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EDITORIAL BOARD

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

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LIST OF SUPREME COURT JUDGES

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

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

APPOINTMENTS IN HIGH COURTS (From 01-07-2010 to 31-10-2010)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1.	Calcutta	Shukla Kabir (Sinha)	13-09-10
		A.K. Dasadhikari	13-09-10
		Dr. Sambuddha Chakrabarti	13-09-10
2.	Delhi	G.P. Mittal	29-10-10
3.	Jharkhand	Bhagwati Prasad (As Chief Justice)	22-08-10
4.	Madhya Pradesh	Vimla Jain	13-09-10
		Md. Anwar Siddiqui	13-09-10
5.	Patna	Hemant Kumar Srivastava	12-08-10
6.	Punjab & Haryana	Ritu Bahri	16-08-10

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

TRANSFERS BETWEEN HIGH COURTS (From 01-07-10 to 31-10-10)

S. No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1.	Allahabad	Gujarat	Vijay Manohar Sahai	28-10-10
2.	Allahabad	Jharkhand	Poonam Srivastava	28-10-10
3.	Andhra Pradesh	Allahabad	Dantuluri Srinivasa Ranganatha Varma	28-10-10
4.	Andhra Pradesh	Patna	T. Meena Kumari	27-10-10
5.	Delhi	Madhya Pradesh	Sri Niwas Aggarwal	28-10-10
6.	Delhi	Orissa	Aruna Suresh	28-10-10
7.	Gauhati	Punjab & Haryana	Ranjan Gogoi	09-09-10
8.	Karnataka	Sikkim	P.D.D. Premkumar (Chief Justice)	09-08-10
9.	Madhya Pradesh	Rajasthan	Arun Kumar Mishra	12-09-10
10.	Madras	Punjab & Haryana	Muttaci Jeyapaul	28-10-10
11.	Orissa	Kerala	Bhabani Prasad Ray	28-10-10
12.	Punjab & Haryana	Andhra Pradesh	Ashutosh Mohunta	28-10-10
13.	Punjab & Haryana	Madras	Vinod Kumar Sharma	27-10-10
14.	Punjab & Haryana	Orissa	Harjinder Singh Bhalla	28-10-10
15.	Sikkim	Uttarakhand	Barin Ghosh (Chief Justice)	12-08-10
16.	Uttarakhand	Karnataka	J.S. Khehar (Chief Justice)	08-08-10

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 31-10-2010)

Sanctioned Strength	Working strength	Vacancies
31	29	02

B) HIGH COURTS (As on 31-10-2010)

S. No.	Name of the High Court	Sanctioned strength	Working strength	Vacancies
1	Allahabad	160	71	89
2	Andhra Pradesh	49	31	18
3	Bombay	75	59	16
4	Calcutta	58	42	16
5	Chhattisgarh	18	12	6
6	Delhi	48	40	8
7	Gauhati	24	19	5
8	Gujarat	42	24	18
9	Himachal Pradesh	11	11	0
10	Jammu & Kashmir	14	9	5
11	Jharkhand	20	12	8
12	Karnataka	50	40	10
13	Kerala	38	30	8
14	Madhya Pradesh	43	34	9
15	Madras	60	51	9
16	Orissa	22	16	6
17	Patna	43	31	12
18	Punjab & Haryana	68	43	25
19	Rajasthan	40	23	17
20	Sikkim	3	2	1
21	Uttarakhand	9	8	1
TOTAL		895	608	287

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-06-2010)

S. No.	Concerned State/Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2186	1914	272
2.	Andhra Pradesh	930	782	148
3a.	Maharashtra	2087	1807	280
3b.	Goa	49	42	7
3c.	Diu Daman & Dadra and Nagar Haveli	4	4	0
4.	West Bengal and A&N Islands	933	779	154
5.	Chhattisgarh	293	256	37
6.	Delhi	605	435	170
7.	Gujarat	1095	762	333
8a.	Assam	326	306	20
8b.	Meghalaya	10	8	2
8c.	Tripura	92	65	27
8d.	Manipur	33	31	2
8e.	Nagaland	28	23	5
8f.	Mizoram	40	31	9
8g.	Arunachal Pradesh	2	2	0
9.	Himachal Pradesh	126	121	5
10.	Jammu and Kashmir	207	164	43
11.	Jharkhand	581	394	187
12.	Karnataka	936	805	131
13a.	Kerala	436	419	17
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	828	786	42
14b.	Puducherry	20	14	6
15.	Madhya Pradesh	1288	1112	176
16.	Orissa	544	486	58
17.	Bihar	1385	1043	342
18a.	Punjab	410	294	116
18b.	Haryana	409	285	124
18c.	Chandigarh	20	20	0
19.	Rajasthan	904	689	215
20.	Sikkim	15	9	6
21.	Uttarakhand	265	129	136
Total		17090	14020	3070

• 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 01-01-2010 TO 31-10-2010)

						Pendency (At the end of 31-12-2009)		
						Admission matters	Regular matters	Total matters
						34,976	20,815	55,791
Institution (01-01-2010 to 31-10-2010)			Disposal (01-01-2010 to 31-10-2010)			Pendency (At the end of 31-10-2010)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
59,190	7,661	66,851	61,393	6,649	68,042	32,773	21,827	54,600

- Note:**
1. Out of the 54,600 pending matters as on 31-10-2010, if connected matters are excluded, the pendency is only of 32,839 matters as on 31-10-2010.
 2. Out of the 54,600 pending matters as on 31-10-2010, 19,308 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 35,292 matters as on 31-10-2010.
 3. Between 31-12-2009 to 31-10-2010, pendency has been brought down by 1,191 matters.

B) HIGH COURTS (FROM 01-04-2010 TO 30-06-2010)

S. No	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-06-10
		Opening Balance as on 01-04-10	Institution from 01-04-10 to 30-06-10	Disposal from 01-04-10 to 30-06-10	Pendency at the end of 30-06-10	Opening Balance as on 01-04-10	Institution from 01-04-10 to 30-06-10	Disposal from 01-04-10 to 30-06-10	Pendency at the end of 30-06-10	
1	Allahabad	662670	38239	31920	668989	290192	30071	19320	300943	969932
2	Andhra Pradesh	166148	11923	9904	168167	26426	3671	4264	25833	194000
3	Bombay	298047	27128	25356	299819	43253	6702	5297	44658	344477
4	Calcutta	274974	16417	10991	280400	47695	7377	5892	49180	329580
5	Chhattisgarh	40719	2737	3066	40390	17088	1723	2036	16775	57165
6	Delhi	49210	6644	6140	49714	11499	3245	2651	12093	61807
7	Gujarat	75179	5560	10774	69965	24815	4997	4427	25385	95350
8	Gauhati	50625	5811	5294	51142	8923	2600	2549	8974	60116
9	Himachal Pradesh	45144	4851	6861	43134	6499	683	734	6448	49582
10	Jammu & Kashmir	56681	7804	3970	60515	2496	777	268	3005	63520
11	Jharkhand	30302	2366	1905	30763	25144	4874	4486	25532	56295
12	Karnataka	165301	31510	19177	177634	19536	4615	4084	20067	197701
13	Kerala	87253	3451	2022	88682	27979	1595	974	28600	117282
14	Madhya Pradesh	138958	18337	13679	143616	62532	9849	6614	65767	209383
15	Madras	399176	43126	35214	407088	38282	16973	14165	41090	448178
16	Orissa	235494	13466	10723	238237	27999	10302	9376	28925	267162
17	Patna	82437	6615*	8091	80961	47676	12270**	13162	46784	127745
18	Punjab & Haryana	192412	13498	12118	193792	47387	11041	9391	49037	242829
19	Rajasthan	205863	13196	7337	211722	58923	8896	6605	61214	272936
20	Sikkim	70	23	33	60	19	8	8	19	79
21	Uttarakhand	12469	1761	2057	12173	7071	1172	1804	6439	18612
TOTAL		3269132	274463	226632	3316963	841434	143441	118107	866768	4183731

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

* 130 civil cases were restored during this quarter

** 87 criminal cases were restored during this quarter

C) DISTRICT & SUBORDINATE COURTS (FROM 01-04-2010 TO 30-06-2010)

S. No.	Concerned State/ Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-06-10
		Opening Balance as on 01-04-10	Institution from 01-04-10 to 30-06-10	Disposal from 01-04-10 to 30-06-10	Pendency at the end of 30-06-10	Opening Balance as on 01-04-10	Institution from 01-04-10 to 30-06-10	Disposal from 01-04-10 to 30-06-10	Pendency at the end of 30-06-10	
1	Uttar Pradesh	1301950	121423	105997	1317376	4182522	607820	542688	4247654	5565030
2	Andhra Pradesh	457768	64656	62550	459874	495829	72939	66587	502181	962055
3(a)	Maharashtra	980803	99012	88377	991438	3127314	336179	319830	3143663	4135101
3(b)	Goa	16329	3159	2723	16765	12719	4475	4479	12715	29480
3(c)	Diu and Daman	962	205	188	979	1078	132	126	1084	2063
3(d)	Dadra and Nagar Haveli	1016	57	19	1054	2690	262	162	2790	3844
4(a)	West Bengal	535375	30531	27147	538759	2131468	227236	177103	2181601	2720360
4(b)	A & N Islands	1912	154	107	1959	12802	1650	1532	12920	14879
5	Chhattisgarh	53376	7049	5930	54495	216132	46892	45450	217574	272069
6	Delhi	219298	6217	23022	202493	780286	119804	175922	720807*	923300
7	Gujarat	695074	45927	43241	697760	1469251	236701	209977	1495975	2193735
8(a)	Assam	76144	8045	7742	76447	154895	50074	39545	165424	241871
8(b)	Nagaland	1946	101	70	1977	3322	258	477	3103	5080
8(c)	Meghalaya	4117	342	77	4382	8550	517	533	8534	12916
8(d)	Manipur	3518	660	626	3552	5029	1562	1578	5013	8565
8(e)	Tripura	6847	1639	1735	6751	61023	29414	32846	57591	64342
8(f)	Mizoram	1700	437	661	1476	3212	3341	3125	3428	4904
8(g)	Arunachal Pradesh	835	245	225	855	5231	1794	1672	5353	6208
9	Himachal Pradesh	70545	15667	14820	71392	93592	37690	37097	94185	165577
10	Jammu and Kashmir	66435	13475	12213	67697	117601	44580	45685	116496	184193
11	Jharkhand	48551	4732	3219	50064	224311	24410	17655	231066	281130
12	Karnataka	558456	63465	62953	558968	591363	170010	162910	598463	1157431
13(a)	Kerala	358798	57175	49831	366142	640998	250359	271357	620000	986142
13(b)	Lakshadweep	109	36	21	124	79	15	3	91	215
14	Madhya Pradesh	212654	53712	47441	218925	928670	282806	261708	949768	1168693
15(a)	Tamil Nadu	660127	293664	184267	769524	469172	213945	188724	494393	1263917
15(b)	Puducherry	15466	3641	3068	16039	10942	3715	3487	11170	27209
16	Orissa	199112	12347	8275	203184	888551	59362	53454	894459	1097643
17	Bihar**	252142	15075	15743	251472	1252091	85533	75797	1261717	1513189
18(a)	Punjab	267747	33669	28731	272685	306402	74524	78430	302496	575181
18(b)	Haryana	217987	38946	39309	217624	343428	69658	64164	348922	566546
18(c)	Chandigarh	21037	3124	2331	21830	67965	24338	23104	69199	91029
19	Rajasthan	386245	39727	30400	395572	1051560	206929	179474	1079015	1474587
20	Sikkim	346	160	138	368	938	283	311	910	1278
21	Uttarakhand	31868	8029	7395	32502	137567	44585	44951	137201	169703
	Total	7726595	1046503	880592	7892504	19798583	3333792	3131943	19996961	27889465

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

* 3361 petty cases transferred to Evening courts.

** 2 civil cases and 110 criminal cases amalgamated / transferred.

SOME RECENT SUPREME COURT JUDGMENTS / ORDERS OF PUBLIC IMPORTANCE

1. **Provision relating to costs in Code of Civil Procedure:** On 5th July, 2010, in the case of *Vinod Seth v. Devinder Bajaj & Anr.* [Civil Appeal No.4891 of 2010], it was held that there is “an urgent need for the legislature and the Law Commission of India to re-visit the provisions relating to costs and compensatory costs contained in Section 35 and 35A of CPC.”

“The lack of appropriate provisions relating to costs has resulted in a steady increase in malicious, vexatious, false, frivolous and speculative suits, apart from rendering Section 89 CPC ineffective. Any attempt to reduce the pendency or encourage alternative dispute resolution processes or to streamline the civil justice system will fail in the absence of appropriate provisions relating to costs”, said the Bench.

2. **Power of the Magistrate:** On 6th July, 2010, in the case of *Shivjee Singh v. Nagendra Tiwary and others* [Criminal Appeal No.1158 of 2010], it was held that “even though in terms of the proviso to Section 202(2) CrPC, the Magistrate is required to direct the complainant to produce all his witnesses and examine them on oath, failure or inability of the complainant or omission on his part to examine one or some of the witnesses cited in the complaint or whose names are furnished in compliance of the direction issued by the Magistrate, will not preclude the latter from taking cognizance and issuing process or passing committal order if he is satisfied that there exists sufficient ground for doing so. Such an order passed by the Magistrate cannot be nullified only on the ground of non-compliance of proviso to Section 202(2).”

3. **Linguistic minority institution:** On 8th July, 2010, in the case of *Sindhi Education Society & Anr. v. The Chief Secretary, Govt. Of NCT of Delhi & Ors.* [Civil Appeal No. 5489 of 2007], it was held that “a linguistic minority institution is entitled to the protection and the right of equality enshrined in the provisions of the Constitution.”

The Bench held that “the State may not be well within its constitutional duty to compel the linguistic minority institution to accept a policy decision, enforcement of which will infringe their fundamental right and/or protection. On the contrary, the minority can validly question such a decision of the State in law.” The Bench held that “the service in an aided linguistic minority school cannot be construed as 'a service under the State' even with the aid of Article 12 of the Constitution”.

4. **Extra judicial confession :** On 23rd July, 2010, in the case of *Podyami Sukada v. State of M.P.* (Now Chhattisgarh) [Criminal Appeal No.1243 of 2006], it was held that the “evidentiary value of extra judicial confession depends upon trustworthiness of the witness before whom confession is made.”

“Law does not contemplate that the evidence of an extra judicial confession should in all cases be corroborated. It is not an inflexible rule that in no case conviction can be based solely on extrajudicial confession. It is basically in the realm of appreciation of evidence and a question of fact to be decided in the facts and circumstances of each case”, said the Bench.

5. **Respondent-parties in a writ petition:** On 23rd July, 2010, in the case of *Shalini Shyam Shetty and another v. Rajendra Shankar Patil* [Civil Appeal No.5896 of 2010], it was re-iterated that “a writ petition is a remedy in public law which may be filed by any person but the main respondent should be either Government, Governmental agencies or a State or instrumentalities of a State within the meaning of Article 12 of the Constitution.”

The Bench held that “private individuals cannot be equated with State or instrumentalities of the State. All the respondents in a writ petition cannot be private parties. But private parties acting in collusion with State can be respondents in a writ petition. Under the phraseology of Article 226, High Court can issue writ to any person, but the person against whom writ will be issued must have some statutory or public duty to perform.”

6. **Rights of a co-owner:** On 5th August, 2010, in the case of *Budh Ram & Ors. v. Bansilal & Ors.* [Civil Appeal No.6291 of 2010], it was held that “every co-owner has a right to possession and enjoyment of each and every part of the property equal to that of other co-owners. Therefore, in theory, every co-owner has an interest in every infinitesimal portion of the subject matter, each has a right irrespective of the quantity of its interest, to be in possession of every part and parcel of the property jointly with others. A co-owner of a property owns every part of the composite property along with others and he cannot be held to be a fractional owner of the property unless partition takes place.”

7. **Standard of proof in civil and in criminal cases:** On 12th August, 2010, in the case of *Kishan Singh (D) through L.Rs.v. Gurpal Singh & Ors.* [Criminal Appeal No.1500 of 2010], it was held that “the findings of fact recorded by the Civil Court do not have any bearing so far as the criminal case is concerned and vice-versa. Standard of proof is different in civil and criminal cases. In civil cases it is preponderance of probabilities while in criminal cases it is proof beyond reasonable doubt. There is neither any statutory nor any legal principle that findings recorded by the court either in civil or criminal proceedings shall be binding between the same parties while dealing with the same subject matter and both the cases have to be decided on the basis of the evidence adduced therein. However, there may be cases where the provisions of Sections 41 to 43 of the Indian Evidence Act, 1872, dealing with the relevance of previous Judgments in subsequent cases may be taken into consideration.”

8. **Death penalty:** On 30th August, 2010, in the case of *C. Muniappan & Ors. v. State of Tamil Nadu* (Criminal Appeal Nos. 127-130 of 2008), it was held that “life imprisonment is the rule and death penalty an exception” and “therefore, the Court must satisfy itself that death penalty would be the only punishment which can be meted out to a convict. The Court has to consider whether any other punishment would be completely inadequate and what would be the mitigating and aggravating circumstances in the case.”

“Murder is always foul, however, the degree of brutality, depravity and diabolic nature differ in each case. Circumstances under which murders take place also differ from case to case and there cannot be a straitjacket formula for deciding upon circumstances under which death penalty must be awarded. In such matters, it is not only a nature of crime, but the background of criminal, his psychology, his social conditions, his mindset for committing offence and effect of imposing alternative punishment on the society are also relevant factors”,

9. **Principles with reference to appeals:** On 31st August, 2010, in the case of *James Joseph v. State of Kerala* [Civil Appeal No.7207 of 2010], principles with reference to appeals were laid down as follows: “(i) An appeal is a proceeding where an higher forum reconsiders the decision of a lower forum, on questions of fact and questions of law, with jurisdiction to confirm, reverse, modify the decision or remand the matter to the lower forum for fresh decision in terms of its directions; (ii) The appellate jurisdiction can be limited or regulated by the legislature and its extent has to be decided with reference to the language employed by the statute conferring the appellate jurisdiction; (iii) The width of jurisdiction or the limitations on jurisdiction with reference to an appeal, does not depend on whether the appeal is a first appeal or a second appeal, but depends upon the limitations, if any, placed by the statute conferring the right of appeal; (iv) If the Legislature's intention is to limit the jurisdiction in an appeal, it may indicate such limits in the provision providing for appeal. Alternatively, it may expressly or impliedly incorporate the provisions of section 100 of the Code, into the provision for appeals; v) Generally statutory provisions for appeals against original orders or decrees (that is, first appeals) will not have any limitations and therefore rehearing on both law and fact is contemplated; and statutory provisions for appeals against appellate orders (that is, second appeals) will be restricted to questions of law. But such restriction is not on account of any legal principle that all second appeals should always be with reference to questions of law, but would depend upon the wording of the statute placing the restrictions upon the scope of second appeal; (vi) Where the statute does not place any limitations or restrictions in regard to the scope and width of the appeal, it shall be construed that the appeal provides a right of rehearing on law as well as facts. If the Legislature enacts a self contained provision for second appeals, without any limitation upon the scope of the second appeal and excludes the possibility of reading the provision of section 100 of the Code, into such provision, then, it will not be permissible to read the limitations of section 100 of the Code into the special provision.”
10. **Competition Act and Competition Commission:** On 9th September, 2010, in the case of *Competition Commission of India v. Steel Authority of India Ltd. & Anr.* [Civil Appeal No.7779 of 2010], a three Judges Bench held that “the scheme of the Competition Act, 2002 and the Regulations framed thereunder clearly demonstrate the legislative intent that the investigations and inquiries under the provisions of the Act should be concluded as expeditiously as possible.” The Bench held that the “various provisions and the Regulations, particularly Regulations 15 and 16, direct conclusion of the investigation/inquiry or proceeding within a “reasonable time” .

While observing that the concept of “reasonable time” has to be construed meaningfully, keeping in view the object of the Act and the larger interest of the domestic and international trade, the Bench issued various directions for expeditious completion of proceedings by the Competition Commission / Director General while maintaining complete 'confidentiality' as envisaged under Section 57 of the Act and Regulation 35 of the Regulations.

11. **Infrastructure in Subordinate judiciary:** On 27th September, 2010, in the case of *All India Judges Association & Ors. v. Union of India & Ors.*[I.A. No. 279 in Writ Petition (C) No. 1022/1989], a three Judges Bench directed 23 States/Union Territories to complete projects of on-going constructions of 172 Court Buildings and 167 Residential quarters (for Judicial Officers) within 6 months. On 29th November, 2010, 11 other States/ Union Territories were directed to complete similar on-going 110 Court Building projects and 147 Residential Quarter projects. Thus by 26th March, 2011, 339 projects and by 28th May, 2011, further 257 projects i.e. a total of 596 projects are targeted for completion in public interest.
12. **Banking system; Non-Performing Assets:** On 30th September, 2010, in the case of *ICICI Bank Limited v. Official Liquidator of APS Star Industries Ltd. & Ors.* [Civil Appeal No.8393 of 2010], it was held that dealing in Non-Performing Assets (NPAs) *inter se* by the banks needed to be looked at in the larger framework of “Re-structuring of banking system”, and that *inter se* transfer of NPAs by banks is an activity permissible under the Banking Regulation Act, 1949.

RECENT MAJOR EVENTS AND INITIATIVES

- I. **RENOVATED SUPREME COURT MEDIATION CENTRE:** The renovated Supreme Court Mediation Centre was inaugurated by Hon'ble Shri S.H. Kapadia, Chief Justice of India on 4th August, 2010 in the august presence of Hon'ble Mr. Justice Altamas Kabir, Executive Chairman, National Legal Services Authority [NALSA], Hon'ble Mr. Justice R.V. Raveendran, Chairman, Mediation & Conciliation Project Committee [MCPC] & Supreme Court Legal Services Committee [SCLSC] and other Hon'ble Judges of the Supreme Court.
- II. **MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA):**
 - A. **NATIONAL JUDICIAL WORKSHOP ON COURT, CASE LOAD AND CASE MANAGEMENT, 23 –25 JULY, 2010:** Twenty-five Judges across the country participated in this workshop. The overall objective of this workshop was to develop specific methodologies to strengthen judicial skills for effective court and case management.
 - B. **NATIONAL JUDICIAL WORKSHOP FOR SUBORDINATE COURT JUDGES ON TIME MANAGEMENT, 23 – 25 JULY, 2010:** Around 22 Judges from various courts participated in the Conference. The main focus of the workshop was to link time management to the court's accountability for securing the Constitutional Vision of Justice.
 - C. **NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF JUVENILE JUSTICE CASES, 30 JULY – 2 AUGUST, 2010:** Two specific limbs of the Indian Juvenile Justice System, namely, *Children in Need of Care and Protection* and *Juveniles in Conflict with Law* were separately dealt with during the course of the four day workshop.
 - D. **NATIONAL JUDICIAL SEMINAR FOR SUBORDINATE COURT JUDGES ON LAW, POVERTY AND SOCIAL JUSTICE, 6 – 8 AUGUST, 2010:** The purpose of the seminar was to discuss the role of courts in combating the challenge of poverty and social exclusion. The seminar was attended by around 30 judges from around the country.
 - E. **NATIONAL JUDICIAL SEMINAR FOR SUBORDINATE COURT JUDGES ON ACHIEVING CONSTITUTIONAL GOALS OF EQUALITY AND SOCIAL JUSTICE: CONTRIBUTION OF COURTS, 6 – 8 AUGUST, 2010:** The seminar was attended by 25 Subordinate Court Judges. The main objective of the programme was to enhance the sensitivity of the judges on the issue of Equality and Social Justice as the Constitutional goals of Indian Judiciary. Within this broad issue, many issues related to equality and social justices were discussed in the programme.
 - F. **NATIONAL JUDICIAL WORKSHOP ON ADJUDICATION MANAGEMENT: ADJUDICATION OF CASES INVOLVING DOMESTIC VIOLENCE, 13 – 17 AUGUST, 2010:** Twenty four judges from the district and subordinate judiciary across the country participated in this workshop. The objective of the programme was to strengthen the quality of judicial management of cases involving domestic violence against women, cutting across various knowledge and skill requirements.

- G. NATIONAL CONFERENCE OF HIGH COURT JUSTICES ON COMMERCIAL AND ECONOMIC LAW: CURRENT ISSUES AND CHALLENGES, 21 – 22 AUGUST, 2010:** The main purpose of the Conference was to discuss and share experience across the country on latest developments in economic and commercial law in the light of four main challenges faced by the judiciary: (1) Reconciling the concept of “economic development” with individual and community rights, especially with respect to land, natural resources, employment, livelihood, labour rights and public services; (2) Developing a common vision on the role of courts in securing social justice in the context of a globalizing, market-based economy (including the scope of “judicial activism” and the application of the concept of separation of powers in matters of economic policy); (3) Defining and providing an “appropriate” strategic direction to the development of economic and commercial law in India in a globalizing world in which law itself is being unified and globalized and the role of national legislative and judicial institutions is being diminished in relation to international bodies; and (4) establishing a modern and efficient judicial system necessary to underpin investment, finance and commerce in a globalizing world by assuring timely enforcement of contractual and property rights. Twenty-two High Court Judges from across the country participated in this programme.
- H. NATIONAL JUDICIAL SEMINAR FOR SUBORDINATE COURT JUDGES ON ROLE OF ALTERNATIVE DISPUTE RESOLUTION IN ADJUDICATION, 20 – 22 AUGUST, 2010:** Around 25 judges from subordinate judiciary participated in the seminar. The seminar concluded with an understanding that in reducing the arrears in courts, ADR can be used as an effective system by invoking Section 89 CPC but proper care must be exercised by the courts in choosing the appropriate mode of ADR and proper training programmes must be designed to train competent persons to act as mediators/conciliators/arbitrators and also the bar.
- I. NATIONAL CONFERENCE OF PRINCIPAL DISTRICT JUDGES ON COURT, CASE LOAD AND CASE MANAGEMENT, 3 – 5 SEPTEMBER, 2010:** Around 31 Judges from the various courts participated in the Conference. The main objective of this Workshop was to develop specific methodologies to strengthen the judicial skills for effective management of court as well as cases.
- J. NJA NATIONAL MEETING OF STATE JUDICIAL ACADEMIES: INDUCTION PROGRAMMES: OBJECTIVES, METHODOLOGY AND RESULTS, 10 – 12 SEPTEMBER, 2010:** The meeting offered an opportunity to state judicial academies of the country to share their experiences and to talk about major challenges in conducting induction programmes for freshly appointed judges.
- K. NATIONAL JUDICIAL WORKSHOP FOR SUBORDINATE COURT JUDGES ON STRESS MANAGEMENT, 10 – 12 SEPTEMBER, 2010:** 25 subordinate court judges from all over the country participated in the workshop. The *objective* of the workshop was to identify the sources of stress amongst judges and to understand how to effectively deal with stress using various stress management techniques. The programme concluded with consensus among participants of the importance of such workshops and the urgent need to conduct these at State Judicial Academies with the help of clinical psychologists and trained judicial officer.
- L. NATIONAL CONFERENCE OF HIGH COURT JUSTICES ON TERRORISM AND NATIONAL SECURITY: KEY CHALLENGES AND ROLE OF COURTS, 18 – 19 SEPTEMBER, 2010:** 25 High Court judges from various High Courts participated in the conference. Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India chaired

the proceedings of the conference. The conference was conceptualized with a view to discuss the social and political context of the challenge of terrorism and other national security scenarios.

- M. NATIONAL JUDICIAL SEMINAR FOR SUBORDINATE COURT JUDGES ON HUMAN RIGHTS UNDER THE CONSTITUTION OF INDIA, 17 – 19 SEPTEMBER, 2010:** The seminar was attended by 23 Subordinate Court Judges. The main objective of the programme was to sensitize judges of subordinate judiciary on Right Protection Index as a standard to protect the rights of the people and their role in the protection of the human rights of the people.
- N. JUDICIAL SEMINAR FOR SRI LANKAN JUDGES ON “RECENT DEVELOPMENTS IN LAW”:** A five day Judicial Seminar for Sri Lankan Judges on the Recent Developments of Law was organised at NJA from August 11th, 2010 to August 15th, 2010. 16 Justices from Sri Lanka participated in the Seminar.
- III. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA):**
- a) **CONSULTATION MEETING FOR FORMULATING GUIDELINES ON THE LEGAL SERVICES TO MENTALLY ILL, MENTALLY RETARDED PERSONS AND PERSONS WITH OTHER MENTAL DISABILITIES:** NALSA organized a Consultation Meeting on 30th July, 2010 in the Committee Room, Supreme Court of India, New Delhi for formulating guidelines on the legal services to the mentally ill, mentally retarded persons and persons with other mental disabilities and for eliciting suggestions for making better legal services to such persons. The Consultation Meeting was chaired by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA.
 - b) **REGIONAL CONFERENCE ON RIGHTS OF CHILDREN & ROLE OF LEGAL SERVICES AUTHORITIES:** NALSA in association with Kerala State Legal Services Authority organized a Regional Conference on Rights of Children & Role of Legal Services Authorities on 7-8 August, 2010 in Kerala High Court premises, Kochi, Kerala. The Conference was inaugurated by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA.
 - c) **REGIONAL CONFERENCE ON WORKERS IN THE UNORGANISED SECTOR & ROLE OF LEGAL SERVICES AUTHORITIES:** NALSA in association with Gujarat State Legal Services Authority organized a Regional Conference on Workers in the Unorganised Sector and Role of Legal Services Authorities on 28-29 August, 2010 at Ahmedabad (Gujarat) The Conference was inaugurated by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA.
 - d) **TRAINING OF TRAINERS (TOT) PROGRAMME FOR PARA-LEGAL VOLUNTERS (PLVs):** NALSA organized two day Training of Trainers (ToT) programme for “Para-Legal Training & Legal Aid Activities” on 18-19 September, 2010 at Chandigarh Judicial Academy. Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA inaugurated the programme in the presence of Hon'ble Mr. Justice P. Sathasivam, Judge, Supreme Court of India and Chairman, National Committee for Para-Legal Training & Legal Aid Activities and the Chief Justice of the Punjab & Haryana High Court.


SOME IMPORTANT VISITS AND CONFERENCES (From 01-07-10 to 30-09-10)

1. Hon'ble Shri S.H. Kapadia, Chief Justice of India visited Jodhpur and Mumbai on 22nd August, 2010 and 18th September, 2010 respectively to interact with the Judges of the Subordinate Judiciary. Also, His Lordship visited a) Guwahati on 2nd September, 2010 to interact with the Judicial Officers of Assam, Tripura, Manipur, Arunachal Pradesh & Nagaland and b) Shillong on 3rd September, 2010 to interact with the Judicial Officers of Meghalaya & Mizoram.
2. Hon'ble Mr. Justice R.V. Raveendran visited a) Shimla to inaugurate the 'Mediation & Training to Referral Judges and Mediators' programme from 20th August to 22nd August, 2010 and b) Chennai to inaugurate a One-day workshop organized by the Tamil Nadu Mediation & Conciliation Centre on 25th September, 2010.
3. Hon'ble Mr. Justice Dalveer Bhandari visited a) Mumbai on 1st August, 2010 to attend the 'National Conference on the proposed amendments to the Arbitration and Conciliation Act, 1996' at ITC Maratha, Mumbai; b) Chennai on 14th August, 2010 to participate in the 'Colloquium/Seminar for the Transgender' organized by the Tamil Nadu State Legal Services Authority and the Tamil Nadu Social Welfare Board, Chennai; and c) Chandigarh on 26th September, 2010 to attend the Conference on "Enhancing Quality of Adjudication" organized by Punjab and Haryana High Court and the Punjab and Haryana State Judicial Academy.
4. Hon'ble Mr. Justice Markandey Katju visited Thalassery on 4th September, 2010 to inaugurate the National Seminar on "Freedom of Press and the Journalistic Ethics", Cultural Programmes etc..
5. Hon'ble Mr. Justice P. Sathasivam visited a) Ahmedabad on 7th August, 2010 to attend Judicial Colloquium on Protection of Women from Domestic Violence Act, 2005; b) Chennai on 14th August, 2010 to attend the programme organized by the Tamil Nadu State Legal Services Authority, Chennai; c) Chandigarh on 18th September, 2010 to participate in Two Day Training (TOT) Programme for "Para-Legal Training & Legal Aid Activities" at Chandigarh Judicial Academy, Chandigarh and d) Chennai on 26th September, 2010 to participate in the function – Monitoring Mechanism for Juvenile Justice System at Tamil Nadu Judicial Academy, Chennai.
6. Hon'ble Dr. Justice Mukundakam Sharma visited a) Kolkata on 28th August, 2010 to attend the East Zone Judicial Conference on Enhancing Quality of Adjudication [EQA]; b) Guwahati to interact with the Judicial Officers of Assam, Tripura, Manipur, Arunachal Pradesh & Nagaland on 2nd September, 2010; (c) Shillong to interact with Judicial Officers of Meghalaya & Mizoram on 3rd September, 2010 and d) Bhopal to attend National Conference of High Court Justices on Terrorism and National Security: Key Challenges and Role of Courts organized by National Judicial Academy on 19th September, 2010.

7. Hon'ble Mr. Justice Cyriac Joseph visited a) Pune to participate in the Foundation Day Celebration of New Law College, Pune on 14th August, 2010; b) Kathgodam to participate in Asia Pacific Conference on 3rd September, 2010; c) Pune to participate in the Valedictory Function of New Law Academy, Pune on 19th September, 2010 and d) Ernakulam to participate in the South Zone Judicial Conference organized by the National Judicial Academy on 25th June, 2010.
8. Hon'ble Mr. Justice Asok Kumar Ganguly visited a) Kolkata to attend National Conference on "Future of ADR in India, Prospects and Challenges" on 21st August, 2010 and b) Raipur to attend the TDSAT Seminar at Hotel Babylon International on 17th July, 2010.
9. Hon'ble Mr. Justice A.K. Patnaik visited Cuttack to interact with the Students and Staff of the National Law University, Cuttack on 22nd August, 2010.
10. Hon'ble Mr. Justice C. K. Prasad visited Bangalore (i) to attend 36th Meeting of the Academic Council of National Law School of India University, Bangalore on 28th August, 2010; and (ii) to attend Annual Convocation of National Law School of India University, Bangalore on 29th August, 2010.

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