



HIGH COURT OF MEGHALAYA



There is but one
law for all,
namely, that
law which
governs all law,
the law of our
Creator, the law
of humanity,
justice, equity
-- the law of
nature and of
nations.

-EDMUND BURKE



NEWSLETTER 2019

VOLUME - 4 | ISSUE - 1



THE HIGH COURT OF MEGHALAYA

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HON'BLE THE CHIEF JUSTICE & PUISNE JUDGES OF THE HIGH COURT OF MEGHALAYA



**L-R: Hon'ble Mr. Justice H.S.Thangkhiew,
Hon'ble the Chief Justice Mohammad Rafiq,
Hon'ble Mr. Justice W.Diengdoh**



**Hon'ble the Chief Justice Mohammad Rafiq
High Court of Meghalaya**

Mohammad Rafiq
Chief Justice



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MESSAGE

It gives me immense pleasure to know that High Court of Meghalaya is going to release the 4th Edition of its Newsletter.

I have assumed charge of the office of Chief Justice of this High Court at this beautiful place, richly endowed with scenic beauty, only few months back. Shillong, being the capital of undivided Assam, the then Assam High Court (subsequently the High Court of Assam & Nagaland) initially had its sitting here since inception i.e., 05.04.1948 but afterwards shifted to Guwahati on 14.08.1948. But the State of Meghalaya became full fledged State on 21.01.1972 whereas, the High Court Bench of the Gauhati High Court was established at Shillong on 4th September, 1974 only. After many efforts of all stake holders, the aspiration of the people of the State of Meghalaya was finally fulfilled when Meghalaya got its separate High Court which was inaugurated by the then Hon'ble Chief Justice of India Justice Altamas Kabir on 23rd March, 2013.

Though this High Court is still very new but ever since its commencement, this institution has been contributing significantly in upholding the Rule of law and enforcing fundamental rights of the citizens of the State by catena of judgments and orders. It has also been providing access to justice to the citizen at their doorsteps by taking initiative in separation of judiciary from executive while preserving the unique local laws. This institution has also appeared to

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have taken many initiatives for bringing required infrastructure in the whole judicial system of the State in its right perspective to which I sincerely acknowledge the enormous contribution made by my esteemed colleagues on the Bench, the learned Members of the Bar, the judiciary as a whole and especially, the Government of Meghalaya. There are still three districts in the State where separation of the judiciary from the executive is yet to take place. I am, however, confident that with active cooperation of the State Government, full fledged judiciary shall start functioning shortly in remaining districts also.

I extend my best wishes to the Editorial Committee of this Newsletter which has conceived it as a tool to disseminate information and create awareness and also highlight the activities which are being undertaken by this institution.

Dated, Shillong,
the 11th February, 2020.

(Mohammad Rafiq)



Hon'ble the Chief Justice Mr. Ajay Kumar Mittal
High Court of Meghalaya
(Upto 31st October 2019)

Ajay Kumar Mittal
Chief Justice



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From the desk of Chief Justice:

The High Court of Meghalaya is releasing its fourth edition of Newsletter. It gives me immense pleasure to highlight the concerns and achievements of the High Court and also showcase the activities and functioning of subordinate judiciary in the State and also that of Meghalaya State Judicial Academy as well as the Meghalaya State Legal Services Authority. Moreover, the Newsletter contains brief notes on important decisions of the High Court in order to reflect its contribution about the development of jurisprudence. For the knowledge of public at large and for the relevant stakeholders, this Newsletter would provide the information relating to pendency and disposal of cases and also the latest statistics of the judiciary in the State of Meghalaya.

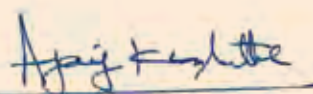
The High Court is in its formative stage yet this institution has taken many initiatives for bringing required infrastructure in the whole judicial system of the State in its right perspective. In its effective initiation, separation of judiciary from executive in most of the districts of the State could take place so as to cater access to justice to the citizen at their doorsteps and, as such, I sincerely applaud the efforts of the State Government for having extended its full support in that direction.

It may not be out of place to say that in a short span of its journey, the High Court of Meghalaya has made tremendous strides and its existence has made substantial positive impact on the welfare of the society and public at large by laying emphasis on the importance of constitutional principles and important judgements. However, we still have a long way to go before our endeavors translate our dreams into reality to make this institution a great one.

With tremendous pride, I deeply acknowledge the contribution of the Editorial Committee of the Newsletter for collecting the information, statistics and combining efforts between all district courts to compile a unique Newsletter.

I extend my best wishes to all.

Dated, Shillong,
the 22nd Oct., 2019.


(Ajay Kumar Mittal)



**Hon'ble Mr. Justice H.S. Thangkhiew, Judge
High Court of Meghalaya**

H. S. Thangkhiew
Judge



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MESSAGE

I am very happy to note that the High Court of Meghalaya is publishing its Fourth Edition of the Newsletter which gives a summary of the events, activities and achievements of the High Court, apart from detailing the statistical data of the judiciary of the various Districts of the State, the Meghalaya State Judicial Academy and Meghalaya State Legal Services Authority.

The publication of a Newsletter such as this goes a long way in making the public aware about the Institution and its activities who otherwise would not be able to gather such information from a single comprehensive source such as this Newsletter.

All stakeholders in Judicial Institutions, from Judges, members of the Bar, litigants and also general public have made their own contributions to the advancement of legal knowledge and social development which can be witnessed from judgments that have been rendered by Courts in matters brought before it by the public. Newsletters of Judicial Institutions is also an important facet in this regard in the dissemination of knowledge and information.

In bringing out this Newsletter, the hard work and efforts of the Editorial Committee in this regard merits special mention and appreciation.

I congratulate the Hon'ble Chief Justice for publishing the Fourth Edition of this Newsletter, and I am certain that it will be of great use and a good source of judicial information to the readers and the general public.

H.S. Thangkhiew
(Justice H.S. Thangkhiew)



**Hon'ble Mr. Justice W. Diengdoh, Judge
High Court of Meghalaya**

W. Diengdoh
Judge



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MESSAGE

A Newsletter as the name suggests would endeavor to depict the activities undergone by an Institution for a certain period of time.

The High Court of Meghalaya in this regard has brought out a regular edition of its Newsletter as a compilation of the activities of the achievements recorded within the said period. It is also an indicator of the future plan of action which the High Court proposes to take up.

It is commendable that the High Court of Meghalaya as a fledging Institution in this part of the country, although built on a strong base of judicial infrastructure carried over from the time of the erstwhile Gauhati High Court, Shillong Bench has nonetheless achieved a certain standard of accomplishment, which will do us proud.

I am deeply humbled to be able to convey my thoughts on the occasion of yet another publication of this Newsletter and to say that being part of this Institution for a number of years, firstly as an Advocate during the erstwhile Gauhati High Court, Shillong Bench and also as a Judicial Officer, having witnessed the transition of the then Gauhati High Court, Shillong Bench to the High Court of Meghalaya, Shillong, and now as a Judge of this esteemed High Court.

That within a space of a few years, this High Court has made its mark in the area of successful separation of the Judiciary from the Executive as far as the Sub-ordinate Courts are concerned, the establishment of the State Judicial Academy with land of its own and an elaborate plan to construct the

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complex of the Judicial Academy and also the achievements of the State Legal Services Authority as far as Legal Aid and Legal Awareness is concerned, which has brought administration of justice nearer to the doorstep of the poorest of the poor and the marginalized section of the society and also other areas of achievement, which would be too many to state herein.

The fact that the High Court is progressing rapidly, keeping pace with the development in the field of administration of justice with the rest of the country is a testimony of the fact of the relentless efforts and dedication of all those involved under the leadership and guidance of our Hon'ble Chief Justice and my esteemed brother, H.S. Thangkhiew.

I extend my heartiest congratulation to the members of the editorial committee for coming up with a comprehensive and attractive edition of this Newsletter.

Shillong
7th February 2020

A handwritten signature in blue ink, consisting of a stylized 'W' followed by a series of loops and a long horizontal stroke.

(Justice Wanlura Diengdoh)

FROM THE EDITORIAL COMMITTEE

When most of us revel in the idea of being busy, chasing goal after goal, we can sometimes forget the successes we have already collected therefore this newsletter is precisely that quintessence in reporting to help us catch up and ponder on what we have achieved.

As we share some of the important events and activities at a glance through this newsletter we are glad to end the year on a momentous note with a photo exhibition to celebrate the Constitution Day on the 26th of November, 2019 under the able guidance of Hon'ble Chief Justice, Mr. Justice Mohammad Rafiq. We also express our heartfelt thanks and appreciation to all the officers and staff of the Registry and the lower judiciary that have lent their sincere support and unstinted cooperation in bringing out the fourth edition of the newsletter.

Special mention may be made of Ms. Shiblylien Kharbudon, Asst. Librarian who has been working hard behind the scenes to assist in bringing out this newsletter.

We wish you all a happy reading.

Khublei.



Smti. E.K.Lyngdoh, Chief Editor

Smti. Anindita Y. Sarki, Editor

SWEARING-IN CEREMONY OF HON'BLE CHIEF JUSTICE AJAY KUMAR MITTAL



Hon'ble Governor of Meghalaya, Shri. Tathagata Roy, administering the Oath of Office to Hon'ble Mr. Justice Ajay Kumar Mittal as Chief Justice, High Court of Meghalaya at Raj Bhavan, Shillong on 28.5.2019

In pursuance of Notification No. K-13034/02/2019-US.I dated 22nd May, 2019 issued by the Government of India, Ministry of Law and Justice (Department of Justice), Hon'ble Mr. Justice Ajay Kumar Mittal, Judge of the Punjab & Haryana High Court was sworn in as Chief Justice of the High Court of Meghalaya on Tuesday, 28th May, 2019 by Hon'ble the Governor of Meghalaya, Shri. Tathagata Roy.

SWEARING-IN CEREMONY OF HON'BLE CHIEF JUSTICE MOHAMMAD RAFIQ



Hon'ble Governor of Meghalaya, Shri. Tathagata Roy, administering the Oath of Office to Hon'ble Mr. Justice Mohammad Rafiq as Chief Justice, High Court of Meghalaya at Raj Bhavan, Shillong on 13.11.2019

In pursuance of Notification No. K-13034/04/2019-US.I dated 08th November, 2019 issued by the Government of India, Ministry of Law and Justice (Department of Justice), Hon'ble Mr. Justice Mohammad Rafiq, Judge of the Rajasthan High Court was sworn in as Chief Justice of the High Court of Meghalaya on Wednesday, 13th November, 2019 by Hon'ble the Governor of Meghalaya, Shri. Tathagata Roy.

SWEARING-IN CEREMONY OF HON'BLE JUSTICE WANLURA DIENGDOH



Hon'ble Chief Justice of Meghalaya, Shri. Mohammad Rafiq, administering the Oath of Office to Mr. Wanlura Diengdoh as Judge, High Court of Meghalaya in the Chief Justice's Court, High Court of Meghalaya, Shillong on 15.11.2019

In pursuance of Notification No. K-13034/01/2019-US.I dated 13th November, 2019 issued by the Government of India, Ministry of Law and Justice (Department of Justice), Mr. Wanlura Diengdoh, District & Sessions Judge, East Khasi Hills District, Shillong was sworn in as Judge of the High Court of Meghalaya on Friday, 15th November, 2019 by Hon'ble the Chief Justice of Meghalaya, Shri.Mohammad Rafiq.

REPORT ON RECRUITMENT CELL

The Recruitment Cell is managed by the Registrar, with the assistance of 1(one) Senior Administrative Assistant and 1(one) Junior Administrative Assistant.

The methodology for recruitment to the various post is assigned to the different committees. The application forms are scrutinized minutely by the Sub-Committees and thereafter placed before the Hon'ble Committee for approval. Once the Committee approves the list of eligible and rejected candidates the same is placed before the Hon'ble the Chief Justice for final approval.

Thereafter, the approved list is uploaded on the website of the Registry and the list of rejected candidates is displayed on the Notice Board. If there are posts which require written test, then the syllabus is also uploaded.

The Recruitment Cell then finalizes on the date, venue and time for either written test or interview.

Notice, Call letters and Roll Numbers of candidates are again uploaded on the website for information of the candidates concerned.



New Recruit - 2019

HIGH COURT OF MEGHALAYA RECRUITMENT CELL 2019

Sl. No	Name of the Post	Number of the Post	Date of Written Examination	Date of Interview	Remarks
1.	System Officer	1	-	-	Sub-Committee to identify question paper setter
2.	Library Assistant	2	-	-	Written examination to be fixed
3.	Typist	2	-	-	Typing Test to be fixed after approaching the concerned Institutions
4.	Electrician	1	-	05.10.2019	Result to be notified
5.	Driver	1	Driving Test & Interview 06.07.2019		Result declared
6.	Cook	1	Trade Test & Interview 31.08.2019		None found eligible / To be re-advertised
7.	Law Clerk-cum-Legal Research Assistant	2	-	20.09.2019	Result declared
8.	Casual Staff	5	Walk-in-interview 29.06.2019		Result declared
9.	Binder	1	Walk-in-interview 12.07.2019		Result declared
10.	JAA	4	Screening Test 15.06.2019	26.10.2019	Under process

INFRASTRUCTURE DEVELOPMENT

A. High Court building

The High Court of Meghalaya is functioning in a fairly new building. Currently, construction work of the Annex building, which is situated adjacent to the High Court building is going on and the Engineers assured that it would take one more year to complete the project. The said building will house an auditorium, banking accommodation, dispensary, and other facilities, etc.



Annex building of the High Court of Meghalaya

B. Infrastructure of District Courts

Presently, 8(eight) Judgeships have been created in the State. They are, Shillong in East Khasi Hills District, Jowai in West Jaintia Hills District, Nongstoin in West Khasi Hills District, Nongpoh in Ri-Bhoi District, Tura in West Garo Hills District, Williamnagar in East Garo Hills District, Ampati in South-West Garo Hills District and Mawkyrwat in South-West Khasi Hills District.

While construction of the permanent Court building is completed and the buildings are already occupied in Nongpoh, Nongstoin, Tura and Williamnagar, construction works are still under progress in the other four Districts.



Permanent Court buildings of Nongpoh and Nongstoin

Construction of the permanent Court buildings in the Sub-Divisional Courts of Sohra, Mairang and Amlarem are also under progress, whereas for Dadengre Sub-Divisional Court, land has been provided but construction of the same is yet to be started.



Sub-Divisional Court of Mairang

In districts where separation of Judiciary from Executive is yet to take place, that is, Khliehriat in East Jaintia Hills District, Baghmara in South Garo Hills District and Resubelpara in North Garo Hills District, construction works of the Court building are already being taken up in Khliehriat and Resubelpara. As regards Baghmara, land has been provided and plan and estimates have also been finalised and approved.



Laying of Foundation Stone of the Permanent Building of the Court of District & Sessions Judge, West Jaintia Hills District at Khliehtyrshi, Jowai



The foundation stone of the permanent building of the Court of District & Sessions Judge, West Jaintia Hills District was laid jointly by the then Hon'ble Chief Justice Mohammad Yaqoob Mir, High Court of Meghalaya in the presence of Hon'ble Mr. Justice Hamarsan Singh Thangkhiew, Judge, High Court of Meghalaya on 23rd March, 2019 at Khliehtyrshi, Jowai.

The total area of the Court complex is about 11.162 acres and will accommodate the Court building, quarters for the District and Sessions Judge, Chief Judicial Magistrate, Judicial Magistrate First Class as well as Staff quarters.

The Office of the District & Sessions Judge, West Jaintia Hills District, Jowai is currently functioning in the building of Deputy Commissioner, Jowai

as the Court complex at Khliehtyrshi is still under construction, whereas the Judicial Officers are currently accommodating in rented building, pending completion of the construction of the quarters at Khliehtyrshi.



Development of Law: A Few Catchnotes

**SINGLE BENCH: Hon'ble Mr. Justice Ajay Kumar Mittal, during his tenure as
Chief Justice of High Court of Meghalaya**

Crl.Ref. No. 1 of 2019 with

Crl.Rev.P.No. 17 of 2019

Crl.Rev.P. No. 18 of 2019

Crl.Petn. No. 19 of 2019

Crl.Rev.P. No. 21 of 2019

Crl.Rev.P. No. 22 of 2019

Crl.Rev.P. No. 23 of 2019

Crl.Rev.P. No. 24 of 2019

Crl.Rev.P. No. 25 of 2019

Crl.Rev.P. No. 27 of 2019

arising out of Nongstoin PS Vs. State of Meghalaya & Anr. Case No. 30(3)2019

Shri Jimmy Sympli Vs. State of Meghalaya

Shri Marjan Lytan & Ors. Vs. State of Meghalaya

Shri Pramod Sharma Vs. State of Meghalaya

Shri Raju Singh Vs. State of Meghalaya

Smt. Dropadi Saraf Agarwal Vs. State of Meghalaya

Balateilang L. Nonglait Vs. State of Meghalaya & anr

Shri Bishit Suchiang Vs. State of Meghalaya

Shri Sudip Paul Vs. State of Meghalaya

Smti Sangita Agarwala Vs. State of Meghalaya

Decided on: 12.07.2019

Zimma Application - Section 397 read with Section 401 of the Code of Criminal Procedure - Sections 188/420/120 B/109 IPC - Section 451 CrPC - Section 50(1)(c) CrPC - In view of the discussion the court arrived at the conclusion, the said Circular dated 31.01.2019 shall be ineffective while adjudicating petition under Section 451 CrPC by the Judicial Magistrate/Criminal Court where the trial Magistrate shall afford an opportunity to the claimant-petitioner to prima facie establish his claim of innocence and non-involvement in the commission of the offence/crime - Consequently, the petitions are allowed and the impugned orders declining Zimma applications are set aside. The matters are remanded back to the trial Magistrate/Criminal Court to pass fresh order keeping in view the principles and guidelines enunciated above in accordance with law - Criminal Reference No.1 of 2019 also stand answered in the above terms. In Crl.Petn.No.19 of 2019, the petitioner has not filed any application under Section 451 CrPC for release of vehicle on Zimma. The revision petition is disposed of by permitting the petitioner to approach the trial Magistrate for release of vehicle under Section 451 CrPC, who shall pass appropriate order thereon keeping in view the legal proposition noticed hereinbefore in accordance with law.

Shri Arjun Sohpdang & Anr. Vs. Smt. Philet Rynjah

CRP No. 21 of 2018

Decided on: 26.08.2019

Title Suit - Article 227 of the Constitution of India - Rule 36A of the Rules of the Administration of Justice and Police in the Khasi and Jaintia Hills, 1937- Order IX Rule 8 CPC – It held that in Order IX Rule 8 CPC enjoins the court that where the defendant appears and, the plaintiff does not appear when the suit is called on for hearing, the court shall make an order that the suit be dismissed, unless the defendant admits the claim, or part thereof, in which case the court shall pass a decree against the defendant upon such admission, and, where part of the claim only has been admitted, shall dismiss the suit as it relates to the remainder- Accordingly, in view of the above, the trial court instead of dismissing the suit on 07.08.2018 had passed the impugned order which is contrary to the statutory provision contained in Order IX Rule 8 CPC. Consequently, this revision petition is allowed and the impugned order is set aside with the clarification that under the circumstances the suit shall be deemed to have been dismissed on 07.08.2018 in terms of Order IX Rule 8 CPC as the respondent-plaintiff had failed to put in appearance on the said date - Disposed of as above.

Shri Lamboklang Myllemngap Vs. Deputy Commissioner/Collector

Ri-Bhoi District &ors

WP (C) No.373/2016

Decided on: 19.09.2019

Land Acquisition- Article 226 of the Constitution of India - Section 4, Section 6 Sections 9 and 11 of the Land Acquisition Act, 1894 - Section 21 and 23 of the the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 - Still further, the Land Acquisition Act, 1894 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are self-contained code within the framework of its limited purpose of acquisition of land. It provides for complete mechanism for acquisition of land including the process of execution, payment of compensation as well as legal remedies in case of any grievances. The petitioner claimed value for the construction of two storied building, whereas, the stand of the State is that it was raised after the issuance of Notification under Section 4 of the Act. In such circumstances, the issue involves questions of fact regarding the date of construction and, therefore, the reference Court would be the appropriate forum to adjudicate the issue. In view thereof, the claim of the petitioner that no compensation for two storied building has been granted could not be acceded to in the writ jurisdiction. Thus, no ground to interfere in the award announced by the State dated 21.03.2014 or the additional award dated 19.09.2014 has been made out - The Collector had made a reference under Section 18 of the Act to the Court of Special Judicial Officer at Nongpoh [as per Annexure-10 (page 42 of the affidavit-in-opposition) of respondent No.1] on 17.12.2015 which was ultimately dismissed-in-default on 25.11.2016 for non-appearance of the claimant-writ petitioner. The provisions of Section 18 of the Act are analogous to Section 64 of 2013 Act. The petitioner approached this Court by way of

present writ petition on 17.11.2016. Therefore, in the interest of justice and equity, it is directed that the petitioner shall be at liberty to seek revival of the reference petition made by the Collector which was dismissed in default on 25.11.2016. Since, the petitioner had approached this Court prior thereto, and the writ petition was pending in this Court therefore, in case the petitioner moves an application seeking restoration of the reference petition within 30 days from the date of receipt of certified copy of the order, the reference Court shall recall its order dated 25.11.2016 and thereafter proceed in the matter in accordance with law. Accordingly, the writ petition stands disposed of in the manner indicated above. Needless to say, the observations made hereinbefore are for the purposes of decision of the writ petition and shall not be taken to be an expression of opinion on the merits of the controversy.

New India Assurance Co. Ltd. Vs. Miss. Karoline Wankhar & ors

MAC Appl.No.2/2019

Decided on: 19.08.2019

Motor Accident Claims - Section 173 of the Motor Vehicles Act, 1988 - since Manna Das-the helper was an employee of the insured though the act was being performed in a mode which was not proper but was connected with the course of employment, the insured and the insurer would be jointly and severally liable to pay compensation applying the principles of vicarious liability. The insurer has not established that the owner/insured in any way was involved in authorizing Manna Das to drive the vehicle. Thus, there was no breach of any condition of the Insurance Policy. In such a situation, the insured had to be indemnified by the Insurance Company under the Insurance policy as the driver employed by the insured was having valid driving license but he in turn had authorized another person who did not possess valid driving license and had caused accident resulting in injuries to the claimant. Once that was so, the liability to pay the compensation amount was required to be discharged by the insurer. The question of „pay and recover“ in such a situation could not be granted against the insured-owner of the vehicle. Nevertheless, the Insurance Company would have recovery rights against the driver who had illegally authorized the helper to drive the vehicle which Tribunal has already accorded to the insurer. Perhaps it was because of this reason that no such claim of recovery rights from the insured was laid before the Tribunal by the Insurance Company. In view of the above, no error could be pointed out by the Insurance Company in the award passed by the Tribunal. The appeal is, thus, dismissed -The amount of deposit made by the Insurance Company at the time of filing of the appeal is directed to be released to the claimant directly through cheque/draft by the Registry of this Court. The record of the Tribunal be returned forthwith

**DIVISION BENCH: JUSTICE AJAY KUMAR MITTAL, CHIEF
JUSTICE & JUSTICE H.S. THANGKHIEW, JUDGE**

SHRI DEIPORMI DKHAR VS. STATE OF MEGHALAYA & ORS

WP (C) NO.323 OF 2018

DECIDED ON 24.07.2019

Article 32, 226 of the Constitution of India- Writ in the nature of certiorari for quashing the order issued, temporarily taking over of the weighbridge from the petitioner on account of non-payment of the lease amount for first instalment in terms of the renewal lease agreement-there had been a delay in depositing the first instalment which was payable- it was stated by respondents that the weighbridge has been handed over to the petitioner and urged that in view thereof- the writ petition has been rendered infructuous- it was observed that disposal of the writ petition shall not be taken as a bar for the respondent-State to recover the legitimate amount payable in terms of the renewal lease agreement or to take any action against the petitioner for violation of the terms thereof in accordance with law.

SINGLE BENCH :: JUSTICE H.S. THANGKHIEW, JUDGE

SUMANTA DEKA Vs. STATE OF MEGHALAYA

B.A. No. 21 of 2018

Decided on: 07.01.2019

Bail Application - U/S 8 POCSO Act, 2012. – Held, after charge sheet is being filed - custody of the accused would not be needed for investigation purposes and since evidence have already been collected by the police, chances of destruction or concealment of evidence by the accused would be lessened – However, chances of threatening of witnesses may still exist–Held, there is a reasonable apprehension of the witness being tampered with as there were threats to the complainant and the minor victim girl - Held, the nature and gravity of circumstances of the offence involving a minor victim girl under the POCSO Act and the conduct of the accused with reference to the victim and witnesses weigh against the grant of bail - Bail application rejected.

GELSON CH MARAK Vs. G.H.A.D.C & Others

WP(C) No. 338 of 2016

Decided on : 06.03.2019

Nokmaship - Principles of waiver estoppel and acquiescence – Held, the instant matter be remanded back to the Court of the Learned Executive Member In-charge Revenue to try the matter afresh but to first frame the preliminary issues on the maintainability of the petition of the writ petitioners and

render findings as to whether there exist any sufficient grounds for condoning the long time lapse of 87 years and whether the petition and the claim of the writ petitioners is barred by the principles of waiver estoppel and acquiescence – Petition allowed.

SIBILISH M. SANGMA Vs. G.H.A.D.C & Others

WP(C) No. 210 of 2016

Decided on : 11.03.2019

A'khing land - Nokmaship - Garo Hills Autonomous District (Administration of Justice) Rules, 1953 - The Garo Hills Autonomous District (Social Customs and Usages) Validating Act, 1958 - Section 4(8) – Definition of Nokma -The manner and custom governing the management of an Akhing and the appointment and succession of Nokmas - Held, apart from the requirement that inheritance should be from the female line i.e., matrilineal, which is in the realm of customary law and orderly course of inheritance of the Garos, the concurrence of the Maharis and other clan members with regard to the affairs of the Akhing, such as its use and alienation is also a necessary requirement - The name of Nokma who is holding office of any particular Akhing and a genealogical table of the family tree must be recorded and available in the office of the G.H.A.D.C. – The petition does not touch against any rights and claim - Petition dismissed.

SINGLE BENCH: Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

M/s National Associates Vs. North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), Shillong represented by M/s HSCC (India) Ltd. & Ors.

Arb.P. No. 9 of 2019

Decided on: 03.12.2019

Appointment of Sole Arbitrator – Section 11(6) Arbitration and Conciliation Act, 1996- Undisputedly, from the material placed on record, it is clear that when the respondents failed to make payment of the outstanding dues of the petitioner, the petitioner invoked the arbitration clause in the contract and requested appointment of Arbitrator. The respondents, instead of appointing an Arbitrator to resolve the dispute, stated that the petitioner has not performed the obligations under the contract. The respondents have failed to appoint the arbitrator despite lapse of 30(thirty) days from receipt of notice invoking the arbitration clause - In view of the above, it is just and proper that an independent arbitrator is appointed to adjudicate and decide the dispute between the parties including their claims, counter claims and objections. There was consensus between learned counsel for the parties for appointment of Hon'ble Justice (Retd) B. P. Kakoty, Retd. Judge of Gauhati High Court to be an arbitrator. Accordingly, Hon'ble Justice (Retd) B. P. Kakoty, Retd. Judge of Gauhati High Court is appointed as arbitrator in this case to adjudicate upon and decide all the disputes between the parties including their claims, counter claims and objections relating to the contract in question - All other aspects relating to the cost of

proceedings and fees are left to be determined by the arbitrator while keeping in view the law applicable and compliance of the provisions contained in Fourth Schedule to the Arbitration and Conciliation Act, 1996 (as amended up to date) - Arbitration petition stands disposed of accordingly.

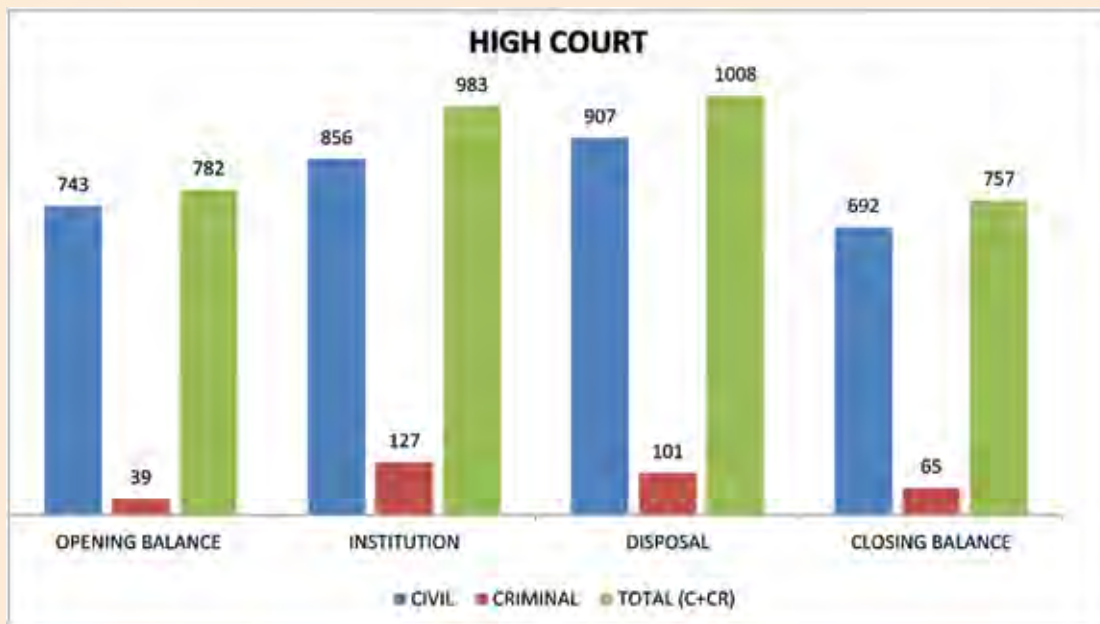
IGE Sora JC113838 Vs. Union of India &Ors.

WP(C) No. 242 of 2016

Decided on: 05.12.2019

Service Matter - Article 226 of the Constitution of India- Writ of Mandamus -setting aside and quashing impugned promotion order- The petitioner was the only candidate in ST category available in the zone of consideration for promotion to the vacant post of Subedar (GD), however, his case was not considered for promotion on the alleged ground that the bench mark of ACR/APAR given during period of deputation could not be taken into consideration for promotion to said post - Mr. M. Chanda, learned counsel for the petitioner submitted that there is no provision anywhere in the relevant rule that ACR/APAR earned by employee during period of deputation would not be considered for purpose of promotion - It was held that action of the respondents in not granting promotion to the petitioner is declared to be illegal, arbitrary and discretionary, being violative of Article 14 and 16 of the Constitution of India - The respondents are directed to grant the petitioner promotion with effect from the date when the post of Subedar (GD) became vacant, with all consequential benefits, together with interest @ 9% per annum - The writ petition is accordingly allowed.

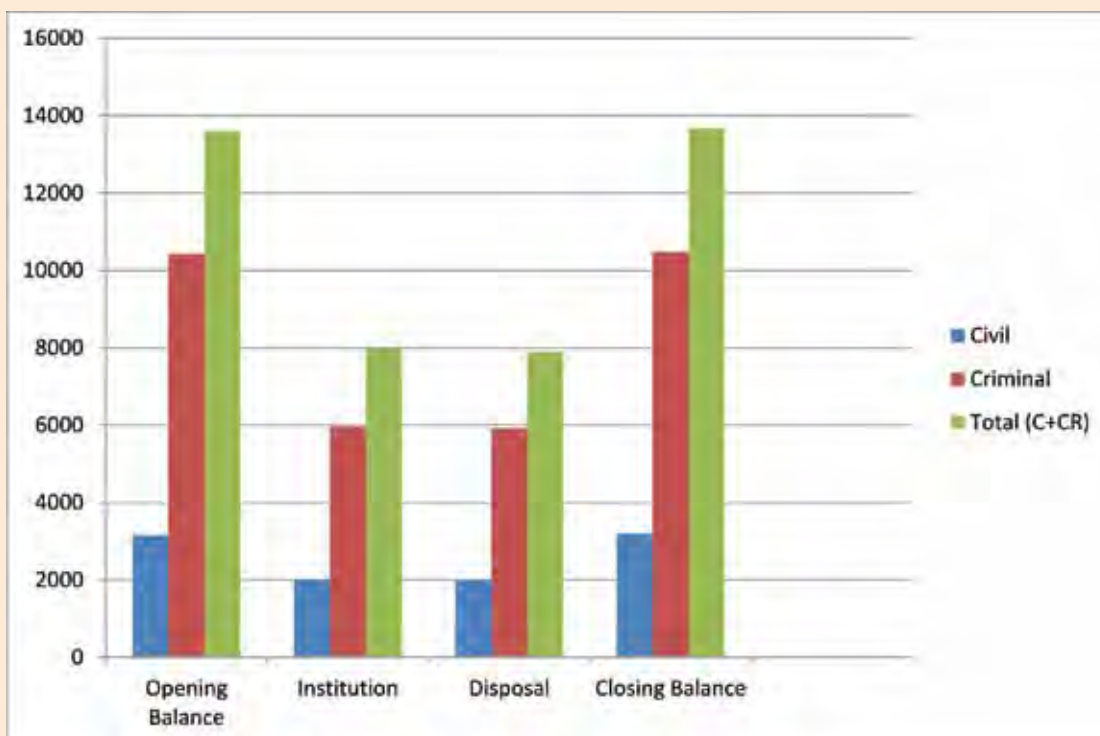
GRAPH PENDENCY & DISPOSAL OF CASES FOR YEAR 2019



GRAPH- PENDENCY/ DISPOSAL AS ON 31.12.2019

HIGH COURT			
OPENING BALANCE	743	39	782
INSTITUTION	856	127	983
DISPOSAL	907	101	1008
CLOSING BALANCE	692	65	757

SUBORDINATE COURTS



LEGAL RESEARCH WING**EXPERIENCE OF WORKING AT THE HIGH COURT OF MEGHALAYA AS A LAW CLERK -CUM- LEGAL RESEARCH ASSISTANT****Introduction**

A Law Clerk –Cum- Legal Research Assistant in High Court commonly known as Judicial Clerks or Legal Researchers often play crucial roles in the judgement making process by aiding a judge in providing a perspective in order to frame an encompassing judgement or order but more often in India they are confused with a clerical worker, court clerks or courtroom deputies who only provide secretarial and administrative support to Judges or Attorneys.

Since the inception of this judicial clerkship in India as adopted from US Court, prospective and alternative prospectives have been brought to the attention of many Judges in Indian Supreme Court and High Courts by various Legal Research Assistants in order to support and delineate the dynamism of various laws.

Being a part of The High Court of Meghalaya it has been one of the most fulfilling experiences of my life. The multi-dimensional approach that one can acquire while working on a wide array of matters across different fields and areas of law is rewarding in every way. Every year the High Court appoints Legal Research Assistants who are generally fresh law graduates. These Legal Research Assistants are selected by way of Interview conducted by the High Court of Meghalaya.

Legal Research Assistant's Work

It has been 2 years since I have been appointed as a Law Clerk -cum- Legal Research Assistant and in these 2 years it has been a time of boundless learning. One tends to appreciate the distinction

of law as well as get acquainted with the inner workings of the High Court of Meghalaya in an unprecedented manner. I have completed research work in some important matters relating to this court. Legal Research Assistants often provide significant research on ongoing cases up for final hearing. As a Legal Research Assistant, amongst other things, one is generally occupied in making synopsis of the matters put for admission stage and preparing notes in matters in which notice has already been issued. Monday and Friday are commonly known as days of heavy cause-list because on these days approximately 30 items are kept on board and Legal Research Assistants are given only 2-3 days to make synopsis and notes. Legal research and judicial opinion is sought by Hon'ble Judges in matters of severe technicality only. Such matters demand due care and right insight, therefore judicial clerk must not only be proficient in using legal research resources like SCC Online, Manupatra, Indiankanoon, Bar and Bench, Live Law, Latest Law, Casemine etc. but also well versed with the prevailing legal jurisprudence. If somebody would ask me if working as a Legal Research Assistant in High Court is worth it or not, then my answer would be a resounding yes. In my own experience, I have million reasons to prove that this assignment, which is contractual in nature, is very much suitable for fresh law graduates provided they work here on contractual term which it can be extended up to three years' based on performance. One of the cardinal logic behind my judgment is that a fresh graduate is always keen to learn and gain best outcome based on their capabilities. The second logic is with respect

to working for one year contractual only, wherein I would stress upon the ability of Legal Research Assistant to brush up one's legal concepts and gain invaluable knowledge in the company of Hon'ble Judges apropos necessary do's and don'ts of legal drafting. I am also expected to prepare a short brief note which essentially summarizes the entire Petitions in 1 or a maximum of 2 pages. My ability to grasp, process and interpret vast, diverse and often complicated propositions of law has expanded significantly.

Quoting the then Hon'ble Chief Justice of the High Court, Mr. Justice Dinesh Maheshwari once told us early in our tenure:

"Research is not just to find out some relevant points for the cases but we have to go deep into the topic to understand the entire concept which will make us clear to proceed with our work"

Somewhere I have read that a lawyer, who can write well, is a lawyer who can speak well. I couldn't agree more with this. As a Legal Research Assistant, a vast amount of time is devoted towards reading statutes, legal articles as well as law journals related to concerned cases which is ultimately processed and churned out into succinct notes; a logical corollary of this is improved writing skills and this in turn, significantly enhances verbal communication. A clerkship serves as a great prepping experience for a lawyer attempting to build his/her career in litigation, especially as an arguing counsel.

Acquired knowledge during clerkship

We do not only earn but learn as well in any professional system. Office of a High Court Judge, constitutionally prestigious and significant – expound the principles enshrined in the constitution, inadvertently teaching us integrity, conviction, dedication, and determination to be practiced in our daily life, but importantly to expand our ability to work so as to ensure and

ascertain an equal and just delivery system, one without fear or favour. It also teaches us how to respect whereby we start treating people in a way they are supposed to be treated. It also improves foundations of character, competence and robust will power which are also exhibited in such Legal Research Assistance.

The most important lesson that judicial clerkships teaches us is that there is no room for error in adjudication. And the reason is quite obvious so that there is no miscarriage of justice and not only is it a judgement of the High Court but also that once reported, the law laid down on the basis of irreparable error could be misused as a defence or as a judicial precedent which would ultimately pose a direct threat to justice delivery system.

Our privileges

Being judicial clerk is a privilege that we land up with insight of how judges of High Court think and the principles they apply in interpretation of law in conformity with the demands of contemporary nation. And this ability is endorsed by the certificate issued by Hon'ble Judge at the end of contractual assignment. In the same manner, other qualified benefit for being such Legal Research Assistant is that sometimes our contribution in research for judicial opinions is greatly appreciated and could find a suitable place in the judgement itself. The judgement passed in the case of Smti. Margareth Khyriem Private Limited & ors - CR (P) No.2/2017, Deputy Commissioner/Collector Ri-Bhoi District & ors - WP (C) No.373/2016 and Miss. Karoline Wankhar & ors - MAC Appl.No.2/2019. Etc. are best example to substantiate this benefit.

Merits of Judicial Clerkship

Being a judicial clerk as mentioned above in High court is a good fortune to any law graduate because we are attached to a Judge of the High Court who would not only be our boss in professional

life but also a mentor in all ways, whatsoever. Furthermore, we are paid a handsome amount for our services rendered as assistance to Hon'ble Judges. Moreover, we become part of this great Institution of justice delivery system whereby we render service to nation and resultantly we are inculcated with great skills in legal research and interpretation of statutes. The ambit of our research navigates all disciplines of law of contemporary significance.

Demerits of judicial clerkship

Although, this highly regarded judicial institution like other institutions grants us special advantages and immunities, nevertheless, there are blows of some deprivations which come hand in hand and that include inter-alia; lack of time for self-care like health, eyes etc. due to lack of sleep and extravagant computer use. Another terrible implication is that we are always held up with work and therefore Legal Research Assistant who have ultimate goal or aspiration of passing some premier competitive exams like Civil Services Examination or Judicial Service Examination etc. could not spare enough time for preparation. And the most horrible character of judicial clerkship in Hon'ble High Court is that assignment is contractual in nature and therefore, it is just a

platform for learning practically immediately after graduation from law school.

Conclusion

The High Court of Meghalaya has diverse cases; the most interesting ones are the public interest litigation which question the Government relating to day to day account for omissions or commissions concerning implementation of the policy framed by it. Judicial clerkship scheme at present being an integral part of Courts has established a unique identity in India. While working on such cases, it is natural that the genesis of the public policy has to be looked into as well as the legal and practical creases and flaws in them. As our assignment is contractual for an initial term of one year, it is suitable for any fresh law graduates only. Suffice enough it would be to conclude that judicial clerkship at High Court make us capable of utilizing resources given and completing any task in the timeline given. Last but not the least I feel incredibly honoured that Judges of this Hon'ble Court had chosen me and given me an opportunity to extend my contribution in the justice delivery system. Working on such cases naturally helps me to get a more holistic picture of the working of public policies and I feel blessed to have been given this kind of exposure.



Colleagues: Legal Research Assistants

- 1. Nance M. Kharshemlang**
- 2. Kanri Maka Dkhar**
- 3. Walden Godfrey Rangad Mihsill**

Sd/-

Shantosh Kumar Behara

(Law Clerk Cum Legal Research Assistant)

The High Court of Meghalaya, Shillong

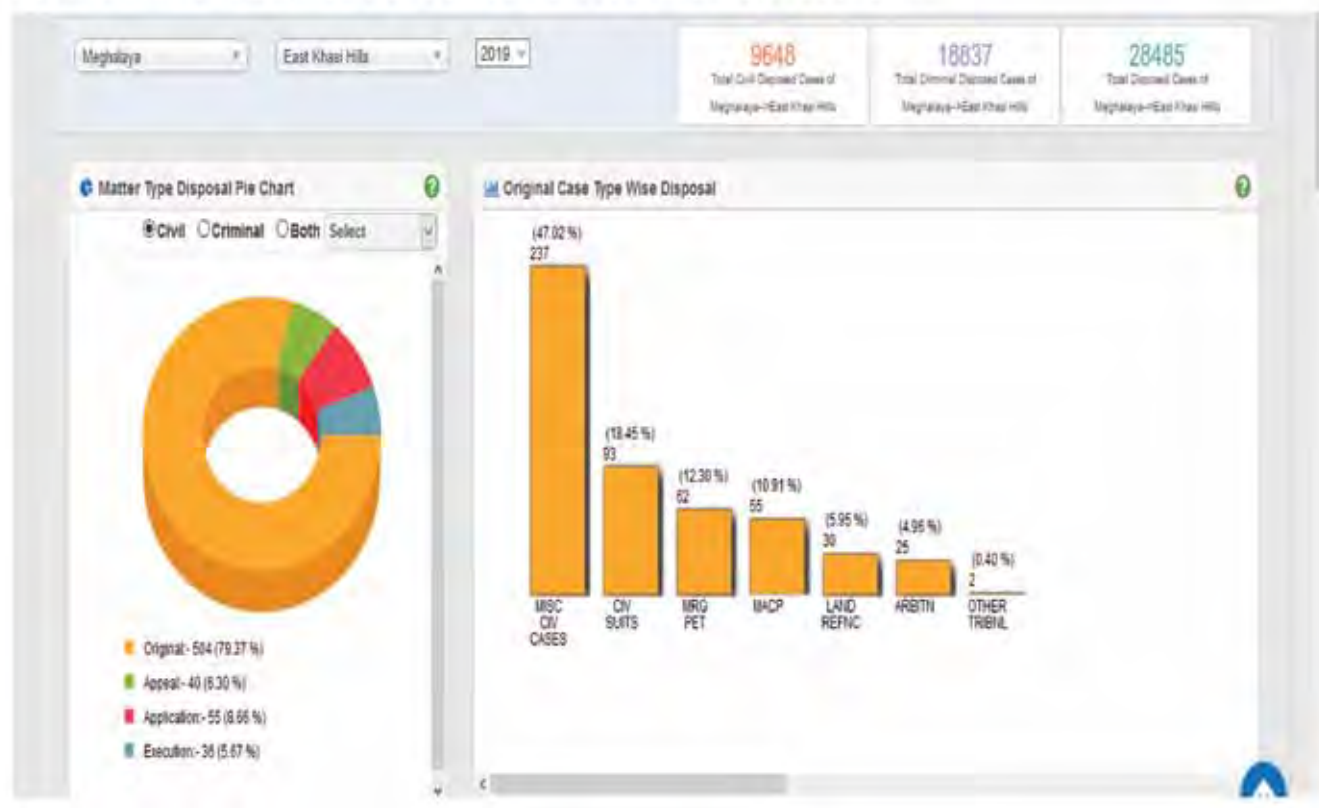
Dated : 04/12/2019

East Khasi Hills District, Shillong

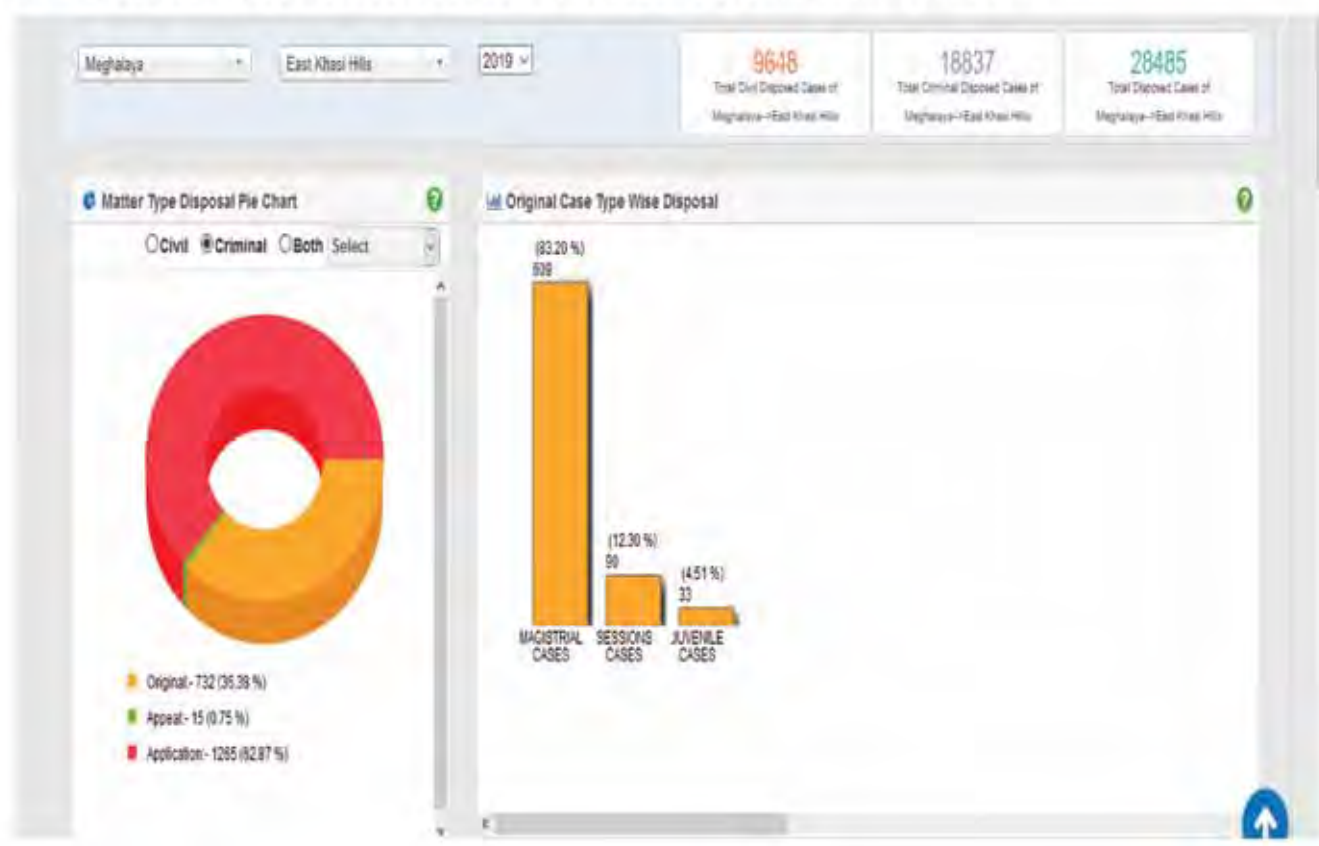


PENDENCY OF CIVIL CASES IN THE OFFICE OF THE DISTRICT & SESSIONS JUDGE SHILLONG**PENDENCY OF CRIMINAL CASES IN THE OFFICE OF THE DISTRICT & SESSIONS JUDGE SHILLONG**

DISPOSAL OF CIVIL CASES IN THE OFFICE OF THE DISTRICT & SESSIONS JUDGE SHILLONG



DISPOSAL OF CRIMINAL CASES IN THE OFFICE OF THE DISTRICT & SESSIONS JUDGE SHILLONG



Activities Conducted by District Legal Services Authority, East Khasi Hills District, Shillong



Ri-Bhoi District, Nongpoh



(L-R : E.Shabong CJM & Full Time Secretary DLSA, Smti. N.I. Dkhar Judicial Magistrate First Class, Smti. C.Dkhar District & Sessions Judge, Smti. B. Kharlukhi Judicial Magistrate, Shri. M.Kumar Addl. District & Sessions Judge Cum Special Judicial Officer (L.A. Cases & Judge (MACT))

The District Legal Services Authority(DLSA) Ri-Bhoi District,Nongpoh conducted a number of legal awareness programs and other legal services activities during the year 2019 from the month of January till date.

The District Legal Services Authority (DLSA) Ri-Bhoi District, Nongpoh also worked in coordination with the other departments of the government relating to legal awareness programs for those who are indigent and illiterate and in particular the women and children and the elderly. In this regard panel lawyers/ members of the Nongpoh Bar Association were deputed to be resource persons in the social welfare programs of the

concerned government departments to impact legal awareness and provide free legal services as and when sought for. Legal Awareness Programs were conducted in collaboration with the Social Welfare Department and also with NGOs of Ri-Bhoi District during observation of International Women's Day and International Day against Drug Abuse. On the occasion of world Environment Day, the District Legal Services Authority, Ri-Bhoi District planted tree samplings and other flowering plants in the premises of the District & Sessions Court, Ri-Bhoi District.

The District Legal Services Authority also conducted legal awareness programmes in the

jail premises where apart from the topics-plea bargaining, rights of convicts, free legal services to indigent inmates, the resource person spoke about counselling and rehabilitation and also aftercare for those convicts who have served their sentence and are released from the jail. The District Legal Services Authority, Ri-Bhoi District observed 'World Senior Citizens Day' in the District Jail where the resource person amongst others spoke about elderly inmates and growing old in prison.

The District Legal Services Authority(DLSA) Ri-Bhoi District, Nongpoh in its objective to spread legal awareness and provide legal services to the other areas in the district apart from the District Headquarters, conducted legal awareness programs in the remote areas of the District, conducted legal literacy classes in the schools located in the remote areas of the District and also set up help desks during festivals in the District Headquarter and during market days in the remote villages where legal literacy pamphlets were distributed and PLVs and Panel Lawyers were deputed to provide free legal services as and when required.

The District Legal Services Authority(DLSA) Ri-Bhoi District, also deputed Panel Lawyers/PLVs to sit in the Legal Aid Clinic in the District Jail, Ri-Bhoi District at Mawsyntai, in the Legal Care and Support Centre situated in the office of the Child Welfare Committee, Ri-Bhoi District, Nongpoh and in the Help Desk of the front office of the District Legal Services Authority, situated in the premises of the District & Sessions Court, Ri-Bhoi District. Registers are maintained in these centres, where the nature of services rendered by the Panel Lawyer/PLV to the inmates of the jail and the person seeking legal services are recorded and accordingly necessary steps were taken by the DLSA, for provision of legal services as and when sought for. The District Legal Services Authority (DLSA) Ri-Bhoi District, Nongpoh also deputed PLVs to visit the police station in the district and also to man the Legal and Support Centers in the respective blocks of the District.

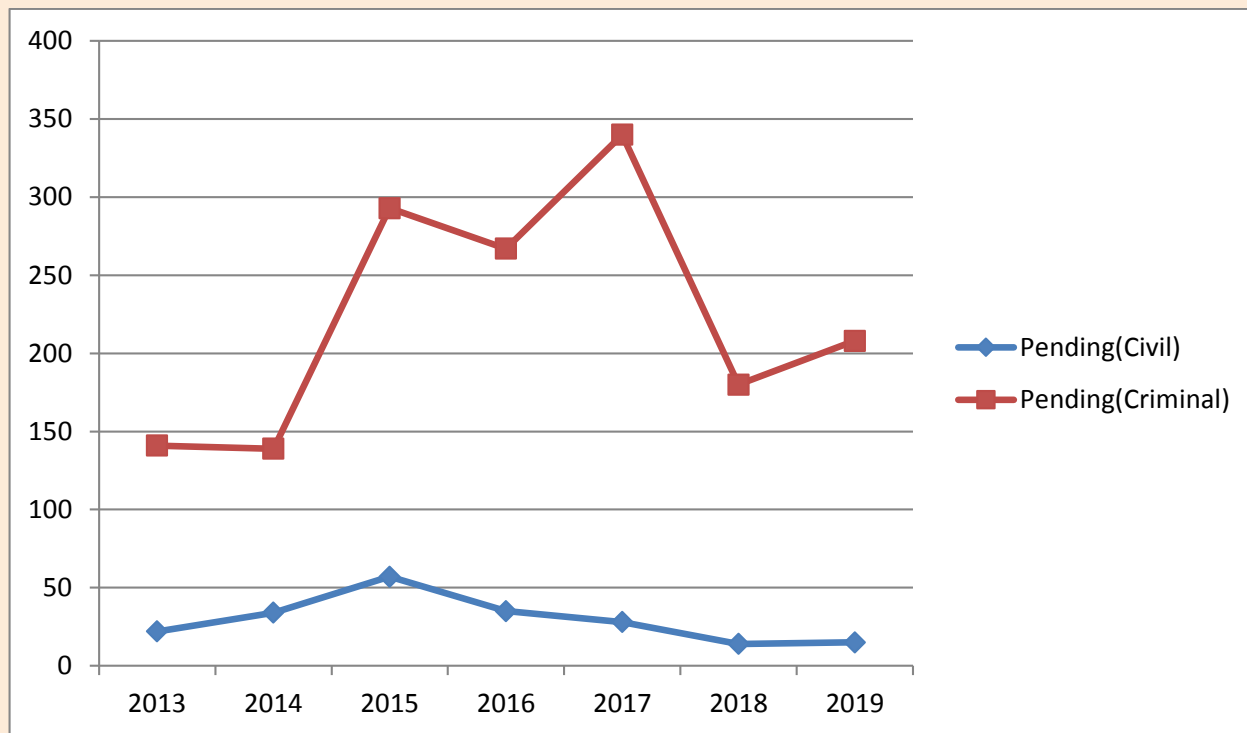
Furthermore, The District Legal Services Authority (DLSA) Ri-Bhoi District, also held meetings relating to the Victim Compensation Scheme applications, Legal Aid Applications, Under Trial Review Committee and other legal services activities at regular intervals.

Secretary

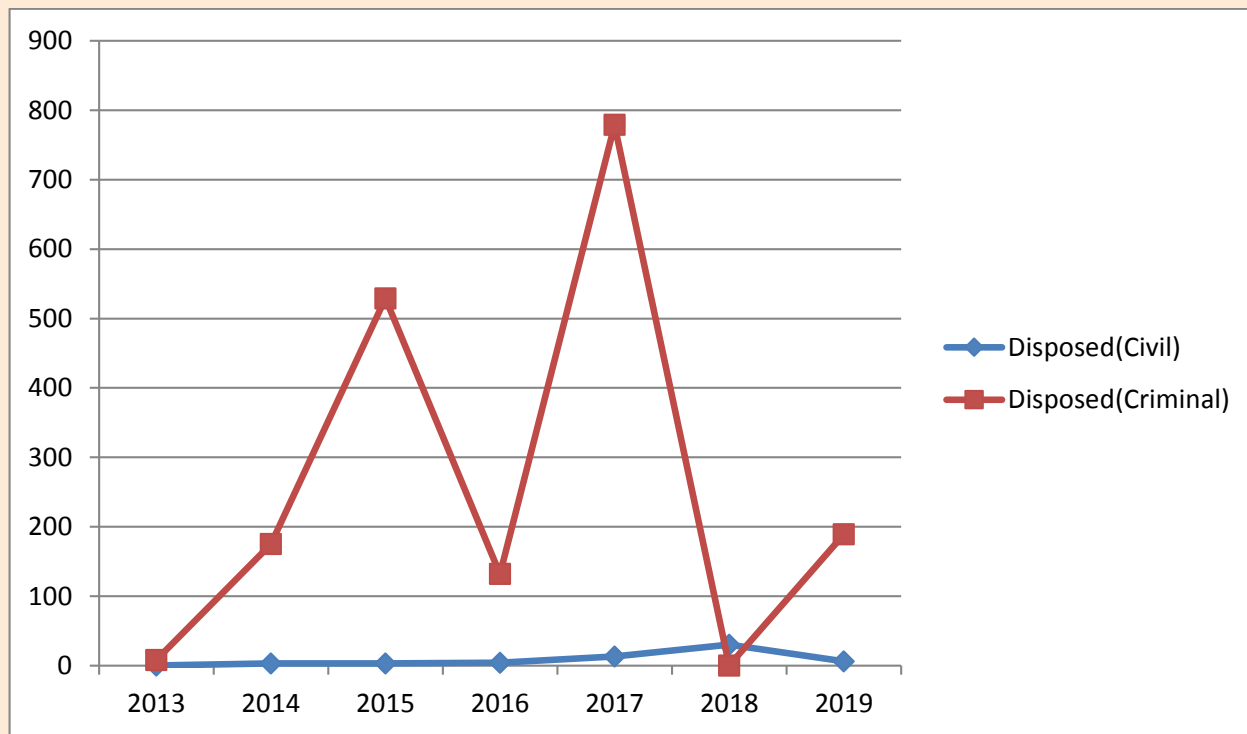
District Legal Services Authority
Ri-Bhoi District, Nongpoh

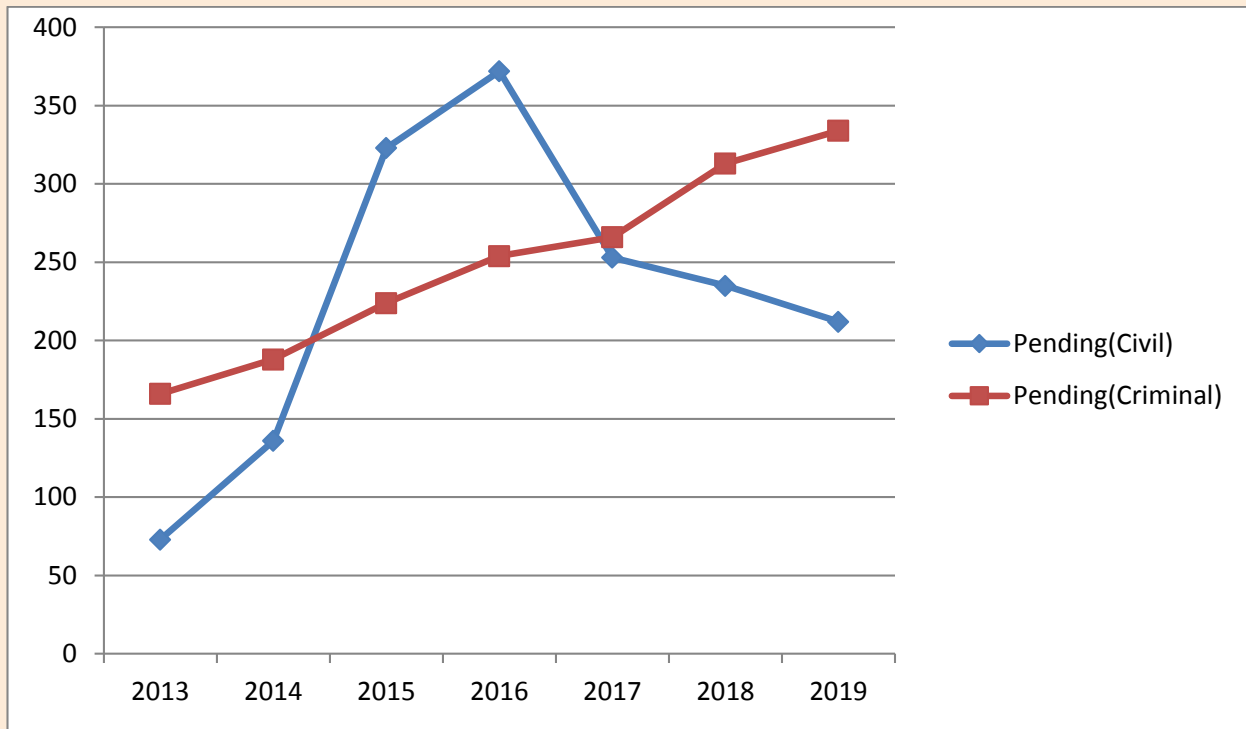
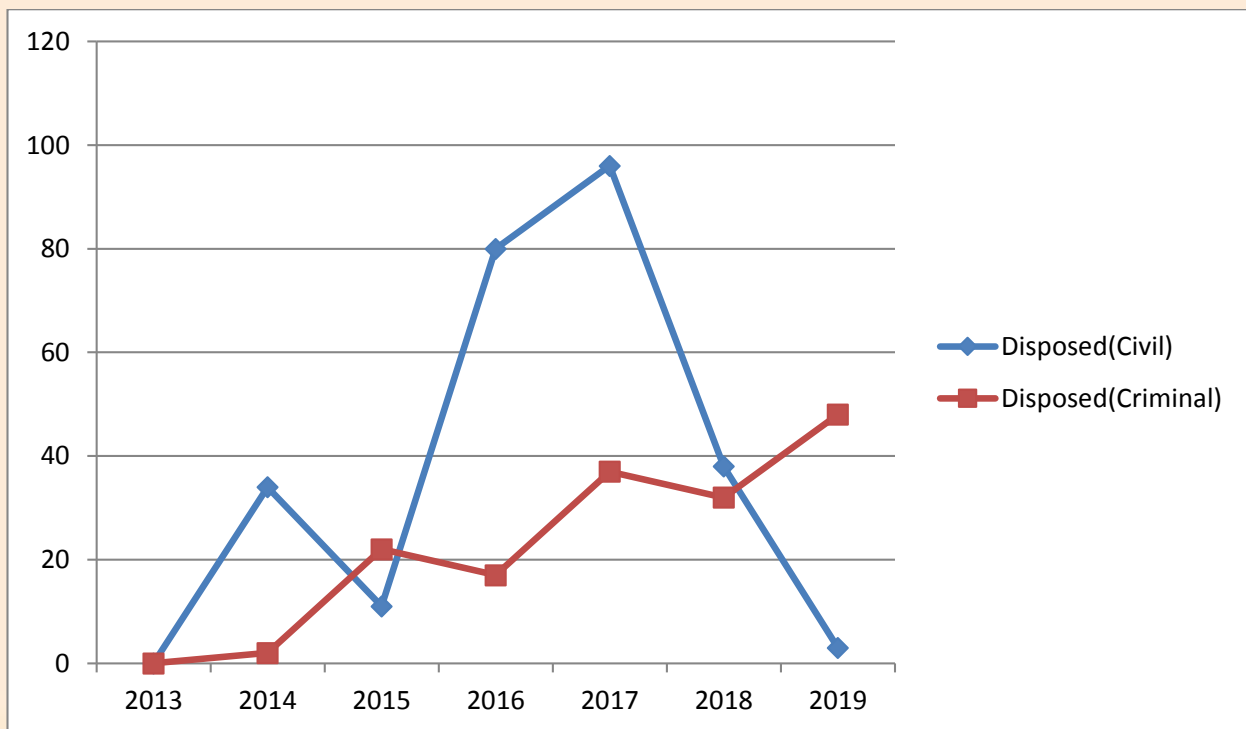
Chief Judicial Magistrate, Ri-Bhoi District, Nongpoh

Pending Cases

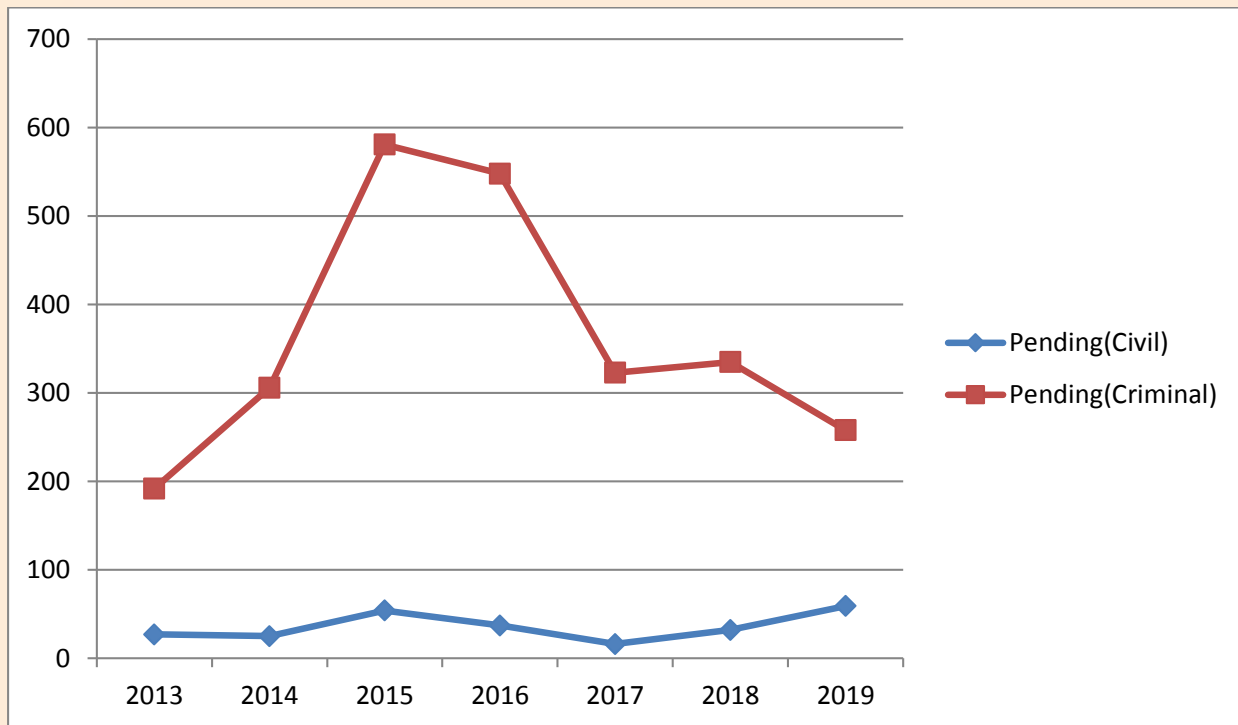


Disposal

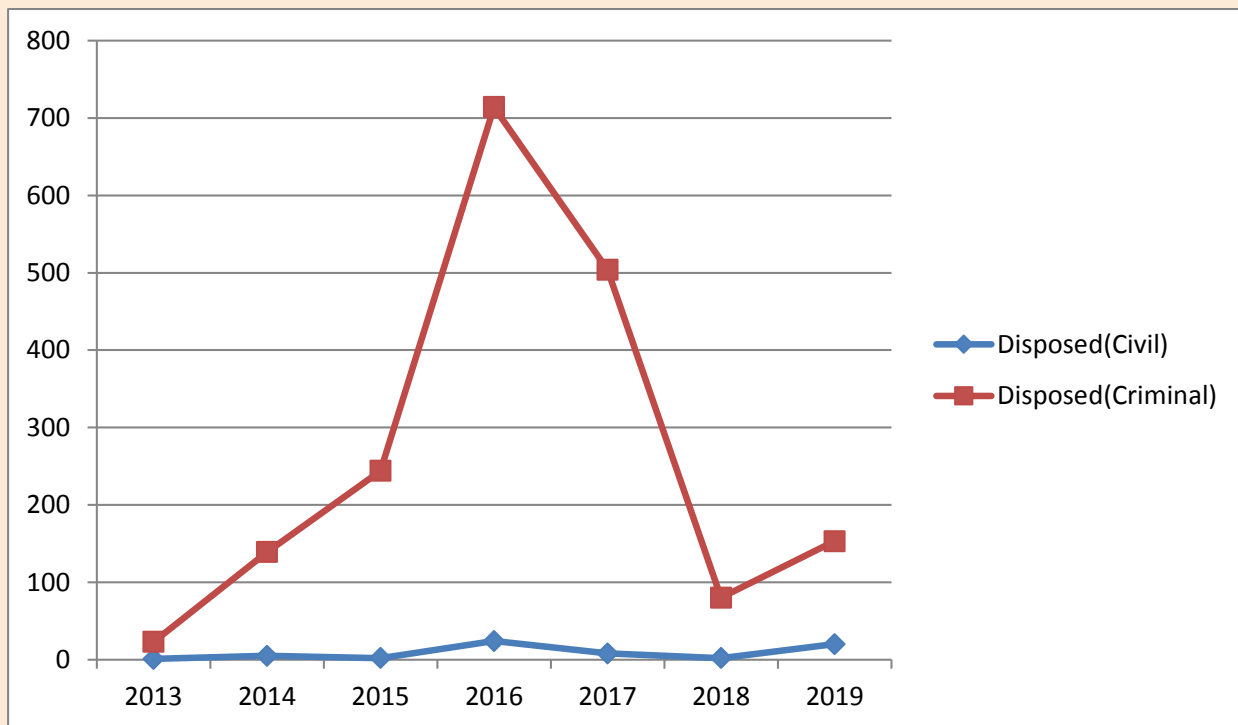


District and Session Judge, Ri-Bhoi District, Nongpoh**Pending Cases****Disposal**

Judicial Magistrate First Class, Ri-Bhoi District, Nongpoh
Pending Cases

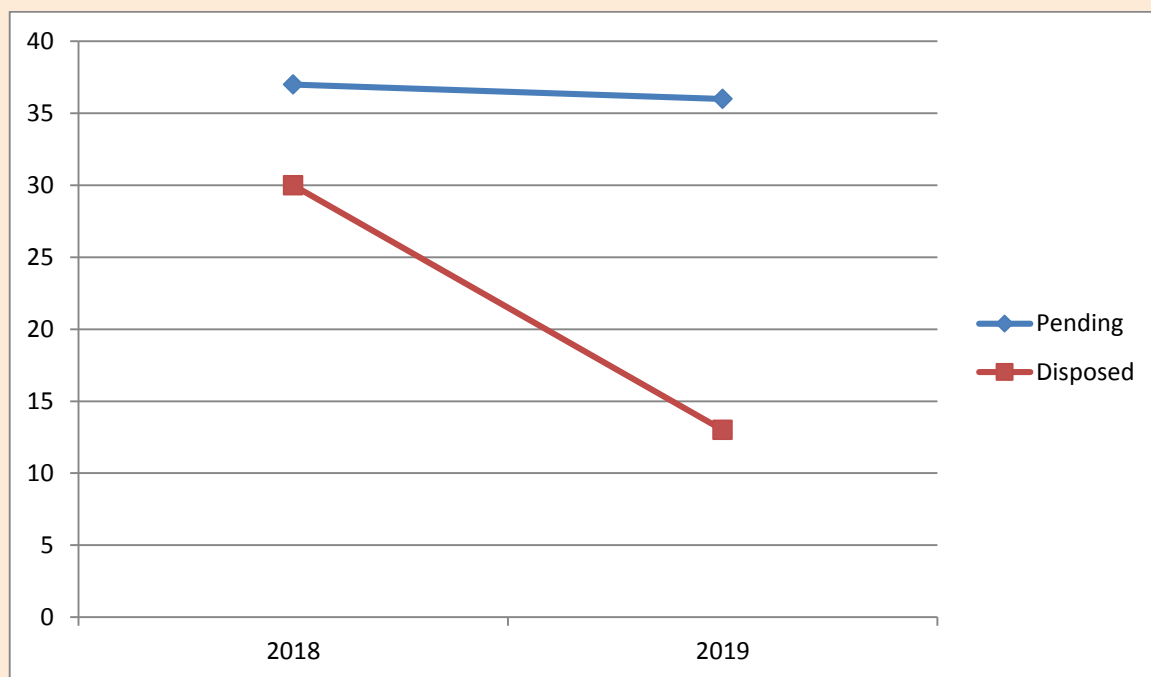


Disposal



Member Accident criminal Tribunal(MACT)

Pending and Disposed



Activities Conducted by District Legal Services Authority, Ri-Bhoi District, Shillong



WEST KHASI HILLS DISTRICT NONGSTOIN



(L-R : Smti. P. Syngkon, Additional District & Session Judge, West Khasi Hills District, (upto 24.11.2019) Shri A.M Ripnar, District & Session Judge, West Khasi Hills District, (upto 24.11.2019) Smti M.K Lyngdoh, Chief Judicial Magistrate, West Khasi Hills District, Smti. B .Majaw, Judicial Magistrate First Class, West Khasi Hills District, Nongstoin.)



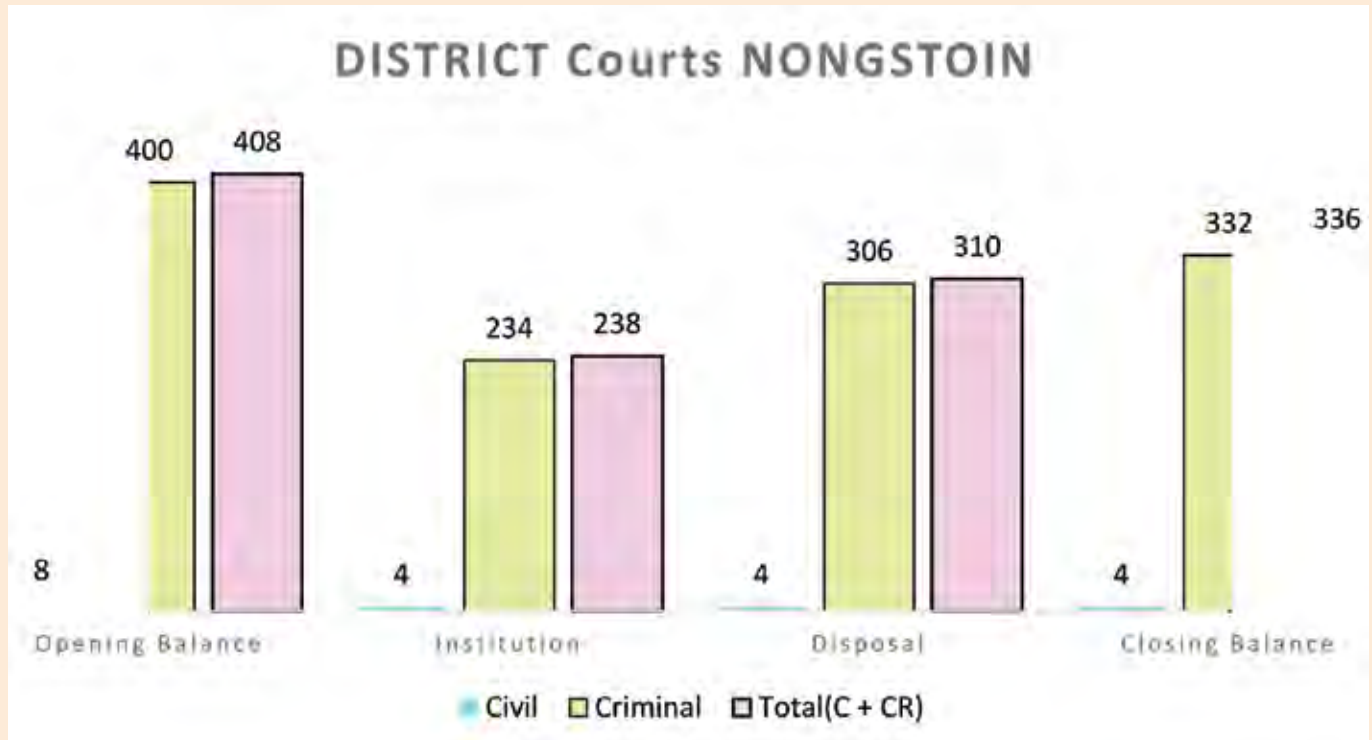
Visit of Hon'ble the Chief Justice Mr. Justice Ajay Kumar Mittal and Hon'ble Mr. Justice H.S.Thangkhiew to Nongstoin on 26.07.2019.

Graph – Pendency/Disposal

Name of the District: West Khasi Hills District.

From: 1st January 2019

To : 31st October 2019



DLSA has observed Special Days by organizing several programmes



Observation of International Labour Day on 1st May, 2019 in Mawiaban Industrial Estate, Nongstoin.



Observation of Anti-Tobacco Day on the 31st May, 2019 at Nongstoin College, Nongstoin.



*Observation of World Day against Child Labour on the 12th June, 2019
in Joplang Higher Secondary School, Shallang.*



*Observation of World Senior Citizen Day on 1st October, 2019 in Tyngkhoh, West Khasi Hills District in
Collaboration with the office of the District Social Welfare Officer, Nongstoin.*



Legal Awareness Programme on 22nd March, 2019 in Khadsawphra College, Mairang on the topic "Cyber Crimes."



Legal Awareness Programme on 6th April, 2019 in Mawlait Village on the topic "Woman and Law."



Legal Awareness Programme on 8th April, 2019 in Nongstoin College, Nongstoin on the topic "Fundamental Duties."



Legal Awareness Programme on 21st June, 2019 in St. Thomas Higher Secondary School, Mairang on the topic "Child Marriage."



Legal Awareness Programme on 14th August, 2019 at Pingbah Secondary School, Nonglwai on the topic "Prevention of Children from Sexual Offences Act, 2012."



Legal Awareness Programme on 26th September 2019, organised by Childline, Nongstoin Social Service Society at Mawkhmawir-Pyndengrei, Nongstoin.

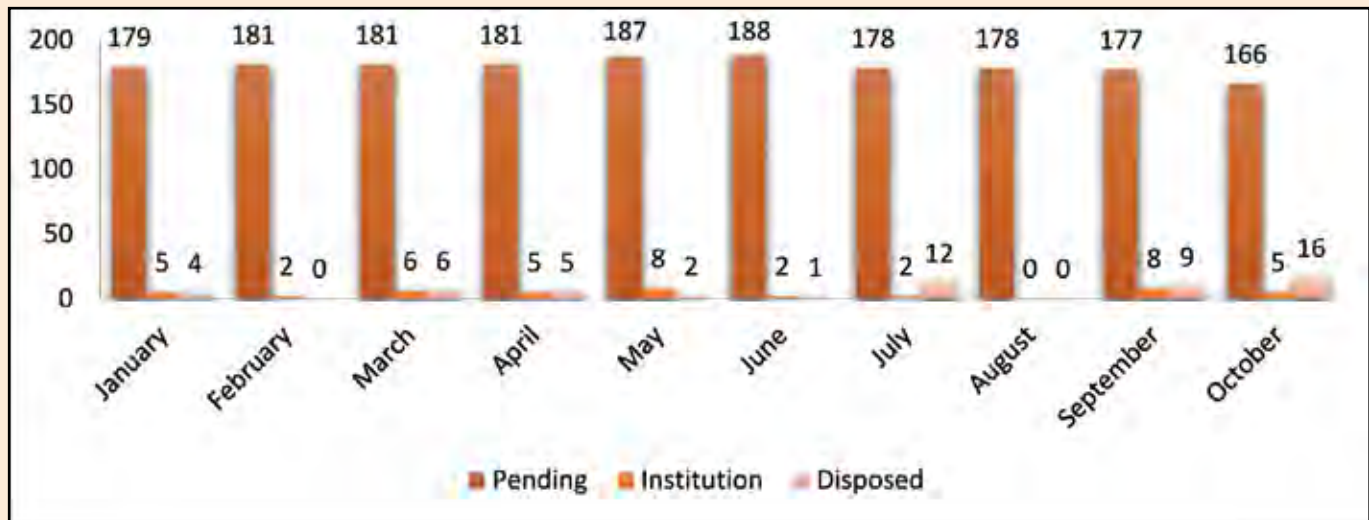
SOUTH WEST KHASI HILLS DISTRICT MAWKYRWAT



(L-R : Smti M.K Lyngdoh, Chief Judicial Magistrate, In-Charge South West Khasi Hills District, Shri A.M Ripnar, District & Session Judge, In-Charge South West Khasi Hills District, (Upto 24.11.2019) Smti. R.D.K Sangma, Judicial Magistrate First Class, South West Khasi Hills District, Mawkyrwat.(upto 24.11.2019)

OFFICE OF THE DISTRICT & SESSIONS JUDGE SOUTH WEST KHASI HILLS DISTRICT, MAWKYRWAT

Graph – Pendency/Disposal as on 31st October, 2019



DISTRICT & SESSIONS COURT, SOUTH WEST KHASI HILLS DISTRICT, MAWKYRWAT



Temporary Court of District & Sessions Judge, Mawkyrwat

On 31st, August 2019 is a historic day for the District of South West Khasi Hills as it was on this day that the separation of Judiciary from the Executive was inaugurated by Hon'ble the Chief Justice of the High Court of Meghalaya, Mr. Justice Ajay Kumar Mittal.

Before unveiling the plaque to mark the separation of the Judiciary from the Executive, Hon'ble the Chief Justice inspected the Temporary Court of the District and Sessions Judge and thereafter also inspected the permanent Court building which is still under construction. The colourful inaugural programme was held at the Multi Purpose Hall which started with the unveiling of the plaque to mark the separation of Judiciary by Hon'ble the Chief Justice of the High Court of Meghalaya, Mr. Justice Ajay Kumar Mittal in the August presence of Shri James K. Sangma, Minister (Law) of Meghalaya and Hon'ble Judge of the High Court of Meghalaya, Mr. Justice H.S Thangkhiew. Other officials present in the function are Shri S Kharlyngdoh Commissioner & Secretary, Law Department, Deputy Commissioner South West Khasi Hills District, Kum. I. Laloo (IAS), District and Sessions Judge West Khasi Hills District, Shri. A. M. Ripnar, Chief Judicial Magistrate West Khasi Hills District, Smti. M.K. Lyngdoh and Judicial Magistrate First Class Kum. R. D. K. Sangma as well as other officials and local M.L.As.

Hon'ble the Chief Justice, High Court of Meghalaya expressed his vision for Rule of law and justice in South West Khasi Hills District for ensuring the efficient and efficacious dispensation of justice. Shri S Kharlyngdoh Commissioner & Secretary, Law Department read out the Notification of separation of Judiciary and handed the same to District and Sessions

Judge West Khasi Hills District, Shri. A. M. Ripnar, who has also been empowered to take up additional charge of South West Khasi Hills along with Chief Judicial Magistrate Smti. M. K. Lyngdoh while Kum. R. D. K. Sangma has been posted as the Judicial Magistrate First Class of South West Khasi Hills.

The Court of the District & Sessions Judge, Mawkyrwat is functioning from the temporary Court Complex which is a rented premise until the completion of the permanent Court building.

Temporary Court building consists of following rooms:

Ground Floor	
1. Chamber of Chief Judicial Magistrate	7. Female Lock Up
2. Court Of Chief Judicial Magistrate	8. Canteen
3. P.I Chamber	9. Advocate's Chamber
4. P.I Staff Room	10. Asstt. Govt. Pleader's Room
5. Male Lock Up	11. Govt. Pleader's Chamber
6. Records Room	12. Malkhana Room

First Floor	
1. Chamber of District & Sessions judge	5. Judicial Branch
2. Court of District & Sessions judge	6. Conference Room
3. Chamber of Judicial Magistrate First Class	7. DLSA Room
4. Court of Judicial Magistrate First Class	8. Computer Room

Permanent Court Complex at Mawkyrwat, Mawkyrwat



The District Court of Mawkyrwat, South West Khasi Hills District, Meghalaya is located on the GAD Land, at Laitlawsang, Mawkyrwat. It is a three-storied building (G + 2) with a basement floor on the left-wing portion of the building. The construction of this court building was started on August 2017 and the work is still under progress and is nearing completion. The expected date of completion is March 2020. This court building is being constructed at an estimated cost of Rs.1370.07 Lakh. It covers a Total Built Up area of 3902.10 Sqm. The building when completed

will consist of 4 (four) Court halls which also includes the Children's Court, conference room, Library, Mediation hall, Malkhana besides many office rooms well connected by wide passage and corridors, which allows safe and easy passage of people, a lift facility has also been provided for fast and easy access to the upper storied floors. The Court also, has a large Courtyard in the front and at the back of the building which provides a convenient space for parking of vehicles.

Inauguration of Separation of Judiciary at South West Khasi Hills District, Mawkyrwat on August 31st 2019



Special Day Awareness Programme conducted by District Legal Services Authority, South West Khasi Hills District, Mawkyrwat



Anti-Tobacco Day held on 31st May 2019 at Maharam Higher Secondary School, Mawkyrwat



International Day against Drugs Abuse & Illicit Trafficking on 26th June 2019 at Photjaud Village



Literacy Classes organised by District Legal Services Authority



May Day organised by District Legal Services Authority at Multipurpose Hall Deputy Commissioner office, South West Khasi Hills District



*National Lok Adalat,
organised by District Legal
Services Authority, at Deputy
Commissioner's Office, South
West Khasi Hills District.*



Victim Compensation Scheme



*World Day Against Child Labour
on 17th June 2019 at Nativity
Higher Secondary School,
Mawkyrwat*

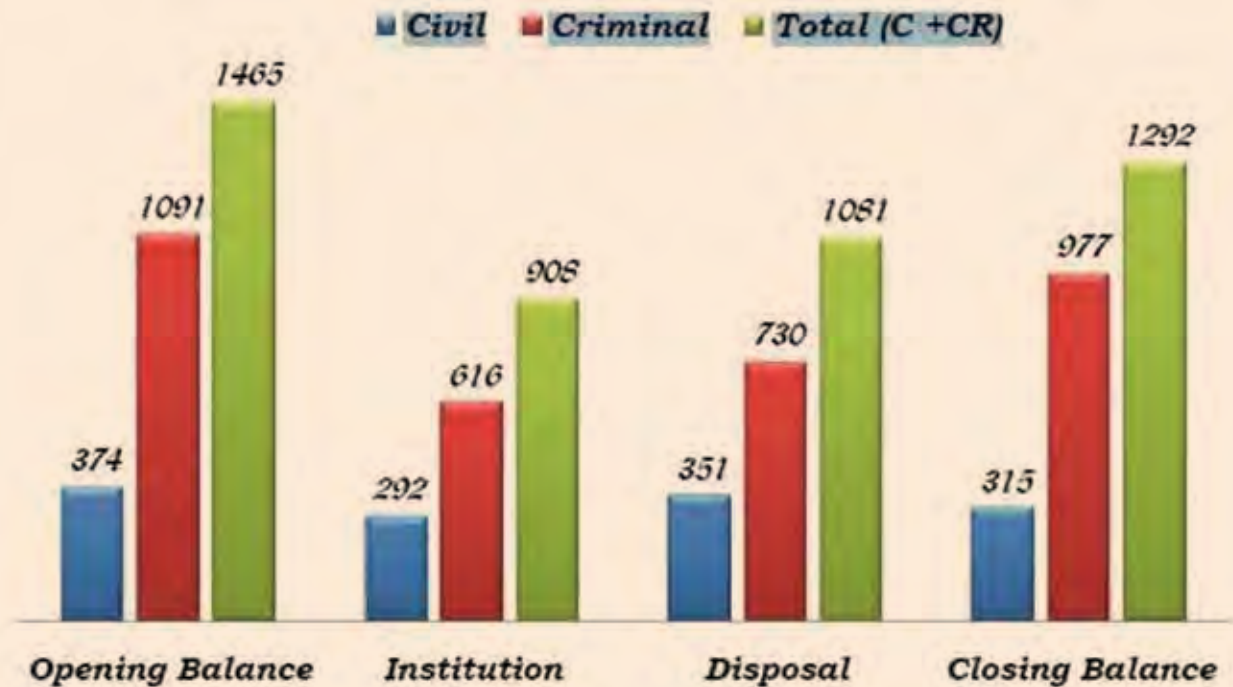


*World Environment Day on 6th June 2019 at Multi-Purpose Hall Deputy Commissioner's office,
Mawkyrwat on the theme Air Pollution*

WEST JAINTIA HILLS DISTRICT JOWAI



From Left to Right - Shri. E.Kharumnuid, District & Sessions Judge, Jowai. (Upto 24.11.2019) Shri. K.J Lyngdoh Chief Judicial Magistrate, Jowai, Shri I. Rymbui Addl. District & Sessions Judge Cum Special Judge (POCSO Act) and Special Judicial Officer (L.A. Cases) Smti. D. Sohtun, Full - Time Secretary DLSA, Smti. D.M.K.S Shadap JMFC Jowai / Amlarem.

Graph – Pendency/ Disposal as on 31.12.2019

ACTIVITIES OF DISTRICT LEGAL SERVICES AUTHORITY, WEST JAINTIA HILLS DISTRICT, JOWAI

Programmes were organized to commemorate special days and to raise awareness amongst the people. The special days observed are as follows:



OBSERVATION OF ANTI TOBACCO DAY ON THE 31ST MAY 2019 AT UMMULONG STAND & IAWMUSNIANG, JOWAI.



Observation of Anti Tobacco Day on 31st May 2019 At Ummulong Stand & lawmusniang, Jowai.



Observation of World Senior Citizens Day on 1st October 2019 in Community Hall, Amlarem.



Induction Training Programme for Para Legal Volunteers, West Jaintia Hills District on 3rd and 4th of October 2019, in the Conference Hall, Office of the Superintendent of Police, Jowai.



Friendship Through Football Cum Legal Awareness Programme on the Role of Para Legal Volunteers and Poverty Alleviation Scheme at Nartiang on 15.03.2019, on 13.04.2019 at Ummulong, on 28.05.2019 at looksi and on 22.06.2019 at Bakur Village



Observation of Anti Tobacco Day on 31st May 2019 at Ummulong Stand & lawmusniang, Jowai.



Legal Literacy Class held on 03.09.2019 in North Liberty Higher Secondary School, Jowai, West Jaintia Hills District



Debate, Quiz and Extempore Speech Competition on 30th September 2019 for Students from Standard XI to BA/ BSc/BCom. eight Schools Participated in the Competition and the Topic for Debate is "Are Video Games Containing Violence Appropriate For Children".



Nalsa (Victim of Trafficking and Commercial Sexual Exploitation) Scheme, 2015



Cleaning Drive and Tree Plantation Campaign at Riatturiem All Along the Highway Road to Old Sumo Stand, Jowai on 31.08.2019

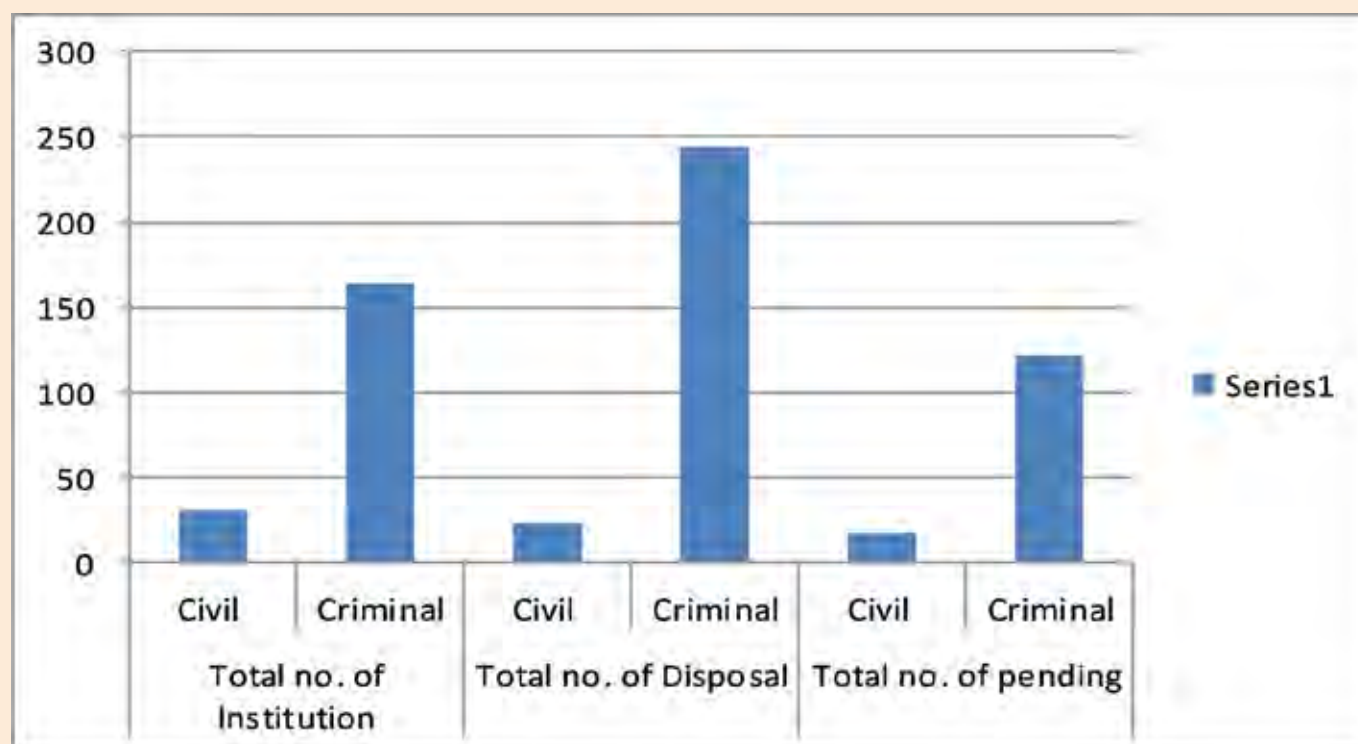
Cleaning Drive and Tree Plantation Campaign at Krangsuri on 16.08.2019

EAST GARO HILLS DISTRICT, WILLIAMNAGAR



From Left to right: Smti. S.P.D.Sangma, Judicial Magistrate First Class, Shri. F.S.Sangma, Chief Judicial Magistrate, Shri. B.Joshi, District & Sessions Judge, Shri. T.T.M.Sangma, Full - Time Secretary, District Legal Services Authority.

Sl. No.	District Court	Total no. of Institution		Total no. of Disposal		Total no. of pending	
		Civil	Criminal	Civil	Criminal	Civil	Criminal
1	District Court of the East Garo Hills District, Williamnagar	31	164	23	244	18	121
	Total No.	31	164	23	244	18	121



DISTRICT LEGAL SERVICES AUTHORITY EAST GARO HILLS DISTRICT, WILLIAMNAGAR

The District Legal Services Authority (DLSA), East Garo Hills District, Williamnagar along with various State departments as well as stake holders have formulated multiple activities including the implementation of schemes identified by NALSA which made endeavours that Legal Literacy Classes are to be conducted by the DLSA where Judicial Officers, Legal Aid Counsels and prosecutors are engaged as resources persons imparting legal knowledge to up-and-coming young legal practitioners.

Several schemes recognized by NALSA were executed such as Legal Services to Workers in the Unorganised Sector Scheme of 2015; Legal Services to Mentally Ill/Disabled Persons Scheme of 2015;

Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace Scheme of 2015; Scheme for Para-Legal Volunteers (PLV); and, Free and Competent Legal Service Regulation of 2010.

The implementation of the said schemes has resulted in cross departmental coordination (Labour Department, Medical Experts along with Clinical Psychologists/Psychiatrist, Social Welfare Department, District Medical and Health Office) in order to create awareness on a plethora of issues. Awareness in relation to: Medical Compensation, Maternity Relief, scholarships, etc.; mental illnesses- Depression, Anxiety, therapy sessions, etc.; legal aspects of Narcotics, Drugs and Psychotropic Substances Act of 1985 (NDPS) along with the Medical effects of drugs; refresher course for PLV training; and, providing 39 individuals with free legal aid which includes victim compensation amounting to rupees 2.85 Lakh.

The DLSA focuses to conduct and organise programmes on days which have the highest potential for outreach- Local Market Days. 44 awareness programmes have been conducted with emphasis on topics such as 'Crimes against Women' and Mental Health. The Head Office wholly operates with the aid of PLV who provide legal aid, aid in drafting and other legal expertise.

The PLVs have been trained on subject matters such as RTI and Consumer Protection Act which has been used to obtain information of effective implementation of MGNREGS whereby PLVs have been trained to file complaints before District Consumer Redressal Forum which is pending till date.

Furthermore, the DLSA has reviewed the working of 50 PLVs to ensure smooth and functional working of the DLSA whereby 36 PLVs received approval in order to revitalize the workings of DLSA which encourages diversity and spread legal awareness to the core of society, with emphasis on Victim Compensation Scheme.

In 2019, DLSA organised four National Lok Adalats in the months of March, July, September and December wherein 52 cases were settled, due diligence conducted in approving such cases whereby the Lok Adalats have 85.24 percent disposal rate.

With the intervention and aid of the DLSA, for the first time an inmate was reported that such is pursuing higher education in the District Jail. Through IGNOU the inmate is able to pursue Bachelors of Arts Degree with tuitions being arranged according to the needs of the inmate amongst officer, doctor, lawyer and teachers volunteering for the task.

In a first, aiming at the rehabilitation and reintegration of inmates in District Jail back to the society by giving useful skills, handicraft training and exhibition was held in collaboration with the District Jail, Williamnagar.

ACTIVITIES CONDUCTED BY DISTRICT LEGAL SERVICES AUTHORITY, EAST GARO HILLS DISTRICT, WILLIAMNAGAR



International Labour Day organised by DLSA, Williamnagar



International Women's Day



World Environment Day



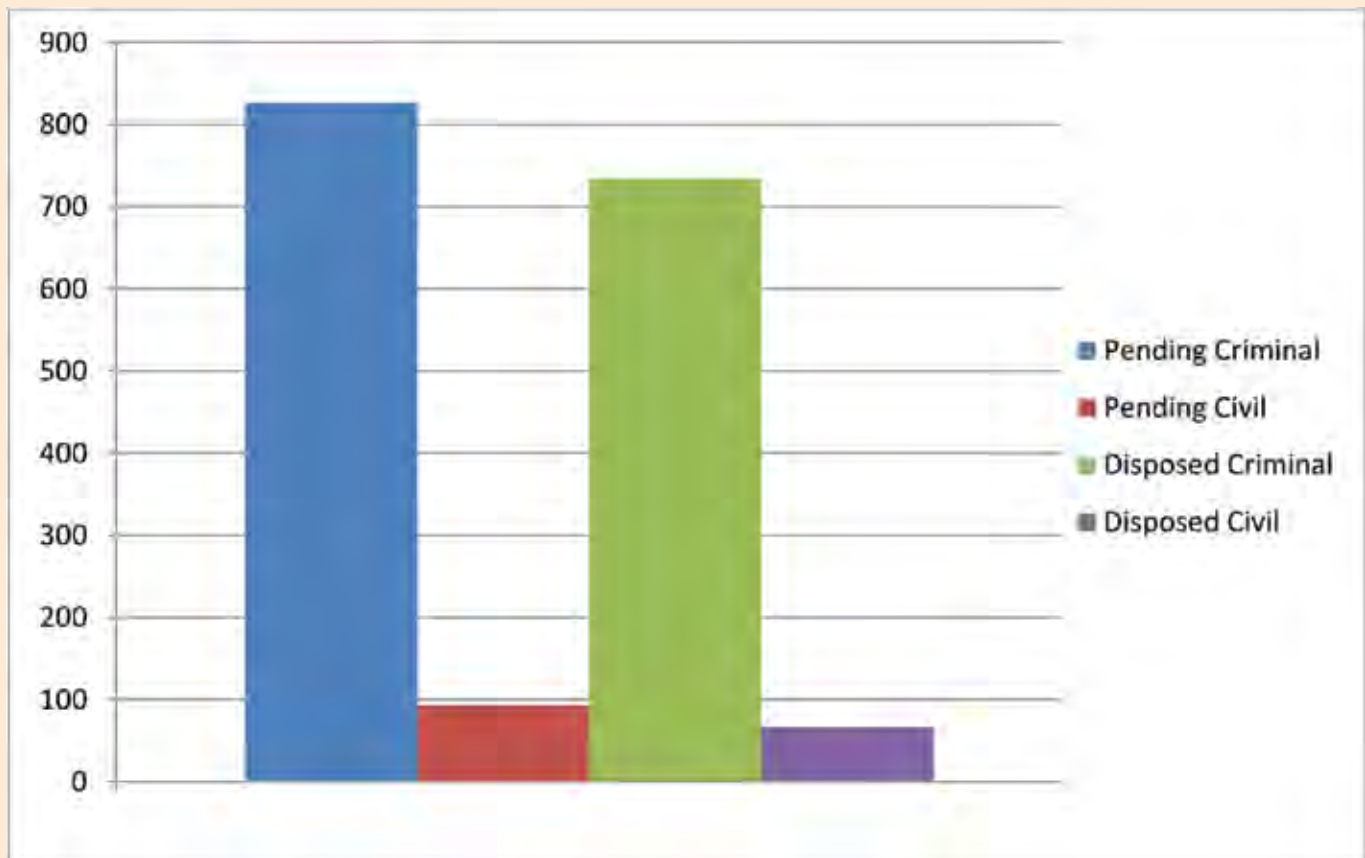
Training Session for PLVs



*Legal Awareness Cum Counselling Programme
on 24th October 2019*

WEST GARO HILLS DISTRICT TURA

No. Of Cases



Cases Pending and Disposed off

(a) Pendency and Disposal Of Cases of the year 2019

Pending Criminal : 826

Pending Civil : 93

Disposed Criminal : 734

Disposed Civil : 67

WEST GARO HILLS DISTRICT COURT & ITS DEVELOPMENT

The principle of the separation of powers is a principle of a constitutional nature that is introduced to assure that three major institutions of the state namely; the legislative, the executive and the judiciary are not concentrated in any single body whether in functions, personnel or powers. As per Article 50 of the Constitution of India, the State shall take steps to separate the judiciary from the executive in the public services of the State.

The separation of the judiciary from the executive have already occurred in many parts of the country. In the West Garo Hills District, Meghalaya it occurred on the 22nd July 2013 and has carried on functioning ever since then. Thereafter, on the 11th August, 2013 the office of the District & Sessions Judge, West Garo Hills District, Tura was jointly inaugurated by then Hon'ble Chief Minister of Meghalaya, Dr. Mukul M. Sangma, and then Judge of the High Court of Meghalaya, Hon'ble Mr. Justice T.Nanda Kumar Singh and in the presence of the Hon'ble Mr. Justice Sudip Ranjan Sen, Judge High Court of Meghalaya.

It is also pertinent to note that prior to the separation of the Judiciary and the Executive, the Judicial function of the West Garo Hills District was controlled and managed by the Deputy Commissioners Office. Shri.Pravin Bakshi, IAS was the Deputy Commissioner(Judicial) of the district at the time of the separation.

On 7th April, 2018 the new building of the office of the District & Sessions Judge was formally inaugurated. The then Chief Justice (Acting) of the High Court of Meghalaya, Hon'ble Mr. Justice Sudip

Ranjan Sen graced the auspicious occasion as the chief guest and who was also accompanied by the law secretary of the Government of Meghalaya, Shri W.Khylllep, the Registrar General of the High Court of Meghalaya, Smti.Belma Mawrie,PWD Chief Engineer Shri.F.Marbaniang and other District Officials. The program began with the arrival of the distinguished guests at the building who then proceeded to unveil the plaque of the inauguration of the permanent District & Sessions Court West Garo Hills Tura. The then Chief Judicial Magistrate, West Garo Hills, Tura, Shri Daniel Marbaniang gave the welcome address that was later followed by the address by the chief guest, the then Chief Justice (Acting) of the High Court of Meghalaya, Hon'ble Mr. Justice Sudip Ranjan Sen. In his address, Hon'ble Justice Sen express his delight over the fact that the people of the District have finally realized their long cherished dream of having their own separate court and that such a dream would fully materialize at the completion of the infrastructure. He also encouraged the police, the prosecution and the court to all work in tandem to ensure that the people receive the justice that they deserve. After the address, the vote of thanks was proposed by the District & Session Judge,



West Garo Hills, Tura, Smti. Cordillia Dkhar. The ribbon to inaugurate the District Sessions Court, Tura was then cut by the distinguished guest and the program concluded with the singing of the National Anthem that was followed by lunch.

The new building of the District & Sessions Judge, West Garo Hills, Tura has a total site area of 4093.84sq.m/44,049.72 sq.ft(approx.). It has a total of 4(four) floors where the total floor area is 7008.00 sq.m/75,406.00 sq.ft. There are two Court rooms present on the second floor of the building and two more Court rooms on the first floor bringing the total number of court rooms in the building to four. Each Court Rooms has an attached chamber of its respective Judicial Officer. Other noteworthy rooms include the Government Pleaders Office, Government Pleaders Chambers, Assistant Government Pleaders room on the first floor, DLSA Chairman/Members, Legal Aid Counsel Room, CCTV control rooms, video conferencing,



ADR Centre for mediation, Conference Hall on the second floor, while on the third floor, the Advocates Room, Library, Public Prosecutor Office, Assistant Public Prosecutor Office, and Public Prosecutor Chamber may be found.

In conclusion, The West Garo Hills District, in keeping with the principle of the separation of powers, has seen the inauguration of its very own court premises that houses all the facilities necessary for the dispensation of justice to all who come to seek it.

ACTIVITIES CONDUCTED BY THE DISTRICT LEGAL SERVICES AUTHORITY WEST GARO HILLS DISTRICT, TURA & SOUTH WEST GARO HILLS DISTRICT, AMPATI



NALSA'S (Legal services to the mentally ill persons & persons with mental disabilities) scheme 2010 alongwith awareness on legal aid & legal services organised jointly by DLSA, Ampati & DLSA, Tura on 27th. September 2019 at District Jail, Tura



***National Lok Adalat held on 13rd.July 2019 at Deputy Commissioner Office,
South West Garo Hills District,Ampati***



***Legal Awareness Programme organized by district Legal Services Authority, South West Garo Hills District,
Ampati on the theme Road Safety held on 21st.October 2019 at Betasing Main Market***



***Legal Awareness Programme for victim of natural disaster held on 22nd & 23rd July 2019 at South West
Garo Hills District, Ampati on the topic Legal Rights of Victims***

TECHNOLOGY AS A TOOL FOR SPEEDY JUSTICE

There is a saying that justice delayed is justice denied. But there are many factors contributing to the delay in the disposing of cases and one of the main factors is serving of summons and warrants. There are many cases where no reports are received on summon issued to witness or accused person which lead to delay in disposing off cases and technology can assist in speedy disposal especially in cases where the party resides in another country or his/her residential address cannot be found after repeated attempts.

Justice Bhagwati in the cases of National Textiles Workers Union V. Ramakrishnan, observed that “We cannot allow the dead hand of the past to stifle the growth of living present. Law cannot stand still; it must change with the changing social concepts and values. If the bark that protects the tree fails to grow and expand along with the tree, it will either choke the tree or if it is a living tree, it will shed that bark and grow a new living bark for itself. Similarly, if the law fails to respond to the needs of changing society, then either it

will stifle the growth of the society and choke its progress or if the society is vigorous enough, it will cast away the law which stands in the way of its growth. Law must therefore constantly be on the move adapting itself to the fast changing society and not lag behind.”

We live in the age of information where internet provides a faster means to communicate. We can connect with family and friends around the world through the use of various applications such as SMS, Whats App, Messenger, E-mails, etc., but the question arise whether the same is admissible in legal proceedings.

The Code of Criminal Procedure (In short ‘Cr.PC’), 1973 and Code of Civil Procedure, 1908 (In short ‘CPC’) both deals with summons.

Order V Rule 9 (2) of CPC, empowers the court to deliver summons in such manner as the Court deems fit. Order V Rule 9 (3) uses the expression “any other means of transmission.”



Chapter VI Part A of Cr.PC. deals with summons. To ensure the attendance of the accused or witness in any criminal proceeding summons are issued. Section 62 Cr.PC, provides how summons are served. It provides that:

- a) Every summons shall be served by the Police Officers, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant (Sub-Section (1)).
- b) The summons shall if practicable, be served personally on the person summoned, by delivering or tendering to him on of the duplicates of the summons (Sub-Section (2)).
- c) Every person on whom a summons served shall, if so required by the serving officer, sign a receipt therefore on the back of the other duplicate. (Sub-section (3)).

Section 64 Cr.PC, provides that where a person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family residing with him, and the person with whom the summon is so left shall, if so required by the serving Officer sign a receipt therefore on the back of the other duplicate.

In cases where the summons are to be served outside the local limits Section 67 Cr.PC provides that when a Court desires that a summons issued by it shall be served at any place outside its local jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within whose local jurisdiction the person summons resides, or is, to be there served.

However, the summons in most cases are not served timely due to reasons like shortage of man power or lack of training and also due to people who avoid service of process.

The Hon'ble Supreme Court of India in the case of Central Electricity Regulatory Commission Vs. National Hydroelectric Power Cooperation Ltd, directed that the in commercial litigation and in those cases where the advocates seeks urgent interim reliefs, service of notices may be effected by E-mail, in addition to normal mode of service.

The Hon'ble Delhi High Court notified on 9th .February.2011, "Delhi Courts Service of processes by courier, fax and electronic mail service (Civil Proceedings) Rules, 2010" wherein service by fax and electronic mail for provided for.

Recently the Courts have taken landmarks judgements and added whatsapp to the list of electronic means trying to tackle the problem. The first one to send summons by Whatsapp in Financial Commissioner (FC) Court in Haryana, quasi-judicial body.

In Kross Television India Pvt Ltd & Another Vs Vikhyat Chitra Production & others, on 23rd March 2017, Hon'ble Justice Gautam Patel of Mumbai High Court, in the case of copyright infringement allowed the serving of the summons through whatsapp after normal attempts for serving summon failed.

All the above discussions, indicate the shift of Indian judiciary towards a technologically empowered system. However, these new methods of serving summons have their own inherent limitations like authentication and adduction of electronics summons.

Further, coming to the usage of instant messaging application such as Whatsapp, there is again problem with the 'proof' of service. The receipt of delivery in Whatsapp is taken as two blue ticks which is a dangerous proposition as there can be a delay in receipt. The sender might have done the action on his part but the intended receiver might not have received the document if someone apart from the concerned person/Party would access the message. Moreover, users also have the option to switch off their blue ticks which makes it difficult to assess whether the concerned person/Party has actually seen the message. Further, in India not everyone has access to such services.

Though text messaging and Whatsapp can be considered as electronic documents having the same weightage as that of a paper document, however, without a signature from an authorized individual would it render an equivalent to an 'unsigned' document. In order to be of value at the evidentiary stage, it ought to have a certificate as prescribed U/s 65 B of the Information Technology Act, and if not, might be assumed to be an improper issuance of summons which

can be easily challenged by the concerned persons/Defendants. Thus, in order to make for such modes of services, the judiciary will have to undertake expenditure to provide infrastructure capable of assigning such certificates with every summon. Additionally, there has to be qualified professionals to carry out such tasks.

The procedural laws and the Courts in their rules and policies have laid down a proper procedure and methods for serving summons. In addition to the traditional methods the Courts have now recognize Whatsapp as one. The advent of Whatsapp use in legal proceedings is in its nascent stage in India yet its contribution cannot be overlooked. From the above discussions, it can be said that the use of Whatsapp or other applications in serving summons should be use as a last resort and therefore on this note technology can assist the Court in achieving the right to a speedy trial.

Submitted by:

Ms. Bandarisha Kharlukhi
Judicial Magistrate First Class
Ri-Bhoi District, Nongpoh

MEGHALAYA STATE LEGAL SERVICES AUTHORITY

The State Legal Services Authority in collaboration with the Labour Department Government of Meghalaya had organised One Day Awareness Programme on the Rights of worker in Unorganised Sector on 29th June 2019 at Yojana Bhawan Auditorium Shillong. Various beneficial schemes for worker and their dependent was highlight by the resources persons. That on deliberation on minimum wages it was discern that the minimum wages in the Meghalaya did not include the Variable Dearness Allowance (V.D.A). The aftermath, of the programme, Labour

Department, Government of Meghalaya notified the inclusion of VDA in the Minimum wages.

The Children of the Beneficiaries under the Meghalaya Building and Other Construction Worker Welfare Board received their educational benefit which was presented by the Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice, High Court of Meghalaya & Patron-in-Chief, Meghalaya State Legal Services Authority and Hon'ble Mr. Justice Hamar Singh Thangkhiew, Judge, High Court of Meghalaya & Executive Chairman, Meghalaya State Legal Services Authority.



Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice, High Court of Meghalaya and Patron-in-Chief, Meghalaya State Legal Services Authority handing over a Scholarship Cheque to one of the male students.



Hon'ble Mr. Justice Hamar Singh Thangkhiew, Judge, High Court of Meghalaya and Executive Chairman, Meghalaya State Legal Services Authority handing over an MHIS Card to one of the beneficiaries.

❖ IMPACT ASSESSMENT OF THE AWARENESS PROGRAMME:

- 1) 8 (eight) beneficiaries have received financial assistance.
- 2) The Variable Dearness Allowance was incorporated by the Government in Minimum Wages in the State of Meghalaya.

**Newspaper Clippings on the 20th August, 2019
on The Shillong Times**

Revision of wages By Our Reporter

SHILLONG: The Principal Secretary to the Government of Meghalaya, Labour Department has informed that the minimum wage payable to the employees under the 29 Schedule of Employments has been revised with effect from April 1. The Minimum Wage in addition to Variable Dearness Allowance per day has been set to Rs. 314 (Rs. 300 + 14) for unskilled workers, Rs. 356 (Rs. 340 + 16) for semi-skilled workers, Rs. 398 (Rs. 380 + 18) for skilled workers and Rs. 439 (Rs. 420 + 19) for highly-skilled workers.

Implementation of NALSA (Legal Services to the Disaster Victim through Legal Services Authorities) Scheme, 2010:

In the month of June-July 2019 the state of Meghalaya was hit by torrential and incessant rainfall causing widespread natural disaster, such as flood, landslide, etc disrupting the normal

life. Meghalaya State legal Services Authority was pleased to constitute Core Committee under NALSA (Legal Services to the Disaster Victim through Legal Services Authorities) Schemes, 2010 for making strategic intervention by the State Legal Services authority to help the victim of the disaster. The core committee called for report from the DLSA of the effected districts and chalked out plan of the action for strategic intervention which was approved by the Hon'ble Executive Chairman. The core Committee on receiving a report on Natural Disaster in the State, Blocks in the State. During that period many disaster took place like flood, loss of life, loss of dwelling houses, landslide, disruption of normal life and other calamities.

**SUPERVISING THE RECONSTRUCTION
OF DAMAGED DWELLING HOUSES AT
MAWLYNGGAD ON 5.8.2019: -**

Housing is one of the important problems faced by the victims of disasters, occurrence of partial or total damaged in disasters like floods or heavy rains. Efforts has been taken from MSLSA assuring that ex-gratia payment and funds from State Disaster Response Fund (SDRF) and the National Disaster Response Fund (NDRF) for the period 2015-2020 for reconstruction of damaged houses of the victim so that promised funds or other relief measures are disbursed to the victim without delay. With the assistance of the Core Committee houses that were damaged due to the heavy rains, were brought to the notice of District administration.



The damaged houses at Mawlyngngat, Mawryngkneng

Visit to Wahkhen on 05-08-2019:

The core committee visited the affected area at Wah Umkhen river. The Engineers of the PWD also accompanied the team. The river was flooded during the torrential and incessant rainfall. The cause of the flood is due to the obstruction of the box structure bridge built by the army and which stop the smooth flow of the river. The

consequence was that the flood water over flow the walls of the army fence and causes disaster. The retaining wall of the army collapse and the road partially damage. After the inspection of the disaster site, the Meghalaya State Legal Services Authority has taken up the matter with the PWD for construction of the bridge across the river Wah Umkhen connecting the people of the village of Jyntah and Wah Tirthi.



Name Of The Location: Wahkhen



Footbridge at Wahkhen

Visit to Sohiong on 06-08-2019:

Ex-Gratia payment to families of deceased persons: A child of 8 years old was swept away and the family members were awaiting for Ex-Gratia

payment . However, the delay in the Ex-gratia payment is due to non production of the Death Certificate and Police Report. On the 6-8-2019, the Core Committee visited Sohiong village at the

office of the BDO Sohiong. The Core Committee interacted with the parents of the deceased victim. During the interaction, the BDO Sohiong informed that the delay in processing the Ex-Gratia payment is due to non production of the Death Certificate and Police Report. Immediately, the PLVs Shri. Stainar Kharshiing and Shri. Johnson

Kharngi were given the task to assist them to procure the Death Certificate. Another task was given to the PLV attached in the Front Office of the MSLSA for procuring the Police Report at Shillong. In the evening, both the Death Certificate and Police Report were procured.



Beneficiaries obtaining the death certificate with the help of the PLV

Visit to Pynursla and Pynter village on 07-08-2019:

After the visit to Pynursla Block, the Core Committee felt that a life of the 6-year-old boy who lost his mother due to drowning on 10 July 2019 at Wahsuri needs to be taken care. Orphaned

children are the living monuments of disasters. Loss of childhood maternal affection can affect the well being of the child. The Core Committee took up the matter of the Child, with the Social Welfare Department for the welfare and education of the Children.



Beneficiary House at Pynter, Pynursla

ACHIEVEMENT OF THE CORE COMMITTEE:

With the strategic intervention of the Core Committee, the families of Sohiong C&RD Block and Pynursla C&RD have received the Ex-Gratia Payment, for loss of lives due to flash floods.

The referral case of the child, who lost his mother due to flash floods at Pynursla Block, the District Child and Protection Unit after the home visit has proposed for sponsorship of ` 2,000/- (Rupees two thousand) only per month for a term of three years and other benefits.

ONE DAY WORKSHOP FOR HEADMEN ON MOB LYNCHING & VICTIMS OF DRUGS AND SUBSTANCE ABUSE (30-8-2019)

(Newspaper clippings)

Mob lynching harmful to society: Judge

Plea to use social media judiciously

By Our Reporter

SHILLONG: High Court of Meghalaya Judge and Executive Chairman, Meghalaya State Legal Services Authority, HS Thangkhiew on Friday said mob lynching is harmful to the society.

He called upon the headmen, being the first persons in contact with the offenders in the society, to inform law enforcement agencies if they see any suspicious activity taking place in their localities.

Speaking at the one-day workshop on 'victims of

drug and substance abuse, mob lynching and basic life support' organised by the Meghalaya State Legal Services Authority (MSLSA) in collaboration with the Department of Justice, Ministry of Law and Justice, at St. Edmund's College, Justice Thangkhiew said the obedience of law is very important.

He urged the people not to take the law into their own hands to punish any culprits as the law is above all.

To curb mob violence, lynching and superstition
(Contd on P-7)

Mob lynching harmful...

(Contd from P-3) sparked by rumours mainly through social media, Justice Thangkhiew urged headmen and students for the judicious use of the medium.

Stating that substance abuse is a major threat to the health of the people and growth of the community, Thangkhiew stressed that there is a need to intensify public awareness about the ill effects of drug and substance abuse.

"We need to have compassion with the victims of drug and substance abuse and extend our helping hand for de-addiction", he said.



Hon'ble Mr. Justice Hamar Singh Thangkhiew, Judge, High Court of Meghalaya and Executive Chairman, Meghalaya State Legal Services Authority addressing the programme



A section of the participants



A demonstration of the Basic Life Skills

INAUGURATION OF THE FRONT OFFICE OF THE DISTRICT LEGAL SERVICES AUTHORITY, EAST KHASI HILLS DISTRICT, SHILLONG (9-9-2019) (Newspaper clippings)

SC judge calls for team work in state

Review meeting of DLSA held

By Our Reporter

SHILLONG: Supreme Court judge Justice Dinesh Maheshwari has stressed on working together and collective endeavour for the good of everyone.

Holding a review meeting of the secretaries of the District Legal Services Authorities (DLSA) at the conference hall of the Meghalaya High Court here on Monday, Justice Maheshwari said, "It is a collective frame that matters."

It is always a team effort and every individual has to give his or her best towards the common good which is the motto of the state legal service authority, he said.

Citing the example of a pyramid where everything is held together, Justice Maheshwari said, "That is what state legal authorities strive for, one for all and all for one."

He further said that eve-

ry individual's single step towards the betterment goes a long way in shaping our institutions, society and finally removing some of the difficulties or deprivations filling up the gaps not only providing those bridges which may not be of crossing the river but making the journey of life smooth and better.

Earlier, Justice Maheshwari also inaugurated the front office of the DLSA, East Khasi Hills District at the district court complex in Shillong.

Justice Maheshwari, while reminiscing about his stint as the former Chief Justice of the Meghalaya High Court from 2016-2018, complimented the legal fraternity for making a difference. Stating that the concept of legal justice is to work for the common good, he called on the legal fraternity to continue with their committed service. (Contd on P-7)

SC judge calls for...

(Contd from P-3) "The motto of the legal services is 'justice for all'. Every step taken by the State and District Legal Services Authorities will go a long way in bridging the gap and providing succour to those in need," he said.

Pointing out that Meghalaya has many challenges unique to the state, he said that legal fraternity is committed to individually, collectively and judicially ensure that the challenges are met effectively.

Justice Maheshwari also spoke about the need for a legal audit of legal aid lawyers and also praised the contribution of para legal volunteers.

Justice A K Mittal, Chief Justice of Meghalaya High Court, while presenting the keynote address informed that in Meghalaya, the DLSAs have been set up in all 11 districts where judicial officers have also been posted as full time secretaries.

He also added that 251 legal awareness programmes were organised by the DSLAs in which 1, 18,012 people have been benefited. In spite of the work done, Justice Mittal added that there is much room for improvement in areas like, setting up of Legal Empowerment Camps, Legal Literacy Clubs, Legal Service Clinic in village level, increasing the number of para legal volunteers, awareness programme amongst inmates about the availability of free legal aid about the right of appeal.



Foundation Banner of the Front Office



A photo of Hon'ble Mr. Justice Dinesh Maheshwari, Judge, Supreme Court of India; Hon'ble Mr. Justice A. K. Mittal, Chief Justice, High Court of Meghalaya; Hon'ble Mr. Justice H. S. Thangkhiew, Judge, High Court of Meghalaya and other officials and dignitaries

REGIONAL CONSULTATION OF THE MEMBER SECRETARIES OF THE STATE LEGAL SERVICES AUTHORITIES AND SECRETARIES OF THE DISTRICT LEGAL SERVICES AUTHORITIES OF NORTH-EASTERN STATES (10 & 11-10-2019) (Newspaper clippings)

Call to make legal services stronger, effective

By Our Reporter

SHILLONG: A two-day Regional Consultation of Member Secretaries State Legal Services Authority (SLSAs) and Secretaries District Legal Services Authority (DLSAs) of North-eastern states began on Thursday at the North Eastern Police Academy (NEPA), Umiam, Ri Bhoi.

It is being organised by the Meghalaya State Legal Services Authority under the aegis of the National Legal Services Authority.

Justice HS Thangkhiew, Judge, High Court of Meghalaya & Executive Chair-

Regional consultation of legal services authority

man, Meghalaya State Legal Services Authority (MSLSA) inaugurated the meet.

In his inaugural address, Justice HS Thangkhiew said that the consultation programme provides a platform for the members of the Legal Services authorities of the region to introspect, deliberate, exchange ideas, understand peculiar problems of the region.

Stating that legal services authorities play an important role to work for the deprived section of society in

providing legal assistance, Thangkhiew said that it is pertinent since in the North Eastern region sensitisation and knowledge about law are minimal.

Points of discussion

The points of discussion on the first day of consultation programme were new amendments in regulations, early access to justice, quality of legal services, empanelment of competent lawyers, capacity building, monitoring and mentoring committees, socio-economic and legal issues which

require strategic interventions, documentation of success stories, legal services in prisons, ensuring legal aid to all unrepresented UTPs, administration and functioning of jail clinics and effective coordination with prisons authorities, HCLSCs and SCLSC.

On the second day, discussions on engagement of law school and colleges in Legal Services Authority, activities of legal literacy clubs in schools, administration and activities of legal services clinics at village

and community level, challenges in implementation of NALSA schemes, collaboration with NGOs & Government Authorities, Lok Adalats and mediation, budget, expenditures, grant and funds available as on August 31 and timely payment of bills will also be held.

The inaugural programme was also attended by Alok Agarwal, Member Secretary, National Legal Services Authority (NALSA), Sunil Chauhan, Director, NALSA, NA Khan, Member Secretary, MSLSA, Kala Ramachandran, Director, NEPA among others.



Hon'ble Mr. Justice H. S. Thangkhiew, Judge, High Court of Meghalaya and Executive Chairman, Meghalaya State Legal Services Authority



Shri. Alok Agarwal, Member Secretary, NALSA



Shri. Sunil Chauhan, Director, NALSA



A glimpse of the participants

MEGHALAYA STATE JUDICIAL ACADEMY



*Smti. K.M.L Nongbri, Director, Meghalaya State Judicial Academy
Smti. R. Rymbai, Deputy Director, Meghalaya State Judicial Academy*



*Newly Appointed Grade III Judicial Officers along with the Director and Deputy Director,
Meghalaya State Judicial Academy*

Valedictory Function for newly Appointed Grade I Judicial Officers & Inaugural Function of Induction Training Programme for Newly Appointed Grade III Judicial Officers

Dated 9th August 2019



Session with Mr. Justice Dinesh Maheshwari, Judge, Supreme Court of India

Dated 9th September 2019



Training Programme on “Budget, Meghalaya Financial, Frs/ Srs, Initial Pay Slip, Pension, DFP Rules 2006”

Dated 5th March 2019

Resource Persons:

1. Smti. F.D Phanbuh, MFS, F.A
2. Shri. K.R Nongrum, MFS, F.A
3. Mrs. E. M Wahlang, MFS, F.A
4. Mrs. A. M Warbah, Dy. Director of Accounts and Treasuries

Participants: High Court Staff and Subordinate Courts Staff



Training Programme on “Income Tax and Goods and Services Tax”

Dated 6th March 2019

Resource Persons:

1. Shri. A. Mazumdar, Addl. Commissioner of Income Tax
2. Shri. B.F. L Kynshi, Income Tax Inspector

Participants: High Court Staff and Subordinate Courts Staff



Training Programme on “CIS V. 3.0”

Dated 16th March 2019

Resource Persons: 1. Shri. F. S Sangma, CJM
2. Shri. T.T.M. Sangma, JMFC

Participants: High Court Staff and Subordinate Courts Staff



Conference on “Juvenile Justice Act”

Dated 25th May 2019

- Resource Persons:**
1. MiquelQueah, Executive Director, Utsah
 2. Shri. Surendra Kumar, IPS, IGP, CID Assam Police
 3. Smti.Bandarisha Kharlukhi, JMFC
 4. Smti. M. Kharkongor, Chairperson, State Commission for Protection of Child Rights in the state of Meghalaya.

Participants: Judicial Officers, CWC,MJJB,DCPO,LCPO, Doctors, Counsellors, Superintendent of observation Homes (Govt. run)



Seminar on “District Council Courts of Meghalaya”

Dated 6th July 2019

- Resource Persons:**
1. Dr. O.L Snaitang
 2. Shri. TT Diengdoh, Sr Advocate
 3. Dr. S Kharsyiemlieh, Judge, District Council Court

Participants: Judicial Officers, PP, Addl. PP



Mediation Training programme for Referral Judges

Dated 27 July 2019

Resource Persons:

1. Shri. Dharmender Rana, Addl. Registrar, Supreme Court of India
2. Shri. K. M Jaiswal, Judicial Officer/Trainer Main Mediation Centre, High Court of Bombay

Participants : Judicial Officers



Training Programme on National Service and Tracking of Electronic process (NSTEP) for Bailiffs and Process servers of Subordinate Courts

Dated 31 August 2019

Resource Persons: 1. Shri. F. S Sangma, CJM
2. Shri. T.T.M. Sangma, JMFC

Participants : High Court Staff and Subordinate Courts Staff



Role of Prosecution in Criminal Justice System

Dated 21st September 2019

Resource Persons:

1. Shri. K. Prasad, Addl. Superintendent of Police, Ri- Bhoi District
2. Dr. M. Sangma, MD Forensic Medicine.
3. Smti. Yorika Sangma, Advocate
4. Smti. C Rymbai, Advocate

Participants : JMFC, PP, APP, Doctors



Cyber Crime – An Ever Growing Threat

By: Miss Gabriella S.D.Sangma

MJS

Cyber Crime has not been defined in the I.T Act of 2000. However Cyber Crime can be said to be a crime which is committed in Cyberspace. Cyberspace can be said to be a hypothetical non-physical space created with the aid of the Internet. Cybercrime includes any type of illegal scheme that uses one or more components of the Internet (chat rooms, email, message boards, websites and social media). Any crime which is committed with the help of computers and telecommunication technology would come under the purview of cybercrimes.

Cyber crimes can further be divided into three categories:

- (i) Cyber crime against persons (such as cyber stalking, Impersonation, Transmission of obscene material and loss of privacy etc.).
- (ii) Cyber crime against Property (such as identity theft, fraudulent transactions or transmit of the proceeds of fraud to financial institutions or to others connected with the scheme and copyright infringement etc.)
- (iii) Cyber crime against State.(such as cyber terrorism and cyber crimes which threaten national security etc.).

In this article I would like to specifically concentrate on cyber crimes against persons and try to suggest an insight on why cybercrimes are ever increasing, with an emphasis on "The Space Transition Theory" by K. Jaishankar which is one of the most influential theoretical formulations in criminological literature and perhaps the most frequently cited theories in cyber criminology.

Cybercrimes committed against persons include various crimes like transmission of child

pornography, harassment using e-mails and cyber-stalking. Posting and distributing obscene material is one of the most prevailing cybercrimes known today. Because of the anonymous nature of the internet, miscreants engage in a variety of criminal activities. The field of cybercrime is just emerging and new forms of criminal activities in cyberspace are coming to the forefront with each passing day.

One of the important aspects in cyber crime is dissociative anonymity. Most Criminals have always tried to conceal their identity through the usage of pseudo names or aliases. This provides them with a sense of security or makes them feel less susceptible to face repercussions for their actions.

K. Jaishankar propounded a theory which he called "The Space Transition theory", which deals with cyber criminology, this theory views the emergences of Cyber Space as a new locus of Criminal activity "Space transition theory explains the nature of the behaviour of the persons who brings out their conforming and non- conforming behaviour in the physical space and cyber space. Space transition involves the movement of the person from one space to another (e.g., from physical space to cyber space and vice versa). Space transition theory

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argues that, people behave differently when they move from one space to another" (Jaishankar, 2008).

Anonymity emboldens people to break the law in the most horrifying ways with platforms that enable dangerous crimes and appalling abuse.

Here are a few postulates on why people are more inclined to committing cyber crimes or crimes in the virtual world than in the physical world.

People have a sense of security committing a criminal activity in cyberspace as they do not have to worry about social or moral or acceptable norms prevalent in the society.

In the virtual world people are presented with an opportunity to be whoever they want to. They are not subjected to what they are in reality and their actions are not refrained by their status and responsibilities in society. This is one of the major factors which lead cyber criminals to manipulate and deceive minors or even vulnerable adults and take advantage of them in appalling ways.

Cyberspace or the virtual world provides people with a platform to voice out their opinions. Though this can be taken as a positive thing it can also be harmful as people avail anonymity and feel that they have no repercussion for their statements or comments or opinions no matter how hateful or spiteful they may be. This in turn leads to bullying, provocation and incitement.

Cyberspace also provides people with a platform to come together as a group to ridicule or to hate or to criticise others who do not conform to what they feel is acceptable or trending. This is highly prevalent amongst school and college students worldwide. This may also be a cause of peer pressure for the offenders as they also feel an urge to be accepted themselves. In the virtual world offenders do not have to witness their victim's pain or humiliation or trauma caused by their actions.

Cybercrimes sometimes are also a result of the offender's quest for revenge due to the grievances which they may have faced.

The offenders are sometimes people who are frustrated with themselves or their own lack of accomplishments and achievements and by committing these offences they somehow feel a sense of purposefulness. For some offenders committing a cybercrime is considered to be fun and they take it as a form of amusement.

The rapid development of computer technology and the integration of computer and communication technology are making significant changes to human information activities. The efficient and effective power of information processing has made the computer the most important tool for data processing. As a result, more and more data is being processed and stored in the computer systems. The Internet is becoming the major channel for human communication. Consequently, our society is in a state of transformation towards a "virtual society," where people's daily activities, such as shopping, getting services, and especially sharing information can be accomplished without having to actually come in contact with one another. Nowadays, computers and computer networks are ubiquitous and used in every facet of modern society. Although information technology has enabled global businesses to flourish, it also is becoming one of the major enablers for unscrupulous individuals to commit crime and escape apprehensions by law enforcement agencies. So in order to avoid being victims of cyber crimes we need to be circumspect and well informed while using the internet.

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Withdrawal from Prosecution: A tool of justice or a misuse of law

By Indakerri M.Mairom, MJS

Before we analyse the contours of Section 321 CrPc it is important to bear in mind what John Emerich Edward Dalberg-Acton, 1st Baron Acton, 13th Marquess of Groppoli said-

"...I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way, against the holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt, and absolute power corrupts absolutely."

Historical Background of Section 321 CrPC:-

That after about 135 years the golden words stated by Acton still reverberate in the minds of legal fraternity. That 321 The Code Of Criminal Procedure, 1973 reads as under:-

"321. Withdrawal from prosecution- The Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the Court, at any time before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried; and, upon such withdrawal,-

- (a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;
- (b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences: Provided that where such offence-

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- (i) was against any law relating to a matter to which the executive power of the Union extends, or
- (ii) was investigated by the Delhi Special Police Establishment under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or
- (iii) involved the misappropriation or destruction of, or damage to, any property belonging to the Central Government, or
- (iv) was committed by a person in the service of the Central Government while acting or purporting to act in the discharge of his official duty, and the Prosecutor in charge of the case has not been appointed by the Central Government, he shall not, unless he has been permitted by the Central Government to do so, move the Court for its consent to withdraw from the prosecution and the Court shall, before according consent, direct the Prosecutor to produce before it the permission granted by the Central Government to withdraw from the prosecution."

Section 494 has its roots in The Code of Criminal Procedure, 1898 and the Pari Materia section reads as under-

"494-Effect of withdrawal from prosecution:- Any Public Prosecutor may, with the consent of the Court, before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of

the offences for which he is tried; and upon such withdrawal,-

- (a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences;
- (b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences."

This section was used in British India for the people who use to become approvers of the Government against their own freedom fighters.

Illustrations:-

The Hon'ble Supreme Court while dealing with a matter relating to TADA in a case reported in *Abdul Karim and others versus State of Karnataka and others* (2000)8 SCC 710, has framed certain questions which should have been looked into by Special Public Prosecutor while exercising discretion in favour of withdrawal from prosecution. The relevant portion is quoted as under:

"25. The decision of the Government of the State of Karnataka, therefore, was that, in view of its apprehension of the unrest that would follow if any harm were to come to Rajkumar, it was better to yield to Veerappan's demand and to withdraw the TADA charges against Veerappan and his associates, including the accused respondents. In this context, the Special Public Prosecutor should have considered and answered the following questions for himself before he decided to exercise his discretion in favour of such withdrawal from prosecution of the TADA charges?

1. Was there material to show that the police and intelligence authorities and the State Government had a reasonable apprehension

of such civil disturbances as would justify the dropping of charges against Veerappan and others accused of TADA offences and the release on bail of those in custody in respect of the other offences they were charged with?

2. What was the assessment of the police and intelligence authorities and of the State Government of the risk of leaving Veerappan free to commit crimes in future, and how did it weigh against the risk to Rajkumar's life and the likely consequent civil disturbances?
3. What was the likely effect on the morale of the law enforcement agencies?
4. What was the likelihood of reprisals against the many witnesses who had already deposed against the accused respondents?
5. Was there any material to suggest that Veerappan would release Rajkumar when some of Veerappan's demands were not to be met at all?
6. When the demand was to release innocent persons languishing in Karnataka jails, was there any material to suggest that Veerappan would be satisfied with the release of only the accused respondents?
7. In any event, was there any material to suggest that after the accused respondents had secured their discharge from the TADA charges and bail on the other charges Veerappan would release Rajkumar?
8. Given that the Governments of the States of Karnataka and Tamil Nadu had not for 10 years apprehended Veerappan and brought him to justice, was this a ploy adopted by them to keep Veerappan out of the clutches of the law?

While making aforesaid observation, framing questions which were required to be considered

by the Prosecuting Officer, their Lordships have further observed that the trouble apprehended by the State of Karnataka in aftermath of the incident of kidnapping of a prominent person was no ground to permit the State or the Prosecuting Officer to withdraw the pending case under TADA. Their Lordships held that the Prosecuting Officer is required to apply his independent mind and record satisfaction of his own.

It has been further held by their Lordships that only with intention to restore peace and normalcy in the border area does not make a ground for withdrawal of prosecution.

While referring earlier judgment of Sheonandan Paswan (supra), their Lordships held that the court has to record reason and examine the material before it to secure the interest of justice.

Their Lordships held as under:

“43...the court has to examine that all relevant aspects have been taken into consideration by the Public Prosecutor and/or by the Government in exercise of its executive function.”

Their Lordships gave word of caution, that a democratically elected government should not give an impression to the citizens of the country, being lawmakers, which would breed contempt for law and does not invite citizens to become a law unto themselves. It may lead to anarchy. When people see public authority flouting law and helplessness of the government, it shall amount to paralyzing and discrediting the democratic authority.

In a judgment delivered on 12.12.2013 by the Hon'ble High Court Of Judicature At Allahabad, Lucknow Bench, Lucknow by a Full Bench in Case :- MISC. BENCH No. - 4683 of 2013 titled as “Ms. Ranjana Agnihotri and others versus Union Of India Through Secy.Ministry of Home Affairs & others” it

was held by the High Court that State Government has acted against law and consequentially struck down the order passed by the State Government in withdrawing from prosecution of the people accused of terror attacks.

Critical Analysis:-

Though the Privy Council classically affirmed the freedom and independence of Public Prosecutor while pressing for withdrawal of prosecution, but keeping in view the terms and conditions of the appointment of Public Prosecutors based on shaky pedestal, no State counsel could give a fair opinion with regard to withdrawal of prosecution, except to obey the ‘master’s voice’ by following instructions given to him, which is evident from the evidence on record of the present case as none of the Prosecuting Officer expressed dissenting opinion.

Virtually, the provision conferring power to Public Prosecutor to withdraw cases was intended to cause indirect interference with administration of justice by colonial rulers which the country inherited in the post independent era while legislating 1973 Act.

Section 494 of old Code provides that in case the criminal cases are withdrawn before framing of the charge, the accused shall be discharged in respect of offence, and in case the charges have been framed, then he shall be acquitted in respect of such offence, seems to be an instance of interference with the judicial proceeding. By fiction of law, the accused shall be deemed to be acquitted in pursuance to power conferred by Clause(b) of Section 494 of 1898 Act as also under Section 321 of new CrPC.

Whenever an initiative is taken by the State Government, it shall be necessary for the State Government to look into the aforesaid aspects

and record a finding and thereafter may issue instruction to the Prosecuting Officer for the purpose, and the Prosecuting Officer while moving application must inter alia include specific pleading with regard to aforesaid aspects. In the same manner, the court has to also record a finding with regard to aforesaid issues while passing an order for withdrawal of case or rejecting the application.

Duty of the State Government to record finding relating to aforesaid grounds while issuing instructions with regard to offence by terrorist is also borne out from the observation made by Hon'ble Supreme Court in Abdul Karim's case (supra).

Their Lordships have observed as under:

"The Governments have to consider and balance the choice between maintenance of law and order and anarchy... The self-preservation is the most pervasive aspect of sovereignty. To preserve its independence and territories is the highest duty of every nation and to attain these ends nearly all other considerations are to be subordinated. Of course, it is for the State to consider these aspects and take a conscious decision."

Otherwise also, a close reading of Constitution Bench judgment in the case reported in Sheonandan Paswan versus State of Bihar (1983) 1 SCC 438, followed by catena of other judgments which are discussed hereinafter reveals that disclosure of reasons for withdrawal of prosecution seems to be necessary.

In the case of Yerneni Raja Ramchandrar alias Rajababu versus State of Andhra Pradesh and others (2009) 15 SCC 604, the Hon'ble Supreme Court had shown displeasure to the interest shown by the State Government for withdrawal of criminal prosecution. The Sessions Judge had rejected the application for withdrawal of the

case. High Court affirmed it. Supreme Court while affirming the order of the High Court deprecated the interest shown by the State Government in the accused and observed, to quote :

"19. Even otherwise, the action on the part of the State, in our opinion, suffers from malice on fact as well. The State is the protector of law. When it deals with a public fund, it must act in terms of the procedure established by law. In respect of public fund, the doctrine of public trust would also be applicable so far as the State and its officers are concerned. It could not save and except very strong and cogent reasons have issued the said G.O. despite the orders of the High Court.

20. The State was not acting in public interest but in private interest. The State has shown unusual interest in the appellant which is not expected of an executive which believes in good governance. It is really a matter of great surprise that the State independently filed a revision application before the High Court. It did not stop at that. It has also filed a Special Leave Petition before us against the judgment of the High Court. This Court has times without number noticed the unusual interest shown and unusual orders passed by the State Governments to protect its own ministers and Members of Legislative Assembly. We may in this regard notice *Epru Sadhakar and Anr. v. Govt. of AP and Ors.* : and *M.P. Special Police Establishment v. State of M.P.*"

CONCLUSION:-

The question which arises for discussion/ consideration is whether if such an application is moved by the concerned Public Prosecutor does it vitiate the entire trial in event such an application is rejected by the Court?

In criminal justice system all the offences are against the State and the State conducts the

criminal trial on behalf of the society. The problem arises when the political masters part of the ruling government once decide to withdraw from prosecution and if such an application is rejected by the Court at the stage of framing of charges then what measures can be taken to ascertain as that State will fulfil its duty to conduct criminal trial without any subconscious bias in a free and fair manner. The author wishes to rely on the provisions of Section 301 CrPC and wishes to suggest that in the scenario mentioned above the Court take recourse of Section 301 of the CrPC.

Section 301 of the CrPC 1973 reads as under:-

“301. Appearance by Public Prosecutors.

- (1) The Public Prosecutor or Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.
- (2) If in any such case, any private person instructs a pleader to prosecute any person in any Court, the Public Prosecutor or Assistant Public Prosecutor in charge of the case shall conduct the prosecution, and the pleader so instructed shall act therein under the directions of the Public Prosecutor or

Assistant Public Prosecutor, and may, with the permission of the Court, submit written arguments after the evidence is closed in the case.”

In such a case a representative of the complainant against whom the offence has been committed or any private person can be appointed by the Court to submit his written arguments before the Court by virtue of the provisions contained in Section 301(2).

If such remedial measures are adopted in case there is any lacuna in the trial conducted by the state the same can be brought on record by virtue of Section 301(2) of the CrPC.

In conclusion the following observation of Godwin in his book, “Political Justice” (page 268-269) while appreciating the democratic process in governance, is relevant to quote :

“Democracy restores to man consciousness of his value, teaches him by the removal of authority and oppression to listen only to the dictates of reason, gives him confidence to treat all other men as his fellow beings and induces him to regard them no longer as enemies against whom to be upon his guard, but as brethren whom it becomes him to assist.”

Picture Gallery

Republic Day Celebration



**REFERENCE CEREMONY ON THE EVE OF SUPERANNUATION OF JUSTICE S.R.SEN ON
08TH MARCH 2019 & CHIEF JUSTICE AJAY KUMAR MITTAL ON 31ST OCTOBER 2019**



INDEPENDENCE DAY CELEBRATION



PHOTO EXHIBITION TO MARK THE CONSTITUTION DAY ON 26TH NOVEMBER 2019



READING OF THE PREAMBLE TO THE CONSTITUTION OF INDIA



BRACING UP FOR THE FIRST FOOTBALL MATCH BAR VS BENCH ON 07th DECEMBER 2019



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