



COURT NEWS

Vol. IX Issue No.1

January - March, 2014



EDITORIAL BOARD

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

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A quarterly newsletter published by Supreme Court of India, New Delhi

Also available on website : www.supremecourtofindia.nic.in

LIST OF SUPREME COURT JUDGES

(As on 31-03-2014)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice P. Sathasivam, Chief Justice of India (CJI)	21-08-2007 As CJI: 19-07-2013	27-04-2014
02.	Hon'ble Mr. Justice R.M. Lodha	17-12-2008	28-09-2014
03.	Hon'ble Mr. Justice H.L. Dattu	17-12-2008	03-12-2015
04.	Hon'ble Dr. Justice B.S. Chauhan	11-05-2009	02-07-2014
05.	Hon'ble Mr. Justice A.K. Patnaik	17-11-2009	03-06-2014
06.	Hon'ble Mr. Justice T.S. Thakur	17-11-2009	04-01-2017
07.	Hon'ble Mr. Justice K.S. Radhakrishnan	17-11-2009	15-05-2014
08.	Hon'ble Mr. Justice S.S. Nijjar	17-11-2009	07-06-2014
09.	Hon'ble Mr. Justice C.K. Prasad	08-02-2010	15-07-2014
10.	Hon'ble Mrs. Justice Gyan Sudha Misra	30-04-2010	28-04-2014
11.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
12.	Hon'ble Mr. Justice S.J. Mukhopadhaya	13-09-2011	15-03-2015
13.	Hon'ble Mrs. Justice Ranjana P. Desai	13-09-2011	30-10-2014
14.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017
15.	Hon'ble Mr. Justice Dipak Misra	10-10-2011	03-10-2018
16.	Hon'ble Mr. Justice J. Chelameswar	10-10-2011	23-06-2018
17.	Hon'ble Mr. Justice F.M. Ibrahim Kalifulla	02-04-2012	23-07-2016
18.	Hon'ble Mr. Justice Ranjan Gogoi	23-04-2012	18-11-2019
19.	Hon'ble Mr. Justice Madan B. Lokur	04-06-2012	31-12-2018
20.	Hon'ble Mr. Justice M. Yusuf Eqbal	24-12-2012	13-02-2016
21.	Hon'ble Mr. Justice V. Gopala Gowda	24-12-2012	06-10-2016
22.	Hon'ble Mr. Justice Vikramajit Sen	24-12-2012	31-12-2015
23.	Hon'ble Mr. Justice Pinaki Chandra Ghose	08-03-2013	28-05-2017
24.	Hon'ble Mr. Justice Kurian Joseph	08-03-2013	30-11-2018
25.	Hon'ble Mr. Justice A.K. Sikri	12-04-2013	07-03-2019
26.	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
27.	Hon'ble Mr. Justice Shiva Kirti Singh	19-09-2013	13-11-2016
28.	Hon'ble Mr. Justice C. Nagappan	19-09-2013	04-10-2016
29.	Hon'ble Mr. Justice R.K. Agrawal	17-02-2014	05-05-2018
30.	Hon'ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022

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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. While every care has been taken to ensure accuracy and to avoid errors/omissions, information given in the newsletter is merely for reference and must not be taken as having the authority of, or being binding in any way on, the Editorial Board of the newsletter and the officials involved in compilation thereof, who do not owe any responsibility whatsoever for any loss, damage, or distress to any person, whether or not a user of this publication, on account of any action taken or not taken on the basis of the information given in this newsletter.

**APPOINTMENTS AND RETIREMENTS IN THE SUPREME COURT OF INDIA
(FROM 01-01-2014 TO 31-03-2014)****APPOINTMENTS**

S. No.	Name of the Hon'ble Judge	Date of Appointment
1	Hon'ble Mr. Justice R.K. Agrawal	17-2-2014
2	Hon'ble Mr. Justice N.V. Ramana	17-2-2014

RETIREMENT

S. No.	Name of the Hon'ble Judge	Date of Retirement
1	Hon'ble Mr. Justice H.L. Gokhale	10-03-2014

APPOINTMENTS IN THE HIGH COURTS**(From 01-01-2014 to 31-03-2014)**

S. No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Allahabad	Vivek Kumar Birla	03-02-14
		Attau Rahman Masoodi	03-02-14
		Ashwani Kumar Mishra	03-02-14
		Rajan Roy	03-02-14
		Akhtar Hussain Khan	03-02-14
		Ranjana Pandya	03-02-14
		Vijay Lakshmi	03-02-14
		Arvind Kumar Mishra-I	03-02-14
		Anant Kumar	03-02-14
		Harsh Kumar	03-02-14
		Shashi Kant	03-02-14
Om Prakash-VII	03-02-14		
2	Bombay	Vinay Manohar Deshpande	06-01-14
		Ajey Shrikant Gadkari	06-01-14
		Nitin Wasudeo Sambre	06-01-14
		Girish Sharadchandra Kulkarni	06-01-14
		Burgess Pesi Colabawalla	06-01-14
		Anil K. Menon	03-03-14
		C.V. Bhadang	03-03-14
		V.K. Jadhav	03-03-14
		A.M. Badar	03-03-14
		P.R.Bora	03-03-14

		Anuja Prabhudessai	03-03-14
3	Chattisgrah	Inder Singh Uboweja	27-01-14
		Chandra Bhushan Bajpai	27-01-14
4	Himachal Pradesh	Tarlok Singh Chauhan	23-02-14
5	Kerala	P. Ubaid	01-01-14
		K. Abraham Mathew	01-01-14
		Alexander Thomas	23-01-14
		A. Mumamed Mustaque	23-01-14
		A.K. Jayasankaran Nambiar	23-01-14
		Anil K. Narendran	23-01-14
6	Madhya Pradesh	Sushil Kumar Gupta	28-02-14
		Jarat Kumar Jain	28-02-14
7	Punjab & Haryana	Kuldip Singh	10-01-14
		Lisa Gill	31-03-14
8	Sikkim	Narendra Kumar Jain (As Chief Justice)	07-01-14

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

TRANSFERS BETWEEN THE HIGH COURTS

(From 01-01-2014 to 31-03-2014)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Allahabad	Patna	Dharnidhar Jha	03-03-14
2	Kerala	Orissa	Bhabani Prasad Ray	19-03-14

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

VACANCIES IN THE COURTS

A) SUPREME COURT OF INDIA (As on 31-03-2014)

Sanctioned Strength	Working strength	Vacancies
31	30	01

B) HIGH COURTS (As on 31-03-2014)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	90	70
2	Andhra Pradesh	49	33	16
3	Bombay	75	66	09
4	Calcutta	58	42	16
5	Chhattisgarh	18	13	05
6	Delhi	48	40	08
7	Gujarat	42	31	11
8	Gauhati	24	15	09
9	Meghalaya	03	03	00
10	Manipur	04	02	02
11	Tripura	04	04	00
12	Himachal Pradesh	11	06	05
13	Jammu & Kashmir	14	10	04
14	Jharkhand	20	11	09
15	Karnataka	50	36	14
16	Kerala	38	33	05
17	Madhya Pradesh	43	32	11
18	Madras	60	46	14
19	Orissa	22	17	05
20	Patna	43	32	11
21	Punjab & Haryana	68	47	21
22	Rajasthan	40	29	11
23	Sikkim	03	02	01
24	Uttarakhand	09	07	02
TOTAL		906	647	259

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

C) DISTRICT & SUBORDINATE COURTS (As on 31-12-2013)

S.No.	State/Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	1922	1738	184
2	Andhra Pradesh	962	816	146
3(a)	Maharashtra	2049	1771	278
3(b)	Goa	52	43	9
3(c)	Diu and Daman and Silvassa	7	6	1
4	West Bengal and Andaman & Nicobar	994	854	140
5	Chhatisgarh	328	286	42
6	Delhi	778	484	294
7	Gujarat	1958	1242	716
8(a)	Assam	390	251	139
8(b)	Nagaland	27	26	1
8(c)	Meghalya	39	26	13
8(d)	Manipur	37	30	7
8(e)	Tripura	102	67	35
8(f)	Mizoram	65	31	34
8(g)	Arunachal Pradesh	16	15	1
9	Himachal Pradesh	137	131	6
10	Jammu & Kashmir	244	226	18
11	Jharkhand	572	407	165
12	Karnataka	1079	714	365
13(a)	Kerala	427	397	30
13(b)	Lakshadweep	3	1	2
14	Madhya Pradesh	1421	1227	194
15(a)	Tamil Nadu	972	873	99
15(b)	Puducherry	21	11	10
16	Orissa	657	567	90
17	Bihar	1494	892	602
18(a)	Punjab	671	436	235
18(b)	Haryana	644	481	163
18(c)	Chandigarh	30	20	10
19	Rajasthan	1145	849	296
20	Sikkim	18	12	6
21	Uttarakhand	257	185	72
TOTAL		19518	15115	4403

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

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT [01-01-2014 to 31-03-2014]

i) Table I

						Pendency (At the end of 31-12-2013)		
						Admission matters	Regular matters	Total matters
						35,752	30,597	66,349
Institution (01-01-2014 to 31-03-2014)			Disposal (01-01-2014 to 31-03-2014)			Pendency (At the end of 31-03-2014)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
19,210	2,843	22,053	20,818	3,254	24,072	34,144	30,186	64,330

NOTE:

1. Out of the 64,330 pending matters as on 31-03-2014, if connected matters are excluded, the pendency is only of 36,335 matters as on 31-03-2014.

2. Out of the said 64,330 pending matters as on 31-03-2014, 19,737 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 44,593 matters as on 31-03-2014.

ii) Table II

	OPENING BALANCE AS ON 01-01-14	INSTITUTION FROM 01-01-14 TO 31-03-14	DISPOSAL FROM 01-01-14 TO 31-03-14	PENDENCY AT THE END OF 31-03-14
Civil cases	54,156	16,684	18,721	52,119
Criminal cases	12,193	5,603	5,585	12,211
ALL CASES (Total)	66,349	22,287	24,306	64,330

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS AND IN THE DISTRICT & SUBORDINATE COURTS

A) HIGH COURTS (FROM 01-10-13 TO 31-12-13)

S. No.	Name of the High Court	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-10-13	% of Disposal of Cases w.r.t Opening Balance as on 1-10-13	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-10 -13
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Allahabad	691635	340447	1032082	34625	34196	68821	30829	26676	57505	695431	347967	1043398	6.67	5.57	1.10
2	Andhra Pradesh	199007	30169	229176	15589	5466	21055	13171	4601	17772	201425	31034	232459	9.19	7.75	1.43
3	Bombay	297264	48898	346162	25465	8096	33561	22798	7088	29886	299931	49906	349837	9.70	8.63	1.06
4	Calcutta	265886	40031	305917	14039	14473	28512	49608	4815	54423	230317	49689	280006	9.32	17.79	-8.47
5	Chhatisgarh	31150	17326	48476	3270	2344	5614	5000	2677	7677	29420	16993	46413	11.58	15.84	-4.26
6	Delhi	48604	15555	64159	5997	3275	9272	5601	3178	8779	49000	15652	64652	14.45	13.68	0.77
7	Gujarat	51633	30973	82606	8978	6966	15944	9227	6117	15344	51384	31822	83206	19.30	18.57	0.73
8	Gauhati	33293	6781	40074	3813	3457	7270	3572	2860	6432	33534	7378	40912	18.14	16.05	2.09
9	Tripura	4770	1096	5866	589	226	815	616	231	847	4743	1091	5834	13.89	14.44	-0.55
10	Meghalaya	1084	100	1184	360	113	473	330	138	468	1114	75	1189	39.95	39.53	0.42
11	Manipur	3579	87	3666	476	28	504	294	23	317	3761	92	3853	13.75	8.65	5.10
12	Himachal Pradesh	53199	5829	59028	8313	921	9234	7497	692	8189	54015	6058	60073	15.64	13.87	1.77
13	Jammu & Kashmir	85366	4843	90209	9182	1128	10310	6754	727	7481	87794	5244	93038	11.43	8.29	3.14
14	Jharkhand	36948	34632	71580	2349	4310	6659	1296	3985	5281	38001	34957	72958	9.30	7.38	1.93
15	Karnataka	174284	16887	191171	30049	3585	33634	24954	2879	27833	179379	17593	196972	17.59	14.56	3.03
16	Kerala	97827	32766	130593	13966	5523	19489	12220	5703	17923	99573	32586	132159	14.92	13.72	1.20
17	Madhya Pradesh	174964	85871	260835	15785	11795	27580	16084	10720	26804	174665	86946	261611	10.57	10.28	0.30
18	Madras	477090	64172	541262	46187	23308	69495	32894	20384	53278	490383	67096	557479	12.84	9.84	3.00
19	Orissa*	327606	38431	366037	8388	6987	15375	4367	5119	9486	168794	38028	206822	4.20	2.59	-43.50
20	Patna	77302	54678	131980	7823	12318	20141	5229	14737	19966	79896	52259	132155	15.26	15.13	0.13
21	Punjab & Haryana**	197569	58779	256348	16041	14319	30360	14285	10887	25172	200549	62211	262760	11.84	9.82	2.50
22	Rajasthan	249184	62365	311549	18639	12441	31080	23803	11186	34989	244020	63620	307640	9.98	11.23	-1.25
23	Sikkim	69	19	88	42	15	57	16	9	25	95	25	120	64.77	28.41	36.36
24	Uttarakhand	14826	5046	19872	2227	1741	3968	1784	1370	3154	15269	5417	20686	19.97	15.87	4.10
	TOTAL	3594139	995781	4589920	292192	177031	469223	292229	146802	439031	3432493	1023739	4456232	10.22	9.57	-2.91

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

* 162833 Civil and 2271 Criminal Misc. Cases not included as per Full Court decision dated 21/10/2013.

** 1224 Cases have been increased due to physical verification.

B) DISTRICT AND SUBORDINATE COURTS (FROM 01-10-13 TO 31-12-13)

S. No.	Name of the concerned State/UT	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-10-13	% of Disposal of Cases w.r.t Opening Balance as on 1-10-13	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-10-13
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Uttar Pradesh	1424512	4456632	5881144	144998	651731	796729	163286	909602	1072888	1406224	4198761	5604985	13.55	18.24	-4.70
2	Andhra Pradesh	464949	491915	956864	56452	101235	157687	45854	84815	130669	475547	508335	983882	16.48	13.66	2.82
3(a)	Maharashtra	1043811	1951844	2995655	99486	368204	467690	103542	475405	578947	1039755	1844643	2884398	15.61	19.33	-3.71
3(b)	Goa	18678	12572	31250	2619	5060	7679	2245	4981	7226	19052	12651	31703	24.57	23.12	1.45
3(c)	Diu and Daman	861	932	1793	126	208	334	146	278	424	841	862	1703	18.63	23.65	-5.02
3(d)	Silvassa	567	2407	2974	60	258	318	34	249	283	593	2416	3009	10.69	9.52	1.18
4(a)	West Bengal	542525	2126542	2669067	26140	223071	249211	21104	335912	357016	547561	2013701	2561262	9.34	13.38	-4.04
4(b)	Andaman & Nicobar	2549	8610	11159	237	1142	1379	156	977	1133	2630	8775	11405	12.36	10.15	2.20
5	Chhatisgarh	61603	203991	265594	5007	46271	51278	5498	42258	47756	61112	208004	269116	19.31	17.98	1.33
6	Delhi	141403	435568	576971	22381	219464	241845	23232	273417	296649	140552	381615	522167	41.92	51.41	-9.50
7	Gujarat	641439	1599686	2241125	45129	282559	327688	56260	286182	342442	630308	1596063	2226371	14.62	15.28	-0.66
8(a)	Assam	71492	196390	267882	9092	66792	75884	11028	84266	95294	69556	178916	248472	28.33	35.57	-7.25
8(b)	Nagaland	1353	1932	3285	452	540	992	489	470	959	1316	2002	3318	30.20	29.19	1.00
8(c)	Meghalaya	2357	2795	5152	302	762	1064	332	1048	1380	2327	2509	4836	20.65	26.79	-6.13
8(d)	Manipur	5273	7480	12753	1006	2807	3813	1005	2654	3659	5274	7633	12907	29.90	28.69	1.21
8(e)	Tripura	8796	64536	73332	1776	38633	40409	1722	42304	44026	8850	60865	69715	55.10	60.04	-4.93
8(f)	Mizoram	1470	1877	3347	897	1117	2014	856	1405	2261	1511	1589	3100	60.17	67.55	-7.38
8(g)	Arunachal Pradesh	835	5337	6172	301	1501	1802	350	1548	1898	786	5290	6076	29.20	30.75	-1.56
9	Himachal Pradesh	82984	160776	243760	24312	72426	96738	23206	58501	81707	84090	174701	258791	39.69	33.52	6.17
10	Jammu & Kashmir	76680	106740	183420	16767	84966	101733	17575	91931	109506	75872	99775	175647	55.46	59.70	-4.24
11	Jharkhand	65401	234386	299787	3728	27001	30729	2644	20019	22663	66485	241368	307853	10.25	7.56	2.69
12	Karnataka	598404	594116	1192520	74535	165662	240197	68276	174106	242382	604663	585672	1190335	20.14	20.33	-0.18
13(a)	Kerala	411317	921269	1332586	85701	253753	339454	81756	235905	317661	415262	939117	1354379	25.47	23.84	1.64
13(b)	Lakshadweep	152	201	353	5	32	37	2	34	36	155	199	354	10.48	10.20	0.28
14	Madhya Pradesh	259462	904896	1164358	47631	311231	358862	51838	373724	425562	255255	842403	1097658	30.82	36.55	-5.73
15(a)	Tamil Nadu	835097	468132	1303229	240850	409986	650836	232743	433007	665750	843204	445111	1288315	49.94	51.08	-1.14
15(b)	Puducherry	16875	14570	31445	4422	6805	11227	4184	7739	11923	17113	13636	30749	35.70	37.92	-2.21
16	Orissa	231712	963369	1195081	16207	80801	97008	14705	142936	157641	233214	901234	1134448	8.12	13.19	-5.07
17	Bihar*	282247	1503018	1785265	14105	77818	91923	10139	59266	69405	286213	1521569	1807782	5.15	3.89	1.26
18(a)	Punjab	266733	277130	543863	35665	96446	132111	44421	107794	152215	257977	265782	523759	24.29	27.99	-3.70
18(b)	Haryana	255540	319392	574932	34144	106670	140814	44089	115988	160077	245595	310074	555669	24.49	27.84	-3.35
18(c)	Chandigarh	20959	40454	61413	3044	49494	52538	3389	50850	54239	20614	39098	59712	85.55	88.32	-2.77
19	Rajasthan	436874	1042759	1479633	45016	263948	308964	53713	283003	336716	428177	1023704	1451881	20.88	22.76	-1.88
20	Sikkim	300	594	894	203	425	628	242	435	677	261	584	845	70.25	75.73	-5.48
21	Uttarakhand	31087	137280	168367	6294	40403	46697	6971	55439	62410	30410	122244	152654	27.74	37.07	-9.33
TOTAL		8306297	19260128	27566425	1069090	4059222	5128312	1097032	4758448	5855480	8278355	18560901	26839256	18.60	21.24	-2.64

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

* 1 Criminal Case transferred during this quarter.

SOME SUPREME COURT DECISIONS OF PUBLIC IMPORTANCE

(01-01-2014 TO 31-03-2014)

1. On 6th January, 2014, in the case of *Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik & Anr.*[Criminal Appeal No.24 of 2014], the Court was confronted with a complex situation in which the DNA test report was in conflict with the presumption of conclusive proof of legitimacy of the child under Section 112 of the Evidence Act. It was held that “when there is a conflict between a conclusive proof envisaged under law and a proof based on scientific advancement accepted by the world community to be correct, the latter must prevail over the former.” Consequently, it was held that inasmuch as the appellant’s plea that he had no access to his wife when the child was begotten stood proved by the DNA test report, the appellant could not be compelled “to bear the fatherhood of a child, when the scientific reports prove to the contrary.”
2. On 6th January, 2014, in the case of *T.N. Godavarman Thirumulpad v. Union of India & Ors.*[I.A. Nos.1868, 2091, 2225-2227, 2380, 2568 and 2937 in Writ Petition (Civil) No. 202 of 1995], the Union of India was directed “to appoint a Regulator with offices in as many States as possible under sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 as directed in the order” in the earlier case of Lafarge Umiam Mining Private Limited.

The Court held that the “mechanism under the EIA Notification dated 14.09.2006, issued by the Government with regard to processing, appraisals and approval of the projects for environmental clearance is deficient in many respects and what is required is a Regulator at the national level having its offices in all the States which can carry out an independent, objective and transparent appraisal and approval of the projects for environmental clearances and which can also monitor the implementation of the conditions laid down in the Environmental Clearances. The Regulator so appointed under Section 3(3) of the Environment (Protection) Act, 1986 can exercise only such powers and functions of the Central Government under the Environment (Protection) Act as are entrusted to it and obviously cannot exercise the powers of the Central Government under Section 2 of the Forest (Conservation) Act, 1980, but while exercising such powers under the Environment Protection Act will ensure that the National Forest Policy, 1988 is duly implemented as held in the order dated 06.07.2011 of this Court in the case of Lafarge Umiam Mining Private Limited.”

3. On 7th January, 2014, in the case of *State of Gujarat v. Kishanbhai Etc.* [Criminal Appeal No. 1485 of 2008], the Court held that “every acquittal should ordinarily lead to the inference, that an innocent person was wrongfully prosecuted” and it is “therefore, essential that every State should put in place a procedural mechanism, which would ensure that the cause of justice is served, which would simultaneously ensure the safeguard of interest of those who are innocent.” In furtherance of the above purpose, the Court considered it essential to “direct the Home Department of every State, to examine all orders of acquittal and to record reasons for the failure of each prosecution case.” A standing committee of senior officers of the

police and prosecution departments, was directed to be vested with aforesaid responsibility. The Home Department of every State Government was directed to incorporate in its existing training programmes for junior investigation/prosecution officials course- content drawn from the above consideration.

It was further held by the Court that “on the culmination of a criminal case in acquittal, the concerned investigating/prosecuting official(s) responsible for such acquittal must necessarily be identified. A finding needs to be recorded in each case, whether the lapse was innocent or blameworthy. Each erring officer must suffer the consequences of his lapse, by appropriate departmental action, whenever called for. Taking into consideration the seriousness of the matter, the concerned official may be withdrawn from investigative responsibilities, permanently or temporarily, depending purely on his culpability.” The Court also directed the Home Department of every State Government, to formulate a procedure for taking action against all erring investigating/prosecuting officials/officers.

4. On 10th January, 2014, in the case of *Hardeep Singh v. State of Punjab & Ors.* [Criminal Appeal No.1750 of 2008], a Constitution Bench examined the scope and extent of the powers of the courts under the criminal justice system to arraign any person as an accused during the course of inquiry or trial as contemplated under Section 319 CrPC. It was inter alia held that:-

i) “In Dharam Pal's case, the Constitution Bench has already held that after committal, cognizance of an offence can be taken against a person not named as an accused but against whom materials are available from the papers filed by the police after completion of investigation. Such cognizance can be taken under Section 193 Cr.P.C. and the Sessions Judge need not wait till 'evidence' under Section 319 Cr.P.C. becomes available for summoning an additional accused. Section 319 Cr.P.C., significantly, uses two expressions that have to be taken note of i.e. (1) Inquiry (2) Trial. As a trial commences after framing of charge, an inquiry can only be understood to be a pre-trial inquiry. Inquiries under Sections 200, 201, 202 Cr.P.C.; and under Section 398 Cr.P.C. are species of the inquiry contemplated by Section 319 Cr.P.C. Materials coming before the Court in course of such enquiries can be used for corroboration of the evidence recorded in the court after the trial commences, for the exercise of power under Section 319 Cr.P.C., and also to add an accused whose name has been shown in Column 2 of the chargesheet.” “The word 'evidence' in Section 319 Cr.P.C. has to be broadly understood and not literally i.e. as evidence brought during a trial.”

ii) “Considering the fact that under Section 319 Cr.P.C. a person against whom material is disclosed is only summoned to face the trial and in such an event under Section 319(4) Cr.P.C. the proceeding against such person is to commence from the stage of taking of cognizance, the Court need not wait for the evidence against the accused proposed to be summoned to be tested by cross-examination.”

iii) "Though under Section 319(4)(b) Cr.P.C. the accused subsequently impleaded is to be treated as if he had been an accused when the Court initially took cognizance of the offence, the degree of satisfaction that will be required for summoning a person under Section 319 Cr.P.C. would be the same as for framing a charge. The difference in the degree of satisfaction for summoning the original accused and a subsequent accused is on account of the fact that the trial may have already commenced against the original accused and it is in the course of such trial that materials are disclosed against the newly summoned accused. Fresh summoning of an accused will result in delay of the trial - therefore the degree of satisfaction for summoning the accused (original and subsequent) has to be different."

iv) "A person not named in the FIR or a person though named in the FIR but has not been chargesheeted or a person who has been discharged can be summoned under Section 319 Cr.P.C. provided from the evidence it appears that such person can be tried along with the accused already facing trial. However, insofar as an accused who has been discharged is concerned the requirement of Sections 300 and 398 Cr.P.C. has to be complied with before he can be summoned afresh."

5. On 21st January, 2014, in the case of *Shatrughan Chauhan & Anr. v. Union of India & Ors.* [Writ Petition (Criminal) No. 55 of 2013], a three Judge Bench was called upon to decide whether it will be in violation of Article 21, amongst other provisions, to execute the levied death sentence on the accused notwithstanding the existence of supervening circumstances. Writ petitions, under Article 32 of the Constitution, were filed either by the convicts, who were awarded death sentence or by their family members or by public-spirited bodies based on the rejection of mercy petitions by the Governor and the President of India.

It was held "that exercising of power under Article 72/161 of the Constitution by the President or the Governor is a constitutional obligation and not a mere prerogative. Considering the high status of office, the Constitutional framers did not stipulate any outer time limit for disposing the mercy petitions under the said Articles, which means it should be decided within reasonable time. However, when the delay caused in disposing the mercy petitions is seen to be unreasonable, unexplained and exorbitant, it is the duty of this Court to step in and consider this aspect. Right to seek for mercy under Article 72/161 of the Constitution is a constitutional right and not at the discretion or whims of the executive. Every Constitutional duty must be fulfilled with due care and diligence; otherwise judicial interference is the command of the Constitution for upholding its values."

6. On 21st January, 2014, in the case of *Biswanath Bhattacharya v. Union of India & Others* [Civil Appeal Nos. 772-773 of 2014], it was held that the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 "is not violative of Article 20 of the Constitution" and that even otherwise "in view of its inclusion in the IXth Schedule, the Act is immune from attack on the ground that it violates any of the rights guaranteed under Part III of the Constitution by virtue of the declaration under Article 31-B."
7. On 21st January, 2014, in the case of *M/s Stanzen Toyotetsu India P. Ltd. v. Girish V &*

Ors. [Civil Appeal Nos. 763-768 of 2014], question arose for consideration as to whether disciplinary proceedings initiated by appellant-company against its employees (respondents) ought to remain stayed pending conclusion of the criminal case instituted against the respondents in respect of the very same incident. It was held that “while there is no legal bar to the holding of the disciplinary proceedings and the criminal trial simultaneously, stay of disciplinary proceedings may be an advisable course in cases where the criminal charge against the employee is grave and continuance of the disciplinary proceedings is likely to prejudice their defense before the criminal Court. Gravity of the charge is, however, not by itself enough to determine the question unless the charge involves complicated question of law and fact. The Court examining the question must also keep in mind that criminal trials get prolonged indefinitely especially where the number of accused arraigned for trial is large as is the case at hand and so are the number of witnesses cited by the prosecution. The Court, therefore, has to draw a balance between the need for a fair trial to the accused on the one hand and the competing demand for an expeditious conclusion of the on-going disciplinary proceedings on the other.”

8. On 24th January, 2014, in the case of *Pune Municipal Corporation & Anr. v. Harakchand Misirimal Solanki & Ors.* [Civil Appeal No. 877 of 2014], in a land acquisition matter, it was held that deposit of the amount of compensation in the government treasury cannot be said to be equivalent to the amount of compensation paid to the landowners/persons interested.
9. On 30th January, 2014, in the case of *Godrej & Boyce Mfg. Co. Ltd. & Anr. v. The State of Maharashtra & Ors.* [Civil Appeal No.1102 of 2014] it was held that the mere issuance of a notice under Section 35(3) of the Indian Forest Act, 1927 is not sufficient for any land being declared a “private forest” within the meaning of that expression as defined in Section 2(f)(iii) of the Maharashtra Private Forests (Acquisition) Act, 1975. The Court held that “Section 35(3) of the Forest Act is not intended to end the process with the mere issuance of a notice but it also requires service of a notice on the owner of the forest. The need for ensuring service is clearly to protect the interests of the owner of the forest who may have valid reasons not only to object to the issuance of regulatory or prohibitory directions, but to also enable him/her to raise a jurisdictional issue that the land in question is actually not a forest. The need for ensuring service is also to prevent damage to or destruction of a forest.”
10. On 3rd February, 2014, in the case of *Aveek Sarkar & Anr. v. State of West Bengal & Ors.* [Criminal Appeal No.902 of 2004], it was held that “a picture of a nude/semi-nude woman, as such, cannot per se be called obscene unless it has the tendency to arouse feeling or revealing an overt sexual desire. The picture should be suggestive of deprave mind and designed to excite sexual passion in persons who are likely to see it, which will depend on the particular posture and the background in which the nude/semi-nude woman is depicted. Only those sex-related materials which have a tendency of “exciting lustful thoughts” can be held to be obscene, but the obscenity has to be judged from the point of view of an average person, by applying contemporary community standards.” The Court held that the question of obscenity is to be examined “in the context in which the photograph appears and the message it wants to convey.”

11. On 5th February, 2014, in the case of *State through CBI, New Delhi v. Jitender Kumar Singh* [Criminal Appeal No.943 of 2008], it was held that “a Special Judge exercising powers under the Prevention of Corruption Act, 1988 is not expected to try non-PC offences totally unconnected with any PC offences under Section 3(1) of the PC Act and in the event of a Special Judge not trying any offence under Section 3(1) of the PC Act, the question of the Special Judge trying non-PC offences does not arise.”

The Court held that “trying of a PC offence is a jurisdictional fact to exercise the powers under Sub-section (3) of Section 4. Jurisdiction of the Special Judge, as such, has not been divested, but the exercise of jurisdiction, depends upon the jurisdictional fact of trying a PC offence.”

12. On 6th February, 2014, in the case of *M/s S.V.A. Steel Re-rolling Mills Ltd. etc. etc. v. State of Kerala & Ors. etc. etc.* [Civil Appeal Nos. 10103-10106 of 2010], it was held that “before laying down any policy which would give benefits to its subjects, the State must think about pros and cons of the policy and its capacity to give the benefits. Without proper appreciation of all the relevant factors, the State should not give any assurance, not only because that would be in violation of the principles of promissory estoppel but it would be unfair and immoral on the part of the State not to act as per its promise.”
13. On 7th February, 2014, in the case of *ABP Pvt. Ltd. & Anr. v. Union of India & Ors.* [Writ Petition (Civil) No. 246 of 2011], while holding that the Justice Majithia Wage Boards for Working Journalists and Non-Journalist Newspaper and News Agency Employees followed certain well laid down principles and norms while making recommendations, it was further held that “it is the prerogative of the Central Government to accept or reject the recommendations of the Wage Boards. There is no scope for hearing the parties once again by the Central Government while accepting or modifying the recommendations, except that the modifications are of such nature which alter the character of the recommendations and such modification is likely to affect the parties.”
14. On 7th February, 2014, in the case of *Rajinder Kumar v. Shri Kuldeep Singh & Others* [Civil Appeal No. 1873 of 2014], while dealing with a matter pertaining to specific performance of an agreement for sale of property, it was held that if the purchaser is entitled to claim compensation for deterioration, a fortiori the vendor should also be entitled to compensation for accretion in value of the subject matter of the agreement for specific performance, in case the execution thereof is unduly delayed by the purchaser.
15. On 10th February, 2014, in the case of *Mathew Varghese v. M. Amritha Kumar & Ors.* [Civil Appeal Nos. 1927-1929 of 2014], it was observed that “though the recovery of public dues should be made expeditiously, it should be in accordance with the procedure prescribed by law and that it should not frustrate a Constitutional Right, as well as the Human Right of a person to hold a property. While interpreting the provisions of the SARFAESI Act, it was held that once the sale does not take place pursuant to a notice issued under Rules 8 and 9 of the Security Interest (Enforcement) Rules, 2002, read along with Section 13(8) of the SARFAESI Act, “for which the entire blame cannot be thrown on the borrower, it is imperative

that for effecting the sale”, the procedure prescribed will have to be followed afresh, as the notice issued earlier would lapse.

16. On 12th February, 2014, in the case of *Renu & Ors. v. District & Sessions Judge, Tis Hazari & Anr.* [Civil Appeal No. 979 of 2014], the Supreme Court took cognizance of perpetual complaints regarding irregularities and illegalities in the recruitments of staff in the subordinate courts throughout the country and in order to ensure the feasibility of centralising these recruitments and to make them transparent and transferable, and issued various directions, as follows:-

“ (i) All High Courts are requested to re-examine the statutory rules dealing with the appointment of staff in the High Court as well as in the subordinate courts and in case any of the rule is not in conformity and consonance with the provisions of Articles 14 and 16 of the Constitution, the same may be modified.

(ii) To fill up any vacancy for any post either in the High Court or in courts subordinate to the High Court, in strict compliance of the statutory rules so made. In case any appointment is made in contravention of the statutory rules, the appointment would be void ab-initio irrespective of any class of the post or the person occupying it.

(iii) The post shall be filled up by issuing the advertisement in at least two newspapers and one of which must be in vernacular language having wide circulation in the respective State. In addition thereto, the names may be requisitioned from the local employment exchange and the vacancies may be advertised by other modes also e.g. Employment News, etc. Any vacancy filled up without advertising as prescribed hereinabove, shall be void ab-initio and would remain unenforceable and inexecutable except such appointments which are permissible to be filled up without advertisement, e.g., appointment on compassionate grounds as per the rules applicable. Before any appointment is made, the eligibility as well as suitability of all candidates should be screened/tested while adhering to the reservation policy adopted by the State, etc., if any.

(iv) Each High Court may examine and decide within six months from today as to whether it is desirable to have centralised selection of candidates for the courts subordinate to the respective High Court and if it finds it desirable, may formulate the rules to carry out that purpose either for the State or on Zonal or Divisional basis. The High Court concerned or the subordinate court as the case may be, shall undertake the exercise of recruitment on a regular basis at least once a year for existing vacancies or vacancies that are likely to occur within the said period, so that the vacancies are filled up timely, and thereby avoiding any inconvenience or shortage of staff as it will also control the menace of ad-hocism.”

17. On 14th February, 2014, in the case of *Enercon (India) Ltd. & Ors. v. Enercon GMBH & Anr.* [Civil Appeal No.2086 of 2014], it was held that “in an International Commercial Arbitration, venue can often be different from the seat of arbitration. In such circumstances,

the hearing of the arbitration will be conducted at the venue fixed by the parties, but this would not bring about a change in the seat of the arbitration.”

18. On 18th February, 2014, in the case of *V. Sriharan @ Murugan v. Union of India & Ors.* [Transferred Case (Criminal) No. 1 of 2012], it was held that the clemency procedure under Article 72/161 of the Constitution “provides a ray of hope to the condemned prisoners and his family members for commutation of death sentence into life imprisonment and, therefore, the executive should step up and exercise its time-honored tradition of clemency power guaranteed in the Constitution one-way or the other within a reasonable time.” The Court observed that “mercy petitions filed under Article 72/161 can be disposed of at a much faster pace than what is adopted now, if the due procedure prescribed by law is followed in verbatim. The fact that no time limit is prescribed to the President/Governor for disposal of the mercy petition should compel the government to work in a more systematized manner to repose the confidence of the people in the institution of democracy.” The government was implored “to render its advice to the President within a reasonable time so that the President is in a position to arrive at a decision at the earliest.”
19. On 18th February, 2014, in the case of *State of Sikkim and Others v. Adup Tshering Bhutia and Others* [Civil Appeal No. 2446 of 2014], it was held that integration of services “is a policy matter as far as the State is concerned. In evolving a proper coalescence of the services, there are various steps: (i) Decide the principles on the basis of which integration of services has to be effected; (ii) Examine the facts relating to each category and class of post with reference to the principle of equivalence; (iii) Fix the equitable basis for the preparation of common seniority list of personnel holding posts which are merged into one category.” The Court held that the “State is bound to ensure a fair and equitable treatment to officers in various categories/cadres of services while preparing the common seniority list. Being a complicated process, integration is likely to result in individual bruises which are required to be minimised and if not possible, to be ignored. These first principles on integration are to be borne in mind whenever a dispute on integration is addressed.”
20. On 19th February, 2014, in the case of *Commercial Tax Officer, Rajasthan v. M/S. Binani Cements Ltd. & Anr.* [Civil Appeal No.336 of 2003], it was held that “the rule of statutory construction that the specific governs the general is not an absolute rule but is merely a strong indication of statutory meaning that can be overcome by textual indications that point in the other direction. This rule is particularly applicable where the legislature has enacted comprehensive scheme and has deliberately targeted specific problems with specific solutions. A subject specific provision relating to a specific, defined and describable subject is regarded as an exception to and would prevail over a general provision relating to a broad subject.”
21. On 19th February, 2014, in the case of *Shabnam Hashmi v. Union of India & Ors.* [Writ Petition (Civil) No. 470 of 2005], while examining the issue of right to adopt and to be adopted, it was held that the Juvenile Justice (Care and Protection of Children) Act, 2000, as amended, is an enabling legislation that gives a prospective parent the option of adopting

an eligible child by following the procedure prescribed by the said Act, the Juvenile Justice (Care and Protection of Children) Rules, 2007, and the Central Adoption Resource Agency (CARA) guidelines, as notified under the Act. While observing that the Act is a small step in reaching the goal enshrined by Article 44 of the Constitution, the Court held that “personal beliefs and faiths, though must be honoured, cannot dictate the operation of the provisions of an enabling statute.

22. On 25th February, 2014, in the case of Justice *Ripusudan Dayal (Retd.) & Ors. v. State of M.P. & Ors.* [Writ Petition (Civil) No. 613 of 2007], the following questions inter alia arose for consideration: Whether the State Legislative Assembly or its Members enjoy any privilege in respect of an inquiry or an investigation into a criminal offence punishable under any law for the time being in force, even when inquiry or investigation was initiated in performance of duty enjoined by law enacted by the very Legislative Assembly of which the breach of privilege is alleged and (ii) Whether officials of the Legislative Assembly also enjoy the same privileges which are available to Assembly and its Members. It was held that “the privileges are those rights without which the House cannot perform its legislative functions. They do not exempt the Members from their obligations under any statute which continue to apply to them like any other law applicable to ordinary citizens. Thus, enquiry or investigation into an allegation of corruption against some officers of the Legislative Assembly cannot be said to interfere with the legislative functions of the Assembly. No one enjoys any privilege against criminal prosecution.” The Court held that “privileges do not extend to the activities undertaken outside the House on which the legislative provisions would apply without any differentiation.”
23. On 26th February, 2014, in the case of *Union of India Through Director of Income Tax v. M/s. Tata Chemicals Ltd.* [Civil Appeal No. 6301 of 2011], the question which arose for consideration was whether the revenue is legally responsible under Section 244A of the Income Tax Act, 1961 for payment of interest on the refund of tax made to the resident/deductor under Section 240 of the Act. It was held that “the resident/ deductor is entitled not only the refund of tax deposited under Section 195(2) of the Act, but has to be refunded with interest from the date of payment of such tax.”
24. On 26th February, 2014, in the case of *Ex. Armymen’s Protection Services P. Ltd. v. Union of India and others* [Civil Appeal No. 2876 of 2014], it was held that “in a situation of national security, a party cannot insist for the strict observance of the principles of natural justice. In such cases it is the duty of the Court to read into and provide for statutory exclusion, if not expressly provided in the rules governing the field. Depending on the facts of the particular case, it will however be open to the court to satisfy itself whether there were justifiable facts, and in that regard, the court is entitled to call for the files and see whether it is a case where the interest of national security is involved. Once the State is of the stand that the issue involves national security, the court shall not disclose the reasons to the affected party.”
25. On 28th February, 2014, in the case of *State of Rajasthan v. Parmanand & Anr.* [Criminal Appeal No.78 of 2005], it was held that the accused must be individually informed that under

Section 50(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, he has a right to be searched before a nearest gazetted officer or before a nearest Magistrate.

26. On 10th March, 2014, in the case of *Public Interest Foundation & Ors. v. Union of India & Anr.* [Writ Petition (Civil) No. 536 of 2011], while examining the issue of 'electoral disqualification' at the stage of framing of charges, the Court directed that in relation to sitting MPs and MLAs who have charges framed against them for offences specified in Section 8(1), 8(2) and 8(3) of the Representation of People Act, 1951 "the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s)."
27. On 12th March, 2014, in the case of *Commissioner Of Income Tax – III v. M/s. Calcutta Knitweaves, Ludhiana* [Civil Appeal No. 3958 of 2014], the issue that arose for consideration was: at what stage of the proceedings under Chapter XIV-B does the assessing authority require to record his satisfaction for issuing a notice under Section 158BD of the Income Tax Act, 1961. It was held that "for the purpose of Section 158BD of the Act, a satisfaction note is sine qua non and must be prepared by the assessing officer before he transmits the records to the other assessing officer who has jurisdiction over such other person. The satisfaction note could be prepared at either of the following stages: (a) at the time of or along with the initiation of proceedings against the searched person under Section 158BC of the Act; (b) along with the assessment proceedings under Section 158BC of the Act; and (c) immediately after the assessment proceedings are completed under Section 158BC of the Act of the searched person."
28. On 27th March, 2014, in the case of *Sundeep Kumar Bafna v. State Of Maharashtra & Anr.* [Criminal Appeal No.689 of 2014], it was held that "no vested right is granted to a complainant or informant or aggrieved party to directly conduct a prosecution. So far as the Magistrate is concerned, comparative latitude is given to him but he must always bear in mind that while the prosecution must remain being robust and comprehensive and effective it should not abandon the need to be free, fair and diligent. So far as the Sessions Court is concerned, it is the Public Prosecutor who must at all times remain in control of the prosecution and a counsel of a private party can only assist the Public Prosecutor in discharging its responsibility. The complainant or informant or aggrieved party may, however, be heard at a crucial and critical juncture of the Trial so that his interests in the prosecution are not prejudiced or jeopardized."
29. On 27th March, 2014, in the case of *Safai Karamchhari Andolan & Ors. v. Union of India & Ors.* [Writ Petition (Civil) No. 583 of 2003], prayer was made for issuance of a writ of mandamus to the respondent-Union of India, State Governments and Union Territories to strictly enforce the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, inter alia, seeking enforcement of fundamental rights guaranteed under Articles 14, 17, 21 and 47 of the Constitution. Taking note of the salient features of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, which came to be enacted in the meanwhile, the writ petition was disposed of

with various directions, as follows:-

“(i) The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:-

- (a) such initial, one time, cash assistance, as may be prescribed;
- (b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;
- (c) they shall be allotted a residential plot and financial assistance for house construction, or a ready-built house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;
- (d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;
- (e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;
- (f) shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

- (a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.
- (b) Railways – should take time bound strategy to end manual scavenging on the tracks.
- (c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.
- (d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

(iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.

(iv) Rehabilitation must be based on the principles of justice and transformation.”

The Court directed all the State Governments and the Union Territories to “take appropriate action for non-implementation as well as violation of the provisions contained in the 2013 Act.” Henceforth, the persons aggrieved have been permitted to “approach the authorities concerned at the first instance and thereafter the High Court having jurisdiction.”

30. On 27th March, 2014, in the case of *Mahipal Singh v. CBI & Anr.*[Criminal Appeal No.682 of 2014], it was held that “an act which is not an offence on the date of its commission or the date on which it came to be known, cannot be treated as an offence because of certain events taking place later on.” It was further held that “there may not be any impediment in complying with the procedural requirement later on in case the ingredients of the offence are satisfied, but satisfying the requirement later on to bring the act within the mischief of penal provision is not permissible. In other words, procedural requirement for prosecution of a person for an offence can later on be satisfied but ingredients constituting the offence must exist on the date the crime is committed or detected.”
31. On 28th March, 2014, in the case of *Dr. Subramanian Swamy & Ors. V. Raju Thr. Member Juvenile Justice Board & Anr.* [Criminal Appeal No.695 of 2014], it was held that “reading down” the provisions of a statute cannot be resorted to when the meaning thereof is plain and unambiguous and the legislative intent is clear. It was held that the “Courts must read the legislation literally in the first instance. If on such reading and understanding the vice of unconstitutionality is attracted, the courts must explore whether there has been an unintended legislative omission. If such an intendment can be reasonably implied without undertaking what, unmistakably, would be a legislative exercise, the Act may be read down to save it from unconstitutionality.” It was further held that the Juvenile Justice Act, 2000 (as amended), need not be read down, to save it from the vice of unconstitutionality for such unconstitutionality does not exist. The Court held that if the JJ Act is plainly read and understood, the resultant effect thereof is wholly consistent with Article 14 of the Constitution, and also that “contrary international opinion, thinking or practice, even if assumed, does not dictate the legislation of a sovereign nation. If the legislature has adopted the age of 18 as the dividing line between juveniles and adults and such a decision is constitutionally permissible the enquiry by the Courts must come to an end.”
32. On 31st March, 2014, in the case of *P. Ramakrishnam Raju v. Union of India & Ors.* [Writ Petition (Civil) No. 521 of 2002], the main question which arose for consideration was whether High Court Judges, who are appointed from the Bar under Article 217(2)(b) of the Constitution, on retirement, are entitled for an addition of 10 years to their service for the purposes of their pension. Accepting the claim of the petitioners, the Court declared that for pensionary benefits, ten years’ practice as an advocate be added as a qualifying service for Judges elevated from the Bar.
33. On 31st March, 2014, in the case of *State of Bihar & Ors. v. Rajmangal Ram* [Criminal Appeal No.708 of 2014], in context to the issue of requirement of grant of sanction to

prosecute a public servant, question arose for consideration as to whether criminal prosecution ought to be interfered with by the High Courts at the instance of an accused who seeks mid-course relief from the criminal charges levelled against him on grounds of defects/omissions or errors in the order granting sanction to prosecute including errors of jurisdiction to grant such sanction.

With reference to the specific provisions incorporated in Section 19(3) of the Prevention of Corruption Act, 1988 as well as in Section 465 CrPC, it was held that where “any error, omission or irregularity in the sanction, which would also include the competence of the authority to grant sanction, does not vitiate the eventual conclusion in the trial including the conviction and sentence, unless of course a failure of justice has occurred, it is difficult to see how at the intermediary stage a criminal prosecution can be nullified or interdicted on account of any such error, omission or irregularity in the sanction order without arriving at the satisfaction that a failure of justice has also been occasioned.”

SOME RECENT MAJOR EVENTS AND THE INITIATIVES

(01-01-2014 to 31-03-2014)

I. FOREIGN DELEGATION TO SUPREME COURT OF INDIA:

- a). On 10-2-2014, a two Member Japanese Delegation led by Justice Ms. Ryuko Sakurai, Judge, Supreme Court of Japan had meeting with Hon'ble the Chief Justice of India in the Chamber of His Lordship.
- b). On 13-3-2014, Dr. Ricardo L. Lorenzetti, Chief Justice of Supreme Court of Argentina had a meeting with Hon'ble the Chief Justice of India in the Chamber of His Lordship.

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

a. Setting up of Nationwide Village Legal Services Clinics on 24.01.2014: The National Legal Services Authority launched a Programme for setting up of Legal Services Clinic in one village in each Taluk/Sub-division throughout the country on 24th January, 2014. The main aim of opening village legal services clinics is to provide easily accessible legal services to the large population living in our villages. Each of these village legal services clinics is to be manned by two para legal volunteers (PLVs) and one lawyer and they shall be available as per the schedule fixed by the SLSAs/DLSAs/TLSCs. The PLVs/Lawyer will not only render legal advice but also assist in routine issues of BPL Card, Election I.D. Aadhar Card, Gas Connection, government beneficial schemes like Old Age Pension.

b. 12th All India Meet of the State Legal Services Authorities held at Lucknow, Uttar Pradesh: The 12th All India Meet of the State Legal Services Authorities was held at Lucknow, Uttar Pradesh, on 8th & 9th March, 2014. The Meet was inaugurated by Hon'ble Mr. Justice P.Sathasivam, the Chief Justice of India & Patron-in-Chief, National Legal Services Authority in the august presence of Hon'ble Mr. Justice R.M.Lodha, Executive Chairman, NALSA.

III. MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA)

a). National Conference of Principal District Judges on Court Administration and Management, January 04-05, 2014 and March 22-23, 2014: The first programme provided a forum to Principal District Judges to discuss the constraints faced by them and search for remedies in consultation with senior High Court and Supreme Court judges. The second programme conceived to take forward the Goal of Strengthening Judicial System deliberated on the issues relating to Court Administration and Court Management.

b). Programme for Model Judicial Districts, January 4-5, 2014, Feb 8-9, 2014 and March 8-9, 2014: This new line of programmes formulated for the subordinate judiciary aimed to i) To develop harmony and better co-ordination among the judicial officers and ministerial staff; ii) Develop commitment to the cause of justice; iii) To make the ministerial staff feel that they are also part and parcel of the noble cause of administration of justice; iv) To prepare a road map for updating the legal knowledge and skills of the judges and staff at the District Level; v) To make officers at all levels interact with each other without inhibition; vi) To enhance over all development in the administration of justice in the District to develop healthy competition in qualitative and quantitative justice delivery; vii) To develop coordination

between the courts inter se and the courts and legal service institutions; and viii) To create a litigant friendly environment in the courts.

c). **National Conference of Judges of the District Judiciary on Law and Social Transformation: Role of District Judiciary, January 10-12, 2014:** This three-day Conference for the judges of the district judiciary was held with the objective of discussing and bringing to the forefront the various issues on the role of judges in social transformation. The Constitution of India and various laws formulated for the protection of rights of vulnerable groups provide a sound legal framework for enhancing social justice. The major challenge today is to implement this legal frame work at the district and sub-district level through the district judiciary. Therefore, the Conference focused on various issues affecting the implementation of this legal framework in India and the role of judges of the district judiciary in this regard.

d). **National Conference of High Court Judges on Commercial and Economic Matters, January 18-19, 2014:** The tremendous growth in commercial and economic activities post liberalization of the economy has led to fast growing changes in commercial laws and a considerable increase in the number of commercial and economic disputes. These disputes need a faster adjudication to build confidence in commercial circles. Any delay in adjudication will not only affect the individual parties but also the economy as a whole. This conference gave an opportunity to the High Court Judges from across the country to discuss various aspects of commercial and economic disputes.

e). **National Conference of the Presiding Officers of Labour Courts/Tribunals, January 17-19, 2014:** Formulated to meet the goal of Strengthening Judicial Institution, this programme for the Presiding Officers of Labour Courts/Tribunals brought together 20 Presiding Officers to identify the problem areas in labour justice administration and to look for effective strategies and solutions.

f). **National Conference of Judges of the District Judiciary on Cases relating to Sessions Trial, February 07- 09, 2014:** The main objective of this conference which received 28 participants was to highlight and discuss the proactive role of trial court judges in conducting Sessions Trials which has been prescribed in the Indian Legal System. The Conference was an attempt to deliberate on various issues faced by the judges in safeguarding constitutional rights and principles and to find ways and means to take proactive steps in this regard. The programme involved discussions on the issues in the adjudication of criminal trials and various challenges faced by the judges in upholding the rule of laws according to the Constitution.

g). **National Conference of Judges of the District Judiciary on Just Sentencing: Policy and Practice, February 14 -16, 2014:** This module for the Judges of the District Judiciary was formulated with the objective of helping judges sharpen their skills in taking decision on sentencing by providing enough theoretical perspectives and deliberating on pragmatic requirements. This programme further offered a venue to the judges to discuss various issues related to sentencing which enabled them to sharpen their skills on judging the quantum of the sentences.

h). **National Conference of High Court Judges on Constitutional Law and Administrative Law (Development of Law), February 22-23, 2014:** This two-day Conference analyzed the contribution of the Supreme Court and the High Courts during the past few years in the development of law in the area of constitutional law and administrative law. It provided a forum to the High Court justices to share

the contribution made by their respective High Courts with the Supreme Court judges and with their counterparts from across the country.

i). **National Conference of the Members of the Central Administrative Tribunal, February 22 - 23, 2014:** The objective of the Conference was to provide a unique opportunity to the Members of the Central Administrative Tribunal from across the country to share their experiences and exchange views. It also enabled them to realize the challenges and the constraints faced by these Tribunals in dealing with matters relating to All India Services Officers and Central Government Employees. The two day session helped them understand the constraints faced by these tribunals and seek the best way to effectively dispose of such cases.

j). **National Conference of Judges of the District Judiciary on Criminal Law and Human Rights (Development of Law), March 07-09, 2014:** To keep the Judges of the district judiciary abreast with the developments in law, the conference critically assessed recent national and international developments in the area of Criminal Law and Human Rights. It also looked at the contribution made by the High Courts and the Supreme Court during the past few years in developing human rights jurisprudence in the country.

k). **National Conference of Judges of the District Judiciary on Enhancing Judicial Qualities, Attitude and Skills, March 21-23, 2014:** This conference was formulated to cover the goal of enhancing the individual capacity of judges. The objective of the programme was to identify a framework of core qualities, attitudes and skills that are essential for the effective judging. The programme stressed on the relevance of judicial ethics and accountability, and sought to identify and analyze the existing as well as potential threats to judicial independence.

l). **National Conference of High Court Judges on Criminal Law and Human Rights (Development of Law), March 22-23, 2014:** The objective of this two day conference was to identify the areas of conflict and convergence in the administration of criminal justice and protection of human rights in the context of Protection of Human Rights Act, 1993. The conference critically assessed recent national and international developments in this area and looked at the contribution made by the High Courts and the Supreme Court during the past few years in developing human rights jurisprudence in the country. Presentations were made by the judges of the participating High Courts on the Contribution of High Courts in Development of Law: Criminal Law & Human Rights – 2013 by their specific Courts.

m). **Regional Judicial Conferences on Role of Courts in upholding Rule of Law:** In these set of programmes, the country's expanse is divided into four zones-North, East, West, and South. Two programmes are hosted in each zone in a given academic year. The High Court of the State and the State Judicial Academy facilitate in organizing the conference. Two Regional Judicial Conferences were held during the period January to March 2014; The Regional Judicial Conference for the South Zone which covers the states of Andhra Pradesh, Karnataka, Madras and Kerala was held from January 31- February 02, 2014 and the second conference during this period was for the East Zone covering the states of Calcutta, Chhattisgarh, Guwahati, Jharkhand, Patna, Orissa, Sikkim, Manipur, Tripura & Meghalaya was from March 28-30, 2014. These three-day programmes involved discussions on recent issues facing the Indian Judicial System and provided adequate theoretical and practical perspectives on Rule of Law to the judges and explained how to uphold and promote Rule of Law within the legal frame work.

SOME IMPORTANT VISITS AND CONFERENCES

(From 01-01-14 to 31-03-14)

ABROAD:

1. Hon'ble Mr. Justice A. K. Sikri visited Hong Kong (i) to attend the "First Asia Pacific Judicial Round Table on Insolvency" on 24th March, 2014; and (ii) to attend INSOL Hong Kong Conference on 25th March, 2014.
2. Hon'ble Mr. Justice Ranjan Gogoi visited Thimpu, Bhutan to attend the religious consecration ceremony of the new Supreme Court Complex of Bhutan at Thimpu on 14th March, 2014.

INLAND:

1. Hon'ble Shri P. Sathasivam, Chief Justice of India visited (i) Mumbai to attend (a) Seminar on Modernizing Criminal Investigation – the Road Ahead and (b) Inaugural function of celebration of 150 years of Establishment of Advocates Association of Western India on 8th February, 2014; (ii) Lucknow to attend 12th All India Meet of State Legal Services Authorities on 8th March, 2014 and (iii) Raipur to attend Convocation Ceremony of Hidayatullah National Law University on 22nd February, 2014.
2. Hon'ble Mr. Justice R. M. Lodha visited (i) Jaipur to deliver the 1st Convocation Address at the Jagannath University, Jaipur on 8th February, 2014; (ii) Mumbai to preside over the Second Principal Dr. B. R. Ambedkar Memorial Lecture on 1st March, 2014 at Government Law College, Mumbai and (iii) Lucknow to attend 12th All India Meet of the State Legal Services Authorities during 8th to 9th March, 2014.
3. Hon'ble Mr. Justice H. L. Dattu visited (i) Bengaluru to inaugurate as Chief Guest the foundation day of Lokayukta for the State of Karnataka on 10th January, 2014; (ii) Cuttack to inaugurate as Chief Guest the "Induction Programme for the batch of Judicial Officers, 2014" at Odisha Judicial Academy on 1st February, 2014 and (iii) Raipur to attend the Second Convocation of the Hidayatullah National Law University at New Raipur, Chhattisgarh on 22nd February, 2014
4. Hon'ble Dr. Justice B. S. Chauhan visited (i) Bengaluru to attend General Council meeting on 19th January, 2014 and (ii) Bhopal to attend National Seminar on Criminal Law and Human Rights during the period from 22nd to 23rd March, 2014.
5. Hon'ble Mr. Justice A. K. Patnaik visited (i) Jaipur to attend Seminar of TDSAT on 18th January, 2014; (ii) Bhubaneswar to attend function of Foundation Stone for the new Court Building on 25th January, 2014; (iii) Indore to attend function of Altius Institute of Universal Studies, Indore on 1st February, 2014; (iv) Tirupathi to attend Workshop of National Insurance Company on 8th February, 2014; (v) Bhopal (a) to attend the Sixth Convocation organized by the National Law Institute University, Bhopal on 22nd February, 2014 and (b) to attend 4th Justice R. K. Tankha Memorial Moot, at National Law Institute University, Bhopal on 2nd March, 2014; (vi) Lucknow to attend the All India Meet of State Legal Services Authorities

- on 8th March, 2014; (vii) Cuttack (Odisha) (a) to attend programmes and meetings of National Law University Odisha at Campus on 15th March, 2014, (b) to attend a function in connection with Shri Gopal Memorial Trust at Utkal Balashram Cuttack; and (c) to participate in a programme of KIIT University, Bhubaneswar on 18th March, 2014.
6. Hon'ble Mr. Justice K. S. Radhakrishnan visited (i) Kochi to attend the ARCM programme during the period from 21st to 24th February, 2014 and (ii) Ahmedabad to attend the Golden Jubilee of the Bar Council of India during the period from 1st to 2nd March, 2014.
 7. Hon'ble Mr. Justice Surinder Singh Nijjar visited (i) Mohali to attend the inauguration of India Rounds of the Fifth Leiden-Sarin International Air Law Moot Court Competition on 1st February, 2014 and (ii) Srinagar to inaugurate ADR Centre at J & K State Judicial Academy Complex, Mominabad, Srinagar, organized by High Court of J & K and Mediation Monitoring Committee during the period from 15th to 21st March, 2014.
 8. Hon'ble Mr. Justice C. K. Prasad visited Jaipur to attend the Seminar organized by TDSAT as Chief Guest on 18th January, 2014.
 9. Hon'ble Mr. Justice H. L. Gokhale visited (i) Mumbai to attend function at Bombay High Court on 8th February, 2014 and (ii) Nagpur to attend function organized by Dr. B. R. Ambedkar Law College, Nagpur on 22nd February, 2014.
 10. Hon'ble Mrs. Justice Gyan Sudha Misra visited (i) Patna to attend the inaugural function of 57th All India Congress of Obstetrics & Gynaecology 2014 during the period from 1st to 2nd February, 2014; (ii) Jaipur to attend the National Youth Fest-cum-Annual Function of Shankara Group of Institutions on 8th March, 2014 and (iii) Bilaspur to attend NJA Regional Judicial Conference (East Zone) on 30th March, 2014.
 11. Hon'ble Mr. Justice Anil R. Dave (i) attended Conclave of ICAI Members in Entrepreneurship and Public Services organised by the Institute of Chartered Accountants of India at New Delhi on 17.01.2014; (ii) delivered Lecture in the 47th Annual Conference of Urological Society of India held in New Delhi on the subject "Organ Donation Drive" on 31.01.2014; (iii) attended the 5th Convocation of Gujarat National Law University (GNLU) at Ahmedabad on 16.2.2014; (iv) attended closing Ceremony Function of 150 years of Bar Council of India at Ahmedabad on 1.3.2014 and (v) was the Chief Guest in the 6th Tribal Youth Exchange Programme at Gandhi Smriti, Rajghat, New Delhi on 24.3.2014.
 12. Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya visited (i) Bhopal (a) to participate in the National Conference of High Court Judges on Commercial and Economic Matters during the period from 17th to 18th January, 2014 and (b) to attend the National Conference of Judges of the District Judiciary on Just Sentencing: Policy and Practice during the period from 14th to 15th February, 2014; (ii) Ahmedabad to attend closing Ceremony of Golden Jubilee of the Bar Council of India during the period from 28th February to 2nd March, 2014 and (iii) Ranchi to preside over the Awareness Referral Coaching and Mentoring Programme (ARCM) conducted by Mediation & Conciliation Project Committee, Supreme Court of India during the period from 21st to 23rd March, 2014.

13. Hon'ble Mrs. Justice Ranjana Prakash Desai visited (i) Nandurbar (Gujarat) to attend Inauguration of Law College Building on 11th January, 2014 and (ii) Mumbai (a) to attend Inaugural Seminar on Modernising Criminal Investigation organized at Y.B. Chavan Centre and (b) to attend Inauguration Function of 150th Year of Advocates' Association of Western India on 8th February, 2014.
14. Hon'ble Mr. Justice Jagdish Singh Khehar visited (i) Ludhiana to attend "National Tax Conference" organized by All India Federation of Tax Practitioners (North Zone), Punjab Tax Bar Association, District Tax Bar Association (Sales Tax), Ludhiana and Taxation Bar Association (Direct Taxes), Ludhiana, on 15th February, 2014 and (ii) Bhopal to attend National Conference of High Court Judges on Constitutional Law and Administrative Law at National Judicial Academy, Bhopal on 22nd February, 2014.
15. Hon'ble Mr. Justice Dipak Misra (i) chaired the Inaugural and IIIrd sessions of the Programme "Respecting Voice and Choice for People with disabilities in India & Ireland: Sharing Perspectives on the Past and Future of Legal Capacity" organized by NALSAR University of Law & Centre on Disability Law & Policy National University of Ireland at Hyderabad on 18th January, 2014; (ii) attended the Inaugural Ceremony of Induction Programme and Seminar for Judicial Officers on "Duties and Functions of Judicial Officers" as Guest of Honour, organized by Odisha Judicial Academy at Cuttack on 1st February, 2014; (iii) inaugurated the Function of the Cuttack Tax Bar Association Building "CTBA Centre" at CDA, Cuttack on 2nd February, 2014; (iv) attended the Convocation Ceremony of Hidayatullah National Law University, Raipur on 22nd February, 2014; (v) attended the Valedictory Session of Closing Ceremony of Golden Jubilee of the Bar Council of India as Chief Guest and delivered Valedictory Address held at Ahmedabad on 2nd March, 2014 and (vi) attended the Assocham Competition Law Conference as Chief Guest and delivered the Valedictory Address on "Competitive Law – Recent Developments and Challenges" at New Delhi on 8th March, 2014.
16. Hon'ble Mr. Justice J. Chelameswar visited (i) Chennai to attend the South Zone Regional Judicial Conference on "Role of Courts in upholding Rule of Law" organized by the National Judicial Academy in Association with Madras High Court and Tamil Nadu State Judicial Academy during the period from 31st January to 3rd February, 2014; (ii) Ahmedabad to attend the Inaugural function of the closing ceremony of Golden Jubilee of the Bar Council of India on 1st March, 2014 and (iii) Varanasi to deliver the inaugural address of the National Seminar on 'Legal Protection of Consumers in A Global Economy – Recent Approaches and the Way Forward' on 29th March, 2014.
17. Hon'ble Mr. Justice F. M. Ibrahim Kalifulla visited Chennai (a) to attend Regional Judicial Conference on "Role of Courts in upholding Rule of Law" (South Zone) on 1st February, 2014, session on "Rule of Law and Access to Justice"; (b) to attend Foundation Stone Laying Ceremony for Intellectual Property Appellate Board function on 22nd February, 2014 and (c) to attend inaugural function of the '150 year Celebrations of MBA' at Dr. Justice Rajamannar Hall, High Court Buildings on 15th March, 2014.

18. Hon'ble Mr. Justice Madan B. Lokur visited (i) Hyderabad to attend the 2-Day National Seminar on Hate Speech and Social Media organized by NALSAR University of Law, Hyderabad during the period from 4th to 5th January, 2014; (ii) Chennai to attend the Regional Judicial Conference on "Role of Courts in upholding Rule of Law" (South Zone) organized by the Madras High Court, Tamil Nadu State Judicial Academy and the National Judicial Academy during the period from 31st January to 2nd February, 2014; (iii) Nagpur to preside over the Awareness Referral Coaching and Mentoring Programme (ARCM) conducted by the MCPC at Nagpur during the period from 8th to 9th February, 2014 and (iv) Bhopal to attend National Conference of Principal District Judges on Court Administration and Management organized by National Judicial Academy, Bhopal during the period from 22nd to 23rd March, 2014.
19. Hon'ble Mr. Justice V. Gopala Gowda visited (i) Jodhpur to attend Valedictory Function of International Conference on 'South Asia in Global Perspective: Democracy, Human Rights and Nation Building' on 22nd February, 2014; (ii) Cuttack (a) to attend Inauguration of Legal Services Clinic & Research Centres of National Law University Odisha on 15th March, 2014 and (b) to address the Judicial Officers on a Special Session organized by Odisha Judicial Academy on the subject "Role of District Judiciary for protecting the Rights to Property" on 16th March, 2014; and (iii) Bhopal to chair the Sessions at National Conference of High Court Judges on Criminal Law and Human Rights (Development of Law) at National Judiciary Academy on 22nd March, 2014.
20. Hon'ble Mr. Justice Kurian Joseph visited (i) Chennai to attend the Conference organized by the National Judicial Academy, Bhopal on 2nd February, 2014; (ii) Ernakulam to attend the Awareness Referral Coaching and Mentoring Programme (ARCM) conducted by MCPC from 22nd to 23rd February, 2014; (iii) Kochi for Valedictory Address at the Southern State Bar Councilors Meet 2014, organized by Bar Council of Kerala from 8th to 9th March, 2014; (iv) Thrissur to inaugurate the ARCM programme organized by KSMCC on 22nd March, 2014 and (v) Ernakulam to deliver Janardhana Kurup Memorial Lecture on "Judicial Legislation – Limitations" on 29th March, 2014.
21. Hon'ble Mr. Justice A. K. Sikri visited (i) Pune to visit Symbiosis Law School during the period from 24th to 25th January, 2014 and (ii) Ahmedabad for attending closing Ceremony of Golden Jubilee of the Bar Council of India on 1st March, 2014.
22. Hon'ble Mr. Justice Shiva Kirti Singh visited Pune as Chief Guest in the Justice P. N. Bhagwati 4th International Moot Court Competition on Human Rights organized by Bharati Vidyapeeth Deemed University, New Law College, Pune on 8th March, 2014.
23. Hon'ble Mr. Justice N. V. Ramana visited Pune to attend the Valedictory Function of 'Justice P. N. Bhagwati 4th International Moot Court Competition on Human Rights organized by Bharati Vidyapeeth Deemed University, New Law College, Pune on 9th March, 2014.

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The Supreme Court Reports

*Official Journal
of Reportable Supreme Court Decisions*

2014 Vol. 3 (Part-I) • 7th March, 2014

Highlights of the issue

DNA profile is valid and reliable, but variance in a particular result depends on the quality control and quality procedure in the laboratory.

Anil @ Anthony Arikswamy Joseph v. State of MaharashtraP-34

Extreme penalty of death not to be inflicted except in gravest cases of extreme culpability.

Rajkumar v. State of M. P.P-212

Lokayukt can inquire into allegations of corruption against the officers of legislative assembly.

Justice Ripusudan Dayal (Retd.) & Ors. v. State of M.P. & Ors.P-242

**PUBLISHED UNDER THE AUTHORITY OF THE SUPREME COURT OF INDIA
BY THE CONTROLLER OF PUBLICATIONS, GOVT. OF INDIA, DELHI**

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