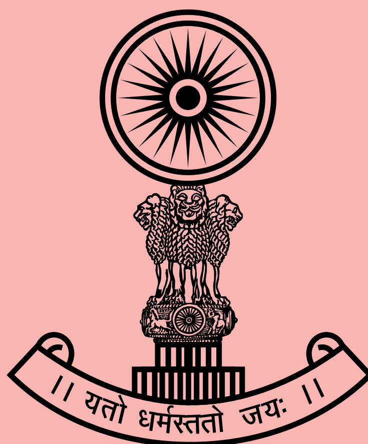

COURT NEWS

Vol. XIV Issue No.2

April - June, 2019

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LIST OF SUPREME COURT JUDGES
(As on 30-06-2019)

S.No.	Name of the Hon’ble Judge	Date of Appointment	Date of Retirement
01	Hon’ble Shri Ranjan Gogoi, Chief Justice of India	23-04-2012 As CJI: 03-10-2018	18-11-2019
02	Hon’ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
03	Hon’ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022
04	Hon’ble Mr. Justice Arun Misra	07-07-2014	03-09-2020
05	Hon’ble Mr. Justice R.F. Nariman	07-07-2014	13-08-2021
06	Hon’ble Mr. Justice Abhay Manohar Sapre	13-08-2014	28-08-2019
07	Hon’ble Mrs. Justice R. Banumathi	13-08-2014	20-07-2020
08	Hon’ble Mr. Justice Uday Umesh Lalit	13-08-2014	09-11-2022
09	Hon’ble Mr. Justice A.M. Khanwilkar	13-05-2016	30-07-2022
10	Hon’ble Dr. Justice D.Y. Chandrachud	13-05-2016	11-11-2024
11	Hon’ble Mr. Justice Ashok Bhushan	13-05-2016	05-07-2021
12	Hon’ble Mr. Justice L. Nageswara Rao	13-05-2016	08-06-2022
13	Hon’ble Mr. Justice Sanjay Kishan Kaul	17-02-2017	26-12-2023
14	Hon’ble Mr. Justice Mohan M. Shantanagoudar	17-02-2017	05-05-2023
15	Hon’ble Mr. Justice S. Abdul Nazeer	17-02-2017	05-01-2023
16	Hon’ble Mr. Justice Navin Sinha	17-02-2017	19-08-2021
17	Hon’ble Mr. Justice Deepak Gupta	17-02-2017	07-05-2020
18	Hon’ble Ms. Justice Indu Malhotra	27-04-2018	14-03-2021
19	Hon’ble Ms. Justice Indira Banerjee	07-08-2018	24-09-2022
20	Hon’ble Mr. Justice Vineet Saran	07-08-2018	11-05-2022
21	Hon’ble Mr. Justice K.M. Joseph	07-08-2018	17-06-2023
22	Hon’ble Mr. Justice Hemant Gupta	02-11-2018	17-10-2022
23	Hon’ble Mr. Justice R. Subhash Reddy	02-11-2018	05-01-2022
24	Hon’ble Mr. Justice M.R. Shah	02-11-2018	16-05-2023
25	Hon’ble Mr. Justice Ajay Rastogi	02-11-2018	18-06-2023
26	Hon’ble Mr. Justice Dinesh Maheshwari	18-01-2019	15-05-2023
27	Hon’ble Mr. Justice Sanjiv Khanna	18-01-2019	14-05-2025
28	Hon’ble Mr. Justice Bhushan Ramkrishna Gavai	24-05-2019	24-11-2025
29	Hon’ble Mr. Justice Surya Kant	24-05-2019	10-02-2027
30	Hon’ble Mr. Justice Aniruddha Bose	24-05-2019	11-04-2024
31	Hon’ble Mr. Justice A.S. Bopanna	24-05-2019	20-05-2024

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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 01-04-2019 TO 30-06-2019)

APPOINTMENTS

S.No.	Name of the Hon'ble Judge	Date of Appointment
1	Hon'ble Mr. Justice Bhushan Ramkrishna Gavai	24-05-2019
2	Hon'ble Mr. Justice Surya Kant	24-05-2019
3	Hon'ble Mr. Justice Aniruddha Bose	24-05-2019
4	Hon'ble Mr. Justice A.S. Bopanna	24-05-2019

APPOINTMENTS IN THE HIGH COURTS
(FROM 01-04-2019 TO 30-06-2019)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Patna	Anjani Kumar Sharan	17-04-19
		Anil Kumar Sinha	17-04-19
		Prabhat Kumar Singh	17-04-19
		Partha Sarthy	17-04-19
2	Rajasthan	Abhay Chaturvedi	22-04-19
		Narendra Singh Dhaddha	22-04-19
		S. Ravindra Bhatt (As Chief Justice)	05-05-19
3	Chhattisgarh	P.R. Nair Ramachandra Menon (As Chief Justice)	06-05-19
4	Allahabad	Ali Zamin	06-05-19
5	Karnataka	A.S. Oka (As Chief Justice)	10-05-19
6	Madhya Pradesh	Vishal Dhagat	27-05-19
		Vishal Mishra	27-05-19
7	Delhi	Talwant Singh	27-05-19
		Rajnish Bhatnagar	27-05-19
		Asha Menon	27-05-19
		Brijesh Sethi	27-05-19
8	Uttarakhand	Alok Kumar Verma	27-05-19
9	Meghalaya	A.K. Mittal (As Chief Justice)	28-05-19
10	Himachal Pradesh	Anoop Chitkara	30-05-19
		Jyotsna Rewal Dua	30-05-19
11	Delhi	D.N. Patel (As Chief Justice)	07-06-19
12	Andhra Pradesh	Manavendranath Roy	20-06-19
		M. Venkata Ramana	20-06-19
13	Telangana	R.S. Chauhan (As Chief Justice)	22-06-19
14	Himachal Pradesh	V. Ramasubramanian (As Chief Justice)	22-06-19

TRANSFERS BETWEEN THE HIGH COURTS
(FROM 01-04-2019 TO 30-06-2019)

S. No.	From (Name of concerned High Court)	To (Name of concerned High Court)	Name of the Hon'ble Judge	Date of Transfer
1	Telangana	Calcutta	T.B. Radhakrishnan (Chief Justice)	04-04-19
2	Rajasthan	Bombay	Pradeep Nandrajog (Chief Justice)	07-04-19
3	Allahabad	Jharkhand	Prashant Kumar	10-05-19
4	Allahabad	Telangana	Ghandikota Sri Devi	15-05-19

VACANCIES IN THE COURTS

A) SUPREME COURT OF INDIA (As on 30-06-2019)

Sanctioned Strength	Working strength	Vacancies
31	31	0

B) HIGH COURTS (As on 30-06-2019)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	106	**54**
2	Andhra Pradesh	37	13	**24**
3	Telangana	24	11	**13**
4	Bombay	94	67	**27**
5	Calcutta	72	42	**30**
6	Chhatisgarh	22	15	**7**
7	Delhi	60	40	**20**
8	Gujarat	52	28	**24**
9	Gauhati	24	19	**5**
10	Himachal Pradesh	13	10	**3**
11	Jammu & Kashmir	17	9	**8**
12	Jharkhand	25	19	**6**
13	Karnataka	62	32	**30**
14	Kerala	47	34	**13**
15	Madhya Pradesh	53	33	**20**
16	Madras	75	58	**17**
17	Manipur	5	4	**1**
18	Meghalaya	4	2	**2**
19	Orissa	27	14	**13**
20	Patna	53	30	**23**
21	Punjab & Haryana	85	50	**35**
22	Rajasthan	50	24	**26**
23	Sikkim	3	3	**0**
24	Tripura	4	3	**1**
25	Uttarakhand	11	10	**1**
Total		**1079**	**676**	**403**

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-06-2019)

S.No.	State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	3416	1990	**1426**
2	Andhra Pradesh	597	537	**60**
3	Telangana	413	341	**72**
4(a)	Maharashtra	2304	2247	**57**
4(b)	Goa	57	48	**9**
4(c)	Diu and Daman	3	3	**0**
4(d)	Silvasa	4	3	**1**
5	West Bengal and Andaman & Nicobar	1014	938	**76**
6	Chhatisgarh	468	397	**71**
7	Delhi	779	555	**224**
8	Gujarat	1506	1135	**371**
9(a)	Assam	430	343	**87**
9(b)	Nagaland	33	30	**3**
9(c)	Mizoram	64	46	**18**
9(d)	Arunachal Pradesh	32	27	**5**
10	Himachal Pradesh	172	154	**18**
11	Jammu & Kashmir	312	233	**79**
12	Jharkhand	676	453	**223**
13	Karnataka	1307	1099	**208**
14(a)	Kerala	536	456	**80**
14(b)	Lakshadweep	3	3	**0**
15	Madhya Pradesh	2021	1520	**501**
16	Manipur	55	40	**15**
17	Meghalya	97	50	**47**
18(a)	Tamil Nadu	1174	1091	**83**
18(b)	Puducherry	26	11	**15**
19	Odisha	917	737	**180**
20	Bihar	1847	1172	**675**
21(a)	Punjab	675	586	**89**
21(b)	Haryana	659	485	**174**
21(c)	Chandigarh	30	30	**0**
22	Rajasthan	1348	1132	**216**
23	Sikkim	25	19	**6**
24	Tripura	120	88	**32**
25	Uttarakhand	293	228	**65**
TOTAL		**23413**	**18227**	**5186**

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

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT
[01-04-2019 to 30-06-2019]

i) Table I

						Pendency (At the end of 31-03-2019)		
						Admission matters	Regular matters	Total matters
						36,998	21,074	58,072
Institution (01-04-2019 to 30-06-2019)			**Disposal (01-04-2019 to 30-06-2019)**			**Pendency (At the end of 30-06-2019)**		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
7,385	1,345	8,730	5,401	1,706	7,107	38,982	20,713	59,695

Note:

1. *Out of the 59,695 pending matters as on 30-06-2019, if connected matters are excluded, the pendency is only of 35,608 matters as on 30-06-2019.*
2. *Out of the said 59,695 pending matters as on 30-06-2019, 15,480 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 44,215 matters as on 30-06-2019.*

ii) Table II

	OPENING BALANCE AS ON 01-04-19	INSTITUTION FROM 01-04-19 TO 30-06-19	DISPOSAL FROM 01-04-19 TO 30-06-19	PENDENCY AT THE END OF 30-06-19
CIVIL CASES	47,681	6,029	4,402	49,308
CRIMINAL CASES	10,391	2,701	2,705	10,387
ALL CASES (TOTAL)	58,072	8,730	7,107	59,695

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS
(FROM 01-04-2019 TO 30-06-2019)

Srl. No.	Name of the High Court	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) As on 01/04/2019			Freshly instituted Cases during the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.)			Disposed of Cases during the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.)			Pending Cases at the end of the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.) (As on 30/06/2019)			% of Institution of Cases w.r.t Opening Balance as on 01/4/2019	% of Disposal of Cases w.r.t Opening Balance as on 01/04/2019	% Increase or Decrease in Pendency w.r.t Opening Balance as on 01/04/2019
		CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)			
1	Allahabad	536697	406159	942856	35257	46812	82069	35160	45473	80633	536794	407498	944292	8.70	8.55	0.15
2	Andhra Pradesh	151347	26951	178298	6074	2323	8397	2200	1486	3686	155221	27788	183009	4.71	2.07	2.64
3	Telangana	164795	27486	192281	10176	2275	12451	4844	1412	6256	170127	28349	198476	6.48	3.25	3.22
4	Bombay	232555	60127	292682	17330	7574	24904	13085	4798	17883	236800	62903	299703	8.51	6.11	2.40
5	Calcutta	189871	38589	228460	7724	3211	10935	7619	2673	10292	189976	39127	229103	4.79	4.50	0.28
6	Chhatisgarh	38881	24970	63851	5773	4426	10199	4971	3787	8758	39683	25609	65292	15.97	13.72	2.26
7	Delhi	55278	20843	76121	7403	3803	11206	4729	3209	7938	57952	21437	79389	14.72	10.43	4.29
8	Gujarat	80368	39172	119540	9071	10106	19177	6273	9124	15397	83166	40154	123320	16.04	12.88	3.16
9	Gauhati	27383	6415	33798	3663	871	4534	3095	648	3743	27951	6638	34589	13.41	11.07	2.34
10	Himachal Pradesh	30968	6541	37509	6002	1872	7874	4615	1483	6098	32355	6930	39285	20.99	16.26	4.73
11	Jammu & Kashmir	60802	6662	67464	5319	777	6096	2237	378	2615	63884	7061	70945	9.04	3.88	5.16
12	Jharkhand	42625	45200	87825	2432	6935	9367	3319	7106	10425	41738	45029	86767	10.67	11.87	-1.20
13	Karnataka	323848	33549	357397	28587	4284	32871	26488	3742	30230	325947	34091	360038	9.20	8.46	0.74
14	Kerala	147867	42462	190329	13437	5702	19139	10829	5501	16330	150475	42663	193138	10.06	8.58	1.48
15	Madhya Pradesh	210937	127308	338245	12981	17443	30424	8320	14054	22374	215598	130697	346295	8.99	6.61	2.38
16	Madras	257673	30007	287680	21726	14406	36132	25049	15011	40060	254350	29402	283752	12.56	13.93	-1.37
17	Manipur	2664	183	2847	339	32	371	668	33	701	2335	182	2517	13.03	24.62	-11.59
18	Meghalaya	742	39	781	201	57	258	176	32	208	767	64	831	33.03	26.63	6.40
19	Orissa*	113709	42297	156006	6235	9397	15632	9375	9225	18600	110569	42469	153038	10.02	11.92	-1.90
20	Patna	88443	67597	156040	9329	22972	32301	7078	20645	27723	90694	69924	160618	20.70	17.77	2.93
21	Punjab & Haryana	231583	107865	339448	16846	15514	32360	13963	12090	26053	234466	111289	345755	9.53	7.68	1.86
22	Rajasthan*	346106	95427	441533	32243	32163	64406	61291	21150	82441	317058	106440	423498	14.59	18.67	-4.08
23	Sikkim	178	89	267	46	17	63	38	19	57	186	87	273	23.60	21.35	2.25
24	Tripura	2595	439	3034	586	150	736	536	177	713	2645	412	3057	24.26	23.50	0.76
25	Uttarakhand	22067	12678	34745	3146	2440	5586	3845	2102	5947	21368	13016	34384	16.08	17.12	-1.04
	TOTAL	3359982	1269055	4629037	261926	215562	477488	259803	185358	445161	3362105	1299259	4661364	10.32	9.62	0.70

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

* Opening balance modified by High Court concerned.

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

(FROM 01-04-2019 TO 30-06-2019)

Srl. No	Name of the State/UT	Cases brought forward from the previous Quarter (Nos.) (Civil/Crl.) As on 01/04/2019			Freshly instituted Cases during the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.)			Disposed of Cases during the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.)			Pending Cases at the end of the Second Quarter (Apr-Jun 2019) Nos. (Civil/Crl.) (As on 30/06/2019)			% of Institution of Cases w.r.t Opening Balance as on 01/04/2019	% of Disposal of Cases w.r.t Opening Balance as on 01/04/2019	% Increase or Decrease in Pendency w.r.t Opening Balance as on 01/04/2019
		CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)			
1	Uttar Pradesh*	1676648	5450087	7126735	128837	818401	947238	107141	545519	652660	1698344	5722969	7421313	13.29	9.16	4.13
2	Andhra Pradesh	303017	239440	542457	33569	45798	79367	30231	33317	63548	306355	251921	558276	14.63	11.71	2.92
3	Telangana	230458	306958	537416	25114	55134	80248	20502	45139	65641	235070	316953	552023	14.93	12.21	2.72
4(a)	Maharashtra	1195224	2400641	3595865	90969	404476	495445	69264	329000	398264	1216929	2476117	3693046	13.78	11.08	2.70
4(b)	Goa	21426	23012	44438	2142	6613	8755	1975	5334	7309	21593	24291	45884	19.70	16.45	3.25
4(c)	Diu and Daman	1095	1027	2122	163	282	445	130	228	358	1128	1081	2209	20.97	16.87	4.10
4(d)	Silvasa	1392	1723	3115	97	259	356	100	345	445	1389	1637	3026	11.43	14.29	-2.86
5(a)	West Bengal	495028	1499622	1994650	30910	120234	151144	29184	93671	122855	496754	1526185	2022939	7.58	6.16	1.42
5(b)	Andaman & Nicobar	3761	6102	9863	230	1245	1475	125	1186	1311	3866	6161	10027	14.95	13.29	1.66
6	Chhattisgarh	59418	209826	269244	7672	42680	50352	7405	39319	46724	59685	213187	272872	18.70	17.35	1.35
7	Delhi #	189295	677217	866512	28496	192877	221373	27321	144122	171443	190464	725961	916425	25.55	19.79	5.76
8	Gujarat	448655	974924	1423579	54623	415956	470579	59001	192763	251764	444277	1198117	1642394	33.06	17.69	15.37
9(a)	Assam *	69608	223702	293310	9371	53361	62732	8961	48448	57409	70018	228615	298633	21.39	19.57	1.81
9(b)	Nagaland *	1994	2400	4394	276	732	1008	274	797	1071	1996	2335	4331	22.94	24.37	-1.43
9(c)	Mizoram *	3001	3370	6371	1392	2189	3581	1792	2195	3987	2601	3364	5965	56.21	62.58	-6.37
9(d)	Arunachal Pradesh	1907	7637	9544	468	1909	2377	532	1576	2108	1843	7970	9813	24.91	22.09	2.82
10	Himachal Pradesh	117792	157211	275003	23567	98722	122289	20489	92685	113174	120870	163248	284118	44.47	41.15	3.31
11	Jammu & Kashmir	56106	105752	161858	6847	17143	23990	4883	14966	19849	58070	107929	165999	14.82	12.26	2.56
12	Jharkhand #	62491	273476	335967	7283	44053	51336	5724	40814	46538	64050	276719	340769	15.28	13.85	1.43
13	Karnataka	732954	777501	1510455	81775	203414	285189	64756	176509	241265	749973	804406	1554379	18.88	15.97	2.91
14(a)	Kerala	419506	1234181	1653687	56190	189655	245845	42856	172488	215344	432840	1251348	1684188	14.87	13.02	1.84
14(b)	Lakshadweep	146	230	376	26	83	109	7	64	71	165	249	414	28.99	18.88	10.11
15	Madhya Pradesh	313350	1053249	1366599	56285	290376	346661	48345	255245	303590	321290	1088380	1409670	25.37	22.22	3.15
16	Manipur	3464	2827	6291	557	343	900	436	430	866	3585	2740	6325	14.31	13.77	0.54
17	Meghalaya	3181	10537	13718	373	1404	1777	600	1415	2015	2954	10526	13480	12.95	14.69	-1.73
18(a)	Tamil Nadu #	619494	473004	1092498	78193	97970	176163	50695	83546	134241	645716	487436	1133152	16.12	12.29	3.72
18(b)	Puducherry	13018	14908	27926	2161	1464	3625	1209	570	1779	13970	15802	29772	12.98	6.37	6.61
19	Odisha #	307610	1047378	1354988	14093	63929	78022	9055	43325	52380	312660	1071707	1384367	5.76	3.87	2.17
20	Bihar	371781	2175979	2547760	19933	128865	148798	16438	76463	92901	375276	2228381	2603657	5.84	3.65	2.19
21(a)	Punjab	259641	351256	610897	45505	93118	138623	36667	85316	121983	268479	359058	627537	22.69	19.97	2.72
21(b)	Haryana	284824	474314	759138	39042	118943	157985	30250	82351	112601	293616	510906	804522	20.81	14.83	5.98
21(c)	Chandigarh	17496	38507	56003	2448	42136	44584	1922	29914	31836	18022	50729	68751	79.61	56.85	22.76
22	Rajasthan	456139	1270349	1726488	43627	267244	310871	40261	232540	272801	459505	1305053	1764558	18.01	15.80	2.21
23	Sikkim	368	812	1180	181	331	512	171	353	524	378	790	1168	43.39	44.41	-1.02
24	Tripura	8456	22545	31001	1939	14462	16401	1906	16544	18450	8489	20463	28952	52.90	59.51	-6.61
25	Uttarakhand	33690	188908	222598	5003	70144	75147	4858	75034	79892	33835	184018	217853	33.76	35.89	-2.13
	Total	8783434	21700612	30484046	899357	3905945	4805302	745466	2963531	3708997	8936055	22646752	31582807	15.76	12.17	3.60

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

* Opening balance modified by the High Court concerned.

Closing balance modified by the High Court concerned.

SOME SUPREME COURT JUDGMENTS / ORDERS OF PUBLIC IMPORTANCE
(01-04-2019 TO 30-06-2019)

1. On 1st April, 2019, in the case of *Oriental Insurance Company Limited. v. Mahendra Construction* [Civil Appeal No.3359 of 2019], the Supreme Court examined an insurance claim, which was repudiated by the insurer on the ground that all material facts required to be disclosed through the proposal form to enable the insurer to assess the risk profile had not been disclosed.

In the case at hand, the insurance claim had been lodged by the respondent for his excavator, which was insured with the appellant from 11th October, 2006 to 10th October, 2007. The Supreme Court observed that “insurance is governed by the principle of utmost good faith, which imposes a duty of disclosure on the insured with regard to material facts”, and, on facts, “information regarding insurance claims lodged by the respondent for his excavator in the preceding three years was a material fact”. It was observed that “the proposal form contained a specific question regarding claims lodged in the preceding three years” and “the respondent was under a bounden duty to disclose that the excavator was previously insured with another insurer and that a claim for damage to the excavator on 12 April 2005 had been settled.”

Noticing that “it was only in the affidavit of evidence dated 6 January 2017, that the respondent disclosed” that the earlier insurer, namely, New India Assurance Company Limited, “had paid an amount of Rs 36.66 lakhs by cheque on 23 September 2005”, the Supreme Court observed that “this material fact was suppressed from the proposal form.” It was held that “mere disclosure of a previous insurance policy did not discharge the obligation which was cast on the respondent, as the proposer, to make a full, true and complete disclosure of the claims which were lodged under the previous policy in the preceding three years.” The Supreme Court held that “burden cannot be cast upon the insurer to follow up on an inadequate disclosure by conducting a line of enquiry with the previous insurer in regard to the nature of the claims, if any, that were made under the earlier insurance policy.”

Dismissing the complaint of respondent, the Supreme Court observed that “the respondent was under an obligation to make a full disclosure of the status of the previous insurance policy, together with the material facts relevant to the claim which had been lodged with New India Assurance Company Limited. The fact that such a claim was lodged and had been settled at Rs 36.66 lakhs was suppressed. This suppression goes to the very root of the contract of insurance which would validate the grounds on which the claim was repudiated by the insurer.”

2. On 2nd April, 2019, in the case of *Pioneer Urban Land & Infrastructure Ltd. v. Govindan Raghavan* [Civil Appeal No. 12238 of 2018], the judgment of the National Consumer Disputes

Redressal Commission allowing the consumer complaint of Respondent-Flat Purchaser against the Appellant-Builder, was affirmed by the Supreme Court, and the statutory appeals filed by the Appellant-Builder under Section 23 of the Consumer Protection Act, 1986 were dismissed. It was held that "a term of a contract will not be final and binding if it is shown that the flat purchasers had no option but to sign on the dotted line, on a contract framed by the builder". The Supreme Court observed that "the contractual terms" of the Apartment Buyer's Agreement entered into by the Respondent-Flat Purchaser with the Appellant–Builder were "*ex-facie* one-sided, unfair, and unreasonable" to the Respondent-Flat Purchaser, and "incorporation of such one-sided clauses in an agreement constitutes an unfair trade practice as per Section 2(r) of the Consumer Protection Act, 1986 since it adopts unfair methods or practices for the purpose of selling the flats by the Builder." It was held that the Appellant – Builder "could not seek to bind the Respondent with such one-sided contractual terms."

The Supreme Court observed that "the Appellant-Builder failed to fulfill his contractual obligation of obtaining the Occupancy Certificate and offering possession of the flat to the Respondent-Purchaser within the time stipulated in the Agreement, or within a reasonable time thereafter" and "the Respondent – Flat Purchaser could not be compelled to take possession of the flat, even though it was offered almost 2 years after the grace period under the Agreement expired." It was observed that "during this period, the Respondent-Flat Purchaser had to service a loan that he had obtained for purchasing the flat, by paying Interest @10% to the Bank" and "in the meanwhile", he had "also located an alternate property", and in these circumstances, "the Respondent-Flat Purchaser was entitled to be granted the relief prayed for i.e. refund of the entire amount deposited by him with Interest", as was directed by the National Consumer Disputes Redressal Commission.

3. On 9th April, 2019, in the case of *Rupali Devi v. State of Uttar Pradesh & Ors.* [Criminal Appeal No.71 of 2012], the question raised before a three Judge Bench was: "Whether a woman forced to leave her matrimonial home on account of acts and conduct that constitute cruelty can initiate and access the legal process within the jurisdiction of the courts where she is forced to take shelter with the parents or other family members".

The Bench observed that "cruelty" which is the crux of the offence under Section 498A IPC "can be both physical or mental cruelty." It held that "adverse effects on the mental health in the parental home though on account of the acts committed in the matrimonial home" would "amount to commission of cruelty within the meaning of Section 498A at the parental home." It was further held that "the consequences of the cruelty committed at the matrimonial home results in repeated offences being committed at the parental home" and "this is the kind of offences contemplated under Section 179 Cr.P.C which would squarely be applicable to the present case as an answer to the question raised."

Accordingly, the Bench held that "the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498A of the Indian Penal Code."

4. On 10th April, 2019, in the case of *Shri N. K. Janu, Deputy Director Social Forestry Division, Agra and Others v. Lakshmi Chandra* [Civil Appeal No. 3740 of 2019], wherein the respondent had filed contempt petition alleging violation of a High Court order dated 23-10-2008 when his claim for regularisation of service was not accepted by the Department, it was held that "once an order has been passed by the Department, it was open to the respondent to challenge the said order by way of a Writ Petition, but the Contempt Jurisdiction could not be invoked." The Supreme Court observed that the order dated 23.10.2008 "was to consider the case of the respondent for regularization of his services and for payment of minimum regular pay scale" and since the appellants had "considered the claim of regularization and/or payment of minimum of pay scale, the only remedy of the respondent was by way of the Writ Petition." It was held that the High Court "exceeded the Contempt Jurisdiction to compel the officers of the State to appear in court and in fact, the High Court travelled much beyond" the orders passed on 23.10.2008.

In the facts and circumstances of the case, the Supreme Court came to the finding that "the grievance regarding regularization of the service" "could not have been taken up in Contempt proceedings", when such issue had "attained finality in the High Court." Having said so, the Supreme Court came to the further finding that "the High Court was not justified in passing orders from time to time to secure presence of the officers" observing that "the officers of the State discharge public functions and duties" and "merely because an order has been passed, it does not warrant their personal presence."

It was further observed that "summoning of officers to the court to attend proceedings, impinges upon the functioning of the officers and eventually it is the public at large who suffer on account of their absence from the duties assigned to them. The practice of summoning officers to court is not proper and does not serve the purpose of administration of justice in view of the separation of powers of the Executive and the Judiciary. If an order is not legal, the Courts have ample jurisdiction to set aside such order and to issue such directions as may be warranted in the facts of the case." Accordingly, on facts, it was held that the entire proceedings in the Contempt Application were "wholly unjustified and in excess of jurisdiction vested with the Contempt Court."

5. On 11th April, 2019, in the case of *Indibility Creative Pvt Ltd and Ors. v. Govt of West Bengal and Others* [Writ Petition (Civil) No. 306 of 2019], while allowing the writ petition filed by producers of a Bengali feature film titled *Bhobishyoter Bhoot,* who contended that the State of West Bengal, its Department of Home and the Kolkata Police had caused an "utterly unlawful obstruction of the public exhibition of their Bengali feature film", the Supreme Court held that "a remedy in public law for the grant of remedial compensation" was required in the present case and directed "the respondents to pay to the petitioners compensation" of Rs 20 lakhs.

The Supreme Court observed that "as a consequence of the pulling off of the film from the theatres where it was screened on 16 February 2019, the petitioners have suffered a violation of their fundamental right to free speech and expression and of their right to pursue a lawful business" and "this has been occasioned by the acts of commission and, in any event, of omission on the part of the state in failing to affirm, fulfill and respect the fundamental freedoms of the petitioners." It was held that "the police are entrusted with enforcing law" and

"in the present case, the West Bengal police have overreached their statutory powers and have become instruments in a concerted attempt to silence speech, suborn views critical of prevailing cultures and threaten law abiding citizens into submission."

It was held that "in the space reserved for the free exercise of speech and expression, the state cannot look askance when organized interests threaten the existence of freedom." The Supreme Court observed that "when organized interests threaten the properties of theatre owners or the viewing audience with reprisals, it is the plain duty of the state to ensure that speech is not silenced by the fear of the mob" and unless one reads "a positive obligation on the state to create and maintain conditions in which the freedoms guaranteed by the Constitution can be exercised, there is a real danger that art and literature would become victims of intolerance." In the present case, the Supreme Court was of the view "that there has been an unconstitutional attempt to invade the fundamental rights of the producers, the actors and the audience" and "worse still, by making an example out of them, there has been an attempt to silence criticism and critique." The Court said that "this cannot be countenanced in a free society" and "freedom is not a supplicant to power."

Accordingly, the Supreme Court issued "a Mandamus restraining the State from taking recourse to any form of extra constitutional means to prevent the lawful screening of the feature film *Bhobishyoter Bhoot*." The State was directed to "specifically ensure that the properties of the theatre owners who exhibit the film are duly protected as are the viewers against attempts on their safety."

6. On 12th April, 2019, in the case of *Accused 'X' v. State of Maharashtra* [Review Petition (Criminal) No. 301 of 2008 in Criminal Appeal No.680 of 2007], where the Petitioner was convicted by the Courts below for kidnapping, rape and murder of two minor girls, and sentenced to death, a three Judge Bench of the Supreme Court examined issues pertaining to (i) non-compliance of Section 235(2) CrPC during the sentencing process and (ii) sentencing of persons suffering from post-conviction mental illness or insanity.

With reference to the first issue, the principle argument advanced by the Petitioner was that, since the order of conviction and the order of sentence in the present case were passed on the same day, no opportunity was awarded to the Petitioner with regard to the sentence imposed upon him, and therefore, the order of sentence passed in the present case was in violation of Section 235(2) CrPC, which was an illegality vitiating the entire sentence. The Bench held that "as long as the spirit and purpose of Section 235(2) is met, inasmuch as the accused is afforded a real and effective opportunity to plead his case with respect to sentencing, whether simply by way of oral submissions or by also bringing pertinent material on record, there is no bar on the pre-sentencing hearing taking place on the same day as the pre-conviction hearing. Depending on the facts and circumstances, a separate date may be required for hearing on sentence, but it is equally permissible to argue on the question of sentence on the same day if the parties wish to do so." It was held that "even assuming that a procedural irregularity is committed by the trial court to a certain extent on the question of hearing on sentence, the violation can be remedied by the appellate Court by providing sufficient opportunity of being heard on sentence.

After discussing out the law on pre-sentencing, the Bench laid down the following *dicta*-

"i. That the term 'hearing' occurring under Section 235 (2) requires the accused and prosecution at their option, to be given a meaningful opportunity.

ii. Meaningful hearing under Section 235 (2) of CrPC, in the usual course, is not conditional upon time or number of days granted for the same. It is to be measured qualitatively and not quantitatively.

iii. The trial court need to comply with the mandate of Section 235 (2) of CrPC with best efforts.

iv. Non-compliance can be rectified at the appellate stage as well, by providing meaningful opportunity.

v. If such an opportunity is not provided by the trial court, the appellate court needs to balance various considerations and either afford an opportunity before itself or remand back to trial court, in appropriate case, for fresh consideration.

vi. However, the accused need to satisfy the appellate courts, *inter alia* by pleading on the grounds as to existence of mitigating circumstances, for its further consideration.

vii. Being aware of certain harsh realities such as long protracted delays or jail appeals through legal aid etc., wherein the appellate court, in appropriate cases, may take recourse of independent enquiries on relevant facts ordered by the court itself.

viii. If no such grounds are brought by the accused before the appellate courts, then it is not obligated to take recourse under Section 235 (2) of CrPC."

On the question whether the Petitioner was given an effective opportunity to place material on record relevant to the quantum of sentence, the Bench observed that "the record in the instant matter" "clearly shows that the accused was accorded a real and effective opportunity at the trial stage itself" and "that the opportunity granted to the Petitioner by the High Court to adduce further material on this aspect was above and beyond the requirement of Section 235(2)." It further observed that "the Courts had taken all the attendant circumstances into account before reaching the conclusion of awarding the death penalty" and it was "also not the case that the accused made a request for hearing on sentencing on a separate date and the same was refused." In such circumstances, the contention that the procedure envisaged in Section 235(2) CrPC was not complied with, was rejected by the Bench.

With reference to the second issue, namely, post-conviction mental illness and its impact on sentencing, the Bench laid out the following directions, to be followed in the future cases.

"a. That the post-conviction severe mental illness will be a mitigating factor that the appellate Court, in appropriate cases, needs to consider while sentencing an accused to death penalty.

b. The assessment of such disability should be conducted by a multi-disciplinary team of qualified professionals (experienced medical practitioners, criminologists etc), including professional with expertise in accused's particular mental illness.

c. The burden is on the accused to prove by a preponderance of clear evidence that he is suffering with severe mental illness. The accused has to demonstrate active, residual or prodromal symptoms, that the severe mental disability was manifesting.

d. The State may offer evidence to rebut such claim.

e. Court in appropriate cases could setup a panel to submit an expert report.

f. 'Test of severity' envisaged herein predicates that the offender needs to have a severe mental illness or disability, which simply means that objectively the illness needs to be most serious that the accused cannot understand or comprehend the nature and purpose behind the imposition of such punishment."

In the case at hand, the Bench noted that the accused had "been reeling under bouts of some form of mental irritability since 1994, as apparent from the records placed" and "moreover", he had "suffered long incarceration as well as a death row convict." In the totality of circumstances, the Bench did not consider it "appropriate to constitute a panel for re-assessment of his mental condition", however, at the same time, also observed that it "cannot lose sight of the fact that a sentence of life imprisonment *simpliciter* would be grossly inadequate in the instant case."

The Bench observed that "given the barbaric and brutal manner of commission of the crime, the gravity of the offence itself, the abuse of the victims' trust by the Petitioner, and his tendency to commit such offences as is evident from his past conduct, it is extremely clear that the Petitioner poses such a grave threat to society that he cannot be allowed to roam free at any point whatsoever." In this view of the matter, the Bench deemed "it fit to direct that the Petitioner shall remain in prison for the remainder of his life" observing that "such an approach" was "perfectly within its power to adopt, and that it acts as a useful *via media* between the imposition of the death penalty and life imprisonment *simpliciter* (which usually works out to 14 years in prison upon remission)." Accordingly, the sentence of death awarded to the Petitioner was "commuted to imprisonment for the remainder of his life *sans* any right to remission."

Further, the Supreme Court observed that generally, "prisoners tend to have increased affinity to mental illness, and "in order to address the same, the Mental Healthcare Act, 2017 was brought into force" and further that "the State Governments are obliged under Section 103 of the Act to setup a mental health establishment in the medical wing of at least one prison in each State and Union Territory, and prisoners with mental illness may ordinarily be referred to and cared for in the said mental health establishment." Accordingly, the State Government was directed to consider the case of the Petitioner "under the appropriate provisions of the Mental Healthcare Act, 2017 and if found entitled, provide for his rights under that enactment".

7. On 16th April, 2019, in the case of *Bikash Ranjan Rout v. State through the Secretary (Home), Government of NCT of Delhi, New Delhi* [Criminal Appeal No. 687 of 2019], the question for consideration was whether after the Magistrate passes an order of discharge of the accused, is it permissible for the Magistrate to order further investigation and direct the investigating officer to submit the report.

The Supreme Court observed that “there is a distinction and/or difference between the pre-cognizance stage and post-cognizance stage and the powers to be exercised by the Magistrate for further investigation at the pre-cognizance stage and post-cognizance stage.” It was held that “the power to order further investigation which may be available to the Magistrate at the pre-cognizance stage may not be available to the Magistrate at the post-cognizance stage, more particularly, when the accused is discharged by him.”

The Supreme Court held that “if the Magistrate was not satisfied with the investigation carried out by the investigating officer and the report submitted by the investigating officer under Section 173(2)(i) of the CrPC”, “it was always open/ permissible for the Magistrate to direct the investigating agency for further investigation and may postpone even the framing of the charge and/or taking any final decision on the report at that stage.” However, “the Magistrate cannot *suo moto* direct for further investigation under Section 173(8) of the CrPC or direct the re-investigation into a case at the post-cognizance stage, more particularly when, in exercise of powers under Section 227 of the CrPC, the Magistrate discharges the accused.”

It was held that “Section 173(8) of the CrPC confers power upon the officer-in-charge of the police station to further investigate and submit evidence, oral or documentary, after forwarding the report under sub-section (2) of Section 173 of the CrPC” and “therefore, it is always open for the investigating officer to apply for further investigation, even after forwarding the report under sub-section (2) of Section 173 and even after the discharge of the accused.” However, “the aforesaid shall be at the instance of the investigating officer/police officer-in-charge and the Magistrate has no jurisdiction to *suo moto* pass an order for further investigation/reinvestigation after he discharges the accused.”

8. On 24th April, 2019, in the case of *Reliance Life Insurance Co. Ltd. & Anr. v. Rekhaben Nareshbai Rathod* [Civil Appeal No.4261 of 2019], wherein about two months before the contract of insurance was entered into with the appellant, the insured had obtained another insurance cover for his life”, the Supreme Court held that “the failure of the insured to disclose the policy of insurance obtained earlier in the proposal form entitled the insurer to repudiate the claim under the policy.”

The Supreme Court observed that “contracts of insurance are governed by the principle of utmost good faith” and “in a contract of insurance, the insured can be expected to have information of which she/he has knowledge” and “this justifies a duty of good faith, leading to a positive duty of disclosure.” It was held that “proposal forms are a significant part of the disclosure procedure and warrant accuracy of statements” and “any suppression, untruth or inaccuracy in the statement in the proposal form will be considered as a breach of the duty of good faith and will render the policy voidable by the insurer.”

It was held that in the present case, “disclosure of the earlier cover was material to an assessment of the risk which was being undertaken by the insurer” and “the proposer was aware of the fact, while making a declaration, that if any statements were untrue or inaccurate or if any matter material to the proposal was not disclosed, the insurer may cancel the contract and forfeit the premium.”

The Supreme Court was "not impressed with the submission that the proposer was unaware of the contents of the form that he was required to fill up or that in assigning such a response to a third party, he was absolved of the consequence of appending his signatures to the proposal" and said that "the proposer duly appended his signature to the proposal form and the grant of the insurance cover was on the basis of the statements contained in the proposal form." The consumer complaint filed by respondent-nominee (under the policy issued by appellant) was accordingly dismissed.

9. On 24th April, 2019, in the case of *Dipakbhai Jagdishchandra Patel v. State of Gujarat and Another* [Criminal Appeal No.714 of 2019], the Supreme Court examined the evidentiary value of admission and also discussed how a statement which does not constitute confession, may still be used an admission.

It was held that an admission "may be admissible under the Evidence Act provided that it meets the requirements of admission as defined in Section 17 of the Evidence Act." However, an admission, if it is made in the course of investigation under the Cr.PC to a Police Officer, then, it will not be admissible under Section 162 of the Cr.PC as it clearly prohibits the use of statement made to a Police Officer under Section 161 of the Cr.PC except for the purpose which is mentioned therein." The Supreme Court held that "statement given under Section 161, even if relevant, as it contains an admission, would not be admissible, though an admission falling short of a confession which may be made otherwise, may become substantive evidence."

10. On 30th April, 2019, in the case of *JK Jute Mill Mazdoor Morcha v. Juggilal Kamlapat Jute Mills Company Ltd. through its Director & Ors.* [Civil Appeal No.20978 of 2017], the question for consideration was whether a trade union could be said to be an operational creditor for the purpose of the Insolvency and Bankruptcy Code, 2016. It was held that "a registered trade union which is formed for the purpose of regulating the relations between workmen and their employer can maintain a petition as an operational creditor on behalf of its members."

The Supreme Court held that a trade union is "an entity established under a statute – namely, the Trade Unions Act", and would therefore fall within the definition of "person" under Sections 3(23) of the Insolvency and Bankruptcy Code, 2016. It was held that this being so, it is clear that an "operational debt", meaning a claim in respect of employment, could certainly be made by a person duly authorised to make such claim on behalf of a workman. It was further held that "Rule 6, Form 5 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 also recognises the fact that claims may be made not only in an individual capacity, but also conjointly. Further, a registered trade union recognised by Section 8 of the Trade Unions Act, makes it clear that it can sue and be sued as a body corporate under Section 13 of that Act. Equally, the general fund of the trade union, which *inter alia* is from collections from workmen who are its members, can certainly be spent on the conduct of disputes involving a member or members thereof or for the prosecution of a legal proceeding to which the trade union is a party, and which is undertaken for the purpose of protecting the rights arising out of the relation of its members with their employer, which would include wages and other sums due from the employer to workmen."

It was held that even otherwise, “instead of one consolidated petition by a trade union representing a number of workmen, filing individual petitions would be burdensome as each workman would thereafter have to pay insolvency resolution process costs, costs of the interim resolution professional, costs of appointing valuers, etc. under the provisions of the Code read with Regulations 31 and 33 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.”

The Supreme Court observed that clearly “the trade union represents its members who are workers, to whom dues may be owed by the employer, which are certainly debts owed for services rendered by each individual workman, who are collectively represented by the trade union. Equally, to state that for each workman there will be a separate cause of action, a separate claim, and a separate date of default would ignore the fact that a joint petition could be filed under Rule 6 read with Form 5 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, with authority from several workmen to one of them to file such petition on behalf of all.”

11. On 1st May, 2019, in the case of *Rajesh & Ors. v. State of Haryana* [Criminal Appeal No.813 of 2019], the question for consideration was whether, in the facts and circumstances of the case, the Trial Court was justified in summoning the appellants to face criminal trial in exercise of powers under Section 319 CrPC along with other co-accused.

While considering the aforesaid question/issue, the Supreme Court came to examine the power under Section 319 CrPC. It was held that (i) the Court can exercise the power under Section 319 of the CrPC even on the basis of the statement made in the examination-in-chief of the witness concerned and the Court need not wait till the cross-examination of such a witness and the Court need not wait for the evidence against the accused proposed to be summoned to be tested by cross-examination; and (ii) a person not named in the FIR or a person though named in the FIR but has not been charge-sheeted or a person who has been discharged can be summoned under Section 319 of the CrPC, provided from the evidence (may be on the basis of the evidence collected in the form of statement made in the examination-in-chief of the witness concerned), it appears that such person can be tried along with the accused already facing trial.”

It was further held that “even in a case where the stage of giving opportunity to the complainant to file a protest petition urging upon the trial Court to summon other persons as well who were named in the FIR but not implicated in the charge-sheet has gone, in that case also, the Court is still not powerless by virtue of Section 319 of the CrPC and even those persons named in the FIR but not implicated in the charge-sheet can be summoned to face the trial provided during the trial some evidence surfaces against the proposed accused.”

On facts, the appellants were also named in the FIR, however, they were not shown as accused in the challan/charge-sheet. Further, nothing was on record whether at any point of time the complainant was given an opportunity to submit the protest application against non-filing of the charge-sheet against the appellants. In deposition before the Court, P.W.1

and P.W.2 had specifically stated against the appellants and the specific role attributed to the accused-appellants. In the circumstances, it was held that "the statement of P.W.1 and P.W.2 before the Court can be said to be "evidence" during the trial and, therefore, on the basis of the same", "the persons against whom no charge-sheet is filed can be summoned to face the trial." Accordingly, the Supreme Court held "that no error has been committed by the Courts below to summon the appellants herein to face the trial in exercise of power under Section 319 of the CrPC."

12. On 3rd May 2019, in the case of *Ganesan Rep by its Power Agent G. Rukmani Ganesan v. The Commissioner, the Tamil Nadu Hindu Religious and Charitable Endowments Board & Ors.* [Civil Appeal No.4582 of 2019], the following four questions arose for consideration: 1) Whether the Commissioner, Tamil Nadu Hindu Religious Endowment Board while hearing an appeal under Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, is a Court; 2) Whether applicability of Section 29(2) of Limitation Act is with regard to different limitation prescribed for any suit, appeal or application to be filed only in a Court or Section 29(2) can be pressed in service with regard to filing of a suit, appeal or application before statutory authorities and tribunals provided in Special or Local Laws; 3) Whether the Commissioner while hearing the appeal under Section 69 of 1959 Act is entitled to condone a delay in filing an appeal applying the provisions of Section 5 of the Limitation Act, 1963; and 4) Whether the statutory scheme of 1959 Act indicate that Section 5 of Limitation Act is applicable to proceedings before its authorities.

With respect to the first question, it was held that that Commissioner, Tamil Nadu Hindu Religious Endowment Board is not a Court within the meaning of the Hindu Religious Endowment Charitable Act, 1959. The Supreme Court observed that the definition of Court as contained in Section 6(7) clearly indicates that "what Act, 1959 refers to a Court is a civil court created in the State. The scheme of the Act clearly indicates that Commissioner is an authority under the Act who is to be appointed by the Government. The Commissioner is entrusted with various functions under the Act and one of the functions entrusted to the Commissioner is hearing of the appeal under Section 69 of the Act, 1959." It was observed that "when an appeal is provided against the order of the Commissioner under Section 69 to the Court which is defined under Section 6(7), there is no question of treating the Commissioner as a Court under the statutory scheme of Act, 1959."

On the second question, the Supreme Court held that "the applicability of Section 29(2) of the Limitation Act is with regard to different limitations prescribed for any suit, appeal or application when to be filed in a Court" and "Section 29(2) cannot be pressed in service with regard to filing of suits, appeals and applications before the statutory authorities and tribunals provided in a special or local law." Insofar as the third question is concerned, the Supreme Court held that "the Commissioner while hearing of the appeal under Section 69 of the Act, 1959 is not entitled to condone the delay in filing appeal, since, provision of Section 5 shall not be attracted by strength of Section 29(2) of the Act."

In regard to the fourth and last question, it was held that "Section 5 of the Limitation Act is not applicable as per the scheme of Act, 1959." The Supreme Court observed that

the scheme of Section 69 especially sub-section (2) also re-enforces its' conclusion that "Legislature never contemplated applicability of Section 5 in Section 69(1) for condoning the delay in filing an appeal by applying Section 5 of the Limitation Act."

13. On 3rd May, 2019, in the case of *Federation of Obstetrics and Gynecological Societies of India (FOGSI) v. Union of India and others* [Writ Petition (Civil) No.129 of 2017], the Supreme Court while examining issues allegedly affecting the practice of obstetricians and gynaecologists across the country under the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 held that the said Act "is a social welfare legislation, which was conceived in light of the skewed sex-ratio of India and to avoid the consequences of the same" and "rigorous implementation of the Act is an edifice on which rests the task of saving the girl child."

With reference to the prayer made for direction in the nature of certiorari/ mandamus for decriminalising anomalies in paperwork/record keeping/clerical errors in regard of the provisions of the Act, the Supreme Court observed that "non maintenance of record is spring board for commission of offence of foeticide, not just a clerical error"; and "in order to effectively implement the various provisions of the Act, the detailed forms in which records have to be maintained have been provided for" by the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996.

Finding "no substance in the submission that provision of Section 4(3) be read down", the Supreme Court observed that "by virtue of the proviso to Section 4(3), a person conducting ultrasonography on a pregnant woman, is required to keep complete record of the same in the prescribed manner and any deficiency or inaccuracy in the same amounts to contravention of Section 5 or Section 6 of the Act, unless the contrary is proved by the person conducting the said ultrasonography." It observed that "the aforementioned proviso to Section 4(3) reflects the importance of records in such cases, as they are often the only source to ensure that an establishment is not engaged in sex-determination."

It was held that "Section 23 of the Act, which provides for penalties of offences, acts in aid of the other Sections of the Act is quite reasonable." The Supreme Court observed that dilution of the provisions of the Act or the Rules "would only defeat the purpose of the Act to prevent female foeticide, and relegate the right to life of the girl child under Article 21 of the Constitution, to a mere formality." Dismissing the writ petition, the Supreme Court held that no case was "made out for striking down the proviso to Section 4(3), provisions of Sections 23(1), 23(2) or to read down Section 20 or 30 of the Act" and further held the "complete contents of Form 'F'" (Form for maintenance of records in case of a pregnant woman by genetic clinic / ultrasound Clinic /Imaging Centre) "to be mandatory".

14. On 6th May, 2019, in the case of *Karnataka Housing Board v. K.A. Nagamani* [Civil Appeal No.4631 of 2019], which arose "out of execution proceedings initiated by the Respondent – Complainant from an Order passed by the State Commission in a consumer dispute", the issue for consideration was whether a Revision Petition under Section 21(b) of the Consumer

Protection Act, 1986 was maintainable before the National Commission Dispute Redressal Commission against the order passed by the State Commission in the execution proceeding.

The Supreme Court held that "Section 21(b) does not provide for filing of a Revision Petition before the National Commission against an Order passed by the State Commission in execution proceedings" and in the instant case, "the National Commission erroneously allowed the Revision Petition u/s. 21(b) of the Consumer Protection Act, 1986 which was not maintainable." It was observed that "execution proceedings even though they are proceedings in a suit, cannot be considered to be a continuation of the original suit. Execution proceedings are separate and independent proceedings for execution of the decree. The merits of the claim or dispute, cannot be considered during execution proceedings. They are independent proceedings initiated by the decree holder to enforce the decree passed in the substantive dispute."

15. On 7th May, 2019, in the case of *Rafiq Qureshi v. Narcotic Control Bureau Eastern Zonal Unit* [Criminal Appeal No. 567 of 2019], wherein the trial court had convicted the appellant and sentenced him under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 to rigorous imprisonment for eighteen years; and the High Court while maintaining the conviction had reduced the sentence to sixteen years rigorous imprisonment, the issue before the Supreme Court was limited to the quantum of the sentence.

The appellant submitted before the Supreme Court that he could not have been awarded sentence of more than ten years which is the minimum sentence provided for offence under Section 21(c), since the Courts below did not advert to Section 32B and had not returned any finding that any of the factors for imposing punishment higher than the minimum term of imprisonment as enumerated in clauses (a) to (f) of Section 32B were present in the facts of the present case. Consequently, the Supreme Court came to examine and interpret Section 32B of the Act.

On consideration of the statutory scheme of Section 32B, the Supreme Court held that it "indicates that the decision to impose a punishment higher than the minimum is not confined or limited to the factors enumerated in clauses (a) to (f)" and "the Court's discretion to consider such factors as it may deem fit is not taken away or tinkered." It was held that "quantity of substance with which an accused is charged is a relevant factor, which can be taken into consideration while fixing quantum of the punishment" even though "Clauses (a) to (f) as enumerated in Section 32B do not enumerate any factor regarding quantity of substance as a factor for determining the punishment."

The Supreme Court held that the "punishment awarded by the trial court of a sentence higher than the minimum relying on the quantity of substance cannot be faulted even though the Court had not adverted to the factors mentioned in clauses (a) to (b) as enumerated under Section 32B. However, when taking any factor into consideration other than the factors enumerated in Section 32B, (a) to (f), the Court imposes a punishment higher than the minimum sentence, it can be examined by higher Courts as to whether factor taken into consideration

by the Court is a relevant factor or not. Thus in a case where Court imposes a punishment higher than minimum relying on a irrelevant factor and no other factor as enumerated in Section 32B (a to f) are present award of sentence higher than minimum can be interfered with."

In the present case, considering that the quantity of narcotic drugs found in possession of appellant was much higher than the commercial quantity, the Supreme Court upheld the judgment of the trial court and the High Court awarding punishment higher than the minimum, however, looking to all the facts and circumstances of the case including the fact that it was found by the High Court that the appellant was only a carrier, reduced the sentence to 12 years rigorous imprisonment.

16. On 8th May, 2019, in the case of *State Bank of India v. M/s Jah Developers Pvt. Ltd. & Ors.* [Civil Appeal No.4776 of 2019], the question for consideration was whether a lawyer can be allowed to represent a borrower before the in-house Commitees referred to in the Revised Reserve Bank of India (RBI) Circular dated 01.07.2015 with regard to wilful defaulters.

The Supreme Court held that "it cannot be possibly said that either in-house committee appointed under the Revised Circular dated 01.07.2015 is vested with the judicial power of the State", their powers being administrative powers "to gather facts and then arrive at a result" and thus, "no lawyer has any right under Section 30 of the Advocates Act to appear before the in-house committees so mentioned." It was held that since "the said committees are also not persons legally authorised to take evidence by statute or subordinate legislation, on this score also, no lawyer would have any right under Section 30 of the Advocates Act to appear before the same."

The Supreme Court observed that "when it comes to whether the borrower can, given the consequences of being declared a wilful defaulter, be said to have a right to be represented by a lawyer, the judgments of this Court have held that there is no such unconditional right, and that it would all depend on the facts and circumstances of each case, given the governing rules and the fact situation of each case."

In the case at hand, the Supreme Court was of the view "that there is no right to be represented by a lawyer in the in-house proceedings contained in paragraph 3 of the Revised Circular dated 01.07.2015, as it is clear that the events of wilful default as mentioned in paragraph 2.1.3 would only relate to the individual facts of each case" and "whether a default is intentional, deliberate, and calculated is again a question of fact which the lender may put to the borrower in a show cause notice to elicit the borrower's submissions on the same." However, the Supreme Court was also of the view that Article 19(1)(g) of the Constitution of India was "attracted in the facts of the present case as the moment a person is declared to be a wilful defaulter, the impact on its fundamental right to carry on business is direct and immediate" and "given these drastic consequences", "the Revised Circular, being in public interest, must be construed reasonably."

"This being so, and given the fact that paragraph 3 of the Master Circular dated 01.07.2013 permitted the borrower to make a representation within 15 days of the preliminary decision of the First Committee", the Supreme Court was of the view that "first and foremost, the Committee comprising of the Executive Director and two other senior officials, being the First Committee, after following paragraph 3(b) of the Revised Circular dated 01.07.2015, must give its order to the borrower as soon as it is made. The borrower can then represent against such order within a period of 15 days to the Review Committee. Such written representation can be a full representation on facts and law (if any). The Review Committee must then pass a reasoned order on such representation which must then be served on the borrower." Given the fact that the earlier Master Circular dated 01.07.2013 itself considered such steps to be reasonable", the Supreme Court incorporated "all these steps into the Revised Circular dated 01.07.2015."

17. On 8th May, 2019, in the case of *Ssangyong Engineering & Construction Co. Ltd. v. National Highways Authority of India (NHAI)* [Civil Appeal No.4779 of 2019], the Supreme Court of India examined the scope of appeal against an arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996.

In the case at hand, dispute arose out of a contract between the parties for construction of a four-lane bypass on National Highway. Under the contract, price adjustment was payable to the appellant towards certain components to be used in the construction by using the Wholesale Price Index [WPI] published by the Ministry of Industrial Development, which followed the years 1993-94 = 100 [Old Series]. However, later, the Ministry stopped publishing the WPI for the Old Series and started publishing indices under the WPI series 2004-05 = 100 [New Series]. On 15.02.2013, Respondent issued a Policy Circular, in which a new formula for determining indices was used by applying a "linking factor" based on the year 2009-10. Respondent stated that the NHAI Circular would have to be applied to the contract in question, and thus, a linking factor would have to be provided by which the Old Series was connected to the New Series, but, this was disputed by the Appellant. A three member arbitral tribunal, per majority, held against the appellant stating that the NHAI Circular could be applied as it was within contractual stipulations. Subsequently, Appellant filed a Section 34 petition which was rejected by the High Court, whereupon the Appellant put forth challenge before the Supreme Court primarily relying upon three sub-sections of s.34, namely, s.34(2)(a)(iii), s.34(2)(a)(iv) and s.34(2)(b)(ii).

As regards the ground under s.34(2)(a)(iv), i.e. decision on matters beyond scope of submission to arbitration, the Supreme Court observed that, on facts, the dispute was "certainly something which would fall within the arbitration clause or the reference to arbitration that governs the parties" and "this being the case", Section 34(2)(a)(iv) "would not be attracted."

However, with regard to the ground under s.34(2)(a)(iii), i.e. inability of a party to present its case, the Supreme Court observed that in the facts of the case, there was no doubt "that the government guidelines that were referred to and strongly relied upon by the majority award to arrive at the linking factor were never in evidence before the Tribunal" and in fact, the Tribunal relied "upon the said guidelines by itself" stating "that they are to be

found on a certain website". Observing that "the respondent also agreed that these guidelines were never, in fact, disclosed in the arbitration proceedings", the Supreme Court held that it was "clear that the appellant would be directly affected as it would otherwise be unable to present its case, not being allowed to comment on the applicability or interpretation of those guidelines" and "for this reason, the majority award needs to be set aside under Section 34(2)(a)(iii)."

On the ground of appeal under s.34(2)(b)(ii), i.e. arbitral award in conflict with public policy of India, the Supreme Court observed that "this ground can be attracted only in very exceptional circumstances when the conscience of the Court is shocked by infraction of fundamental notions or principles of justice." It was observed by the Supreme Court that "indeed, the Circular itself expressly stipulates that it cannot apply unless the contractors furnish an undertaking/affidavit that the price adjustment under the Circular is acceptable to them" but "the appellant gave such undertaking only conditionally and without prejudice to its argument that the Circular does not and cannot apply." The Supreme Court held that it was clear "that the majority award has created a new contract for the parties by applying the said unilateral Circular and by substituting a workable formula under the agreement by another formula *de hors* the agreement. This being the case, a fundamental principle of justice has been breached, namely, that a unilateral addition or alteration of a contract can never be foisted upon an unwilling party, nor can a party to the agreement be liable to perform a bargain not entered into with the other party. Clearly, such a course of conduct would be contrary to fundamental principles of justice as followed in this country, and shocks the conscience of this Court." However, the Supreme Court also added a note of caution that the ground under Section 34(2)(b)(ii) "is available only in very exceptional circumstances, such as the fact situation in the present case" and "under no circumstance can any Court interfere with an arbitral award on the ground that justice has not been done in the opinion of the Court" since "that would be an entry into the merits of the dispute which", "is contrary to the ethos of Section 34 of the 1996 Act".

Accordingly, on facts, the Supreme Court allowed the appeal and set aside the majority arbitral award with the observation that "under the Scheme of Section 34 of the 1996 Act, the disputes that were decided by the majority award would have to be referred afresh to another arbitration." However, it was also noted by the Supreme Court that "this would cause considerable delay and be contrary to one of the important objectives of the 1996 Act, namely, speedy resolution of disputes by the arbitral process under the Act." Therefore, "in order to do complete justice between the parties", invoking its' "power under Article 142 of the Constitution of India, and given the fact" that there was a minority award which awarded "the appellant its claim based upon the formula mentioned in the agreement between the parties", the Supreme Court upheld the minority award, stating "that it is this award, together with interest, that will now be executed between the parties."

18. On 29th May, 2019, in the case of *Surinder Singh Deswal @ Col. S.S. Deswal and Others v. Virender Gandhi* [Criminal Appeal Nos. 917-944 of 2019], the issue for consideration was whether Section 148 of the Negotiable Instruments Act, 1881, as amended by Act No. 20/2018, was retrospectively applicable with respect to criminal proceedings already initiated

prior to the said amendment in Section 148 i.e. prior to 01.09.2018, as in the present case. Consequently, the further issue was whether, on facts, the first appellate court and the High Court were justified in directing the appellants (who were convicted by the trial court under Section 138 and sentenced to imprisonment for two years alongwith fine) to deposit 25% of the amount of compensation/fine imposed by the trial Court, pending appeals challenging the order of conviction and sentence and while suspending the sentence under Section 389 Cr.P.C., considering Section 148 of the N.I. Act as amended.

The Supreme Court held that "having observed and found that because of the delay tactics of unscrupulous drawers of dishonoured cheques due to easy filing of appeals and obtaining stay on proceedings, the object and purpose of the enactment of Section 138 of the N.I. Act was being frustrated, the Parliament has thought it fit to amend Section 148 of the N.I. Act, by which the first appellate Court, in an appeal challenging the order of conviction under Section 138 of the N.I. Act, is conferred with the power to direct the convicted accused – appellant to deposit such sum which shall be a minimum of 20% of the fine or compensation awarded by the trial Court. By the amendment in Section 148 of the N.I. Act, it cannot be said that any vested right of appeal of the accused – appellant has been taken away and/or affected. Therefore, submission on behalf of the appellants that amendment in Section 148 of the N.I. Act shall not be made applicable retrospectively and more particularly with respect to cases/complaints filed prior to 1.9.2018 shall not be applicable has no substance and cannot be accepted, as by amendment in Section 148 of the N.I. Act, no substantive right of appeal has been taken away and/or affected."

Considering the Statement of Objects and Reasons of the amendment in Section 148 of the N.I. Act, on purposive interpretation of Section 148 of the N.I. Act as amended, the Supreme Court held that "Section 148 of the N.I. Act as amended, shall be applicable in respect of the appeals against the order of conviction and sentence for the offence Under Section 138 of the N.I. Act, even in a case where the criminal complaints for the offence Under Section 138 of the N.I. Act were filed prior to amendment Act No. 20/2018 i.e., prior to 01.09.2018." Accordingly, it was held that no error had been committed by the first appellate court in "directing the appellants to deposit 25% of the amount of fine/compensation as imposed" by the "trial Court considering Section 148 of the N.I. Act, as amended."

It was held that "though it is true that in amended Section 148 of the N.I. Act, the word used is "may", it is generally to be construed as a "rule" or "shall" and not to direct to deposit by the appellate court is an exception for which special reasons are to be assigned. Therefore amended Section 148 of the N.I. Act confers power upon the Appellate Court to pass an order pending appeal to direct the Appellant-Accused to deposit the sum which shall not be less than 20% of the fine or compensation either on an application filed by the original complainant or even on the application filed by the Appellant-Accused under Section 389 of the Cr.P.C. to suspend the sentence."

It was held that the submission on behalf of the appellants, relying upon Section 357(2) of the Cr.P.C. that once the appeal against the order of conviction is preferred, fine is not

recoverable pending appeal and therefore such an order of deposit of 25% of the fine ought not to have been passed, has no substance. The Supreme Court observed that the opening word of amended Section 148 of the N.I. Act is that "notwithstanding anything contained in the Code of Criminal Procedure....." and "therefore irrespective of the provisions of Section 357(2) of the Cr.P.C., pending appeal before the first appellate court, challenging the order of conviction and sentence under Section 138 of the N.I. Act, the appellate court is conferred with the power to direct the appellant to deposit such sum pending appeal which shall be a minimum of 20% of the fine or compensation awarded by the trial Court."

19. On 21st June, 2019, in the case of *Foundation for Organizational Research and Education Fore School of Management through its Director v. The All India Council for Technical Education through the Member Secretary* [Writ Petition (Civil) No.581 of 2016], the Supreme Court held that the action of the petitioner-educational institution in granting admission to the students beyond the seats sanctioned was "totally illegal and contrary to law."

In the case at hand, the petitioner, despite having no permission for increase in seats, admittedly granted permission to students in excess of the seats. Without going into the submission made by the petitioner that the All India Council for Technical Education (AICTE) delayed the grant of permission and acted arbitrarily, the Supreme Court observed that "even assuming that the decision of the AICTE was not correct, the petitioner institution had no business to admit students beyond the number permitted by the AICTE. In case the petitioner institution felt that the AICTE was delaying the matter or was not acting fairly, the proper course for the petitioner was to have approached this Court and prayed for appropriate relief. The petitioner could not take the law into its own hand and grant admission to students in excess of the seats permitted by the AICTE."

However, in the facts and circumstances of the case, the Supreme Court did not set aside the admission of the students "because that action would be too harsh upon the students who should not suffer for the totally illegal action of the petitioner institution." The Supreme Court was of the considered view that "the students who had paid large sums of money should not be made to suffer." Noticing that "they have already completed the course but the degrees have not been awarded to them", the Supreme Court directed "that the degrees be awarded to the said students."

20. On 21st June, 2019, in the case of *Education Promotion Society for India & Another v. Union of India & Others* [Writ Petition (Civil) No.747 of 2019], the prayer made by petitioner no.1-Society for grant of extension of time to respective medical colleges/ deemed universities for carrying out counselling for P.G. courses on the ground that large number of seats in these colleges were lying vacant, was not accepted.

The Supreme Court held that "merely because the seats are lying vacant", "is not a ground to grant extension of time and grant further opportunity to fill up vacant seats" and "the schedule must be followed." It was observed that if violation of schedule is permitted and extension is granted, one "shall be opening a Pandora's box and the whole purpose of fixing a time schedule and laying down a regime which strictly adheres to time schedule will

be defeated." On facts, noting that in the schedule prescribed, there were three rounds of counselling, the first round, the second round and the mop-up round, the Supreme Court observed that "if some seats remain vacant even after the mop-up round it cannot be helped." It was held that "extension cannot be granted just because some seats are lying vacant without there being any other justification."

MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY(NJA)
(01-04-2019 to 30-06-2019)

Conference for High Court Justices: During the period from 1st April, 2019 to 30th June, 2019, NJA organized one conference for High Court Justices. The conference facilitated deliberations on the use of ICT in courts and the utility of court management techniques in improving efficiency in judicial administration. Discussions were undertaken on core constitutional principles such as judicial review, federal architecture, separation of powers, doctrine of basic structure and fundamental rights.

NJA also organized the *Faculty Development Seminar on "Adjudication Terrorism Cases in India"* in April, 2019. The seminar was attended by High Court Justices who had attended the workshop on Counter Terrorism in September 2018. The program imparted training in the best practices globally evolved for dealing with Counter Terrorism issues. The seminar was intended to equip the participant High Court justices to function as master trainers and to design the curriculum for future workshops.

Regional Conferences of the Academy: During the period from 1st April, 2019 to 30th June, 2019, NJA organized a Regional Conference on the theme '*Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities*' for East Zone II in collaboration with the High Court of Tripura and Tripura Judicial Academy at Agartala. The conference was attended by High Court Justices and Judicial Officers from the High Court of Calcutta, Guwahati, Sikkim, Manipur, Meghalaya and Tripura. The Regional Conference aimed to focus on the challenges faced by subordinate judicial officers in a particular region and to develop consensus on how to address those challenges. The Regional Conference provided a forum for exchange of experiences, knowledge and dissemination of best practices from across the cluster of High Court jurisdictions in the region and to accentuate the experience of familial community between High Court and Subordinate Court judicial officers.

Workshop for Additional District Judges: During the period from 1st April, 2019 to 30th June, 2019, NJA organized a workshop for Additional District Judges to discuss critical areas concerning adjudication at the district level. The workshop engaged the participant judges in discussion on issues related to challenges in implementation of the ADR system, sentencing, role of judges in court and case management, collection, preservation and appreciation of electronic evidence, advances in cybercrime and law on cybercrime, and fair sessions trial. The workshop also focused on appellate and revisional jurisdiction of District Judges in criminal and civil justice administration.

Programme for Training of Trainers: During the period from 1st April, 2019 to 30th June, 2019, NJA organized a two-day programme for training of trainers for State Judicial Academies. The programme provided a forum to develop methodologies, pedagogies for judicial education

and to develop a standard framework for judicial training. The programme was organized to explore new training principles and pedagogic and andragogic method for inclusion in judicial training programme. The workshop facilitated discussions and sharing of information on the training methodologies, faculty, infrastructure at the State Academies; and included interactive sessions for exchange of knowledge and experience regarding challenges and best practices available for enhancing quality of judicial education.

MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

(01-04-2019 to 30-06-2019)

Nationwide Campaign for Legal Assistance to Family Members of the Prisoners: A nationwide campaign for the dependents of the prisoners was undertaken by NALSA through all the State Legal Services Authorities w.e.f. 01.05.2019 with the objective to address the legal, socio-legal and psychological issues of the family members of the incarcerated persons who have been in prison for a considerable amount of time.

International Legal Aid Group Conference, Ottawa, Canada- 17 to 19 June, 2019: The International Legal Aid Group (ILAG), a grouping of legal aid and legal services policymakers and scholars, held an International Conference in Ottawa, Canada from 17 to 19 June, 2019 with the purpose of bringing together leaders of some of the most developed legal aid systems in the world, with a view to tackle the cutting edge problems being experienced by these jurisdictions. A paper titled "*Legal Empowerment of the marginalised : Strategic interventions by Legal Services Authorities in India*" was presented in the conference.

SOME IMPORTANT VISITS AND CONFERENCES
(From 01-04-2019 to 30-06-2019)

ABROAD

1. Hon'ble Shri Ranjan Gogoi, Chief Justice of India participated in the XIVth Meeting of Chairmen and Chief Justices of the Supreme Courts of Shanghai Cooperation Organization Member States held in Sochi (Russia) from 17th to 19th June, 2019.

2. Hon'ble Mr. Justice Sharad Arvind Bobde participated in the International Conference on "Constitutional Identity and Universal Values: the Art of Balance" and IX St. Petersburg International Legal Forum held in St. Petersburg (Russia) from 14th to 18th May, 2019.

3. Hon'ble Mr. Justice N. V. Ramana participated in the XIVth Meeting of Chairmen and Chief Justices of the Supreme Courts of Shanghai Cooperation Organization Member States held in Sochi (Russia) from 17th to 19th June, 2019.

4. Hon'ble Dr. Justice D. Y. Chandrachud participated in the XIVth Meeting of Chairmen and Chief Justices of the Supreme Courts of the Shanghai Cooperation Organization Member States held in Sochi (Russia) from 17th to 19th June 2019.

5. Hon'ble Mr. Justice L. Nageswara Rao participated in the International Conference on "Constitutional Identity and Universal Values: the Art of Balance" and IX St. Petersburg International Legal Forum held in St. Petersburg (Russia) from 14th to 18th May, 2019.

6. Hon'ble Mr. Justice Mohan M. Shantanagoudar participated in Fourth Annual Judges Workshop of International Trademark Association (INTA) at INTA's Annual Meeting held in Boston (USA) on 19th May, 2019.

7. Hon'ble Mr. Justice Deepak Gupta participated in a Learning Exchange Programme with focus on the reform of Care and Protection services for children held in Bucharest (Romania) from 13th to 17th May, 2019.

8. Hon'ble Mr. Justice M. R. Shah participated in the XIVth Meeting of Chairmen and Chief Justices of the Supreme Courts of Shanghai Cooperation Organization Member States held in Sochi (Russia) from 17th to 19th June, 2019.

INLAND

1. Hon'ble Mr. Justice Sharad Arvind Bobde visited (i) Bhopal to attend the Meeting of Hon'ble Judges In-charge of Judicial Education and Directors of State Judicial Academies held at National Judicial Academy from 12th to 14th April, 2019; and (ii) Jabalpur to attend the Silver

Jubilee Celebration of the Madhya Pradesh State Judicial Academy on 27th April, 2019.

2. Hon'ble Mr. Justice N.V. Ramana visited Mumbai to inaugurate Legal Leadership Conclave on Insolvency and Bankruptcy Code on 27th April, 2019.

3. Hon'ble Mr. Justice Arun Mishra visited Kolkata to attend Meeting of the Executive Council, W.B. National University of Juridical Sciences (a) on 11th May, 2019; and (b) on 29th June, 2019.

4. Hon'ble Dr. Justice D.Y. Chandrachud (i) presided over the Speech Day organized by the Cathedral and John Connon School on 20th April, 2019 in Mumbai; and (ii) attended the 18th General Council meeting of Gujarat National Law University on 3rd May, 2019.

5. Hon'ble Mr. Justice Ashok Bhushan (i) visited Chandigarh to address as Chief Guest in Conference on "Public Accountability of Judicial System" organized by Assn. of retired Judges and Supreme Court and High Courts at Chandigarh Judicial Academy, on 27th April, 2019; and (ii) delivered Lecture in Advocate-on-Record Lecture Series May (2019) on "Practice and Procedure of the Supreme Court" at Golden Jubilee Bar Room, Supreme Court of India on 3rd May, 2019.

6. Hon'ble Mr. Justice L. Nageswara Rao visited (i) Dehradun to preside over as 'Chief Guest' at the inaugural Ceremony of the two day National Conference on Technological Developments & Changing Dimensions of Law organized by the ICFAI University on 13th April, 2019; (ii) Secunderabad to attend Inauguration of Auditorium in Judicial Academy on 19th April, 2019; and (iii) Hyderabad to attend the Centennial Celebration of the Telangana High Court Building on 20th April, 2019.

7. Hon'ble Mr. Justice Mohan M. Shantanagoudar visited Hubbali to deliver First Foundation Day Lecture of Karnataka State Law University, Navanagar, Hubbali on 20th April, 2019.

8. Hon'ble Mr. Justice Deepak Gupta visited (i) Mumbai to attend the Round Table Conference on Reforming Services for Children in need of Care and protection in line with Juvenile Justice (Care and Protection) Act, organized jointly by the Bombay High Court and Department of Women and Child Development, Govt. of Maharashtra (TBC) on 6th April, 2019; and (ii) Agartala (Tripura) to attend the East Zone-II " Regional Conference on Enhancing Excellence of Judicial Institutions: Challenges & Opportunities" organized by the National Judicial Academy in association with the Tripura High Court and Tripura Judicial Academy on 28th April, 2019.

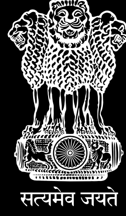
9. Hon'ble Ms. Justice Indira Banerjee (i) chaired and addressed Sessions 1, 2 and 3 of "East Zone-II Regional Conference on Enhancing Excellence of Judicial Institutions" organised by National Judicial Academy, Bhopal on 27th April, 2019 at Agartala; (ii) was Chief Guest at the

Seminar on “Emerging Landscape in Direct Tax” organised by Income Tax Bar Association, Kolkata on 22nd June, 2019 at Kolkata; and (iii) was Chief Guest at the “Symposium to commemorate the lives and works of Sir Taraknath Palit and Sir Rashbehary Ghose” organised by the Indian Law Institute, West Bengal State Unit at the Calcutta High Court Auditorium, at Kolkata on 28th June, 2019.

10. Hon’ble Mr. Justice M. R. Shah visited Indore to attend the National Moot Court Competition of Indore Institute of Law on 12th May, 2019.

FOREIGN DELEGATION IN THE SUPREME COURT
(From 01-04-2019 to 30-06-2019)

Hon’ble Shri Ranjan Gogoi, Chief Justice of India had meeting with Mr. Nikolay Kudashev, Ambassador of the Russian Federation to the Republic of India on 8th April, 2019 in the Chamber of His Lordship.



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