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FROM THE DESK OF CHIEF JUSTICE OF INDIA

The initiative taken by Supreme Court Registry to publish a quarterly newsletter, containing vital information such as figures of institution, pendency and disposal of cases in Supreme Court, High Courts and subordinate Courts, vacancy position in Courts at all levels, highlights of the decisions given by Supreme Court on matters of public importance and major initiatives taken during the quarter, to improve the Justice Delivery System, has been widely appreciated in all quarters.' The publication is now eagerly awaited not only by the legal fraternity but also by the common citizen.

During last quarter, Supreme Court Judges had opportunity to interact and exchange views with leading personalities such as Dr. A.P.J. Abdul Kalam - former President of India, Justice Stephen G. Breyer - Judge, Supreme Court of USA, Prof. Paul Craig - Professor of Law in University of Oxford and Prof. M. Sornarajah - Professor of International Law at the National University of Singapore and the University of Dundee, at a programme organized by National Judicial Academy, which gave us valuable insight into thinking on the new challenges facing the country. We propose to organize more such interactions in future.

I find that there has been no appreciable improvement in filling-up of vacant posts of Subordinate Judicial Officers. High Courts and State Governments should make more concerted efforts to fill-up the vacancies so as to expedite disposal of cases and reduce pendency, which stands at a staggering figure of 2,52,85,982 cases in Subordinate Courts alone.

I have no doubt that this issue of Court News, like the previous ones, will prove to be useful and informative to all its readers, thereby serving the purpose behind its publication. The suggestions for further improvement of its contents will be welcome and duly considered.

24th January, 2008


(K.G. BALAKRISHNAN)

APPOINTMENT AND RETIREMENT IN SUPREME COURT

(From 01-10-07 to 31-12-07)

APPOINTMENTS

S.No.	Name of the Hon'ble Judge	Date of Appointment
1	Mr. Justice G.S. Singhvi	12-11-2007
2	Mr. Justice Aftab Alam	12-11-2007
3	Mr. Justice J.M. Panchal	12-11-2007

APPOINTMENT IN HIGH COURTS

(From 1-10-07 to 31-12-07)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Gujarat	K. Madhusudan Thaker	21-11-2007
		Z.K. Saiyed	21-11-2007
		Rajesh Harivadan Shukla	21-11-2007
		J.C. Upadhyaya	21-11-2007
2	Jammu & Kashmir	M. Yaqoob Mir	23-11-2007
3	Kerala	P.N. Ravindran	13-12-2007
4	Madras	K.K. Sasidharan	12-11-2007
		M. Venugopal	12-11-2007
		V. Periya Karupiah	12-11-2007
5	Orissa	Biswanath Mahapatra	07-11-2007
		Bhabani Prasad Ray	07-11-2007
		Subhash Chandra Parija	07-11-2007
6	Punjab & Haryana	Mohinder Pal	08-10-2007
		Harbans Lal	08-10-2007
		Sham Sunder	08-10-2007
		Karam Chand Puri	15-10-2007
		Rakesh Kumar Garg	05-12-2007
		Rakesh Kumar Jain	05-12-2007
		Kanwaljit Singh Ahluwalia	05-12-2007
		Jaswant Singh	05-12-2007
		Mrs. Daya Chaudhary	05-12-2007

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

TRANSFER BETWEEN HIGH COURTS

(From 01-10-07 to 31-12-07)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Gauhati High Court	Sikkim High Court	A.P. Subba	10-11-2007

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 21-01-08)

Sanctioned Strength	Working Strength	Vacancies
26	24	02

B) HIGH COURTS (As on 01-01-08)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	71	89
2	Andhra Pradesh	49	30	19
3	Bombay	75	51	24
4	Calcutta	58	41	17
5	Chhattisgarh	18	06	12
6	Delhi	48	32	16
7	Gauhati	26	23	03
8	Gujarat	42	31	11
9	Himachal Pradesh	11	09	02
10	Jammu & Kashmir	14	09	05
11	Jharkhand	20	09	11
12	Karnataka	41	35	06
13	Kerala	38	26	12
14	Madhya Pradesh	43	41	02
15	Madras	49	45	04
16	Orissa	22	17	05
17	Patna	43	29	14
18	Punjab & Haryana	68	42	26
19	Rajasthan	40	35	05
20	Sikkim	03	02	01
21	Uttaranchal	09	09	00
	TOTAL	877	593	284

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

C) DISTRICT & SUBORDINATE COURTS (As on 30-09-07)

S.No.	Concerned State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2172	1659	513
2.	Andhra Pradesh	869	694	175
3a.	Maharashtra	1715	1509	206
3b.	Goa	49	38	11
4.	West Bengal and A&N Islands	706	556	150
5.	Chhattisgarh	241	223	18
6.	Delhi	415	322	93
7.	Gujarat	952	791	161
8a.	Assam	289	254	35
8b.	Meghalaya	9	5	4
8c.	Tripura	80	59	21
8d.	Manipur	34	27	7
8e.	Nagaland	25	24	1
8f.	Mizoram	43	23	20
8g.	Arunachal Pradesh	339	300	39
9.	Himachal Pradesh	126	115	11
10.	Jammu and Kashmir	202	176	26
11.	Jharkhand	503	437	66
12.	Karnataka	863	646	217
13a.	Kerala	429	411	18
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	765	672	93
14b.	Puducherry	20	15	5
15.	Madhya Pradesh	1221	911	310
16.	Orissa	484	394	90
17.	Bihar	1361	820	541
18a.	Punjab	328	270	58
18b.	Haryana	308	240	68
18c.	Chandigarh	20	20	0
19.	Rajasthan	820	684	136
20.	Sikkim	15	9	6
21.	Uttarakhand	266	132	134
	Total	15672	12439	3233

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

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

A) SUPREME COURT OF INDIA (FROM 01-10-2007 TO 31-12-2007)

						Pendency (At the end of 30-09-2007)		
						Admission matters	Regular matters	Total matters
						26,170	18,649	44,819
Institution (01-10-2007 to 31-12-2007)			Disposal (01-10-2007 to 31-12-2007)			Pendency (At the end of 31-12-2007)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
14,515	1,522	16,037	12,725	1,205	13,930	27,960	18,966	46,926

B) HIGH COURTS (FROM 01-07-2007 TO 30-09-2007)

S.No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-07
		Opening Balance as on 01-07-07	Institution from 01-07-07 to 30-09-07	Disposal from 01-07-07 to 30-09-07	Pendency at the end of 30-09-07	Opening Balance as on 01-07-07	Institution from 01-07-07 to 30-09-07	Disposal from 01-07-07 to 30-09-07	Pendency at the end of 30-09-07	
1	Allahabad ¹	596500	40250	32300	604450	200429	27443	24096	203776	808226
2	Andhra Pradesh	134347	12816	14220	132943	14365	2790	2561	14594	147537
3	Bombay ²	331079	32847	34948	328978	38395	6475	6439	38431	367409
4	Calcutta	238721	17399	16288	239832	39261	6251	6026	39486	279318
5	Chhattisgarh	50819	3616	2707	51728	22953	1618	1598	22973	74701
6	Delhi	61798	6956	8891	59863	17668	3270	4127	16811	76674
7	Gujarat	83275	11732	14020	80987	29946	5196	5490	29652	110639
8	Gauhati	51342	5960	5329	51973	7098	2278	2010	7366	59339
9	Himachal Pradesh	20110	4495	4272	20333	6447	660	659	6448	26781
10	Jammu & Kashmir	43334	5782	5492	43624	1819	548	617	1750	45374
11	Jharkhand	27132	2762	2185	27709	22173	4292	4898	21567	49276
12	Karnataka	87343	13427	12825	87945	15551	2505	1764	16292	104237
13	Kerala	94774	13895	17476	91193	25714	5077	6234	24557	115750
14	Madhya Pradesh	125489	18245	16341	127393	59118	10463	9297	60284	187677
15	Madras	389865	50253	49002	391116	33872	21654	20295	35231	426347
16	Orissa	206107	11162	12864	204405	20983	8023	5659	23347	227752
17	Patna ³	68787	7842	6281	70348	30652	18812	17647	31817	102165
18	Punjab & Haryana	204445	13868	9349	208875 ⁴	44872	11486	9537	46821	255696
19	Rajasthan	159697	13546	12985	160258	52135	9056	8998	52193	212451
20	Sikkim	55	10	7	58	8	26	25	9	67
21	Uttaranchal	17185	3542	4630	16097	6995	997	1282	6710	22807
	Total	2992204	290405	282412	3000108	690454	148920	139259	700115	3700223

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

- 1 Pendency figures at the end of 30-06-2007 has been revised by the Allahabad High Court
- 2 Pendency figures of criminal cases at the end of 30-06-2007 has been revised by the Bombay High Court
- 3 Pendency figures at the end of 30-06-2007 has been revised by the Patna High Court
- 4 89 Regular First Appeals transferred to the concerned District & Sessions Judges, Punjab

C) DISTRICT AND SUBORDINATE COURTS (FROM 01-07-2007 TO 30-09-2007)

S.No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-07
		Opening Balance as on 01-07-07	Institution from 01-07-07 to 30-09-07	Disposal from 01-07-07 to 30-09-07	Pendency at the end of 30-09-07	Opening Balance as on 01-07-07	Institution from 01-07-07 to 30-09-07	Disposal from 01-07-07 to 30-09-07	Pendency at the end of 30-09-07	
1	Uttar Pradesh	1230938	138322	138500	1230760	3548716	570557	532479	3586794	4817554
2	Andhra Pradesh ¹	483637	85324	92575	476386	470502	81155	84357	467300	943686
3(a)	Maharashtra	976120	89273	102468	962925	3081797	356129	368657	3069269	4032194
3(b)	Goa	19320	3747	3930	19137	14892	4360	4216	15036	34173
4	West Bengal and A & N Islands	491114	33989	33055	492048	1634405	193407	135802	1692010	2184058
5	Chhattisgarh	51414	7934	8367	50981	216277	43360	46638	212999	263980
6	Delhi ²	141226	22417	20080	143563	624843	77999	52646	650196	793759
7	Gujarat	746868	64722	71186	740404	1833029	344509	373582	1803956	2544360
8(a)	Assam	64813	11322	7692	68443	135946	43070	37227	141789	210232
8(b)	Nagaland	1709	174	141	1742	3753	343	402	3694	5436
8(c)	Meghalaya	4014	276	354	3936	6886	417	444	6859	10795
8(d)	Manipur	3016	646	553	3109	3402	1523	1381	3544	6653
8(e)	Tripura	6382	1508	1797	6093	27724	16343	16897	27170	33263
8(f)	Mizoram	1455	366	259	1562	4257	1236	917	4576	6138
8(g)	Arunachal Pradesh	398	90	42	446	5072	181	442	4811	5257
9	Himachal Pradesh	64858	12262	13516	63604	83280	28630	30455	81455	145059
10	Jammu and Kashmir	60061	14268	13244	61085	101276	46735	46355	101656	162741
11	Jharkhand	43274	5702	5702	43274	223551	26517	29441	220627	263901
12	Karnataka	566842	44917	65008	546751	528935	142362	122343	548954	1095705
13(a)	Kerala	397767	62087	72348	387506	532491	170197	152405	550283	937789
13(b)	Lakshadweep	86	9	9	86	95	31	30	96	182
14	Madhya Pradesh	203537	54780	55629	202688	806056	214817	199622	821251	1023939
15(a)	Tamil Nadu	472332	220152	204185	488299	421537	209078	202444	428171	916470
15(b)	Puducherry	13799	5250	5295	13754	7545	7997	7789	7753	21507
16	Orissa	179922	12950	13455	179417	826583	57270	53986	829867	1009284
17	Bihar	250217	10892	10768	250341	1080155	73258	54244	1099169	1349510
18(a)	Punjab	273395	34828	32917	275306	314569	120270	127662	307177	582483
18(b)	Haryana	217975	30659	32427	216207	316454	72675	59411	329718	545925
18(c)	Chandigarh	20998	2427	2572	20853	75352	18990	14034	80308	101161
19	Rajasthan	280321	45462	44729	281054	805997	197918	182051	821864	1102918
20	Sikkim	205	57	64	198	588	253	232	609	807
21	Uttarakhand	29619	6049	5555	30113	104802	23825	23677	104950	135063
	TOTAL	7297632	1022861	1058422	7262071	17840767	3145412	2962268	18023911	25285982

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

1 Pendency figures at the end of 30-06-2007 has been revised by the A.P. High Court

2 Pendency figures at the end of 30-06-2007 has been revised by the Delhi High Court.

SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

(Delivered from 1st October, 2007 to 31st December, 2007)

1. On 4th October, 2007, a two Judges Bench in *State of Gujarat vs Turabali Gulamhussain Hirani & Anr* [Criminal Appeal No.1338 of 2007] deprecated "frequent, casual and lackadaisical summoning of high officials by the Court." The Bench observed that "summoning a senior official, except in some very rare and exceptional situation, and that too for compelling reasons, is counter productive and may also involve heavy expenses and valuable time of the official concerned."

"The judiciary must have respect for the executive and the legislature", the Bench said.

2. On 9th October, 2007, a three Judges Bench in *Inder Mohan Goswami & Another vs State of Uttaranchal & Others* [Criminal Appeal No.1392 of 2007] held that the Courts should be "extremely careful before issuing non-bailable warrants." The Bench held that non-bailable warrant "should be issued to bring a person to Court when summons of bailable warrants would be unlikely to have the desired result". It said that this "could be when it is reasonable to believe that the person will not voluntarily appear in Court; or the police authorities are unable to find the person to serve him with a summon; or it is considered that the person could harm someone if not placed into custody immediately."

The Bench held that in "complaint cases, at the first instance, the Court should direct serving of the summons along with the copy of the complaint. If the accused seem to be avoiding the summons, the Court, in the second instance should issue bailable-warrant. In the third instance, when the Court is fully satisfied that the accused is avoiding the court's proceeding intentionally, the process of issuance of the non-bailable warrant should be resorted to."

The Bench observed that "personal liberty is paramount", and therefore, the "Courts at the first and second instance" should "refrain from issuing non-bailable warrants."

3. On 4th December, 2007, a two Judges Bench in *Mohd. Akram Ansari vs Chief Election Officer & Ors* [Civil Appeal No.4981 of 2006] held that "if a point is not mentioned in the judgment of a Court", the presumption that "that point was never pressed before the Judge and it was given up", is a rebuttable presumption.

"In case the petitioner contends that he had pressed that point also (which has not been dealt with in the impugned judgment), it is open to him to file an application before the same Judge (or Bench) which delivered the impugned judgment, and if he satisfies the Judge (or Bench) that the other

points were in fact pressed, but were not dealt with in the impugned judgment, it is open to the concerned Court to pass appropriate orders, including an order of review", the Bench said.

4. On 6th December, 2007, a two Judges Bench in *Divisional Manager, Aravali Golf Club & Anr. vs Chander Hass & Anr.* [Civil Appeal No. 5732 of 2007] held that "creation and sanction of posts is a prerogative of the executive or legislative authorities and the Court cannot arrogate to itself this purely executive or legislative function, and direct creation of posts in any organization."

Before parting with the case, the Bench observed that "in the name of judicial activism, Judges cannot cross their limits and try to take over functions which belong to another organ of the State." It said that though "sometimes judicial activism is a useful adjunct to democracy" such as in the School Segregation and Human Rights decisions of the U.S. Supreme Court" or the decisions of the Supreme Court of India which expanded the scope of Articles 14 and 21 of the Constitution, but this "should be resorted to only in exceptional circumstances when the situation forcefully demands it in the interest of the nation or the poorer and weaker sections of society but always keeping in mind that ordinarily the task of legislation or administrative decisions is for the legislature and the executive and not the judiciary."

5. On 6th December, 2007, a two Judges Bench in *Election Commission of India vs St. Mary's School and Others* [Civil Appeal No.5659 of 2007] while examining the action of appellant and the State agencies in utilizing the services of Government school teachers for non-educational purposes such as polling duties etc. during school hours, observed that "holding of an election is no doubt of paramount importance", but "for the said purpose the education of the children cannot be neglected."

The Bench directed "that all teaching staff" "be put on the duties of roll revisions and election works on holidays and non-teaching days".

"Teachers should not ordinarily be put on duty on teaching days and within teaching hours. Non-teaching staff, however, may be put on such duties on any day or at any time, if permissible in law", the Bench said.

6. On 6th December, 2007, a two Judges Bench in *Anuj Garg & Ors vs Hotel Association of India & Ors* [Civil Appeal No.5657 of 2007] while examining the constitutional validity of Section 30 of the Punjab Excise Act, 1914 which prohibited employment of "any man under the age of 25 years" or "any woman" in any part of such premises in which liquor or intoxicating drug is consumed by the public, held that "if prohibition in employment of women and men below 25 years is to be implemented in its letter and spirit, a large section of young graduates who have spent a lot of time, money and energy in obtaining the degree or diploma in hotel management would be deprived of their right of

employment."The Bench held that "to deprive a large section of successful young men and women from obtaining any job for which they have duly been trained", would be wholly unjust and that "the State cannot invoke the doctrine of 'res extra commercium' in the matter of appointment of eligible persons."

The Bench held that the impugned legislation suffered "from incurable fixations of stereotype morality and conception of sexual role."

When, in an attempt to justify the validity of Section 30 of the Act, examples of Jessica Lal and BMW cases were cited to highlight dangerous consequences of allowing sale and consumption of liquor by young men below the age of 25 years and vulnerability of women while working in bars, the Bench observed that "when the restrictions were in force, they could not prevent such occurrences. If the restriction goes, some such incidents may again happen." The Bench held that only on a pre-supposition that there is a possibility of some incident happening, a law which is *ex facie ultra vires* cannot be declared *intra vires*.

7. On 7th December, 2007, a two Judges Bench in *Vinay Devanna Nayak vs Ryot Seva Sahakari Bank Ltd.* [Criminal Appeal No.1679 of 2007] while examining the issue as to whether an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 can be compounded, held that the provision "is intended to prevent dishonesty on the part of the drawer of negotiable instruments in issuing cheques without sufficient funds or with a view to inducing the payee or holder in due course to act upon it. It thus seeks to promote the efficacy of bank operations and ensures credibility in transacting business through cheques. In such matters, therefore, normally compounding of offences should not be denied."

Taking into consideration Section 147 inserted by the Negotiable Instruments (Amendment and Miscellaneous Provisions Act, 2002) and the primary object underlying Section 138, the Bench held that "there is no reason to refuse compromise between the parties."

8. On 10th December, 2007, a two Judges Bench in *State of Rajasthan vs Ganeshi Lal* [Civil Appeal No.3021 of 2006] held that "a decision is a precedent on its own facts."

"The only thing in a Judge's decision binding a party is the principle upon which the case is decided and for this reason it is important to analyse a decision and isolate from it the *ratio decidendi*", the Bench said.

9. On 12th December, 2007, a two Judges Bench in *Eastern Book Company & Ors. vs D.B. Modak & Anr.* [Civil Appeal No. 6472 of 2004] held that the "principle where there is common source the

person relying on it must prove that he actually went to the common source from where he borrowed the material, employing his own skill, labour and brain and he did not copy, would not apply to the judgments of the Courts because there is no copyright in the judgments of the Court, unless so made by the Court itself."

The Bench held that "to secure a copyright for the judgments delivered by the Court, it is necessary that the labour, skill and capital invested should be sufficient to communicate or impart to the judgment printed" "some quality or character which the original judgment does not possess and which differentiates the original judgment from the printed one."

10. On 12th December, 2007, a two Judges Bench in *National Insurance Company Ltd vs Indira Srivastava & Ors* [Civil Appeal No. 5830 of 2007] while examining the connotation of the term 'income' for the purpose of determination of 'just compensation' envisaged under Section 168 of the Motor Vehicles Act, 1988, held that "the term 'income' has different connotations for different purposes."

"A Court of law, having regard to the change in societal conditions must consider the question not only having regard to pay packet the employee carries home at the end of the month but also other perks which are beneficial to the members of the entire family", the Bench observed.

MAJOR EVENTS AND INITIATIVES

- I. **SUPREME COURT JUDGES' RETREAT:** A Winter Retreat of the Judges of the Supreme Court India was organized at the National Judicial Academy's picturesque campus in Bhopal from December 16-19, 2007. The purpose of the retreat was to provide Judges an opportunity to discuss mutually, and with policy makers and analysts, key challenges facing our country in the emerging global scenario most relevant to strengthening the administration of justice. The main focus of the Retreat was on "Strengthening the Administration of Justice in India in the Emerging Global Scenario." The Retreat dealt with three broad themes: First, challenges facing India in the emerging global and national scenario and its implications for the administration of justice; second, recent developments in foreign and international law; and third, in light of the above, the challenges facing the administration of justice in India. Presentations on challenges facing the country offered the Judges a wide variety of diverse points of view. Presentations were made by foremost thinkers of the country in the fields of economics, public policy, sociology, history and science. One highlight of the retreat was the presentation made by Dr. A.P.J. Abdul Kalam, former President of India, on "Envisioning the Future". The Retreat also considered how judicial institutions and the law are being shaped in other countries in response to similar global forces that are impacting India. Another highlight was the participation of Justice Stephen G. Breyer, Judge of the Supreme Court of USA, who discussed the development of US public law in response to globalization. Speaking through a video-conferencing link, Prof. Paul Craig, Professor of Law, University of Oxford, and one of the leading experts of public law in UK, discussed developments in public law in the UK. Prof. M. Sornarajah, Professor of International Law at the National University of Singapore and the University of Dundee, a leading third world voice in international law, spoke about the latest trends in the development of international law. In light of the challenges facing the country and developments in law and justice in foreign and international jurisdictions, the third theme for discussion at the Retreat were issues of priority national concern in strengthening the administration of justice. Special attention was given in this regard to criminal justice administration (given that over 70% of India's pendency consists of criminal cases); and the impact of WTO on domestic law and judicial reform initiatives of the judiciary to strengthen India's judicial system. This unique initiative of the Chief Justice of India to organize a systematic academic dialogue between Judges and some of the "leading minds" of the country - and the world - showed the keen interest of the judiciary in remaining up to date with the latest academic and policy perspectives on all key issues of concern to Courts. The Retreat gave a valuable insight to current thinking on the new challenges facing the country and the administration of justice.

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- II. PUBLIC RELATIONS OFFICER:** With a view to give more information and bring more transparency in its functioning, Supreme Court of India has for the first time nominated a Public Relations Officer (PRO) to attend to enquiries and provide information to litigants, Advocates and the media. The PRO so nominated will also guide and assist the Advocates and litigants and look into grievances of media persons.
- III. BOOK RELEASE:** The Supreme Court Annual Report 2006-2007 and the 2nd revised edition of the Handbook on Practice and Procedure in Supreme Court were released by Hon'ble the Chief Justice of India on 26th November, 2007, the Law Day.
- IV. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA):**
- a. World Mental Health Day:** On the occasion of World Mental Health Day, NALSA and its State Legal Services Authorities observed the National Legal Aid Week for the Persons suffering from Mental Disabilities from 10th October, 2007 for Protection of Rights of Mentally Sick Persons. During the period, efforts were made to make people aware of the provisions of the Mental Health Act, 1987 by organizing readings in the schools, colleges, police stations, centres run by NGOs etc. The legal aid functionaries visited some of the Mental Hospitals and Asylums to assess the needs of the mentally challenged persons. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India inaugurated the campaign from His Lordship's Residence on 10 October 2007 and met groups of mentally sick persons being looked after by various NGOs.
- b. International Judicial Colloquium:** NALSA planned an International Judicial Colloquium on "Arbitration and Courts Harmony amidst Disharmony" and successfully organized it in association with Indian Council of Arbitration and International Federation of Commercial Arbitration Institutions on 19th October, 2007 at New Delhi. Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA was the Chief Guest on the occasion. Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India & Chairman, Supreme Court Legal Services Committee also graced the occasion. The primary focus of the Judicial Colloquium was on the role of courts under the UNCITRAL Model Law. The Colloquium gave an opportunity to Judges and Judicial Officers in India and delegates from abroad to share their experiences and exchange views on the role of the Courts in arbitration and interact with the top arbitrators of the world as well as acquaint themselves with the International Arbitration Culture.

- c. National Legal Literacy Day:** 9th November is observed as National Legal Literacy Day every year. NALSA observed National Legal Literacy Fortnight from 5th November, 2007 to 18th November, 2007 through its State Legal Services Authorities all over the country. During the period, the State Legal Services Authorities organized Lok Adalats; sensitization programmes for Judicial Officers, Legal Aid Counsel, Para Legals etc and also organized legal literacy campaigns in jails/correctional homes, hospitals, melas (fairs), schools and colleges, labour colonies, villages, pilgrim spots, tourist spots, remand homes, railway stations, bus terminals etc targeting the common and indigent people.
- d. National Campaign for Protection of Rights of Children:** NALSA organized a National Campaign for Protection of Rights of Children affected by terrorism, insurgency, internal conflicts, cross border violence, trafficking, trauma and HIV/AIDS on 14th November, 2007 at Supreme Court Lawns, New Delhi. Hon'ble Mr. Justice K.G. Balakrishan, Chief Justice of India and other Hon'ble Judges of the Supreme Court were present on the occasion. Children from conflict affected areas, such as Jammu & Kashmir, Godhra (Gujarat), North-East, Andhra Pradesh and West Bengal had an interaction with the Hon'ble Chief Justice of India and other Hon'ble Judges of the Supreme Court on the issues of their education, living conditions etc.
- e. Community Legal Literacy Centre:** A Community Legal Literacy Centre for conducting Legal Literacy Classes at 'Ma Dham', a Shelter Home for Widows at Vrindaban on 16th November, 2007 under the National Legal Literacy Mission has been set up with technical and other support of NALSA. At this Centre, the focus of the Legal Literacy Class is on Women's Legal Rights, particularly, the Rights of the Widows.
- f. National Conference on Access to Justice to Prisoners:** In view of the plight of poor, resourceless and sick prisoners who are discriminated against in matters of classification, bail, parole, remission, visitation rights, etc., NALSA with a view to sensitize the prison administration and other concerned authorities, organized a National Conference on Access to Justice to Prisoners on 19th November, 2007 at Teen Murti House, New Delhi. Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA inaugurated the Conference. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India delivered the valedictory address at Siri Fort Auditorium, New Delhi in the august presence of Hon'ble Mr. Justice Ashok Bhan, Executive Chairman, NALSA and other dignitaries.

- g. World Aids Day:** On the occasion of World AIDS Day, 1st December, 2007, the Authority organized a Meeting on Access to Justice to HIV/AIDS infected and affected citizens and families at Kirti Mandap, Gandhi Smriti, New Delhi. The main objective of the meeting was to deliberate upon the issues pertaining to basic needs of the HIV/AIDS affected and infected citizens and how to accord the best of what is constitutionally guaranteed for the life and existence of the affected and infected citizens. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India chaired the Meeting in the august presence of Hon'ble Mr. Justice V.S. Sirpurkar, Judge, Supreme Court of India and other dignitaries.
- h. World Disability Day:** NALSA observed World Disability Day on 3rd December, 2007 at Kamani Auditorium, New Delhi. Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India and Hon'ble Mr. Justice Ashok Bhan, Executive Chairman, NALSA addressed the participants.

V. MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA):

- a. Fourth National Judicial Workshop on Techniques and Tools for Enhancing Timely Justice:** The Fourth National Workshop on Techniques and Tools for Enhancing Timely Justice was held from 5th to 7th October, 2007, at NJA Bhopal. This Seminar was attended by 74 Civil Judges, Addl. District and District Judges from all over the country. The participants shared their best practices in reducing Delay and Arrears(DAR) and enhancing the Quality and Responsiveness of Justice(QRJ). Use of ICT in day to day court work was also demonstrated. The Modern methods of time management for reducing delay and delivering speedy justice were explained.
- b. Education for Educators Programme on "Judicial Education":** The Education for Educators program on 'Judicial Education' was held from 10th to 12th October, 2007 at NJA. Delegates and faculty members of the various State Judicial Academies participated in the programme. Discussion revolved around various pedagogical and technical issues concerning State Judicial Education like methodology, duration, resource persons and infrastructure. There were also discussions on how judicial education can help subordinate judiciary in delay and arrears reduction, enhancing timely justice, managing time, etc.
- c. Judicial Seminar on "Protection of Human Rights under the Constitution: Role of District Judiciary:** The Judicial Seminar on 'Protection of Human Rights under the Constitution: Role of District Judiciary' was conducted by NJA from 10th to 12th October, 2007. 34 participants attended the seminar. The programme began with a break out

session where the participants identified issues for discussion. In the second and third sessions the focus was on 'the social and policy context'. The fourth session was on the jurisprudence of human rights. Thereafter the sessions focused on issues of 'the institutional Framework' for human right and a human rights approach to judging, protection of human rights in criminal proceedings and protection of rights of vulnerable groups.

- d. **Seventh Orientation Programme for newly appointed ADJs:** The Seventh Orientation program was held from 9th to 13th October, 2007. This programme was attended by 15 newly appointed ADJs from all over the country. As part of their ongoing induction training programme, NJA provided 5 days orientation programme focused on the national judicial system, issues of national importance in the administration of justice, and on the role and responsibilities of judges. Extensive discussions took place on five main themes namely role and responsibilities of judges, vision of justice guiding judging including craft of judging and key skills for ADJ, judicial method for enhancing professional excellence in judgment writing, communication and judicial ethics, values, conduct and accountability.
- e. **Education for Educators Programme on "Plea Bargaining":** This programme organized from 26th to 28th October, 2007 was attended by 21 Directors, Additional, Joint or Deputy Directors and Faculty members of 16 State Judicial Academies. The objective of the programme was to prepare pedagogical methods for delivering this programme at the State Judicial Academies. The main focus of this programme was to develop a strategy for effective implementation of plea bargaining. There were discussion on the Policy objectives behind introduction of Plea Bargaining in India. All aspects of the concept were discussed. There were extensive deliberations on the rights of accused and victim in relation to plea bargaining keeping in mind the need to give real justice to poor.
- f. **High Court Justices conference on "Criminal Justice Administration: Agenda for Reform":** The High Court Justices conference on Criminal Justice Administration was held at NJA from 26th to 28th October, 2007. The main objective of this Conference was to identify the key challenges facing the Criminal Justice System in the country and to discuss strategies to combat these challenges. Keeping this objective in mind, the Conference began by identifying the crisis facing the Indian Criminal Justice System. Following this, a brief overview of the continental system was provided, in order to be able to effectively discuss issues in comparative criminal law. Once this was done, discussion was taken up on the following themes: a) Role of the Police and Prosecutors in the Criminal Justice System. b) Equality and criminal law- The need to eliminate biases

in the interpretation of criminal law. c)Balancing Rights of the Accused in the criminal justice system. d)Balancing Rights of victims in the criminal justice system.e) Sentencing and f)Cross Border crimes. The main focus of the discussions was on the rights jurisprudence and the manner in which both the rights of the accused and the victim need to be effectively safeguarded. Problems in the existing system were also discussed in detail. Around thirty High Court Justices from all over the country, participated in the programme.

- g. Eighth Orientation Programme for Newly Appointed ADJs:** The 8th Orientation Programme for Newly Appointed ADJs was conducted at NJA from 26th to 30th October, 2007. The programme was divided into 15 sessions based on five themes (1) Role and Responsibilities of a Judge (2) Vision of Justice Guiding Judging (3) Judicial Method: Enhancing Objectivity and Impartiality (4) Judicial Method: Enhancing Professional Excellence and (5)Delay and Arrears Reduction.
- h. Fourth Regional Judicial Workshop on Techniques and Tools for Enhancing Timely Justice (South Zone):** From 2nd to 4th November, 2007 NJA held its 4th Regional (South Zone) Judicial Workshop on Techniques and Tools for Enhancing Timely Justice. The programme was held at Chennai and there were 122 participants for the programme. The workshop was organized jointly by the National Judicial Academy,SJA, Tamil Nadu and the Madras High Court. The main objective of the programme was to deliberate on different tools and techniques for enhancing timely justice in light of the clear recognition over the past few years that the justice delivery system in the country requires a revamp, for the judiciary to retain its sanctity and integrity. The sessions in the programme were organized to this end. The sessions were guided by Hon'ble Justice S.B.Sinha, Hon'ble Justice R.V.Raveendran and Hon'ble Justice P.Sathasivam. There was also an ICT presentation to spread awareness on the modern methods of time management.
- i. Judicial Seminar on "Gender and Law: Role of District Courts":** The Judicial Seminar on Gender and Law was held at NJA from 16th to 18th November, 2007. The main objective of this seminar was to discuss the approach to judging when issues of gender are involved. The aim was to have a discussion on the various challenges that arise in this context and the methodology to be adopted to combat these challenges. The seminar began by defining the term "gender," as not pertaining only to women. Once this was done, a discussion on the constitutional framework took place, where the emphasis was on the constitutional vision of justice and issues pertaining to equality, liberty and freedom. Having set the context, discussions began on specific areas of law, like criminal laws,

social welfare legislations, labour law and employment laws, family laws and laws pertaining to domestic violence. In order to understand implicit biases and to be aware of them, simulated cases were argued and some exercises were done. Further, systemic issues pertaining to gender were also dealt with. Around thirty five judges participated in the seminar.

- j. Judicial Workshop on "Judicial Administration-Strategic Planning Budgeting, Financial Management and Resource Management for District Judges":** The workshop on Judicial Administration was held from 16th to 18th November, 2007. This workshop was attended by 37 District Judges from various High Courts from all over the country. Exhaustive discussions took place for building an effective court administration and Court Management system. Participant Judges discussed the strategic goals for judicial administration with the help of management experts. It was found for example that in the absence of budgetary planning the amount made available by the State Government could not be properly utilized by the Courts for which the need for a strategic and long term planning was given emphasis. The participant judges have accepted the unit system as a mechanism for performance evaluation system with some suggested modifications. The desirability of a fixed time limit (Max 5 year) for disposal of all type of cases was approved at the workshop along with many fire fighting , quick wins and long term strategies suggested by the Director, NJA.
- k. Ninth Orientation Programme for Newly Appointed ADJs:** The ninth Orientation Programme for Newly Appointed ADJs was held at NJA from 16th to 20th November, 2007. 15 judges from various parts of the country participated in the programme. Discussions focused on five themes: first, the Role and Responsibilities of a Judge; second, Vision of Justice guiding Judging; third, Judicial Method: Enhancing Objectivity and Impartiality; fourth, Judicial Method: Enhancing Professional Excellence and fifthly, Judicial Ethics.
- l. Education for Educators Programme on "Enhancing Timely Justice-Delay and Arrears Reduction and Enhancing Quality and Responsiveness of Justice":** The Education for Educators Programme on "Enhancing Timely Justice: DAR & QRJ" was held from 23rd to 25th November, 2007 at NJA, Bhopal. This Programme was meant for equipping the State Judicial Academies to conduct the programme on Techniques and Tools for Enhancing Timely Justice at the state level. The themes were framed accordingly as- 1. Rationales and Goals of TTTJ Programmes, 2. Content/ Syllabus of TTTJ Programmes, 3. Methodology of TTTJ Programmes, 4. Participants of TTTJ Programmes,

5. Usefulness and Impact of TTTJ Programmes 6. Organising TTTJ Programmes: Key Lessons and Decisions on Implementation of TTTJ Programmes at The State level. In the concluding session, (1) Planning for TTTJ Programmes: Key Issues and Lessons (2) Planning for TTTJ Programmes at State/local level: Key Issues and Lessons (3) Programme Schedule Development (4) Venue (5) Budget (6) Resource Persons and Resource Material (7) Discussion on Follow Up by SJAs and how NJA can assist were also discussed.

- m. **High Court Justices Conference on "Role of High Courts in Delay and Arrears Reduction":** The High Court Justices Conference was held from 23rd to 25th November, 2007. This workshop was attended by 37 Judges of the High Courts from all over the country. All the High Courts made presentations on the ways and means adopted by them in reducing the delays and arrears in their respective High Courts and in the Subordinate courts in their supervisory capacity. Extensive discussions took place among the participants and the resource persons on the causes and remedies of delay and the need to effectively address the same in order to build public confidence to provide them an effective remedy. The desirability of a single numbering system of cases from the court of first instance till its final disposal at the apex court to determine the age of any particular litigation was emphasized. A fixed time limit (Max 5 year) for disposal of all type of cases was approved at the workshop.
- n. **Tenth Orientation Programme for Newly Appointed ADJs:** The Tenth Orientation Programme for Newly Appointed ADJs was held at NJA from 23rd to 27th November, 2007. 22 judges from various parts of the country participated in the programme. Discussions focused on five themes: first, the Role and Responsibilities of a Judge; second, Vision of Justice Guiding Judging; third, Judicial Method: Enhancing Objectivity and Impartiality; fourth, Judicial Method: Enhancing Professional Excellence and fifthly, Judicial Ethics.
- o. **Fifth Regional Judicial Workshop on Techniques and Tools for Enhancing Timely Justice (East Zone):** The Fifth Regional Workshop on "Techniques and Tools for Enhancing Timely Justice" was held at Raipur from 30th November, 2007 to 2nd December, 2007. It was jointly organized by the Hon'ble High Court of Chhattisgarh, the Judicial Officers' Training Institute, Bilaspur and the NJA. Since this was the third round of regional programmes, it made a break from the past and discussed three main themes- Delay and Arrears Reduction; Quality of Justice (including Professional Excellence); and Responsiveness of Justice. Within the theme of "Quality of Justice," two new issues

were discussed - "Methodologies for Appreciation of Facts and Law" and "Just Sentencing." Another addition was the concept of "structured dialogue." Panels of Judges were constituted, chaired by Hon'ble Mr. Justice S.B.Sinha, Judge, the Supreme Court of India. These panels discussed the issues in question and also responded to questions from the participants on these topics. Further, as in other similar workshops, issues pertaining to time management, case management, case load management and use of alternative methods of dispute resolution were discussed under the rubric of "Delay and Arrears Reduction." Under the themes of Quality and Responsiveness of Justice, issues pertaining to enhancing objectivity and impartiality in judging, judgment writing, and judicial ethics were discussed. The workshop concluded by discussing the constitutional vision of justice and the role of the district judiciary in this context. Around one hundred and twenty judges from the High Courts in the East Zone (High Courts of Patna, Jharkhand, Calcutta, Guwahati, Orissa, Sikkim and Chhattisgarh) participated in the programme.

- p. Fifth National Judicial Workshop on Techniques and Tools for Enhancing Timely Justice:** From 7th to 9th December, 2007, NJA held its fifth National Judicial Workshop on "Techniques and Tools for Enhancing Timely Justice. The programme focused on the following themes- Delay and Arrears Reduction; Quality of Justice (including Professional Excellence); and Responsiveness of Justice. Within the theme of "Quality of Justice," discussion was made on - "Methodologies for Appreciation of Facts and Law" and "Just Sentencing." The concept of 'structured dialogue' was also discussed. Further the workshop deliberated upon the role of district judiciary in fulfilling the constitutional vision of justice. There were also issues pertaining to time management, case management, case load management and use of alternate methods of dispute resolution were also discussed. There were around 99 participants for the Programme.
- q. Supreme Court Judges' Retreat, December, 2007:** A Winter Retreat of the Judges of the Supreme Court of India was organised at the National Judicial Academy's campus in Bhopal from 16th to 19th December, 2007.

IMPORTANT VISITS AND CONFERENCES

(From 1st October to 31st December, 2007)

OVERSEAS

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India participated in the traditional ceremonies held in London, United Kingdom marking " The opening of the Legal year in England and Wales " on 1st October, 2007.
2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India visited Beijing and Xian (China) as Head of the Indian delegation to participate in the Indo-Chinese Exchange Programme from 6th to 10th November, 2007. Hon'ble Mr. Justice B.N. Agrawal, Hon'ble Mr. Justice Ashok Bhan, Hon'ble Dr. Justice Arijit Pasayat and Hon'ble Mr. Justice H.K. Sema were the other Members of the Delegation.
3. Hon'ble Mr. Justice S.B. Sinha attended the 3rd International Conference on the Training of the Judiciary held at Barcelona, Spain from 21st to 25th October, 2007.
4. Hon'ble Mr. Justice A.K. Mathur and Hon'ble Mr. Justice P.P. Naolekar participated in the IXth Congress of International Association of Supreme Administrative Jurisdictions held at Bangkok, Thailand from 22nd to 24th November, 2007.
5. Hon'ble Mr. Justice R.V. Raveendran participated in a "Study of Civil and Criminal Fast-Track Procedures and Intellectual Property Rights Enforcement in the United States" held at Washington D.C., and California (U.S.A) from 15th to 19th October, 2007.

INLAND

1. The First Indo-Australian Legal Forum Meet was held in Supreme Court of India on 9th and 10th October, 2007. The Australian delegation comprised of Justice Dyson Heydon, High Court of Australia; Justice Susan Crennan, High Court of Australia; Chief Justice James Spigelman, Supreme Court of New South Wales; Chief Justice Marilyn Warren, Supreme Court of Victoria; Chief Justice Paul de Jersey, Supreme Court of Queensland, and Justice Ronald Sackville, Federal Court of Australia; whereas the Indian delegation led by Hon'ble Mr. Justice K.G. Balakrishnan, Chief Justice of India included Hon'ble Mr. Justice B.N. Agrawal; Hon'ble Mr. Justice Ashok Bhan; Mr. U.U. Lalit, Sr. Advocate; Mr. L. Nageswara Rao, Sr. Advocate and Mr. G.E. Vahanvati, Solicitor General of India. The topics discussed during the Meet were a) Criminal Trial: Tackling procedural constraints to improve efficiency and expedite

the process; b) Comparative Constitutional Issues: Freedom of Speech and Role of Media and c) Commercial Litigation and Arbitration: New Challenges.

2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the Seminar on "Furthering Justice Delivery Standards for Children" at Town Hall, Ernakulam on 28th December, 2007.
3. Hon'ble Mr. Justice Markandey Katju delivered the Keynote Address for V.K. Krishna Menon Memorial Law Lecture at the Kerala Law Academy College, Trivandrum followed by Floor Participation on 18th November, 2007. His Lordship spoke on "Constitution of India"
4. Hon'ble Mr. Justice V.S. Sirpurkar delivered a lecture on the "Vision of Justice within the Purview of Constitutional Mandate" at the Nainital High Court Conference Hall from 26th to 28th October, 2007.
5. A twelve member team from Royal College of Defence Studies accompanied by Group Captain Ian Draper, British Naval and Air Adviser and a member of the British High Commission Political Department visited Supreme Court of India on 10th October, 2007 and had a meeting with Hon'ble Mr. Justice Altamas Kabir, Hon'ble Mr. Justice R.V. Raveendran and Hon'ble Mr. Justice D.K. Jain.
6. Hon'ble Mr. Justice Navanethem Pillay, sitting Judge at the International Criminal Court, Hague visited Supreme Court of India on 29th October, 2007 and had a meeting with Hon'ble the Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Mr. Justice Ashok Bhan.
7. A four member delegation from Bangladesh headed by Mr. M.M. Ruhul Amin, Judge of the Appellate Division of the Supreme Court of Bangladesh and Chairman, Judicial Service Commission of Bangladesh visited Supreme Court of India on 14th November, 2007 and had a meeting with Hon'ble Mr. Justice S.H. Kapadia.
8. A seven-member delegation from Mongolia headed by Mr. Baysgain Gungaa, State Secretary for Justice and Home Affairs visited Supreme Court of India on 22nd November, 2007 and had meeting with Hon'ble the Chief Justice of India.
9. Hon'ble Mr. Y.K.J. Teung Sik Yuen, Chief Justice of Mauritius visited Supreme Court of India on 4th December, 2007 and had a meeting with Hon'ble the Chief Justice of India.