



COURT NEWSLETTER

HIGH COURT OF SIKKIM

Golden Jubilee Celebration Year

Vol. 1 Issue No. 4

October-December 2009



EDITORIAL BOARD

Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice, High Court of Sikkim

Hon'ble Justice A.P. Subba, Judge, High Court of Sikkim

COMPILED BY

Meenakshi M. Rai, Registrar General, High Court of Sikkim

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VACANCIES IN COURTS

(i) Vacancies in the High Court of Sikkim as on 31.12.2009

Sl. No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1.	Sikkim High Court	03	03	0

(ii) Vacancies in the District & Subordinate Courts as on 31.12.2009

Sl. No.	Name of the State	Sanctioned Strength	Working Strength	Vacancies
1.	SIKKIM	*15	09	06

* Including 2 Fast Track Courts.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

(1) High Court of Sikkim from 1.10.09 to 31.12.09

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1	63	18	17	64	25	3	7	21	85

(2) District & Subordinate Courts from 1.10.09 to 31.12.09 (East & North) & (South & West)

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	255	33	17	271	882	198	223	857	1128

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	121	78	83	116	26	326	325	27	143

(3) Family Court (East & North) at Gangtok from 1.10.09 to 31.12.09

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	40	12	25	27	15	2	7	10	37

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	0	1	1	0	2	3	3	2	2

(4) Family Court (South & West) at Namchi from 1.10.09 to 31.12.09

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	15	10	4	21	12	3	4	11	32

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil & Criminal Cases at the end of 31.12.09
	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09	
1.	0	0	0	0	2	1	2	1	1

(5) Lok Adalat Cases from 1.10.09 to 31.12.09

Sl. No.	Name of Lok Adalat	Opening Balance as on 1.10.09	Institution from 1.10.09 to 31.12.09	Disposal from 1.10.09 to 31.12.09	Pendency at the end of 31.12.09
1.	High Court Lok Adalat	34	1	27	8
2.	District Lok Adalat at Gangtok	11	39	27	23
3.	District Lok Adalat at Namchi	4	12	7	9
4.	Taluk Lok Adalats at Ravangla, Gyalshing, Mangan & Soreng	6	68	71	3
	Total	55	120	132	43

SOME RECENT HIGH COURT JUDGMENTS

- 1. WP(C) No. 34 of 2009**
Union of India & Ano.
Vs.
Tekman Sunar
Date of Judgment:02/11/09

A writ petition filed against the order of the Central Administrative Tribunal, Calcutta Bench directing the petitioners to create a supernumerary post to adjust the respondent in the post of Assistant field Officer (Veterinary), Saschastra Seema Bal at Gangtok - Held, delay of more than two years in filing the petition without sufficient cause cannot be accepted as reasonable-Court may refuse discretionary relief if there is negligence or omission by the petitioner to assert his right- No illegality, irregularity or jurisdictional error was committed by the Tribunal in recording its finding -Petition dismissed.

- 2. WP(C) No.01 of 2009**
Sunil Dass Rai (Minor)
Vs.
State of Sikkim & Ors.
Date of Judgment: 02/11/2009

A writ petition(criminal) filed against the order of the Ld.Judicial Magistrate(South) at Namchi taking cognizance of offence against the petitioner under Section 169(I)(b) of the Sikkim Police Act, 2008- Held, the penal provision required under Section 169(2) had not been notified at the relevant time, in the absence of which no act or omission can be said to be an “ offence” within the meaning of the Indian Penal Code or the General Clauses Act 1897. Taking cognizance of such act would be palpably without jurisdiction-Petition allowed.

- 3. RFA No. 3 of 2009**
Himal Match Co. Pvt. Ltd. & Ano.
Vs.
Raj Bansi Bhagat
Date of Judgment: 16.11.2009.

An appeal against the judgment and decree of eviction passed by the Ld. District Judge, E & N at Gangtok in an eviction suit - Held, eviction is permissible only on any one of the grounds contained in the Notification No. 6326-600/H.&W.B., dated 14th April,1949 (law governing landlord & tenants in some parts of the State) - Court has no jurisdiction to pass a decree of eviction on a ground not provided by the statute - there is no place for equitable consideration where the statute contains express provisions - appeal allowed .

4. **WP(c) No. 38 of 2007**
Smt. Shraddha. Vs.
State of Sikkim & Ors.
Date of Judgment - 24/11/2009.

A writ petition challenging the non – appointment of the petitioner in the post of Civil Judge – cum – Judicial Magistrate after the recommendation of her name by the High Court of Sikkim pursuant to the interview and viva - voce. Held, non – pendency of cases in North Sikkim cannot be the reason or ground for non – appointment since the advertisement had not mentioned the specific place for which the appointment was to be made – Chief Justice alone had no power to concur with the views of the govt. expressing its inability to appoint the petitioner, nullifying the Full Court’s earlier recommendation, without referring the matter to the full court – petition allowed.

5. **WP(C) No.23 of 2008**
Phuchung Bhutia Vs. State of Sikkim & Ors.
Date of Judgment: 24/11/09

A writ petition challenging the impugned order of eviction passed by the Deputy Conservator of Forest(T), East at Gangtok in an encroachment case, and that of the appellate authority, the Conservator of Forest (T), upholding the said order- Held, the quarry site allegedly encroached is being run by the petitioner’s son in whose name the license was issued and not by the petitioner, and therefore, notice could not be issued to the petitioner- No direct and acceptable allegations have been levelled against the petitioner- Petition allowed, setting aside both the impugned orders.

6. **MAC App. No. 1 OF 2009**
Senior Branch Manager, National Insurance Co. Ltd. Vs.
Smt. Namita Dixit & Ors.
Date of Judgment -1/12/2009

An appeal against the judgment of the Ld. Member, MACT, E&N at Gangtok – Held, the policy in the present case is a package policy whose limits of liability are specified in Section II (1) (i) of the Indian Motor Tariff Rules, which covers gratuitous passengers, and thus, the insured is fully covered of all risks connected with such category of passengers – Objections permissible under section 149 of the Motor Vehicles Act 1988 having not been raised before the tribunal, the appellant is estopped from raising it for the first time in appeal – Appeal dismissed.

7. CrI.M.C. No.04 of 2008

Gagan Rai Vs.

Dr.A.D.Subba & Ors.

Date of Judgment:07/12/2009

An application under Section 482 of the Code of Criminal Procedure, 1973 against the impugned order passed by the Ld. Sessions Judge, South and West at Namchi, quashing the order of Ld. Judicial Magistrate, South taking cognizance of the offence and directing the issue of process against the respondents in a complaint case-Held, no speaking order is required at the stage of issue of process-Mention of the section of law is not necessary at the stage of taking cognizance, which is required only at the stage of framing of charge under section 211 of the Code-Impugned order quashed.

8. WP(c) No.17 of 2008

Dharma Shamsheer Basnett & Ano. Vs.

T.S.Chettri & Ors.

Date of Judgment:7/12/09

A writ petition challenging the order of the Ld. Civil Judge, East and North at Gangtok rejecting the application of the petitioners for extension of time for filing of written statement- Held, the petitioners had already entered appearance in the trial court and were aware of the proceedings and as such, the order fixing the next date for filing of written statement was sufficient compliance of the requirement of law- However, time can be extended beyond 90 days if the application for condonation of delay is satisfactory and sufficient- Petition allowed.

9. Cont. Cas(c) No. 2 of 2009

Court on Suo Moto Vs.

In Re: Mr. C.L. Sharma & Ors.

Date of Order: 8.12.2009.

A Suo- Moto contempt case for violation of an interim order of the High Court in WP(c) No. 10 of 2007 - Held, from the fact that the offending orders were issued after obtaining legal opinion from Chairman, Law Commission, the same having been withdrawn immediately, and the respondents having further tendered unconditional apology, orders cannot be said to be intentional or wilful. The apology is accepted- Proceedings dropped.

10. CRP No. 4 of 2009

The Branch Manager, New India Assurance Co. Ltd. Vs.

Meena Devi & Ors.

Date of Judgment - 11.12.2009.

A revision petition against the award of the Member, MACT, E & N at Gangtok - Held, the

grounds not raised before the Tribunal cannot be raised at the stage of revision by application of the principles of waiver, estoppel and acquiescence – Non payment of interim relief for nearly three years prima facie amounts to civil contempt – Petition dismissed – Registry directed to register a Suo – Motu case of civil contempt against the petitioner.

**11. Crl.M.Appl.No.11 of 2009
(In Govt.Appeal No.02 of 2009)
State of Sikkim Vs.
Jigme Bhutia
Date of Judgment: 12.11.2009**

An application u/s 378(3),Cr.P.C.,1973 seeking special leave to appeal against the impugned judgment & Order passed by the Ld. Special Judge, NDPS Act, E& N Sikkim, Gangtok, acquitting the respondent from the charge u/ss.22(a)/27 of the NDPS Act,1985-Held, the respondent was not in possession of contraband articles at the time of his arrest and as such, no offence was committed by him at the time of his arrest and therefore, he cannot be punished under section 22(a) of the Act- Section 50 of the Act had not been complied with as the search was made by a Magistrate, although the respondent had opted for search by a gazetted officer- Application rejected.

MAJOR DEVELOPMENTS & EVENTS

GLIMPSES OF THE REGIONAL SEMINAR ON RIGHT TO EDUCATION WITH SPECIAL REFERENCE TO SIKKIM AND ITS IMPACT ON LEGAL AWARENESS CAMPAIGN INAUGURATED BY THE HON'BLE VICE PRESIDENT OF INDIA, MR. M. HAMID ANSARI ON OCTOBER 29, 2009



Floral Welcome of the Hon'ble Vice President of India, Mr. M. Hamid Ansari



Floral Welcome of the Hon'ble Chief Minister of Sikkim, Dr. Pawan Chamling



Floral Welcome of the Hon'ble Chief Justice of Sikkim Mr. Justice Aftab H. Saikia



Floral Welcome of Hon'ble Judge, Mr. Justice A.P. Subba

LIGHTING OF THE INAUGURAL LAMP



Inaugural Lamp being lit by the Hon'ble Vice President of India, Mr. M. Hamid Ansari



Inaugural Lamp being lit by His Excellency, the Governor of Sikkim, Mr. B.P. Singh



Inaugural Lamp being lit by the Hon'ble Chief Justice of Sikkim, Mr. Justice Aftab H. Saikia



Inaugural Lamp being lit by the Hon'ble Judge, Mr. Justice A.P. Subba

INAUGURATION OF HIGH COURT BUILDING PHASE -II

February 16, 2010

On February 16, 2010 the Phase-II building of the High Court of Sikkim was inaugurated by Hon'ble **Dr. Justice Aftab H. Saikia**, Chief Justice, High Court of Sikkim in the presence of Hon'ble **Mr. Justice A.P. Subba**, Judge, High Court of Sikkim and Hon'ble **Mr. Justice S.P. Wangdi**, Judge, High Court of Sikkim in a function organised in the office premises.



Seated on the dias (L-R): Hon'ble Mr. Justice S.P. Wangdi, Hon'ble Chief Justice Aftab H. Saikia, His Excellency Governor of Sikkim, Shri B.P. Singh, Hon'ble Vice President of India Mr. M. Hamid Ansari, Hon'ble Chief Minister of Sikkim Dr. Pawan Chamling, Hon'ble Mr. Justice A.P. Subba & Hon'ble Minister (HRDD) Mr. N.K. Pradhan

The foundation stone was laid by Hon'ble **Mr. Justice Radha Krishna Patra**, Chief Justice, High Court Of Sikkim on **18.11.2004** in a function presided over by Hon'ble **Mr. Justice N.S. Singh**, Judge, High Court of Sikkim and in presence of



Launching of the Golden Jubilee Souvenir by the Hon'ble Vice President of India
Buildings Department for coming up with such an imposing building.

Guest Of Honour Hon'ble **Mr. Justice AP. Subba**, Judge, High Court of Sikkim.

In his inaugural address Hon'ble Dr. Justice Saikia termed the occasion as a landmark event since it and stated that it was a privilege to inaugurate the building during his tenure coinciding 50 years of Sikkim High Court.

He also thanked the State Government and Housing &

Justice A.P. Subba and Justice S.P. Wangdi highlighted on the history of High Court of Sikkim in their addresses. The function was also addressed by Mr. J.B. Subba and Mr. D.R. Thapa (President, Bar Association of Sikkim). Mrs. Meenakshi M. Rai, Registrar General, High Court of Sikkim conducted the programme and proposed the vote of thanks.

ADDRESSES BEING DELIVERED AT THE SEMINAR ON 29.10.2009



Hon'ble Vice President of India



His Excellency the Governor of Sikkim



Hon'ble Chief Minister of Sikkim



Hon'ble Chief Justice, High Court of Sikkim

Present amongst others were Judicial Officers, Secretary, Buildings & Housing Department- Mr. J.B. Subba and its Former Secretary, Mr. D.T. Lepcha; Members of the Bar, Officers of the Registry of the High Court and Sikkim State Legal Service Authority.

The Phase II building has three court rooms along with a library, banquet hall and other facilities. The foundation stone of the building was laid in November 18, 2004 by the then Chief Justice of High Court of Sikkim, Hon'ble Mr. Justice R.K. Patra in the presence of Justice

(2) INTERFACE BETWEEN CRIMINAL JUSTICE FUNCTIONARIES FOR STRENGTHENING THE CRIMINAL JUSTICE ADMINISTRATION (FEBRUARY 25,2010)

On February 25, 2010, for the first time an Interface was held between the Criminal Justice Functionaries in the Conference Hall of the High Court Phase-II building in order to tackle delay and other defects faced by the litigants in criminal cases.

The Interface was chaired by Hon'ble the Chief Justice, Dr. Justice Aftab H. Saikia. Present on the occasion were Hon'ble Judges – Mr. Justice A.P. Subba & Mr. Justice S.P. Wangdi; Judicial Officers, Superintendent of Police, Additional Superintendents of Police, Sub Divisional Magistrates, Incharge - Police Stations, Public Prosecutors and Doctors.

While speaking on the Interface, the Hon'ble Dr. Justice Aftab H. Saikia opined that the delay and other defects in tackling criminal cases will be completely eliminated if judicial officers, police officers, prosecution and other officers involved in the criminal justice dispensation system work as a team.



Registrar General conducting the programme

The Chief Judicial Magistrate-cum-Senior Civil Judge (E & N), Mrs. Lakchung Sherpa, while addressing the gathering said that even though there are lesser number of criminal cases in Sikkim, as compared to other states in India yet there are difficulties in disposing them on time. Further, she said that the main reasons to the delays are improperly served summons, prolonged time taken by the investigating officer to appear in the court, delay

interface of doctors and forensic experts. She also urged to improve the implementations of laws within the existing laws by protecting the constitutional rights and value.

Speaking during the discussion, the Superintendent of Police (east) Dr. M.S. Tuli highlighted the inconvenience faced by the police while handling criminal cases.



Speakers at the Working Session



L-R: Dr. Subhram Rajkhowa, Justice S. P. Wangdi, Professor Mahendra P. Lama, Dr. Abdul Hannan, Dr. Rathin Bandyopadhyay



Working Session in progress

REGIONAL SEMINAR ON IMPLEMENTATION OF NREGS IN THE NORTHEAST WITH SPECIAL REFERENCE TO SIKKIM (31.10.2009)



Seated on the dias (L-R): Hon'ble Mr. Justice A.P. Subba, Hon'ble Minister (RM&DD) Mr. C.B. Karki, Hon'ble Chief Justice Aftab H. Saikia, Hon'ble M.P. (Lok Sabha) Mr. P.D. Rai & Hon'ble Mr. Justice S.P. Wangdi

On October 31, 2009 a Regional Seminar on "Implementation of NREGS in the NORTHEAST with Special Reference to Sikkim" was organized by the Golden Jubilee Celebration Committee of the High Court of Sikkim (coinciding with the Golden Jubilee Celebration Year 17th April, 2009 to 16th April, 2010) at the auditorium of Tashi Namgyal Academy, Gangtok.

Hon'ble Mr. Justice Aftab H. Saikia graced the occasion as the Chief Guest in place of Hon'ble Mr. Justice Tarun Chatterjee, Judge, Supreme Court of India who could not attend the programme due to unforeseen reasons. Mr. C.B. Karki, Hon'ble Minister for Rural Management and Development Department (RM&DD) and Mr. P. D. Rai, Hon'ble Member of Parliament from Sikkim (Lok Sabha) graced the occasion as Guests of Honour. Hon'ble Mr. Justice A. P. Subba; Hon'ble Mr. Justice S.P. Wangdi; Mr. A.K. Ganeriwala, Secretary, RMⅅ Judicial Officers of the State, Dignitaries/Officers and Block Development Officers of the State Government were also present on the occasion.

While inaugurating the day long Seminar, the Hon'ble Chief Justice said that corruption is the major stumbling block in the implementation of NREGS in the nation and opined that the judiciary has a lot to do to help realise the objectives of the Act, enacted in 2005 by the Parliament, which is a laudible & ambitious legislation.

Hon'ble Chief Justice also stated that checks and balances have to be put in place for the NREGS and the judiciary must introspect as to what extent it can assist in the proper implementation of the Act.

While delivering his special address, Mr. P.D Rai pointed out the challenges of timely payment and use of the labourers in productive work in the NREGS. He said that NREGS is an

Act passed by the Parliament to provide livelihood security to the poor people in the rural areas and hence, there is a huge difference between NREGS and other flagship programmes of the Union Government.

Hon'ble Minister for RM&DD, Mr. C.B. Karki in his keynote address said that NREGS is a unique safety net for the poor people in the country and there is a need to translate the objectives of the Act into a reality. He added saying that the NREGS has completed 3 years of implementation in Sikkim and has now been implemented in all the 163 Gram Panchayat Units of the State.

Earlier while delivering the welcome address, Hon'ble Mr. Justice A.P. Subba highlighted the constitutional and legal aspects of the NREGS, while Hon'ble Mr. Justice S.P. Wangdi proposed the vote of thanks. The programme was conducted by Mrs. K.C. Barfungpa, Registrar.

The Working Session which was held in the afternoon was chaired by the Hon'ble Judge, Mr. Justice A.P. Subba. Mr. A.K. Ganeriwala, Secretary, RMDD; Mrs. Lakchung Sherpa, Chief Judicial Magistrate-cum-Civil Judge; Mr. Binu Sundas, Assistant Professor, Department of Sociology, Sikkim University and Mrs. Laxmi Chakraborty, Advocate, Bar Association of Sikkim were the resource persons on the occasion. The programme concluded with an open house discussion.

In the evening, a cultural programme was organized by the Cultural Committee of the Golden Jubilee Celebration Committee, High Court of Sikkim. The programme consisted of Powerpoint presentation of the past history of the Sikkim High Court, Welcome song, dance by the Advocates, staff of the High Court of Sikkim as well as the District Court. The programme concluded with an enthralling Yak Dance.

**GLIMPSES OF THE REGIONAL SEMINAR ON
IMPLEMENTATION OF NREGS IN THE NORTHEAST WITH SPECIAL REFERENCE TO SIKKIM
INAUGURATED BY THE HON'BLE CHIEF JUSTICE, HIGH COURT OF SIKKIM
ON OCTOBER 31, 2009**

Lighting of the Inaugural Lamp



Hon'ble Chief Justice, Mr. Justice Aftab H. Saikia



Hon'ble Minister (RM&DD) Mr. C.B. Karki



Hon'ble M.P. (Lok Sabha) Mr. P.D. Rai



Hon'ble Mr. Justice A.P. Subba



Hon'ble Mr. Justice S.P. Wangdi

GLIMPSES OF THE CULTURAL PROGRAMME HELD ON OCTOBER 31, 2009



REGIONAL SEMINAR ON FREEDOM OF PRESS AND JUDICIAL ACTIVISM (01.11.2009)

On 1st November, 2009 a Regional Seminar on “*Freedom of Press and Judicial Activism*” was organized by the Golden Jubilee Celebration Committee of the High Court of Sikkim (coinciding with the Golden Jubilee Celebration Year 17th April, 2009 to 16th April, 2010) at Chintan Bhawan, Gangtok.



*Seated on the dias (L-R):
Hon'ble Mr. Justice A.P. Subba, Hon'ble Minister (IPR, Commerce & Industries) Ms. Neeru Sewa,
Hon'ble Chief Justice Aftab H. Saikia and Mr. R.B. Subba, Legal Advisor to HCM*

Hon'ble Mr. Justice Aftab H. Saikia graced the occasion as the Chief Guest in place of Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India who could not attend the programme due to unforeseen reasons. While Ms. Neeru Sewa, Hon'ble Minister for IPR, Commerce & Industries, Hon'ble Judge, Mr. Justice A.P. Subba, Hon'ble Judge Mr. Justice S.P. Wangdi, Mr. R.B. Subba, Legal Advisor to Hon'ble Chief Minister of Sikkim, Dignitaries/Officers of the State Government, Judicial Officers, Journalists, Editors; Principal & Students of Guwahati Law College amongst others were also present on the occasion.

The Hon'ble Chief Justice inaugurated the Seminar and in his inaugural address expressed concern over how the media, driven by market journalism is increasingly prioritizing “voyeurism and sensationalism” over the more desired delivery of authentic and true information. He said, “as members of Judiciary, we have to maintain a balance between the dignity of the courts and an accused person’s right to a fair deal. However, we are increasingly being presented with trial by media, and now even media verdicts. He said that it was an unhealthy trend.” The Freedom of Press is complimented by Judicial Activism since a responsible check is put in place here. Freedom is essential for a vibrant democracy and is the foundation of a free government and free people,” the Hon'ble Chief Justice remarked.

While delivering the keynote address, Mr. R.B. Subba commented that Judicial Activism had helped maintain a balance in the freedom of press with historic initiatives such as the Public Interest Litigation (PIL). Similarly, Ms. Neeru Sewa, Hon'ble Minister highlighted the government’s role in strengthening the Press Fraternity of Sikkim and how since 1994 the muzzling of press had stopped and positive journalism encouraged.

Hon'ble Mr. Justice A.P. Subba presented the welcome speech and Hon'ble Mr. Justice S.P. Wangdi proposed the vote of thanks. The programme was conducted by Mrs. Meenakshi M. Rai, Registrar General.

The Working Session commenced in the afternoon and was chaired by Hon'ble Mr. Justice S.P. Wangdi.

Mr. Tashi Wangdi Bhutia, District & Sessions Judge (East & North) Sikkim at Gangtok; Dr. Sonam Wangdi Lepcha, District & Sessions Judge (South & West) Sikkim at Namchi; Mr. Manik Chakraborty, Head of Department of Law, Burdwan University, Bardhaman; Mr. Bhaskar Raj Pradhan, Sr. Advocate; Mr. Pema Wangchuk Dorjee, Editor "Now" and Mr. Amit Patro, Editor



Working Session in progress

"Sikkim Express" were the resource persons.

The programme concluded with an open house discussion.

**GLIMPSES OF THE REGIONAL SEMINAR ON
FREEDOM OF PRESS & JUDICIAL ACTIVISM INAUGURATED BY THE HON'BLE CHIEF JUSTICE,
HIGH COURT OF SIKKIM ON NOVEMBER 1, 2009**



*Floral Welcome of the Hon'ble Chief Justice of Sikkim
Mr. Justice Aftab H. Saikia*



*Floral Welcome of the Hon'ble Minister (IPR, Commerce & Industries)
Ms. Neeru Sewa*



Floral Welcome of the Hon'ble Judge Mr. Justice A.P. Subba



Floral Welcome of the Hon'ble Judge, Mr. Justice S.P. Wangdi



*Floral Welcome of Mr. R.B. Subba,
Legal Advisor to the Hon'ble Chief Minister of Sikkim*

Lighting of the Inaugural Lamp



Judicial Officers Members of the BAR, Officers of the High Court & Students of Sikkim University & Guwahati Law College at the function

NOW



Justice Saikia becomes first sitting Judge to receive Doctorate of Philosophy

Age and position are not a bar for academic pursuit. An example has been set by the Chief Justice of the High Court of Sikkim, who has become the first sitting Judge and Chief Justice in the country to have been awarded the Degree of Doctorate of Philosophy.

Justice Aftab Hussain Saikia, aged about 61 years, has been awarded a Ph.D. for his research work on the topic, "Protection of Cultural and Educational Rights of Minorities Under the Constitution of India - An Analytical Study," by Gauhati University in December, 2009 done under the guidance of Dr. Subhram Rajkhowa, Reader, Department of Law, Gauhati University.

Dr. Justice Saikia is the son of Begum Akhtar Banoo and late Dr. Birendra Saikia of village Dampur under Hajo Police Station in the district of Kamrup, Assam.

He is an LL.M from Gauhati University and was, before his elevation as Chief Justice of Sikkim High Court, a Judge of the Gauhati High Court since 2000.

भारतको पहिलो रज्जिन नेपाली / गोर्खा दैनिक

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वर्ष : ८ अङ्क - १२१ पृष्ठ १२ मूल्य : ४.०० रुपियाँ Vol: VIII Issue: 125 Page 12

न्यायाधीश साइकियालाई डक्टरेटको उपाधि

गानोक, ७ दिगम्बर(निस):
श्रेष्ठियत प्राप्त गर्न उमेर र पदले कुनै बाधा उत्राए गर्दिन भन्ने कुरा सिक्किम राज्य उच्च न्यायालयका मुख्य न्यायाधीशले प्रमाणित गरेका छन्। न्यायाधीश आफ्नाब हुने साइकिया देशका यस्ता प्रथम सिटिल जर्ज हुनु जसलाई विद्यावारिधि ले विभूषित गरिइएको छ। ६१ वर्षीय न्यायाधीश साइकियालाई हाली प्रीएचडीले सम्मानित गरिइएको छ। "भारतीय सन्विधान अन्तर्गत अल्पसंख्यकहरूको सांस्कृतिक अनि शैक्षिक अधिकार-पठ्टा आलोचनानुसार अध्ययन"- विषयमाथिको शोधका लागि



न्यायाधीश साइकियालाई गुवाहाटी विश्वविद्यालयले उनलाई डक्टरेट विद्यावारिधि को उपाधि प्रदान गरेको छ। न्यायाधीश डा. साइकियाले

डक्टरेट शोधमा गुवाहाटी विश्वविद्यालयका कानून विभागका रिटर डा. सुब्रहम राजखोवाको देखरेखमा गरेका थिए।
न्यायाधीश डा. साइकिया आफ्नाबरे कामरूप जिल्लामै राजी पुलिस थाना अन्तर्गत दमपुर गाई नियासी ग्रेम अखतर बानु अनि स्वर्गीय डा. बारीर अलि साइकियाका पुत्र हुन्। गुवाहाटी विश्वविद्यालयबाट एलएलएम गरेका डा. साइकिया सिक्किम उच्च न्यायालयका मुख्य न्यायाधीश हुनअघि २००० देखि गुवाहाटी उच्च न्यायालयका एकजना न्यायाधीश थिए।

In the month of December 2009, the Hon'ble Chief Justice, Mr. Justice Aftab H. Saikia was awarded a *Degree of Doctorate of Philosophy* for his research work under the guidance of Dr. Subhram Rajkhowa, Reader Department of Law, Gauhati University on the topic "Protection of Cultural and Educational Rights of Minorities under the Constitution of India - An Analytical Study" by Gauhati University.

IMPORTANT VISITS & CONFERENCES

The Hon'ble Chief Justice, Mr. Justice Aftab H. Saikia visited the State Jail at Rongyek, Gangtok on 17th November, 2009. He was accompanied by the Hon'ble Judge Mr. Justice S.P. Wangdi and the Registrar General, Mrs. Meenakshi M.



Rai. Mr. Yap Tshering Bhutia, Senior Superintendent of Police (Prision) received the Hon'ble Chief Justice and the Guard of Honour was presented by the Sikkim Police.

The Hon'ble Chief Justice visited the barracks and met the inmates. He enquired about their cases and living conditions and spoke on legal matters and proceedings and offered advice and suggestions to them.

He also visited the workshop site of carpentry, tailoring, library, sale counter displaying various products by the inmates.



VISIT TO THE STATE JAIL