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FROM THE DESK OF CHIEF JUSTICE OF INDIA

The publication of Court News is now greatly awaited not only by judicial fraternity, but, also by law students, law teachers and common citizens interested in the affairs of judiciary. It gives them insight into and authentic information on the vital aspects of the working and performance of judicial apparatus and enables them to take an informed view on its efficacy or otherwise. The feedback from them enables us to make amends and remove the shortcomings noted in the functioning of the system. Gist of the important judgments keeps the common citizens informed of the matters of public interest, whereas, the information of vacancies at various levels helps them in better understanding of the handicaps being faced by us. I am happy that the Newsletter continues to serve the purpose for which it was started.

During last quarter, Supreme Court switched over to digital signature of Judgments and Orders, thereby, ensuring prompt issue of certified copies and making the authenticated copies of the judgments and orders available to everyone, without having to visit the Court for this purpose. I am confident that other Courts will follow suit and make all efforts to promote transparency, integrity and accountability in the judicial process.

I have no doubt that like previous issue, this one will also be widely welcomed by the readers. All suggestions for carrying out further improvement will be gladly considered by Supreme Court Registry.

29th October, 2007


[K.G. Balakrishnan]

APPOINTMENT AND RETIREMENT IN SUPREME COURT
(From 1st July, 2007 to 30th September, 2007)**APPOINTMENT**

Name of the Hon'ble Judge	Date of Appointment
Mr. Justice P. Sathasivam	21-08-2007

RETIREMENTS

Name of the Hon'ble Judge	Date of Retirement
Mr. Justice B. P. Singh	09-07-2007
Mr. Justice P.K. Balasubramanyan	28-08-2007

APPOINTMENT IN HIGH COURTS
(From 1st July, 2007 to 30th September, 2007)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1.	Allahabad	O.P. Srivastava (Ad-hoc appointment for one year)	01-09-2007
2.	Delhi	Sudershan Kumar Misra	04-07-2007
		Veena Birbal	31-08-2007
3.	Gauhati	Hareswar Baruah	04-07-2007
		Asok Potsangbam	26-09-2007
		P.K. Musahary	26-09-2007
4.	Karnataka	A.N. Venugopala Gowda	04-07-2007
		R.B.Naik	04-07-2007
		L.N. Swamy	04-07-2007
		A.N. Amarappa	04-07-2007
		A.S. Pachhapure	04-07-2007
5.	Kerala	T.I.R. Harun-ul-Rashid	01-08-2007
		V.K. Mohanan	01-08-2007
		Giri Venkitasubramani	01-08-2007
6.	Patna	Mihir Kumar Jha	10-07-2007
		Kishore Kumar Mandal	10-07-2007
7.	Rajasthan	Raghuvendra Singh Rathore	05-07-2007
		Mahesh Chandra Sharma	05-07-2007
		Sangeet Raj Lodha	05-07-2007
		Munishwar Nath Bhandari	05-07-2007
		J.M. Panchal (As Chief Justice)	16-09-2007

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

TRANSFER BETWEEN HIGH COURTS
(From 1st July, 2007 to 30th September, 2007)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Gujarat	Rajasthan	J.M. Panchal	16-07-2007
2	Gujarat	Madhya Pradesh	Ramesh S. Garg	17-09-2007

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

VACANCIES IN COURTS

A) SUPREME COURT OF INDIA (As on 1st October, 2007)

Sanctioned Strength	Working Strength	Vacancies
26	22	4

B) HIGH COURTS (As on 1st October, 2007)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	73	87
2	Andhra Pradesh	39	31	08
3	Bombay	64	53	11
4	Calcutta	50	41	09
5	Chhattisgarh	08	06	02
6	Delhi	36	33	03
7	Gauhati	26	24	02
8	Gujarat	42	28	14
9	Himachal Pradesh	09	09	00
10	Jammu & Kashmir	14	09	05
11	Jharkhand	12	09	03
12	Karnataka	41	36	05
13	Kerala	29	27	02
14	Madhya Pradesh	43	42	01
15	Madras	49	42	07
16	Orissa	22	14	08
17	Patna	43	30	13
18	Punjab & Haryana	53	33	20
19	Rajasthan	40	36	04
20	Sikkim	03	01	02
21	Uttaranchal	09	09	00
	TOTAL	792	586	206

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

C) DISTRICT & SUBORDINATE COURTS (As on 30th June, 2007)

S.No.	Concerned State /Union Territory	Sanctioned Strength	Working Strength	Vacancies
1.	Uttar Pradesh	2172	1679	493
2.	Andhra Pradesh	818	706	112
3a.	Maharashtra	1711	1518	193
3b.	Goa	49	38	11
4.	West Bengal and A&N Islands	706	559	147
5.	Chhattisgarh	266	223	43
6.	Delhi	415	323	92
7.	Gujarat	951	802	149
8a.	Assam	289	261	28
8b.	Meghalaya	9	5	4
8c.	Tripura	82	55	27
8d.	Manipur	34	27	7
8e.	Nagaland	25	24	1
8f.	Mizoram ¹	40	23	17
8g.	Arunachal Pradesh ²	339	300	39
9.	Himachal Pradesh	126	114	12
10.	Jammu and Kashmir	202	178	24
11.	Jharkhand	503	440	63
12.	Karnataka	858	651	207
13a.	Kerala	428	416	12
13b.	Lakshadweep	3	3	0
14a.	Tamil Nadu	765	681	84
14b.	Puducherry	20	15	5
15.	Madhya Pradesh	988	785	203
16.	Orissa	482	399	83

S.No.	Concerned State /Union Territory	Sanctioned Strength	Working Strength	Vacancies
17.	Bihar	1361	820	541
18a.	Punjab	328	271	57
18b.	Haryana	308	246	62
18c.	Chandigarh	20	20	0
19.	Rajasthan	820	688	132
20.	Sikkim	15	9	6
21.	Uttarakhand	266	89	177
	TOTAL	15399	12368	3031

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

- ¹ The strength and vacancy position figures shown is of Executive-cum-Judicial Officers since Judiciary is not separated from the Executive in Mizoram. The figures furnished are as on 31-03-2007.
- ² The strength and vacancy position figures shown is of Executive-cum-Judicial Officers since Judiciary is not separated from the Executive in Arunachal Pradesh.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

A) SUPREME COURT OF INDIA (FROM 01-07-2007 TO 30-09-2007)

						Pendency (At the end of 30-06-2007)		
						Admission matters	Regular matters	Total matters
						25,215	18,365	43,580
Institution (01-07-2007 to 30-09-2007)			Disposal (01-07-2007 to 30-09-2007)			Pendency (At the end of 30-09-2007)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
16,838	1,834	18,672	15,883	1,550	17,433	26,170	18,649	44,819

B) HIGH COURTS (FROM 01-04-2007 TO 30-06-2007)

S. No.	Name of High Court	CIVIL CASES				CRIMINAL CASES				Total Pendency of Civil and Criminal Cases at the end of 30-6-07
		Opening Balance as on 1-4-07	Institution from 1-4-07 to 30-6-07	Disposal from 1-4-07 to 30-6-07	Pendency at the end of 30-6-07	Opening Balance as on 1-4-07	Institution from 1-4-07 to 30-6-07	Disposal from 1-4-07 to 30-6-07	Pendency at the end of 30-6-07	
1	Allahabad	609228	28390	20577	617041	206374	22605	18381	210598	827639
2	Andhra Pradesh	134696	12656	13005	134347	13816	2809	2260	14365	148712
3	Bombay	328950	25591	23462	331079	37545	5555	4802	38298	369377
4	Calcutta	233633	16309	11221	238721	39010	5241	4990	39261	277982
5	Chhattisgarh	56563	2415	8159	50819	24291	1452	2790	22953	73772
6	Delhi	62882	5558	6642	61798	16936	2748	2016	17668	79466
7	Gujarat	83019	11216	10960	83275	29026	4978	4058	29946	113221
8	Gauhati	51171	6323	6152	51342	6808	2130	1840	7098	58440
9	Himachal Pradesh	20540	3628	4058	20110	6379	619	551	6447	26557
10	Jammu & Kashmir	43512	5065	5243	43334	1902	419	502	1819	45153
11	Jharkhand	26432	2587	1887	27132	20593	4575	2995	22173	49305
12	Karnataka	81821	12760	7238	87343	14961	2096	1506	15551	102894
13	Kerala	92716	13067	11009	94774	25295	5095	4676	25714	120488
14	Madhya Pradesh	130831	14013	19355	125489	57965	9281	8128	59118	184607
15	Madras	385186	41206	36527	389865	32924	17901	16953	33872	423737
16	Orissa	205170	11272	10335	206107	19212	6954	5183	20983	227090
17	Patna ¹	69966	4672	6289	68349	29025	14518	13009	30534	98883
18	Punjab & Haryana	201207	9672	6395	204445 ²	43668	7169	5965	44872	249317
19	Rajasthan	158251	9223	7777	159697	50844	7414	6123	52135	211832
20	Sikkim	41	19	5	55	8	8	8	8	63
21	Uttaranchal	20362	2158	5335	17185	6921	835	761	6995	24180
	Total	2996177	237800	221631	3012307	683503	124402	107497	700408	3712715

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

¹ Pendency figures at the end of 31-03-2007 has been revised by the Patna High Court

² 39 Regular First Appeals transferred to concerned District & Sessions Judges, Punjab

C) DISTRICT AND SUBORDINATE COURTS (FROM 01-04-2007 TO 30-06-2007)

S. No.	Concerned State/Union Territory	CIVIL CASES				CRIMINAL CASES				Total Pendency of Civil and Criminal Cases at the end of 30-6-07
		Opening Balance as on 1-4-07	Institution from 1-4-07 to 30-6-07	Disposal from 1-4-07 to 30-6-07	Pendency at the end of 30-6-07	Opening Balance as on 1-4-07	Institution from 1-4-07 to 30-6-07	Disposal from 1-4-07 to 30-6-07	Pendency at the end of 30-6-07	
1	Uttar Pradesh	1225645	96173	90880	1230938	3505017	538362	494663	3548716	4779654
2	Andhra Pradesh	477461	39293	63574	453180	462700	52125	65248	449577	902757
3(a)	Maharashtra	971951	76988	72819	976120	3094200	307269	319672	3081797	4057917
3(b)	Goa	19307	1919	1906	19320	14500	3219	2827	14892	34212
4	West Bengal and A & N Islands	485565	37513	31964	491114	1583573	264304	213472	1634405	2125519
5	Chhattisgarh	51677	8752	9015	51414	221087	35995	40805	216277	267691
6	Delhi	139027	14100	14729	138398	574144	78041	36563	615622	754020
7	Gujarat	756169	60365	69666	746868	1980462	241144	388577	1833029	2579897
8(a)	Assam	62020	9316	6523	64813	130672	47083	41809	135946	200759
8(b)	Nagaland	1148	696	135	1709	2607	1760	614	3753	5462
8(c)	Meghalaya	4043	335	364	4014	6694	628	436	6886	10900
8(d)	Manipur	3001	592	577	3016	3399	1822	1819	3402	6418
8(e)	Tripura	6246	1539	1403	6382	27738	13497	13511	27724	34106
8(f)	Mizoram	1382	328	255	1455	3601	1497	841	4257	5712
8(g)	Arunachal Pradesh	320	150	72	398	5050	1134	1112	5072	5470
9	Himachal Pradesh	64530	13959	13631	64858	83032	30605	30357	83280	148138
10	Jammu and Kashmir	54158	16588	10685	60061	97363	45122	41209	101276	161337
11	Jharkhand	43625	5666	6017	43274	226053	29682	32184	223551	266825
12	Karnataka	560601	59092	52851	566842	516311	115725	103101	528935	1095777
13(a)	Kerala	393468	55537	51238	397767	509782	174587	151878	532491	930258
13(b)	Lakshadweep	79	17	10	86	82	96	83	95	181
14	Madhya Pradesh	199804	46742	43009	203537	797962	186615	178521	806056	1009593
15(a)	Tamil Nadu	450772	160499	138939	472332	415979	209000	203442	421537	893869
15(b)	Puducherry	13257	3566	3024	13799	7616	7195	7266	7545	21344
16	Orissa	178323	10494	8895	179922	824098	49094	46609	826583	1006505
17	Bihar ¹	248825	12928	11536	250217	1057316	76183	53341	1080155 ²	1330372
18(a)	Punjab	265722	39799	32126	273395	298431	97235	81097	314569	587964
18(b)	Haryana	213884	35638	31547	217975	312055	55631	51232	316454	534429
18(c)	Chandigarh	21200	2028	2230	20998	71960	14041	10649	75352	96350
19	Rajasthan	279274	34414	33367	280321	786799	181862	162664	805997	1086318
20	Sikkim	182	48	25	205	548	250	210	588	793
21	Uttarakhand	28716	5799	4896	29619	105040	35329	35567	104802	134421
	TOTAL	7221382	850873	807908	7264347	17725871	2896132	2811379	17810621	25074968

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

¹ Pendency figures at the end of 31-03-2007 has been revised by the Patna High Court

² Three Criminal Cases transferred to Juvenile Justice Board

SOME RECENT SUPREME COURT JUDGMENTS OF PUBLIC IMPORTANCE

(Delivered between 1st July, 2007 and 30th September, 2007)

1. On 9th July, 2007, a two Judges Bench in *National Insurance Co. Ltd vs Smt. Sobina lakai & Ors* [Civil Appeal No.1393 of 2001] observed that in a very large number of cases insurance policies were being taken immediately after the accidents to get compensation in a clandestine manner.

“In order to curb this widespread mischief of getting insurance policies after the accidents, it is absolutely imperative to clearly hold that the effectiveness of the insurance policy would start from the time and date specifically incorporated in the policy and not from an earlier point of time”, the Bench said.

2. On 9th July, 2007, a two Judges Bench in *General Insurance Council & Ors vs State of Andhra Pradesh & Ors* [Writ Petition (Civil) No.282 of 2007] examined Section 158(6) of the Motor Vehicles Act, 1988 which mandates the police officer to forward a copy of the report to the Claims Tribunal having jurisdiction and to the concerned insurance company “as soon as any information regarding any accident involving death or bodily injury is recorded or a report under Section 158 is completed by the police officer.” The Bench held that the “expression ‘as soon as’ in Section 158(6) implies “that there has to be promptitude in action.”

The Bench further held that “since there is a mandatory requirement to act in the manner provided in Section 158(6), there is no justifiable reason as to why the requirement is not being followed.” Accordingly the Bench directed “that all the State Governments and the Union Territories shall instruct, if not already done, all concerned police officers about the need to comply with the requirement of Section 158(6)”.

“Periodical checking shall be done by the Inspector General of Police concerned to ensure that the requirements are being complied with. In case there is non-compliance, appropriate action shall be taken against the erring officials. The Department of Transport and Highway shall make periodical verification to ensure that action is being taken and in case of any deviation immediately bring the same to the notice of the concerned State Government/Union Territories so that necessary action can be taken against the concerned officials”, the Bench said.

3. On 18th July, 2007, a three Judges Bench in *Rajesh Kumar Daria vs Rajasthan Public Service Commission & Ors* [Civil Appeal No.3132 of 2007] examined the difference between vertical (social) reservation in favour of SC, ST and OBC and horizontal (special) reservation in favour of women etc.

The Bench said that “where a vertical reservation is made in favour of a backward class under Article 16(4)[of the Constitution], the candidates belonging to such backward class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their numbers will not be counted against the quota reserved for the respective backward class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said the reservation quota for SCs has been filled. The entire reservation quota will be intact and available in addition to those selected under Open Competition category.”

But the Bench observed that the “aforesaid principle applicable to vertical (social) reservations will not apply to horizontal (special) reservations. It said that “ where a special reservation for women is provided within the social reservation for Scheduled Castes, the proper procedure is first to fill up the quota for Scheduled Castes in order of merit and then find out the number of candidates among them who belong to the special reservation group of ‘Scheduled Castes-Women’. If the number of women in such list is equal to or more than the number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of scheduled caste women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes.”

The “women selected on merit within the vertical reservation quota will be counted against the horizontal reservation for women”, the Bench said.

4. On 3rd August, 2007, a two Judges Bench in *Deepak Singchi vs State of Rajasthan and Anr.* [Criminal Appeal No.1002 of 2007] held “that though detailed examination of the evidence and elaborate documentation of the merits of the case is to be avoided by the Court while passing orders on bail applications, yet a court dealing with the bail application should be satisfied as to whether there is a prima facie case.”

The Bench held that “there is a need to indicate in the order, reasons for prima facie concluding why bail was being granted particularly where an accused was charged of having committed a serious offence.”

5. On 7th August, 2007, a two Judges Bench in *Himadri Chemicals Industries Ltd. vs Coal Tar Refining Company* [Civil Appeal No.3522 of 2007] elucidated principles for grant or refusal to grant of injunction to restrain enforcement of a Bank guarantee or a Letter of Credit. The Bench held that “the Courts should be slow in granting an order of injunction to restrain the realization of a Bank Guarantee or a Letter of Credit.” It further held that “since a Bank Guarantee or a Letter of Credit is an independent and a separate contract and is absolute in nature, the existence of any dispute between the parties to the

contract is not a ground for issuing an order of injunction to restrain enforcement of Bank Guarantees or Letters of Credit.”

The Bench however held that there are two exceptions when Courts can grant a n order of injunction in favour of an aggrieved party in the matter of encashment of a Bank Guarantee or a Letter of credit, viz. when (i) there is fraud of an egregious nature which would vitiate the very foundation of such a Bank Guarantee or Letter of Credit and the beneficiary seeks to take advantage of the situation; and ii) when allowing encashment of an unconditional Bank Guarantee or a Letter of Credit would result in irretrievable harm or injustice to one of the parties concerned.

6. On 17th August, 2007, a two Judges Bench in *Pradeep Kumar @ Pradeep Kumar Verma vs State of Bihar and Anr* [Criminal Appeal No.1086 of 2007] while reiterating that a promise to marry without anything more will not give rise to “misconception of fact” within the meaning of Section 90, IPC” however clarified “that a representation deliberately made by the accused with a view to elicit the assent of the victim without having the intention or inclination to marry her, will vitiate the consent.”

The Bench said that “if on the facts it is established that at the very inception of the making of promise, the accused did not really entertain the intention of marrying her and the promise to marry held out by him was a mere hoax, the consent ostensibly given by the victim will be of no avail to the accused to exculpate him from the ambit of Section 375 clause second”.

7. On 20th August, 2007, a two Judges Bench in *National Insurance Co. Ltd. vs Anjana Shyam & Ors* [Civil Appeal Nos. 2422-2459 of 2001] held that the “insurance company can be made liable only in respect of the number of passengers for whom insurance can be taken under the Motor Vehicles Act and for whom insurance has been taken as a fact and not in respect of the other passengers involved in the accident in a case of overloading.”

The question which then arose before the Bench was how to determine the compensation payable or how to quantify the compensation since there was no means of ascertaining who out of the overloaded passengers constituted the passengers covered by the insurance policy as permitted to be carried by the permit itself. Keeping in mind that the “purpose of the Act is to bring benefit to the third parties who are either injured or dead in an accident” and “that it serves a social purpose”, the Bench held that “the insurance company, in such a case, would be bound to cover the higher of the various awards and will be compelled to deposit the higher of the amounts of compensation awarded to the extent of the number of passengers covered by the insurance policy.

8. On 27th August, 2007, a two Judges Bench in *Girja Prasad (Dead) By Lrs Vs State of Madhya Pradesh* [Criminal Appeal No.885 of 2002] held that once it is proved that the

accused-public servant accepted money by way of illegal gratification “he cannot escape from criminal liability on a specious ground that he was made ‘scapegoat’ or was merely ‘innocent carrier’. The Bench said that “once the finding was recorded by the Trial Court that the accused had accepted the amount, it was wholly immaterial whether the said acceptance of amount was for him or for someone else.”

9. On 14th September, 2007, a two Judges Bench in *State of Karnataka vs Raju* [Criminal Appeal No.782 of 2001] held that “the measure of punishment in a case of rape cannot depend upon the social status of the victim or the accused. It must depend upon the conduct of the accused, the state and age of the sexually assaulted female and the gravity of the criminal act.” “The socio-economic status, religion, race, caste or creed of the accused or the victim are irrelevant considerations in sentencing policy”.

“Crimes of violence upon women need to be severely dealt with”, the Bench observed.

10. On 14th September, 2007, a two Judges Bench in *Radhu vs State of Madhya Pradesh* [Criminal Appeal No.624 of 2005] while re-iterating that “a finding of guilt in a case of rape, can be based on the uncorroborated evidence of the prosecutrix”, however cautioned that the “Courts should, at the same time, bear in mind that false charges of rape are not uncommon.”

“There have also been rare instances where a parent has persuaded a gullible or obedient daughter to make a false charge of a rape either to take revenge or extort money or to get rid of financial liability”, the Bench observed.

11. On 14th September, 2007, a two Judges Bench in *Markfed Vanaspati & Allied Industries vs Union of India* [Civil Appeal No.2668 of 2007] held that “arbitration is a mechanism or a method of resolution of disputes that unlike court takes place in private, pursuant to agreement between the parties. The parties agree to be bound by the decision rendered by a chosen arbitrator after giving hearing. The endeavour of the Court should be to honour and support the [arbitral] award as far as possible”.

12. On 26th September, 2007, a two Judges Bench in *Nallapati Sivaiah vs Sub-Divisional Officer, Guntur, A.P.* [Criminal Appeal No.1315 of 2005] held it “unsafe to record conviction on the basis of a dying declaration alone in cases where suspicion is raised as regards the correctness of the dying declaration.” The Bench said that in such cases, “the Court may have to look for some corroborative evidence by treating dying declaration only as a piece of evidence.”

MAJOR EVENTS AND INITIATIVES

I. E-SIGNATURE:

The Supreme Court of India started use of digital signature for the judgments and orders of the Court. Thereby the general public can get a copy of the judgment / order through Internet and can rely upon such judgment / order as a true copy. Anyone from the public can verify the digital signature by downloading one simple utility from the website of NIC and this utility will confirm that the judgment or the order is digitally signed by the officer of the Supreme Court of India, thereby he can rely upon such copy for official references. This process also enables the Copying Branch of the Court to immediately supply printed certified copy of the judgment/order, by downloading it on the computer instead of photocopying the same from the hard copy.

II. INDO-AUSTRALIAN LEGAL FORUM MEET:

The 1st Indo-Australian Legal Forum Meet was held in Supreme Court on 9th and 10th October, 2007. The Australian Delegation was headed by Hon'ble Mr. Justice J. Dyson Heydon AC, Judge, High Court of Australia. The Indian side was headed by Hon'ble the Chief Justice of India. Other members of the Indian side included Hon'ble Mr. Justice B.N. Agrawal, Hon'ble Mr. Justice Ashok Bhan, Shri Goolam E. Vahanvati, Solicitor General of India, Shri L. Nageswara Rao, Senior Advocate and Shri Uday U. Lalit, Senior Advocate. The topics discussed in the Meet were a) Commercial Litigation and Arbitration: New Challenges; b) Criminal Trial: Tackling Procedural constraints to improve efficiency and expedite the process and c) Comparative Constitutional Issues: Freedom of Speech and Role of Media

III. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA)

a. Conference of Chairpersons and Secretaries of District Legal Services Authorities of State of Maharashtra:

The Conference was organized by the Maharashtra State Legal Services Authority under the aegis of NALSA on 19-20 August 2007 at High Court Conference Hall, Mumbai. Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA inaugurated the Conference in the august presence of the Chief Justice and other Hon'ble Judges of the Bombay High Court. During the conference, deliberations were held on various issues, such as, need of legal aid, involvement of NGOs in Legal Aid Programmes, concept of Plea Bargaining, training and sensitization of community social workers, legal

aid counsels and strengthening of Lok Adalats Mechanism.

b. Judicial Colloquium to create a forum for ongoing regional cooperation among Judges focusing on Human Rights and Access to Justice:

The Colloquium was held on 8-9 September 2007 at Chandigarh under the Chairmanship of Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA in the august presence of Hon'ble Dr. Justice Arijit Pasayat, Judge, Supreme Court of India & Chairman, Supreme Court Legal Services Committee.

c. Legal Literacy Programme & Mediation Centre:

A Legal Awareness Programme was organized at Haldi Ghati, District Rajsamand, Rajasthan, under the aegis of NALSA, by Rajasthan State Legal Services Authority on 22nd September 2007. Dr. Hansraj Bhardwaj, Union Law Minister was the Chief Guest on the occasion. Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA presided over the function in the august presence of Hon'ble Mr. Justice A.K. Mathur, Judge, Supreme Court of India, the Chief Justice of Rajasthan High Court and other Hon'ble Judges of Rajasthan High Court. A Mediation Centre, under the aegis of NALSA, has been set up at Haldi Ghati Museum, District Rajsamand. The Centre was inaugurated on 22 September 2007. Dr. Hansraj Bhardwaj, Hon'ble Union Minister, Hon'ble Mr. Justice Ashok Bhan, Judge, Supreme Court of India & Executive Chairman, NALSA and Hon'ble Mr. Justice A.K. Mathur, Judge, Supreme Court of India, the Chief Justice and other Judges of Rajasthan High Court were present on the occasion.

IV. MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA)

a. First National Judicial Workshop on Techniques and Tools for enhancing timely justice:

The workshop was held from July 13-July 15, 2007 in which there were more than 70 participants from the district judiciary.

b. High Court Justices Programme on Judicial System Management

The programme was held from 27th to 29th of July; 2007 in which more than 20 Judges participated. The programme primarily focussed on the various challenges in the area of judicial system management. Discussions were made on how ICT and modern methods of management may be used to strengthen planning, resource mobilization, budgeting, administration, financial management, performance management, etc.

c. Second National Judicial Workshop: Techniques and Tools for Enhancing Timely Justice:

The seminar held from 10 -12 August, 2007 was attended by 90 Civil Judges, Addl. District and District Judges from all over the country. The judges shared their best practice experiences and knowledge for techniques and tools for reducing delay and arrears (DAR) and enhancing the quality and responsiveness of justice (QRJ)

d. Judicial Seminar on “The Role and Impact of International Law on Adjudication in District Courts”:

The seminar was conducted for District Judges on August 17, 18 and 19, 2007. 41 Judges from all over the country participated in the same. The programme covered the following themes: a) Understanding the Problem from a Socio-Economic Perspective; Understanding and Defining the Problem from a Judicial Perspective; International Law and the Legal Framework; International Legal Cooperation; Cross-Border Crimes (Substantive and Procedural Issues); Issues in Personal Laws and International Trade and Commerce.

e. Education for Educators Programme-”Effective Implementation of the Law Against Domestic Violence: Role of the District Judiciary”:

Twenty six Judges took part in the programme held from 24-26 August,2007, in which intricate issues with regard to the “Protection of Women from Domestic Violence Act” were discussed by resource persons experienced in the area. The main focus of the discussions was to understand the legislative intention and how to implement the same while implementing the statute.

f. Cyber Laws and IPRs: Current Issues and emerging Trends:

The Second National Conference of High Court Justices, organized by NJA was held from 24th August to 26th August,2007. Hon’ble Justices from all High Courts in India except from Jammu and Kashmir and Sikkim participated in the conference. The participants discussed the issues and challenges in the area of IPR and Cyber law. Some of the important issues relating to the following themes were discussed -Traditional Knowledge and open Source Movement, the impact of Copy Right on Access to Education and Access to Knowledge, IPRs and Public Interest: Freedom of Speech and Copyright, Patent Law and Access to Health, Cyber Crimes and its evidentiary challenges.

g. Third National Workshop on Techniques and Tools for Enhancing Timely Justice:

The Third National Workshop on “Techniques and Tools for Enhancing Timely Justice” was held from August 31-September 2, 2007. The focus of the programme like other

similar programmes was to discuss two main themes – Delay and Arrears Reduction and Quality and Responsiveness of Justice. Ninety one judges from all over the country participated in the programme.

h. Judicial workshop on Court management, Case management and Case load management for district judiciary:

This course attended by 34 participants from the District Judiciary was organized from 14-16 September, 2007 for discussing on the issues relating to Court management, Case management and Case load management. The Participants came up with specific plans for reforms. Emphasis was also laid on the use of the modern methods of management like use of ICT, etc

i. Judicial seminar on Alternative Dispute Resolution:

The seminar on Alternative Dispute Resolution was held from 14th to 16th September. There were 33 participants for the programme. The seminar analyzed the new provisions aimed at reducing delay in the context of ground realities and sought to identify strategies to promote increased use of ADR.

j. Education for Educators Programme “Communication skills and Time Management for the District judiciary”):

This seminar held from 21-23 September, 2007 was attended by 25 Addl. District and District Judges from all over the country. The focus of the programme was on the challenges faced by the district courts in communicating with litigant public, subordinate staffs and superior officers in due discharge of their duties. Relationship with media and responsiveness of the judges, the role of judges and the need for speedy justice, judges as managers were discussed in detail. Emphasis was on delivery of justice while maintaining time and quality with application of mind and law. There was also discussion how to write best judgments which must be well reasoned and which can effectively communicate the right message to the society.

k. Conference on Economic and Commercial Law in Indian the Emerging Global Scenario: Current issues and emerging trends:

The third National Conference of High Court Justices was held from 21st September to 23rd September, 2007. Bhopal. Hon'ble Justices from all High Courts in India except Allahabad, Kerala, Rajasthan, Jammu & Kashmir and Sikkim participated in the conference. The conference provided a forum for the participants to discuss the issues and challenges in the area of economic and commercial law in India in the changed scenario. The issue of 'People v Market' was also discussed in the conference and the resource persons pointed

out the lack of accountability of Multi National Corporations towards the people of India and need for judicial activism to protect the interest of public at large. 'Financial Sector Regulation' 'State v. Market' 'Combating Economic Offences and Corporate Crime' 'Strengthening the macro legal frame work' were the themes discussed inn detail during the conference.

IMPORTANT VISITS AND CONFERENCES

OVERSEAS

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India participated in the Asian Justices Forum on "Strengthening Court Capacity on Environmental Adjudication" held at Manila, Philippines from 4th to 7th July, 2007. His Lordship spoke on "Judicial Activism and the Role of Green Benches in India"
2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India participated in the ILA Regional Conference held at Pretoria, South Africa from 27th to 29th August, 2007. His Lordship submitted a paper entitled "Good Governance in International Law: An Indian perspective"
3. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India, Hon'ble Mr. Justice B.N. Agrawal and Hon'ble Mr. Justice C.K. Thakker accompanied by Mr. V.K. Jain, Secretary General participated in the 1st Indo-French Legal Forum Meet held in Paris from 16th to 19th October, 2007. The topics discussed during the Meet were: (a) Intellectual Property Rights in the Digital Era, (b) Optimal use of Information Technology by the Judiciary and (c) Access to Supreme Court and Screening Process of Appeals.

INLAND

1. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the extension building of the Allahabad High Court on 15th September, 2007.
2. Hon'ble Shri K.G. Balakrishnan, Chief Justice of India inaugurated the 9th All India Lokayuktas/Lokpals/Upalokayuktas Conference 2007 as also the Asia Women Lawyers' Conference, both held at Bangalore, Karnataka on 22nd September, 2007.
3. A seven member Nepalese delegation headed by Hon'ble Kedar Prasad Giri, Senior Most Judge of the Supreme Court of Nepal had a meeting with Hon'ble the Chief Justice of India on 14th July, 2007.