# ATMAN

(A Biannual News Bulletin of the Gauhati High Court)

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(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

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## Events organized during October, 2013 to March, 2014

* Farewell Reference of Chief Justice A. K. Goel.
* Swearing-in Ceremony of Justice P. K. Salkia.
* Justice A. M. Sapre sworn as Chief Justice of the Gauhati High Court.
* Oath to Justice K. Sreedhar Rao as Judge of Gauhati High Court.
* Farewell Reference of Justice I. A. Ansari
* Chief Justice Sapre’s visit to Nagaland, Golaghat, Udalguri and Mangaldai.
* Training of Public Prosecutors at Dibrugarh
* National Lok Adalat held on 23.11.2013
* Farewell reference of Justice Anima Hazarika
* New block of the High Court made functional on 16th December, 2013
* Trainee officers at Pobitora Wildlife Sanctuary on 26.12.2013
* Address by Justice Ranjan Gogoi, Judge, Supreme Court of India on 11.01.2014 in the Judicial Academy
* The Awareness Referral Coaching & Mentoring (ARCM) programme on 18-01-2014
* Visit of Chief Justice in the State Mizoram and district of Cachar, Karimganj and Hajalkandi of Assam.
* Lecture by Dr. Arun Mohan, Senior Advocate on 09.02.2014 in the Judicial Academy, Assam
* Inauguration of Judicial Courts at Aningaon on 19.02.2014
* Oath to Dr. (Mrs) Indira Shah as permanent Judge of the Gauhati High Court
* Inservice Training of Grade I Judicial Officers of Assam, Nagaland, Meghalaya, Mizoram and Arunachal Pradesh
* Valedictory function for the Meghalaya Judicial Officers at Assam Judicial Academy on 25.03.2014.

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### From the Chief Justice

The systemic and regular presentation of the important events undertaken by the Gauhati High Court in the 10th issue of ATMAN not only indicates our achievements but also reiterates our sacred duty and prime motto to provide speedier justice to the litigant public.

I hope and trust that the ATMAN will continue to carry out its pious duty to create awareness among the stakeholders. This issue will be of great use for all concerned.

— **Justice Abhay Manohar Sapre**

### Editor speaks

The Gauhati High Court started its functioning from the new Court building from 16th December, 2013 and at this juncture one must not forget that the Court’s image is not determined by the grandeur of the Court's structures. While the authority of the Judiciary emanates from the trust and faith of the common man, the success of the Courts is inevitably assessed by the quality of its justice. But a new building with all modern amenities can certainly inspire greater efforts by everyone and ATMAN feels that the conducive environment will augment the justice delivery system under the Gauhati High Court.

— **Justice Hrishikesh Roy**
Farewell Reference of Chief Justice A. K. Goel

The Gauhati High Court fraternity bid adieu to Chief Justice A. K. Goel on 10.10.2013 on his transfer as Chief Justice of Orissa High Court. A Full Court Reference was held in the High Court Building (New Block) which was attended by the Judges, Members of the Bar, Members of the Registry & Judicial Officers. A dinner was hosted on 09.10.2013, in honour of Smti Sheela Goel and Chief Justice A. K. Goel which was attended by both sitting and retired Judges of Gauhati High Court, their spouses and the members of the Registry.

Chief Justice A.K. Goel with His farewell address

Justice B.K. Sharma & M.R. Pathak offering a traditional Sarai to Justice A.K. Goel & Smti Sheela Goel

Chief Justice A.K. Goel taking guard of honour

Swearing-in ceremony of Justice P.K. Saikia

Chief Justice A. K. Goel administered the oath of office to Justice P. K. Saikia, as permanent Judge of the Gauhati High Court on 10.10.2013. Justice Saikia was earlier appointed as Additional Judge on 17.10.2011. Prior to his elevation he was the Registrar General of the Gauhati High Court.

Chief Justice A.K. Goel administering oath to Justice P.K. Saikia

An independent judiciary is the very heart of a republic. The foundation of a democracy, the source of its perennial vitality, the condition for its growth, and hope for its welfare — all lie in that great institution, an independent judiciary. — Nani A Palkhivala
Governor Shri J. B. Patnaik administering oath to incoming Chief Justice A. M. Sapre

The Governor of Assam, Shri J. B. Patnaik administered the oath of office to Chief Justice A. M. Sapre on 19.10.2013 in the Darbar Hall of Governor Bhawan. Justice A. M. Sapre was appointed as Judge of Madhya Pradesh High Court on 25.10.1999. Prior to his appointment in the Gauhati High Court he served as the first Chief Justice of the Manipur High Court. The Judges both sitting and retired of the Gauhati High Court, Justice Dr. A. H. Saikia, Chairperson, Assam Human Rights Commission, the Members of the Bar, Advocate General, Chief Secretary, Assam, LR and Secretary Judicial to the Government of Assam, the Members of the Registry were present at the function.

Oath to Justice K. Sreedhar Rao as Judge of Gauhati High Court

Chief Justice A. M. Sapre administered the oath of office to Justice K. Sreedhar Rao as Judge of the Gauhati High Court on 24.10.2013. Justice Rao was elevated to the Bench in the Karnataka High Court on 21.02.2000. As the senior most puisne Judge, Justice Rao is the Judge In-charge, Administrative Department of the Gauhati High Court.

Courts are people’s institutions. They work because common man has reposed faith in these institutions. We must assure the common man that he will get what has been guaranteed by the Constitution. — Justice Kurian Joseph, Judge, Supreme Court of India
A full Court Farewell Reference was held on 08.11.2013 in the Court No. 1 of the Gauhati High Court to bid Farewell to Justice I. A. Ansari on his transfer as Judge of Patna High Court.

The Judges of the Gauhati High Court hosted a farewell dinner on 07.11.2013 in honour of Smti Iftekha Rehman Ansari and Justice I. A. Ansari. The dinner was attended by the Judges of the Gauhati High Court, their spouses, the former Judges and their spouses, the Advocate General of Arunachal Pradesh and Mizoram, Addl. Advocate General of Assam, members of the Registry.

Chief Justice A. M. Sapre made his maiden visit to the State of Nagaland on 29.11.2013 after assuming the office of Chief Justice. He inspected the Courts at Dimapur and Kohima. He also visited the New Court Building for the subordinate judiciary at Dimapur and the construction site of the new High Court Building at Merima. The Chief Justice held a meeting with the Nagaland’s Chief Secretary, Addl. Chief Secretary, Addl. Secretary (Law) and discussed all the outstanding issues relating to separation of Judiciary, infrastructure, 13th Finance, Creation

In our democracy, issues of policy are determined by majority vote; it is the business of legislators and executives to be popular. But in litigation, judges have an overriding duty to be impartial and to be indifferent to popularity. — Justice Paul Stevens, Former Associate Judge of the Supreme Court of the USA
of Post, etc. Justice A. K. Goswami accompanied the Chief Justice.

In the same trip, the Chief Justice also inspected the subordinate Courts at Golaghat, Udalguri and Darrang, Mangaldai in the state of Assam and had interactions with the Judicial Officers, Staff and Bar Members of the Bar.

Training of Public Prosecutors at Dibrugarh

Judicial Academy, Assam and NEJOTI, in association with the District Judiciary, organized a training Programme at Dibrugarh for all ranks of Public Prosecutors of Dibrugarh, Tinsukia, Sivasagar and Jorhat Districts. Justice A. C. Upadhyay, Director, Judicial Academy and NEJOTI inaugurated the programme and also addressed the Trainees. Shri Z. Kamar, Public Prosecutor, Assam attended the programme as Resource Person. The training Programme was organized to enhance the skills of the public prosecutors who discharge key functions in the justice delivery system.

"The greatest contribution you can make to the world is figuring out what you think is important to you. What kind of work is meaningful? What are you good at?"

Justice Sonia Sotomayor, Associate Judge, Supreme Court of the USA
Chief Justice A.M. Sapre during Mega Lok Adalat

The Gauhati High Court Legal Services Committee, the Assam State Legal Services Authority, in association with National Legal Services Authority, organized Mega Lok Adalat in Gauhati High Court and also in subordinate courts of Assam, Nagaland, Mizoram and Arunachal Pradesh. The Mega Lok Adalat was inaugurated by the Chief Justice of India, P. Sathasivam in

The inaugural function was watched by the Patron in Chief of ASLSA, Justice A.M. Sapre, Executive Chairman, Justice T. Vaiphei and other Judges. In the aforesaid Lok Adalat 95,416 cases were taken up in Assam for settlement and out of which 53,191 cases were settled.

Justice B.P. Katakey hearing the submission of lawyers during Mega Lok Adalat

Justice B.D. Agarwal interacting with a litigant during Lok Adalat

Justice C.R. Sarma hearing an Advocate during Lok Adalat

Justice A.K. Goswami going through papers during Mega Lok Adalat

Justice Ujjal Bhuyan during Lok Adalat
Farewell Reference of Justice Anima Hazarika

A full court farewell reference was held on 20-12-2013 to bid farewell to Justice (Smt) Anima Hazarika on her retirement as Judge of the Gauhati High Court. The members of the bar, the Chief Justice in their address acknowledged the contribution of Justice Hazarika. She will be long remembered for her empathy and compassion in delivering Justice. The full court farewell reference was attended by the Judges of the High Court, members of the bar and members of the Registry. The Chief Justice of Rajasthan High Court, Justice Amitava Roy during his personal trip graced the event. The Judges of the High Court arranged a farewell dinner for Justice Hazarika. The dinner was attended by both serving and retired Judges of the High Court, their spouses and also by the members of the Registry.

Until now the litigating parties had to bang the doors of law for justice, now under the Lok Adalat System, the justice is taken to the doors of the parties. — Chief Justice P N Bhagwati
The Gauhati High Court started functioning from 16th December, 2013 from its new premises. The Chief Justice of the Gauhati High Court in a simple function marked the event in presence of the Judges, Bar members, the members of the Registry and Staff of the High Court.

Trainee officers at Pobitora Wildlife Sanctuary on 26.12.2013

The Judicial Academy, Assam and NEJOTI organized an educational tour for the trainee judicial officers of Assam, Nagaland and Arunachal Pradesh to Pobitora Wildlife Sanctuary to sensitize the officers about the fragile flora and fauna of the region. The DFO and In-charge of the Sanctuary, made a presentation about the steps taken by the authority to protect wildlife at Pobitora Wildlife Sanctuary. The programme was attended by Justice Hrishikesh Roy, Judge In-charge, Training, NEJOTI, Justice A. C. Upadhyay, Director, Judicial Academy, Shri S. M. Deka, Academic Advisor, NEJOTI, Shri S. K. Dhar, Shri G. C. Deka and Smti Aruna Devee.

The image of the courts in ultimate analysis depends not upon the architectural beauty and spaciousness of the court buildings.......It depends essentially upon the way cases are handled, upon the extent of confidence the courts inspire in the parties to the cases before them.... Justice H R Khanna, Former Judge, Supreme Court of India
Justice Ranjan Gogoi, Judge, Supreme Court of India addressed the trainee judicial officers of Assam, Nagaland, Meghalaya and Arunachal Pradesh on 11.01.2014 on the topic "Judging in the 21st Century- Innovations and best practices". The programme was telecast to all the judicial districts of Assam and outline Benches at Kohima, Itanagar and Aizwal through Video Conferencing.

Chief Justice A. M. Sapre and Justice Hrishikesh Roy, Judge In-charge, Training with other judges were present in the programme. The judicial officers and trainee judicial officers availed the opportunity to interact with Justice Ranjan Gogoi. Justice Ranjan Gogoi launched the official website of the Judicial Academy and NEJOTI on the occasion.

Power of judiciary lies not in deciding cases, nor in imposing sentences, not in punishing for contempt, but in the trust, confidence, faith of the common man. — Justice Jhon Marshall, Former Chief Justice of the USA
The Awareness Referral Coaching & Mentoring (ARCM) programme on 18-01-2014

Justice Hrishikesh Roy, Chairman, Gauhati High Court Mediation Committee. Both the Judges emphasized that the referral judges can play a key role in encouraging the parties to go for mediation. The programme was attended by the referral Judges of Kamrup district, MCPC trainers, the trained mediators and Mr. D.K. Mahanta, the District Judge of Kamrup (M) district, office bearers of the bar associations.

Section 89 has to be read with Rule 1-A of Order 10 which requires the court to direct the parties to opt for any of the five modes of alternative dispute resolution processes and on their option refer the matter. The said rule does not require the court to either formulate the terms of settlement...... after the pleadings are complete and after seeking admission/ denials wherever required, and before framing issues, the court will have recourse to section 89 of the Code. — Justice R V Raveendran in Afcons Infrastructure Case
Chief Justice A. M. Sapre made his maiden visit to the State of Mizoram on 28.01.2014. He inspected the Courts at Aizwal and Kolasib and visited the construction site of the new High Court building at Khatla. The Chief Justice met the Law Minister, the Chief Secretary, Addl. Chief Secretary, Secretary (Law) and discussed the outstanding issues relating to infrastructure, 13th Finance, Creation of Judicial Districts, Family Courts, Creation of Post of System Assistant, etc. Justice Ujjal Bhuyan, Judge, Gauhati High Court accompanied the Chief Justice. The Chief Justice also had interaction with the Judicial Officers and members of the Bar at Aizwal and Kolasib. The Governor and the Chief Minister of Mizoram hosted dinner in honour of the Chief Justice.

On 31.01.2014, Chief Justice attended the foundation stone laying ceremony of the new Court Building at Silchar. The programme was also attended by Justice Hrishikesh Roy, Portfolio Judge for the Districts of Cachar, Karimganj and Hailakandi. The Chief Justice also inspected the subordinate courts at Cachar, Karimganj and Hailakandi and had interactions with the Judicial Officers, staff and members of the Bar. Justice A. M. Sapre is the first Chief Justice of the Gauhati High Court to visit the Districts of Karimganj and Hailakandi.

In the final analysis, the people are the judges of judges and that every trial is a trial of our Judicial System. — Justice H R Khanna, Former Judge, Supreme Court of India
Dr. Arun Mohan, Senior Advocate, Supreme Court of India addressed the trainee judicial officers of Assam, Nagaland, Meghalaya and Arunachal Pradesh on 09.02.2014 in the conference hall of the Judicial Academy on the topic ‘Justice, Courts and Delays’. The programme was telecast to all the judicial districts of Assam and outline Benches at Kohima, Itanagar through video conferencing. Justice A. C. Upadhyay, Director, Judicial Academy and NEJOTI, and Justice Hrishikesh Roy, Judge In-charge, Training also addressed the judicial officers. The programme was also attended by Justice C.R. Sarma. The judicial officers and trainee judicial officers had a lively interaction session with Dr. Arun Mohan.

Long delay has also the effect of defeating justice in some cases. As a result of such delay, the possibility cannot be ruled out of loss of important evidence because of the fading of memory or death of witnesses.

Excerpt from Law Commission of India’s 77th Report
The judicial courts at Amingaon near Guwahati was inaugurated by Justice A. M. Sapre, Chief Justice, Gauhati High Court in presence of the Judges of the Gauhati High Court, the members of the Registry, Judicial Officers, LR-cum-Secretary, Judicial Department, Government of Assam, the Deputy Commissioner, Kamrup and other officials of the Districts Administration. The opening of Courts at Amingaon is a step towards easy access to Justice and Courts. The opening of Courts at Amingaon will reduce the workload at Guwahati, Kamrup (M) and will expedite the trial of cases.

Oath to Dr. (Mrs) Indira Shah as permanent Judge of the Gauhati High Court

The Chief Justice A. M. Sapre administered the oath of office to Justice (Dr) Indira Shah, as permanent Judge of the Gauhati High Court on 28.02.2014. Prior to that, Justice Shah was appointed as Addl. Judge for a period of two years. Before her elevation, she served as the first lady Registrar General of the Gauhati High Court. She also has the distinction of being the first Lady Judge in the Gauhati High Court elevated from Assam Judicial Service.
The Judicial Academy and NEJOTI organized In-Service training for the Grade-I judicial officers of Assam, Nagaland, Meghalaya, Mizoram and Arunachal Pradesh on 8th and 9th March, 2014. The training programme was inaugurated by Justice B. K. Sharma, Judge, Gauhati High Court. The welcome Address was delivered by Justice A.C.Upadhyay. Sri S.M Deka, Academic Adviser, NEJOTI also made a brief but motivating speech during the inaugural function. The Director of the Academy, Justice A. C. Upadhyay, Justice S. Talapatra, Judge, High Court of Tripura, Sri S. M. Deka, Academic Advisor, NEJOTI, Justice H. N. Sarma, Justice M. R. Pathak, Sri B. C. Medhi and Sri H. K. Sarma imparted training to the judicial officers. The subject of training includes Appeal, Review, ADR, Land Acquisition Laws, Disciplinary proceeding, Accident claim, NDPS & Sections Relevant in a sessions trial. The programme was highly beneficial for the judicial officers.

In the inaugural function, certificates issued by the e-committee of the Supreme Court of India were distributed among ubuntu Linux Master Trainers from Assam.
On completion of the induction training of the Grade I and Grade III judicial officers of the Meghalaya Judicial Service, the Judicial Academy, Assam in association with NEJOTI organized the valedictory function. The Meghalaya Chief Justice Prafulla C Pant graced the occasion as the Chief guest. Justice A.C. Upadhyay, Director Judicial Academy delivered the welcome address. Sri S.M. Deka, Academic Adviser, NEJOTI, Justice Hrishikesh Roy, Judge in-Charge, Training, Gauhati High Court, Chief Justice Prafulla C Pant also addressed the Meghalaya judicial officers. Few trainee judicial officers spoke in the function and shared their experience of training in the Academy. Chief Justice Prafulla C. Pant administered oath to the new recruits. The participants were given certificates and two useful books were gifted to them by the Judicial Academy. The trainee judicial officers of Assam, Nagaland and Arunachal Pradesh attended the function. The family members of the new entrants made the event a memorable one.

**Book Review: Five Chiefs- A Supreme Court Memoir, by Justice John Paul Stevens**

Justice John Paul Stevens, when he resigned in the year 2010 was the third longest-serving Supreme Court Justice in American history. As a lawyer and in court, he worked with five chief justices: Justice Fred Vinson, Justice Earl Warren, Justice Warren Burger, Justice Rehnquist and Justice John Roberts, Jr. The memoir of this vintage observer gives a fine insight in the working of the U.S. judicial system.

Justice Stevens begins his memoir by introducing the reader with his teacher of constitutional law Prof. Nathaniel Nathanson of Northwestern University School of Law. Justice Stevens candidly acknowledged the influence of Prof Nathanson in his understanding of the law. The Professor during his lecture in class room used to raise endless quarries but provided few solutions as he did not want to indoctrinate his students with his own views. Justice Stevens also recollected his association with Chief Justice Warren and his contribution in interpreting the Constitution. The author referred to Justice Warren’s three judgments which speeded the process to formation of a more perfect union. These classic cases are the Brown vs Board of Education(1954), invalidating racial segregation in public schools; Reynolds vs Sims(1964), applying the "one person, one vote" rule to the election of state legislatures; and Miranda vs Arizona(1966), requiring state and local law enforcement officers to safeguard the voluntariness of confession.

Justice Stevens narrated how the President Nixon appointee, Chief Justice Warren Burger opinion in United States vs Nixon(1974) which had a historic effect on American politics and society. The President was required to produce the tape recording of Watergate Scandal and ultimately it led to his resignation. According to Justice Stevens, this opinion powerfully illustrated the integrity and independence of the U.S. Court. The memoir gives an authoritative and lucid account of the highest court of the USA. - Reviewed by R.A. Tapadar.
IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADيش]

THE CHIEF JUSTICE AND JUDGES OF THE GAUHATI HIGH COURT

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IN THE GAUHATI HIGH COURT

[THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADISH]

STATEMENT SHOWING INSTITUTION, DISPOSAL AND PENDENCY
OF CASES (EXCLUDING MISC. CASES) IN RESPECT OF THE
GAUHATI HIGH COURT FOR THE PERIOD

01.09.2013 to 28.02.2014

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Excluding Misc. Cases