

ATMAN

[A Biannual News Bulletin of the Gauhati High Court]

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Events organised by the Gauhati High Court in 2009-2010

- Seminar on *Socio-Economic Justice and Functional Transparency with special reference to National Rural Employment Guarantee Act, 2005 and Right to Information Act, 2005* at Vivekananda Kendra, Guwahati on 1st Nov., 2009.
- East Zone Judicial Conference on *Enhancing Timely Justice : Strengthening Criminal Justice Administration* from 29th to 31st Jan., 2010 at Assam Administrative Staff College, Guwahati.
- Seminar on *Dispute Resolution Scenario in Telecom and Broadcasting Sectors* held at Pragna Bhavan, Agartala on 6th Feb., 2010.
- The Diamond Jubilee celebrations of the Gauhati High Court at Shillong and Agartala Bench.
- Training of Mediators at IIBM, Guwahati.
- 2-day workshop on *Rule of Law-Scepter of Empowerment with special reference to custodial violence, domestic violence, juvenile justice and right to food* on 27th and 28th March, 2010 at the Assam Administrative Staff College, Guwahati.

From Hon'ble The Chief Justice (Acting)

Spread out over an area of 2,62,230 Sq. Kms, covering seven States, the Gauhati High Court represents a fine mosaic of the diverse litigational values. The need to identify, preserve and protect the age old customary practices and institutions prevailing in different tribal areas of the region go hand in hand with the need for application of the complex principles of law that globalization and advances in technology have brought about. Above all is the imminent necessity of "reaching out" by providing easy and effective access to justice for all. Successful accomplishment of the immediate tasks besides the highest degree of self accountability and discipline amongst the "justice providers" would go a long way to ensure people's continuing confidence in the institution.

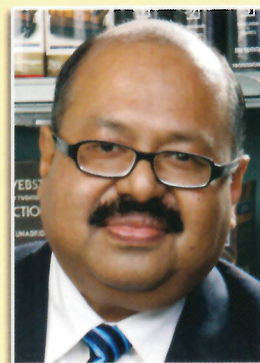
We, in the Gauhati High Court, always have and will keep striving to reach the said ultimate goal.

Justice Ranjan Gogoi
The Chief Justice (Acting)



Editor speaks

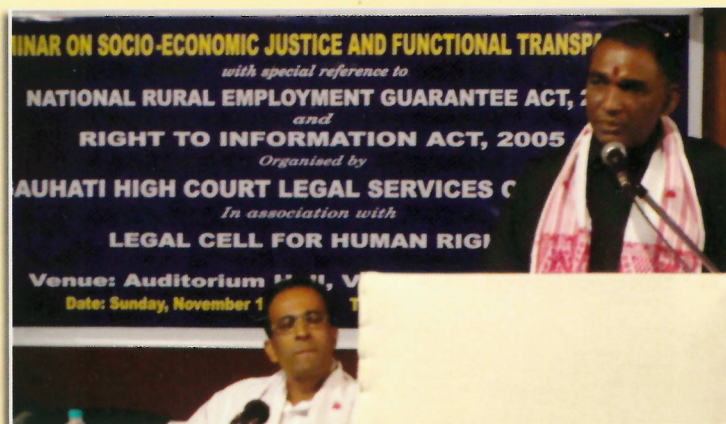
The Administration of Justice by the Gauhati High Court with its jurisdiction spreading across seven states of North East India is indeed a challenging task. The diverse nature of the litigation and the litigants are distinct features of the region and the remarkable role of the High Court as an unifying force for the area can hardly be undermined.



The flag of justice is flying high in the region since last over six decades and the Gauhati High Court is making every effort to upgrade the skills and exposure of all those involved with the justice delivery system. ATMAN showcases the significant activities not only for information but also for inspiration so that all future challenges are met with the required expertise and commitment by all concerned.

Justice Hrishikesh Roy

Seminar on Socio – Economic Justice and Functional Transparency with special reference to National Rural Employment Guarantee Act, 2005 and Right to Information Act, 2005 at Vivekananda Kendra, Guwahati on 1st November, 2009



Hon'ble the Chief Justice, Gauhati High Court, Mr. Justice Jasti Chelameswar delivered speech in the seminar

all, in association with Legal Cell for Human Rights, organised a seminar on the theme *Socio-Economic Justice and Functional Transparency with special reference to National Rural Employment Guarantee Act, 2005 and Right to Information Act, 2005* at Vivekananda Kendra, Guwahati, on 1st Nov. 2009. The idea behind the seminar was to create awareness among the legal fraternity, so that the noble objectives behind the two significant legislations, “National Rural Employment Guarantee Act, 2005” and “Right to Information Act, 2005” can be comprehended. The dual theme was apposite because it blended two

“The question, whether justice can be achieved in a society, may not depend on whether individuals can be forced to comply with civil authority, but on whether individuals and civil authority can act in harmony with and fulfil their moral obligations toward each other”.

--- J. Rousseau

The country witnessed the enactment of two landmark legislations on the Right to Information and the Guaranteed Employment to our rural brethren. The Gauhati High Court Legal Services Committee with the objective of assuring and securing equal justice for



Hon'ble Mr. Justice Ranjan Gogoi, JAD, Gauhati High Court addressing the participants in the seminar

legislations, meant for promotion of social justice and empowerment through information derived under the Right to Information Act. The seminar saw the participation of Judicial Officers, Advocates, Students of Law, NGOs coming together in the working session. Ideas were exchanged and doubts dispelled. Hon'ble the Chief Justice Mr. Justice Jasti Chelameswar delivered the inaugural address in the working session. Hon'ble Mr. Justice Ranjan Gogoi, Judge and Chairman, Assam State Legal Services Authority & Mr. Arun Kumar, IAS, Principal Secretary P&RD dept. addressed on National Rural Employment Guarantee



Hon'ble Mr. Justice Amitava Roy, Judge, Gauhati High Court deliberates in the seminar

Act, 2005. Hon'ble Mr. Justice Amitava Roy, Judge & Chairman, Gauhati High Court Legal Services Committee and Dr. B.K. Gohain, State Information Officer, Assam, addressed on R.T.I. Act, 2005. The panel members in the interactive session were Hon'ble Mr. Justice I.A. Ansari, Hon'ble Mr. Justice B.K. Sharma, Hon'ble Mr. Justice H. N. Sarma, Hon'ble Mr. Justice B. P. Katakey, Shri N.C. Das, Sr. Advocate and Shri Kamal Agarwal, Advocate of the Gauhati High Court.



Panel members on the dais

National Judicial Academy, Bhopal, organised East Zone Judicial Conference on *Enhancing Timely Justice : Strengthening Criminal Justice Administration* at the Assam Administrative Staff College, Guwahati, from 29th to 31st January, 2010

For civil society to adhere to the norms of civilized behaviour, it is important to have an effective Criminal Justice System functioning in the country. To introspect on the deficiencies and to enhance its effectiveness, the Gauhati High Court, in association with National Judicial Academy, Bhopal organised the East Zone Judicial Conference on *Enhancing Timely Justice : Strengthening Criminal Justice Administration* from 29th to 31st January, 2010 at the Assam Administrative Staff College, Guwahati. The programme was attended by Judicial Officers from the states of Assam, Bengal, Bihar, Orissa, Jharkhand, Chattisgarh, Sikkim, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh. The central message was the establishment of Rule of Law, by systematic revamp of the Institution of Judiciary, the indispensable and most vital organ in the structure of administration of justice, within the resources



Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India delivered keynote address



Hon'ble Mr. Justice Jasti Chelameswar, Chief Justice, Gauhati High Court delivered inaugural address



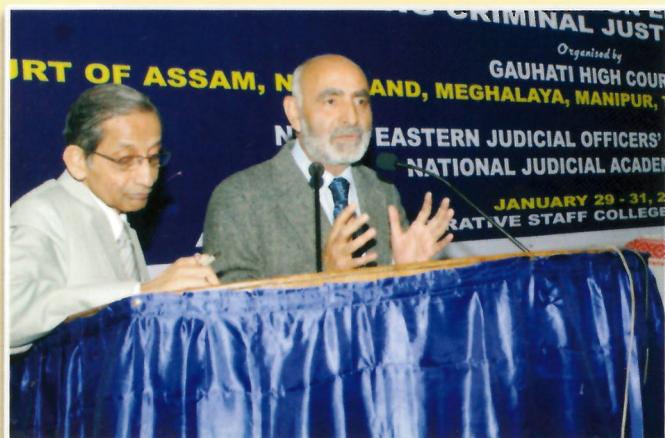
Hon'ble Mr. Justice Ranjan Gogoi, Judge, Gauhati High Court delivered welcome address



Hon'ble Mr. Justice I.A. Ansari, Judge, Gauhati High Court addressed in the Valedictory function

available. The eminent speakers illuminated the conference with real life rendezvous. There were several working sessions in the conference where the participants interacted on important topics, such as *Identification of Key Challenges facing the Judiciary in Strengthening Criminal Justice Administration : An Alternative Perspective*, *Role of the Judge in Protecting Rights and Upholding Constitutional Governance in Criminal Justice Administration and Enhancing Quality of Judicial Decision Making in Criminal Justice Administration (including enhancing consistency & objectivity in appreciation of law & facts; and in sentencing)*. In the inaugural function, Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India delivered the keynote address, the

the Hon'ble Chief Justice of the Gauhati High Court, Mr. Justice Jasti Chelameswar delivered the inaugural address, Hon'ble Mr. Justice Ranjan Gogoi, JAD, Gauhati High Court delivered welcome address and the Director, NJA, Bhopal, Prof. Mohan Gopal gave a brief introduction of the programme. Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India, Hon'ble Mrs. Justice Gyan Sudha Mishra, Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice Aftab H. Saikia, Chief Justice, Sikkim High Court, Hon'ble Mr. Justice S. B. Sinha, former Judge, Supreme



Hon'ble Mr. Justice S.B. Sinha and Hon'ble Mr. Justice B. Nazki addressing the participants



Dr. Mohan Gopal, Director, NJA, Bhopal, introduced the programme

Court of India, Hon'ble Mr. Justice B. Nazki, former Chief Justice, Orissa High Court also participated in the conference. There were active interaction in the Break-Out groups amongst the participant Judicial Officers on various sub topics relating to the main topics.

The conference succeeded in igniting the minds of the participants about the pressing need of uniformity as well as timely response to the impending demand of the society for Justice.

Telecom Disputes Settlement and Appellate Tribunal with the Agartala Bench of the Gauhati High Court organised a Seminar on Dispute Resolution Scenario in Telecom & Broadcasting Sectors at Agartala on 6th February, 2010

Telecommunications and broadcasting are the basic support services needed for rapid growth and modernisation of various sectors of the economy. These sectors have become especially relevant because of its significant impact on the general public. With more and more special legislations and corresponding specialized disputes coming to the Courts for redressal of individual grievances, an awareness meet on the individual's right to receive efficient telecom and broadcasting services as well as redressal of their grievances was



Hon'ble Dr. Justice Mukundakam Sharma, Judge, Supreme Court of India, delivering inaugural speech



Lighting of ceremonial lamp by the dignitaries

felt to be the need of the hour. The Agartala Bench of the Gauhati High Court, therefore, organised a seminar on 6th February, 2010 at Pragna Bhavan, Agartala, on the subject *Dispute Resolution Scenario in Telecom and Broadcasting sectors*, where discussions on TDSAT, CTvN Act & Consumer Protection Act was held.

As the highest Court of the Region, the Gauhati High Court along with six Permanent Benches has been advancing the cause of justice for the past sixty years of its glorious existence. The Diamond Jubilee Celebrations in the Principal Seat at Guwahati and Permanent Benches at Shillong and Agartala, recognised the immense contribution of the Gauhati High Court in playing the role of a patriarch, under whose patronage the Rule of Law has been flourishing in the seven States of the North East India. The accompanying photographs depict the functions organised at Shillong and Agartala. Hon'ble Mr. Justice M. Katju, Judge, Supreme Court of India, inaugurated the celebration at Shillong. At Agartala, a seminar on *Human Rights Collateral Damage in the War on Terror* was organised on the occasion where Mr. Gopal Subramaniam, Solicitor General of India was the key speaker.

DIAMOND JUBILEE CELEBRATION OF THE HIGH COURT AT SHILLONG



Hon'ble Mr. Justice M. Katju, Judge, Supreme Court of India delivered the inaugural speech



Lighting of Ceremonial lamp by dignitaries in connection with the celebration

Diamond Jubilee Celebration of the High Court at Agartala



Mr. Gopal Subramaniam, Solicitor General of India. addressing the Seminar on Human Rights Collateral Damage in the War on Terror

Fond farewell on 11.3.2010 to Mr. Justice Jasti Chelameswar, Chief Justice of the Gauhati High Court on his appointment as Chief Justice of the High Court of Kerala



Mr. A.K. Sharma, President, Gauhati High Court Bar Association addressing the Farewell reference



Hon'ble Mr. Justice J. Chelameswar, Chief Justice delivering the Farewell speech

"Persons lodged in jail, whether as convicts or undertrials, are not denuded of all the fundamental rights.....their fundamental rights guaranteed under Article 21 of the Constitution of India to live with human dignity, making the basic amenities available, cannot be curtailed. Their existence in the jail cannot be reduced to the animal existence. Bijoyananda Choudhury versus State of Assam (2007) 3 GLT 981"

Hon'ble Mr. Justice Jasti Chelameswar, who adorned the seat of the Chief Justice of the Gauhati High Court, the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh from 3rd May 2007 to 17th March 2010 bade farewell to Gauhati High Court on 11.03.2010 to take over charge of the Chief Justice of High Court of Kerala. An upholder of the Constitutional norms, Hon'ble Mr. Justice Chelameswar, will be known forever for his Lordship's succinct approach to legal issues. The photographs depict the ceremonial farewell extended to His Lordship.



Hon'ble the Chief Justice and Smti. Lakshmi Nalini in the Farewell dinner



Farewell Salami to Hon'ble the Chief Justice by the security persons of the High Court

Training Programme on Mediation and Conciliation for Chairman and Mediators of Permanent Lok Adalats in Assam

Gandhiji in his autobiography wrote – "My joy was boundless. I had learnt the true practice of law. I had learnt to find out the better side of human nature and to enter men's hearts. I realized the true function of a lawyer was to unite parties driven as under. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby – not even money, certainly not my soul."

The abiding philosophy of Gandhiji is found reflected in the process of resolving disputes through Mediation, which is now statutorily mandated in India. With the amendments made in recent years in the Code of Civil Procedure, Mediation is the vehicle of choice for resolving of disputes. To give fillip to Mediation efforts, the Assam State Legal Services Authority under the aegis of National Legal Services Authority conducted a 40 Hours training programme on Mediation and Conciliation for Chairman



Hon'ble Mr. Justice Ranjan Gogoi, Judge, Gauhati High Court delivered inaugural address



Hon'ble Mr. Justice B.K. Sharma, Judge, Gauhati High Court delivered speech on effective Mediation of Court cases

and other "persons" of Permanent Lok Adalats from 6th to 10th March, 2010 in the Indian Institute of Bank Management, Guwahati. The participants in the programme were trained by experienced trainers Ms. Poonam Mehndiratta and Ms. Anupam Dhingra provided by the New Delhi Mediation Center. The participants of the training programme included the Chairpersons of Permanent Lok Adalats, Utility Persons / Members of Permanent Lok Adalats and Advocate Mediators. The students and faculty of Law Colleges of Guwahati, attended the same as a part of student awareness

measure. During the programme, the ground rules of Mediation and the role of the Mediators were discussed and Mock Mediation Sessions were held. Role Play was enacted to effectively convey the various stages of the Mediation Process. Hon'ble Mr. Justice Ranjan Gogoi, Judge, Gauhati High Court, inaugurated the training programme, in presence of Hon'ble Mr. Justice B.K. Sharma, Hon'ble Mr. Justice Hrishikesh Roy, Hon'ble Mr. Justice A.C. Upadhyay and Hon'ble Mr. Justice C.R. Sarma and other dignitaries.



Participant trainees took part in discussion



Hon'ble Judges of the Gauhati High Court and the Resource Persons in the training programme

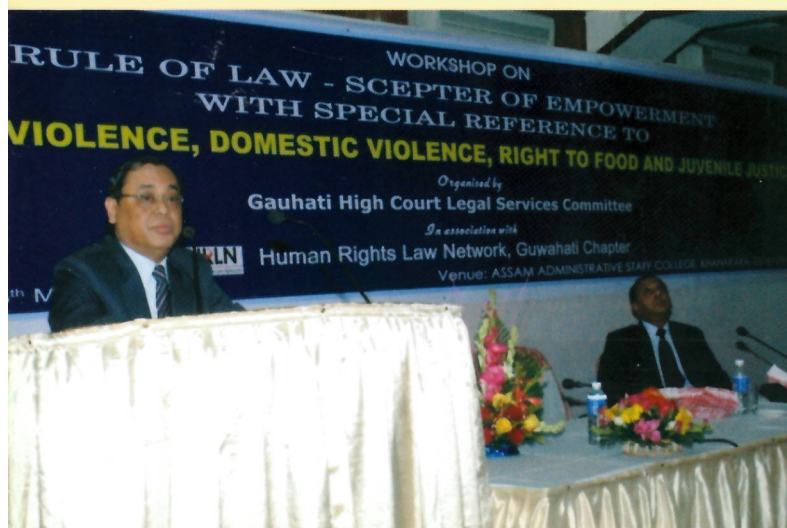
Gauhati High Court Legal Services Committee in association with Human Rights Law Network organised Two day workshop on Rule of Law – Scepter of Empowerment with special reference to Custodial Violence, Domestic Violence, Juvenile Justice and Right to Food on 27th & 28th March, 2010 at Assam Administrative Staff College, Guwahati

" Justice – Social, economic and political." "Equality – of status and of opportunity".

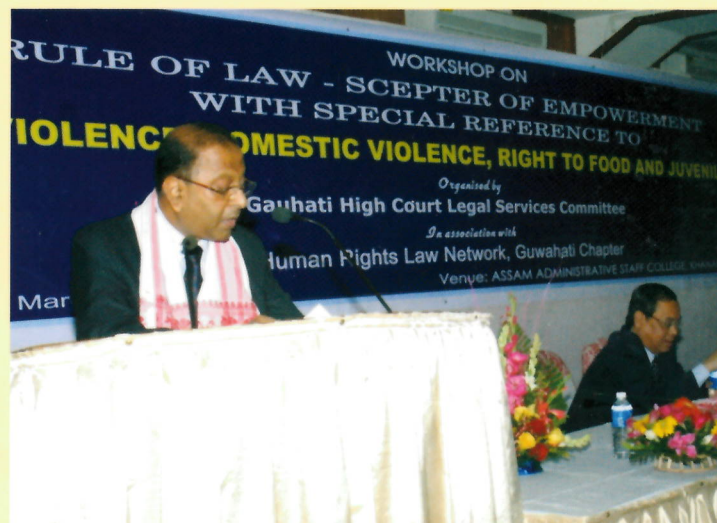
Setting up of a proper socio-economic order for the nation is not a pious wish in the Constitution; rather it is its command. Custodial violence, Domestic violence, Juvenile Delinquency & Right to Food were the subject chosen for the two day workshop with the theme *Rule of Law-Scepter of Empowerment with special reference to custodial violence, domestic violence, juvenile justice and right to food* organised by the Gauhati High Court Legal Services Committee in association with Human Rights Law Network on 27th & 28th March, 2010 at Assam Administrative Staff College, Guwahati. Rights of an accused, rights of women, rights of children and right

to food are all issues which affect the nation and its people. The seminar sensitised the participants to create further awareness that the present generation is under an obligation to ensure a peaceful and healthy society for the future one. The issues undertaken for discussions in the workshop, dealt with basic human rights. Since a nation's development index depends on the development of the under-privileged, the workshop also deliberated on the food security needs of the people. The working session witnessed lively discussions on the various State programmes and the lacunae in their implementation.

The sessions in the seminar stressed for better discharge of obligations by all the stakeholders to make aspirations of the nation into a living reality.



Hon'ble the Chief Justice (Actg.) Mr. Justice Ranjan Gogoi addressed as Chief Guest of the workshop.



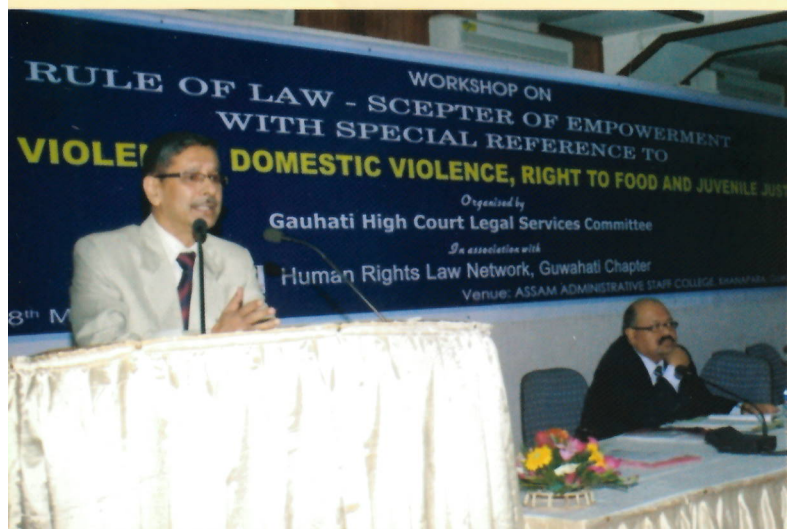
Hon'ble Mr. Justice Amitava Roy, Chairman, GHCLSC delivered the keynote address.



Hon'ble Mr. Justice I.A. Ansari, Mr. M. Sahay, IPS Sri B.J. Mahanta, IPS & Sri A.K. Goswami, Sr. Advocate took part in the interactive session on Custodial Violence



Hon'ble Mr. Justice B.K. Sharma, Hon'ble Mr. Justice H.N. Sarma, Smt. Deepa Das from UNICEF & Dr. S. Kaur took part in the interactive session on Right to Food



Hon'ble Mr. Justice B.P. Katakey addressed the workshop on Juvenile Justice Act



Mr. Colin Gonsalves, Director, HRLN, addressed on Right to Food in the two day workshop