated in this workshop. The objective of the programme was to strengthen the quality of judicial management of cases of atrocities against women, cutting across various knowledge and skill requirements. The programmes covered such aspects as the social and psychological background of each main type of atrocities against women; relevant court and case management methods, substantive and procedural law, judging and decision making skills and evaluation of quality and timeliness. This programme focused on adjudication of cases involving atrocities against women (Dowry, Cruelty to Women and Domestic Violence).

**NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF TRAFFICKING AND SEXUAL OFFENCES CASES (18-21 DECEMBER, 2009):** A National Judicial Workshop on Adjudication Management:



Adjudication of Trafficking and Sexual Offences was organized at the National Judicial Academy from 18<sup>th</sup> December 2009 to 21<sup>st</sup> December, 2009. This workshop focused on adjudication of cases involving offences against women (Trafficking and Sexual Offences). The structure of the workshop dealt with various themes relating to the Social Context, Nature and Extent, Investigation, Adjudication of Trafficking and Sexual offences, and Access to Justice- Role of Legal Services Authority. The aim of the workshop was to make the judges sentient to the many facets of the global problem of trafficking of women and children. Around thirty members from the district judiciary from all over India participated in the workshop.

#### **IV. MAJOR EVENTS AT NALSA (NATIONAL LEGAL SERVICES AUTHORITY)**

- A. WORLD MENTAL HEALTH DAY:** The State Legal Services Authorities observed the National Legal Aid Week for the persons suffering from Mental Disabilities from 10<sup>th</sup> October, 2009 to commemorate the World Mental Health Day. The campaign was initiated for Protection of Rights of mentally sick persons.
- B. NATIONAL LEGAL SERVICES DAY -9<sup>th</sup> November, 2009:** On the occasion, a programme was organized by NALSA in association with Delhi Legal Services Authority. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the programme. Hon'ble Mr. Justice Tarun Chatterjee, Judge, Supreme Court of India and Executive Chairman, NALSA presided over the function. Hon'ble Mr. Justice Alatas Kabir, Judge, Supreme Court of India and Chairman, Supreme Court Legal Services Committee delivered the special address.

## **IMPORTANT VISITS AND CONFERENCES (From 01-10-2009 to 31-12-2009)**

### **OVERSEAS**

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India delivered a public lecture on "Judicial Activism in the Indian Constitution" at the Trinity College, University of Dublin at Dublin, Ireland on 14<sup>th</sup> October, 2009 and also attended the Official Opening of the Supreme Court of the United Kingdom on 16<sup>th</sup> October, 2009.
2. Hon'ble Mr. Justice D.K. Jain participated in the "International Commercial Litigation and Dispute Resolution Conference" organized by the Federal Court of Australia at Sydney, Australia from November 27-28, 2009.
3. Hon'ble Mr. Justice Aftab Alam delivered the Gandhi Foundation's Annual Lecture, jointly organized by the Honourable Society of the Inner Temple, London and the Gandhi Foundation at the Inner Temple, London on 14<sup>th</sup> October, 2009.

### **INLAND**

Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated a Seminar on "Continued Legal Education for the Lawyers vis-à-vis Today's Global Challenges" at Visakhapatnam District Court from 5<sup>th</sup> December to 6<sup>th</sup> December, 2009. On 30<sup>th</sup> December, 2009, His Lordship laid the foundation stone of the New High Court Building of Allahabad High Court at Vibhuti Khand, Faizabad Road, Lucknow.


# LIST OF SUPREME COURT JUDGES

*(As on 31<sup>st</sup> December, 2009)*

<b>S.No.</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Appointment</b>	<b>Date of Retirement</b>
1	Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India (CJI)	08.06.2000 As CJI: On 14.01.2007	12.05.2010
2	Hon'ble Mr. Justice S.H. Kapadia	18.12.2003	29.09.2012
3	Hon'ble Mr. Justice Tarun Chatterjee	27.08.2004	14.01.2010
4	Hon'ble Mr. Justice Altamas Kabir	09.09.2005	19.07.2013
5	Hon'ble Mr. Justice R.V. Raveendran	09.09.2005	15.10.2011
6	Hon'ble Mr. Justice Dalveer Bhandari	28.10.2005	01.10.2012
7	Hon'ble Mr. Justice D.K. Jain	10.04.2006	25.01.2013
8	Hon'ble Mr. Justice Markandey Katju	10.04.2006	20.09.2011
9	Hon'ble Mr. Justice H.S. Bedi	12.01.2007	05.09.2011
10	Hon'ble Mr. Justice V.S. Sirpurkar	12.01.2007	22.08.2011
11	Hon'ble Mr. Justice B. Sudershan Reddy	12.01.2007	08.07.2011
12	Hon'ble Mr. Justice P. Sathasivam	21.08.2007	27.04.2014
13	Hon'ble Mr. Justice G.S. Singhvi	12.11.2007	12.12.2013
14	Hon'ble Mr. Justice Aftab Alam	12.11.2007	19.04.2013
15	Hon'ble Mr. Justice J.M. Panchal	12.11.2007	06.10.2011
16	Hon'ble Dr. Justice Mukundakam Sharma	09.04.2008	18.09.2011
17	Hon'ble Mr. Justice Cyriac Joseph	07.07.2008	28.01.2012
18	Hon'ble Mr. Justice Asok Kumar Ganguly	17.12.2008	03.02.2012
19	Hon'ble Mr. Justice Rajendra Mal Lodha	17.12.2008	28.09.2014
20	Hon'ble Mr. Justice H.L. Dattu	17.12.2008	03.12.2015
21	Hon'ble Mr. Justice Deepak Verma	11.05.2009	28.08.2012
22	Hon'ble Dr. Justice B.S. Chauhan	11.05.2009	02.07.2014
23	Hon'ble Mr. Justice A.K. Patnaik	17.11.2009	03.06.2014
24	Hon'ble Mr. Justice T.S. Thakur	17.11.2009	04.01.2017
25	Hon'ble Mr. Justice K.S. Radhakrishnan	17.11.2009	15.05.2014
26	Hon'ble Mr. Justice S.S. Nijjar	17.11.2009	07.06.2014
27	Hon'ble Mr. Justice Swatanter Kumar	18.12.2009	31.12.2012

# OTHER PUBLICATIONS

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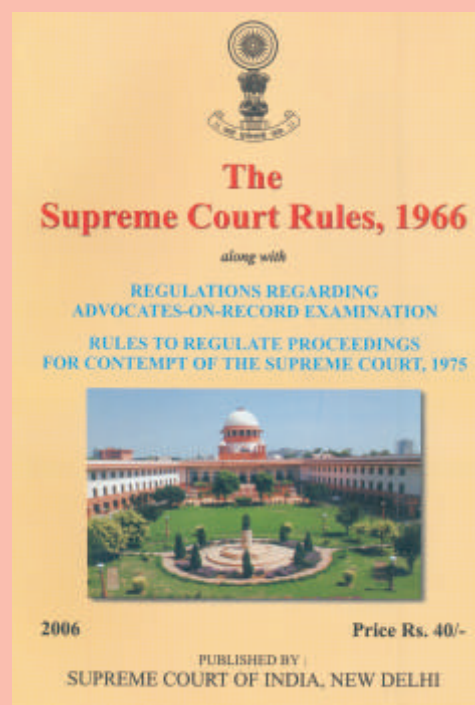
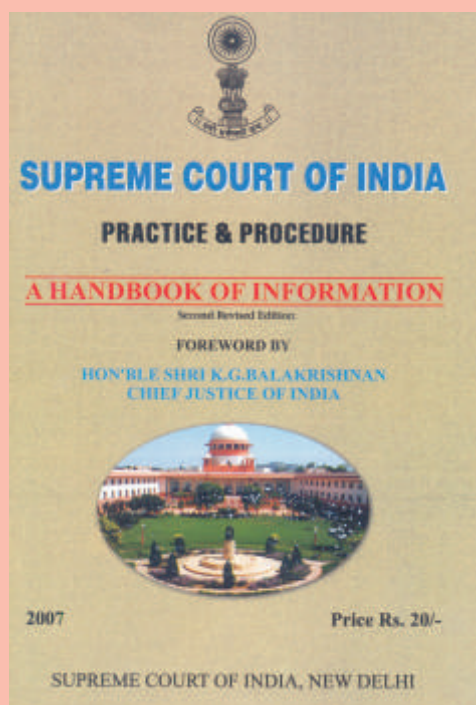
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