



# COURT NEWSLETTER

## HIGH COURT OF SIKKIM

Vol. 2 Issue No. 2

April-June 2010



### EDITORIAL BOARD

Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Sikkim  
Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim

### COMPILED BY

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

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# C O N T E N T S

Vacancies in Courts	-	1
Institution, Disposal and Pendency of Cases	-	2-3
Some Recent High Court Judgments	-	5-9
Major Developments and Events	-	11-27
Inaugural Address by H.E. the President of India	-	28-30
Presidential Address by H.E. the Governor of Sikkim	-	31-32
Special Address by the Hon'ble Chief Minister of Sikkim	-	33-35
Keynote Address by the Hon'ble Chief Justice of Sikkim	-	36-37
Welcome Address by the Hon'ble Judge	-	38-39
Vote of Thanks by the Ld. Registrar General	-	40-41
Excerpts of the Opening Speech of the Hon'ble Judge at Guwahati	-	42-43
Important Visits and Conferences	-	45-47

**VACANCIES IN COURTS****(i) Vacancies in the High Court of Sikkim as on 30.6.2010**

Sl. No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1.	Sikkim High Court	03	02	1

**(ii) Vacancies in the District & Subordinate Courts as on 30.6.2010**

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 1.4.10 to 30.6.10

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1	70	23	33	60	19	8	8	19	79

### (2) District & Subordinate Courts from 1.4.10 to 30.6.10 (East & North) & (South & West)

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	293	116	100	309	916	258	288	886	1195

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil Misc. & Criminal Misc. Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	132	85	125	92	47	375	385	37	129

### (3) Family Court (East & North) at Gangtok from 1.4.10 to 30.6.10

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	32	28	15	45	11	20	14	17	62

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil Misc. & Criminal Misc. Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	0	1	0	1	15	18	14	19	20

(4) Family Court (South & West) at Namchi from 1.4.10 to 30.6.10

Sl. No.	Civil Cases				Criminal Cases				Total Pendency of Civil & Criminal Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	21	16	23	14	11	5	9	7	21

Sl. No.	Civil Miscellaneous Cases				Criminal Miscellaneous Cases				Total Pendency of Civil Misc. & Criminal Misc. Cases at the end of 30.6.10
	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10	
1.	0	4	2	2	6	9	8	7	9

(5) Lok Adalat Cases from 1.4.10 to 30.6.10

Sl. No.	Name of Lok Adalat	Opening Balance as on 1.4.10	Institution from 1.4.10 to 30.6.10	Disposal from 1.4.10 to 30.6.10	Pendency at the end of 30.6.10
1.	High Court Lok Adalat	3	30	3	30
2.	District Lok Adalat at Gangtok	26	2	26	2
3.	District Lok Adalat at Namchi	33	19	17	35
4.	Taluk Lok Adalats at Ravangla, Gyalshing, Mangan & Soreng	0	58	54	4
	Total	62	109	100	71



# **SOME RECENT HIGH COURT JUDGMENTS**





- 1. CRL. A. No. 01/2009**  
**Damber Bahadur Chettri - Vs. - State of Sikkim**  
**Date of Judgment : 23/04/2010**

An appeal against the judgment and order of conviction dated 12.02.2009, passed by the Ld. Sessions Judge, East & North at Gangtok under Section 450/302/390 read with Section 34 IPC - Held, since confessional statement of accused No. 2 (in the trial court) which did not lead to the discovery of facts, could not be proved even against accused No.2, the same could not be the basis of conviction of the appellant, there is no evidence on record which can show the existence of circumstances leading to the inference of murder of the deceased by the appellant - Appeal allowed.

- 2. BAIL APPLN. NO. 02/2010**  
**Kamal Rasaily & Ors. -Vs.- State of Sikkim**  
**Date of Order:- 29/04/2010**

An application for Bail U/s 439 read with Section 482 of the Cr. P.C. 1973 for the arrest of the petitioners under Section 302 of the I.P.C. - Held, since the principal perpetrator of the crime who is allegedly the wife of the deceased has already been released on bail and the investigation of the case has also been completed, bail is allowed on condition that the accused persons shall report to the O.C. Sadar Thana at 11:30 A.M. every Monday.

- 3 Crl. Appeal No. 02/2009**  
**Tika Ram Chettri -Vs.- State of Sikkim**  
**Date of Judgment: 04/05/2010**

An appeal against the judgment and order of conviction under Section 376 IPC dated 13/04/2009, passed by the Ld. Sessions Judge, East & North at Gangtok - Held, although Section 221 of the Cr. P.C. can be invoked to sentence the accused for the offence of rape when the charge was for an attempt to rape, in the instant case, where there was no penetration, nor there was attempt to penetrate, the accused/appellant cannot be punished either for the offence of rape or for attempt to commit rape. However, the act of lifting the victim, putting her on bed, removing her undergarment and lifting her frock constituted the act of outraging the modesty of the victim punishable under Section 354 IPC-Conviction under Section 376 I.P.C. set aside and altered to punishment under Section 354 IPC.

- 4. WP(C) No. 46/2006**  
**Sanam Giri -Vs- Secretary, H.R.D.D., Government of Sikkim & Ors.**  
**Date of Judgment: 05/05/2010**

A writ petition praying for regularization of service of the petitioner as lecturer in Sociology in the Government College of Sikkim - Held, since the petitioner had filed a writ petition earlier also on

almost identical grounds which was decided by a Division Bench of this Court, the present petition, so far as it relates to those grounds, should be treated as barred by res judicata - When National Eligibility Test (NET)/State Level Eligibility Test (SLET) is an essential qualification for appointment of lecturer as per UGC Regulations, 2000 and the Sikkim Government College Lecturer Recruitment (Amendment) Rules, 2001, court of judicial review cannot direct the appointment of a person having no such qualification - Petition dismissed.

**5. WP(C) No. 04/2009**  
**Karma Dolma Bhutia & Ors. -Vs- State of Sikkim & Ors.**  
**Date of Judgment: 05/05/2010**

A writ petition seeking cancellation of the process of selection and appointment of 20 candidates as Staff Nurses pursuant to an interview and viva voce - Held, petitioners having responded to the advertisement, cannot turn around and challenge the advertisement on being unsuccessful in the selection process - it is too late to contend that no reservation could be made for female candidates for the posts of staff Nurse - Petition dismissed. However, official respondents directed to give due regard to the new Reservation Policy in vogue, considering the inclusion of new categories which were not available under the old Reservation Policy.

**6. MAC App. NO. 06/2009**  
**The Branch Manager, Oriental Insurance Co. Ltd. -Vs- Subrata Mitra & Ano.**  
**Date of Judgment: 11/05/2010**

An appeal under Section 173 of the Motor Vehicles Act, 1988 against the award of the Member, MACT East & North at Gangtok dated 16.02.2009 - Held, the appellant has failed to show "sufficient cause" that prevented him from filing the appeal in time. However, in the interest of justice, delay is condoned. The extent of "dependence" of the claimant being the essential criteria for determination of the compensation, in the instant case, where the husband of the deceased was the sole claimant and is employed as the Manager in a private company, it would be unjust to take the entire gross salary of the deceased as the amount of dependency payable to the claimant - Appeal partly allowed, reducing the amount of compensation from Rs.35,14,240/- to Rs.13,84,500/-.

**7. RFA No. 01/2008**  
**Jagdish Prasad - Vs- Tashi Tshering Bhutia**  
**Date of Judgment: - 21/05/2010**

An appeal against the judgment and decree of eviction passed by Ld. District Judge, East & North at Gangtok dated 31.03.2008, under a Notification governing tenancy in the State of Sikkim other than Gangtok - Held, although there was not enough evidence to make out a case of requirement of the suit premises for personal occupation, yet non payment of rent continuously for four months is an independent ground available to the respondent in terms of the said Notification - Conduct of the appellant, hardship or other circumstances do not demand exercise of discretion

**10. WP(C) NO. 18/2009**  
**Jagat Bahadur Lohar -Vs.- State of Sikkim & Ors.**  
**Date of Judgment: 16/06/2010**

A writ petition seeking regularization of a part of land and the structure constructed thereon beyond the allotted area on payment of regularization fee - Held, although clause (vi) of Regulation 17 of the Sikkim Building Construction Regulations, 1991, added vide Notification dated 16/10/2001 provides for regularization of any structure constructed on or before the said Notification, there is no evidence that the structure was constructed or was under construction on or before 16/10/2001 - secondly, the clause did not authorize allotment of the fresh area - thirdly, attention of the court was not drawn to the Notification prescribing payment of regularization fee by the Government. Accordingly petition dismissed.

**11. MAT APP. NO. 02/2009**  
**Smt. Gyanu Pradhan - Vs - Shri Ratna Kumar Pradhan**  
**Date of Judgment: 16/06/2010**

An appeal against the judgment of Ld. Family Court, East and North Sikkim at Gangtok dated 13/06/2008 ordering dissolution of marriage - Held, respondent had successfully made out a case of mental cruelty perpetrated on him by the appellant - Contention that reliance by the Ld. Family Court upon the judgment of the Magistrate rendered in criminal proceeding instituted by the appellant against the respondent was not permissible is not correct as the said judgment related to matters of public nature and was relevant as per Section 42 of the Evidence Act, 1872 to inquire whether the criminal proceeding was instituted as per the contention of the respondent or not - Appeal dismissed.

**12. WP(C) 10/2009**  
**Prakash Pradhan & Ors. - Vs.- State of Sikkim & Ors.**  
**Date of Judgment: 22/06/2010**

A writ petition challenging the promotion of private respondents from the posts of Principals of Senior Secondary Schools to the posts of Joint Directors in the Human Resource Development Department - Held, the Principals of Senior Secondary Schools (Career Advancement) Rules, 2003 being totally inconsistent with the Sikkim State Education Service (Amendment) Rules, 2008 stood repealed by the latter by necessary implication and therefore, the plea that the former having not being specifically repealed, framing of the latter amounts to its flouting or violation cannot be sustained- power of the Governor to make rules provided under the Proviso of Article 309 of the Constitution does not cease to exist once he frames the rules, as such power also includes power to add, to amend, vary or alter any of the rules framed by him as per Section 21 of the General Clauses Act, 1897- petition dismissed.



# **MAJOR DEVELOPMENTS & EVENTS**



## SWEARING IN CEREMONY OF THE INTERIM GOVERNOR OF SIKKIM April 6, 2010



*His Excellency Shri M.K. Narayanan, Governor of West Bengal being sworn in as the Interim Governor of Sikkim  
by Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice*

On **April 6, 2010** His Excellency Shri M.K. Narayanan, Governor of West Bengal was sworn in as the Interim Governor of Sikkim. The additional charge had been given since His Excellency, the Governor of Sikkim, Shri B.P. Singh, was on leave.

The Oath of Office was administered by Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice, High Court of Sikkim at "Ashirwad Hall", Raj Bhawan, Gangtok.

## **FULL COURT FAREWELL REFERENCE**

April 7, 2010

A Full Court Farewell Reference was held in the Court of the Hon'ble the Chief Justice at 11.30 a.m. on April 07, 2010 in the High Court premises to bid farewell to Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice who has been transferred from the High Court of Sikkim to the Jammu & Kashmir High Court.

Present on the occasion were Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice of the High Court of Sikkim, Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim, Judicial Officers of the District Courts, Members of the Bar, Officers of the Registry of the High Court and Sikkim SLSA.

Mr. D.R. Thapa, President of the Bar Association of Sikkim in his farewell address gave a brief bio-data of the Hon'ble the Chief Justice and credited the Hon'ble Chief Justice as the Chief architect in conceptualising and executing the Golden Jubilee Celebration which commenced from 17.04.2009. He stated that Chief Justice was a simple person with vast experience and knowledge and had bestowed insurmountable guidance, to all members of the bar. He said that it had been a great privilege to work with Hon'ble the Chief Justice who made unmatched contributions to the development of judiciary in the State.

Mr. J. B. Pradhan, Ld. Additional Advocate General of Sikkim, in his farewell speech said that the past one year, marked by the Golden Jubilee Celebration of the High Court had been initiated by the Chief Justice and was one of the most glorious and spectacular period in the annals of the history of the High Court of Sikkim, for which the legal fraternity and the people of Sikkim would remain ever indebted to His Lordship.

Mr. K.T. Namgyal, Ld. Advocate said that the Chief Justice was a simple and sublime soul, versatile jurist, graceful instance of dignity and refinement. That he had been the inspiration for the bar and his guidelines and guidance would always be valued.

Mr. T.B. Thapa, Ld. Senior Advocate addressing the gathering said that the occasion was to bid adieu to one of the inspiring forces of the High Court. He said that Lordship's tenure in the High Court had been a celebration and he had truly been an ambassador of the North East. He requested the Hon'ble the Chief Justice to be present at the concluding celebration of the Golden Jubilee Celebration of the High Court of Sikkim. He added that the bar members expressed their gratitude for all that Lordship had done.

Dr. (Miss) Doma Bhutia, Advocate while saying a few words in honour of the Chief Justice said that the Chief Justice had become the ambassador for the High Court of Sikkim and made it known to the rest of the Country. She stated that the Hon'ble Chief Justice had always been gender sensitive and ensured that lady members from the bar participated in any programme organized by the High Court.



Mr. A.K. Upadhyaya, Sr. Advocate in his address acknowledged the Hon'ble Chief Justice as being a man of vast knowledge. He appreciated the Chief Justice as a person who was able to keep all sections of people in good humour which is a hallmark of his personality. He expressed pain at the farewell.

Hon'ble Mr. Justice S.P. Wangdi in his farewell address said that the function is not a good bye but merely "au-revoir". That the curriculum -vitae of Hon'ble the Chief Justice began in Sikkim from the 07.03.2009 and it has been the beginning of an era for the High Court as the Golden Jubilee Celebration was planned and the Bar and members of the High Court staff had an opportunity to interact with each other resulting in flowering and identification of talents and exposure to seminars, etc. He also said that due to the several legal awareness camps organized by the Legal Services Authority at the behest of Hon'ble the Chief Justice, he had, in his own opinion, become an accomplished and adept public speaker.

That judicial activity of the High Court also forms part of the Government activity as it is in public interest and the activity has been rejuvenated by the Hon'ble Chief Justice. That His Lordship has been an extremely energetic person and the High Court would carry forward his pioneering works. He described Hon'ble the Chief Justice as a deeply spiritual and dedicated family man. That, Lordship coming to Sikkim was a blessing of the Almighty and there are good things that the future holds for His Lordship.

Hon'ble the Chief Justice Dr. Justice Aftab H. Saikia while replying to the farewell references thanked all present and expressed that he had had a wonderful period and a unique work experience in the High Court of Sikkim which has now become his second home. He was apprehensive and worried initially on his elevation as the Chief Justice of Sikkim High Court but once here he met the beautiful people of Sikkim and his apprehensions vanished. He expressed gratitude to Mr. Justice S.P. Wangdi, members of the bar and the Registry for having made his works and stay comfortable and very pleasant.

He expressed that he had lived a full life in each and every moment of his tenure as Chief Justice in the Sikkim High Court with the fullest satisfaction on dispensation of day to day works either on the judicial side or the administrative side. That openness and transparency are the core of judicial functioning which are adhered to in this High Court to the hilt.

He further added that during his tenure as the Chief Justice, he had benefitted tremendously and was immensely inspired and wholly impressed by Justice A.P. Subba, who recently demitted his office as a Judge and by Justice S.P. Wangdi by their brilliance, humility, honesty and simplicity. He was extremely grateful and thankful to both of them.

He also added that the Bar Association of Sikkim in his personal opinion is a great bar and equally equipped to compete with the other bars of the country and since he was also elevated from the bar he has beautiful memories of the Bar. He said junior members of the bar are very competent,

disciplined, dignified, sincere and best at their works and performance.

He thanked all members of his family and made special mention of Madam Saikia, who has stood behind him like a rock in his hours of trial and turbulence.

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*Farewell Dinner hosted in Honour of Hon'ble Dr. Justice Aftab H. Saikia,  
Chief Justice, High Court of Sikkim*

## SWEARING IN CEREMONY OF THE CHIEF JUSTICE OF THE HIGH COURT OF SIKKIM



*Hon'ble Mr. Justice Barin Ghosh being sworn in as the Chief Justice of High Court of Sikkim  
by His Excellency Shri M.K. Narayanan, Interim Governor of Sikkim*

On **April 13, 2010** Hon'ble Mr. Justice Barin Ghosh was sworn in as the Chief Justice of the High Court of Sikkim. His Lordship was transferred from the Jammu & Kashmir High Court.

The Oath of Office was administered by His Excellency, Shri M.K. Narayanan, Interim Governor of Sikkim at "Ashirwad Hall", Raj Bhawan, Gangtok in the presence of the Hon'ble Chief Minister of Sikkim, Cabinet Ministers, Hon'ble Judge, High Court of Sikkim; Chief Secretary, Government of Sikkim; Registrar General, High Court of Sikkim, Bar Members along with the Officers of the High Court and the State Government.

## SEMINAR ON GENDER JUSTICE & EMPOWERMENT OF WOMEN WITH SPECIAL REFERENCE TO SIKKIM

April 16, 2010

On April 16, 2010 a Seminar on "Gender Justice & Empowerment of Women 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 16<sup>th</sup> April, 2010 at Chintan Bhawan, Gangtok.



*Standing L-R : Hon'ble Mr. Justice Barin Ghosh ,Chief Justice ; His Excellency the Governor of Sikkim Mr. M.K. Narayanan; Her Excellency The President of India Smt. Pratibha Devisingh Patil; Hon'ble Chief Minister Dr. Pawan Chamling; & Hon'ble Mr. Justice S.P. Wangdi, Judge*

Her Excellency, the President of India, Smt. Pratibha Devisingh Patil graced the occasion as the Chief Guest. His Excellency, Mr.

M.K. Narayanan, Governor of Sikkim presided over the function. Dr. Pawan Chamling, Hon'ble Chief Minister of Sikkim and Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Sikkim graced the occasion as Guests of Honour.



*The President of India being welcomed at the Seminar with a Floral Bouquet*

The function was attended by Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice, High Court of Jammu & Kashmir; Mr. K.T. Gyaltzen, Hon'ble Speaker of the Sikkim Legislative Assembly; Shri M. B. Dahal, Deputy Speaker; Cabinet Ministers; Mr. P.D. Rai (MP, Lok Sabha); Mr. O. T. Lepcha (MP, Rajya Sabha); Hon'ble Mr. Justice S.N. Bhargava and Hon'ble Mr. Justice R.

Dayal, retired Chief Justices; Hon'ble Mr. Justice Malay Sengupta and Hon'ble Mr. Justice A.P. Subba, retired Judges of the High Court of Sikkim; Mrs. T.T. Wangdi (spouse of Hon'ble Mr. Justice S.P. Wangdi); Mrs. Sengupta (spouse of Hon'ble Mr.



*Dignitaries at the Seminar*

Justice Malay Sengupta); Chief Secretary, the Director General of Police, the Learned Additional Advocate General of Sikkim, Secretaries, Heads of Departments, Senior Officers of the State Government, the teaching faculty and the students of the Government Law College, Principals of the Schools of Gangtok, media persons and Members of the Bar.

Her Excellency the President of India in her Inaugural Address, complimented the Sikkim High Court for having a good record of disposal of cases and said that the less than 100 cases pending should also be disposed off soon, so that a "zero arrear record" is attained. Her Excellency also stated that an important aspect in the administration of justices is that it must be accessible. All citizens have a right to legal recourse and it has been made available under the constitution & in statutory laws. But in practice for the poorer sections of the society, the opportunity to avail of this right is deeply constrained due to lack of resources and the wherewithal. Another hurdle that comes in the way of exercise of legal rights is the lack of awareness among the people about legal provisions and processes.

Citing the above hurdles, Her Excellency stated that the Sikkim State and District Legal Services Authority must discharge their function with a deep sense of responsibility & render competent legal advice to the people. Further, she said it was very important to create legal awareness by holding camps and expand legal literacy.

On the women of Sikkim, Her Excellency said that they are industrious and hardworking and have been participating in the development of the State. They have occupied important positions and the efforts to give them opportunities in the social, political and economic life of the state should continue. She concluded her address urging all the stake holders of the legal system to work in a manner that the rights of the people are safeguarded.

In his Presidential Address, His Excellency the Governor of Sikkim cited examples of women attaining distinction in different fields. His Excellency stated that to achieve empowerment of women, an important need is to bring about necessary changes in the mind set of the society. Once it is achieved and women are made fully aware of their rights they will be able to make even richer contributions to national development.

In the Keynote Address, Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Sikkim said that gender injustice as well as complaint of atrocity against women was hardly noticeable in the State of Sikkim. He added further saying that the people of Sikkim - both men & women, were gentle, sober and God fearing. They do not, unless provoked, do something which is not acceptable to the society.

While delivering his Special Address, Dr. Pawan Chamling, Hon'ble Chief Minister of Sikkim highlighted the schemes, policies, measures taken by his government to ensure development and empowerment of women at par with their male counterparts. He said that the women of Sikkim are the best placed in the society in comparison to the rest of the Country.

Hon'ble Mr. Justice S.P. Wangdi delivered the welcome speech. Mrs. Meenakshi M. Rai, Registrar General proposed the vote of thanks.

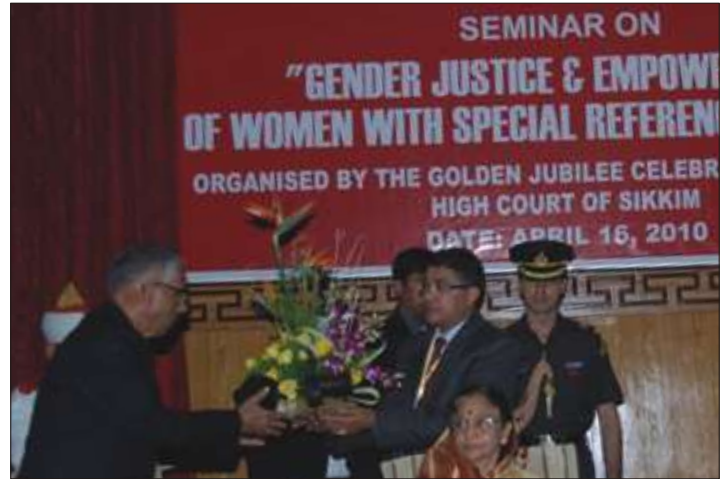
After the inauguration of the Seminar, the Working Session followed. It was chaired by Hon'ble Mr. Justice S. P. Wangdi, Judge, High Court of Sikkim. The eminent speakers on the occasion were Mr. P.D. Rai, Member of Parliament, Lok Sabha; Hon'ble Mr. Justice A.P. Subba, former Judge, High Court of Sikkim; Mrs. Rosabel Namchyo, Director (Retd.), HRDD, Member-High Court Lok Adalat & High Court Legal Services Committee, Sikkim and Dr. (Mrs.) Chongtick Lachungpa, Lecturer in Political Science, Sikkim Government Degree College, Tadong.

After an open house discussion, a slide show depicting the past history of the Hon'ble High Court was presented, followed by a theme song of the Golden Jubilee Celebration Year by the members of the Golden Jubilee Celebration Committee.



*Working Session in progress*

**Glimpses of the Seminar on “Gender Justice & Empowerment of Women with Special Reference to Sikkim”, held at Chintan Bhawan, Gangtok on April 16, 2010**



*Floral Welcome of the Dignitaries*

*Lighting of the Inaugural Lamp by the Dignitaries*





## CLOSING CEREMONY OF THE GOLDEN JUBILEE CELEBRATION YEAR

April 17, 2010

On April 17, 2010 a Sports Function was organised by the Sports Committee of the Golden Jubilee Celebration Committee, High Court of Sikkim to mark the concluding ceremony of the year long Golden Jubilee Celebrations of the High Court of Sikkim at Paljor Stadium, Gangtok.



Mr. K.T. Gyaltzen, Hon'ble Speaker of the Sikkim Legislative Assembly graced the occasion as the Chief Guest. Present on the



occasion were Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Sikkim, Hon'ble Mr. Justice S.N. Bhargava & Hon'ble Mr. Justice R. Dayal, retired Chief Justices and Hon'ble Mr. Justice Malay Sengupta & Madam Sengupta, Hon'ble Mr. Justice A.P. Subba, retired Judges of the High Court of Sikkim; Judicial Officers, Members of the Bar. Officers and staff of the High Court, Subordinate Courts,

Sikkim State Legal Services Authority along with their family members also attended this colourful event.

The function comprised of various races and games and was conducted with the assistance of the Officials from the Sports and Youth Affairs Department, Government of Sikkim. Madam Ghosh (spouse of the Hon'ble Chief Justice),



Judicial Officers, Officers, staff and children of the High Court and Subordinate Courts participated in the various events. In conclusion a “Yak” and “Singye” dance were also performed.

In the afternoon, prizes and certificates were distributed amongst the winners and participants following which the Hon’ble Chief Justice declared the year long Golden Jubilee Celebration of the High Court of Sikkim, closed.



*Hon'ble the Chief Justice, retired Chief Justices , Hon'ble Judge & Retired Judges, Judicial Officers, Officers & Staff of the Registry & Members of the BAR*



*Spectators at the Sports Event*

Lighting of the Inaugural Lamp at the Sports Function held at Paljor Stadium  
April 17, 2010



Glimpses of the Sports Function held at Paljor Stadium  
April 17, 2010



## WORLD ENVIRONMENT DAY

June 5, 2010



On the occasion of the World Environment Day on 5th June, 2010, Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim, Mrs. Meenakshi M. Rai, Registrar General, High Court of Sikkim along with the Officers and staff of the Registry planted saplings in the High Court premises.

**INAUGURAL ADDRESS BY THE PRESIDENT OF INDIA  
SMT. PRATIBHA DEVISINGH PATIL ON THE OCCASION OF THE  
INAUGURATION OF THE SEMINAR ON  
“GENDER JUSTICE AND EMPOWERMENT OF WOMEN WITH SPECIAL  
REFERENCE TO SIKKIM” AT CHINTAN BHAWAN, GANGTOK ON  
APRIL 16, 2010.**

I am very happy to participate in the concluding ceremony of the Golden Jubilee Year of the High Court of Sikkim and to inaugurate the seminar on, “Gender Justice and Empowerment of Women with special reference to Sikkim.” I am told that during the past year, the High Court organized a number of useful events and ceremonies to coincide with the Golden Jubilee celebrations.



Sikkim is a State which believes in a just society. The evolution of the judicial system began here in the last century with the creation of courts at various levels. The High Court of Sikkim was established in 1955. Upon the merger of Sikkim with the Union of India in 1975, the structure of this High Court was further strengthened. Today, as it completes 50 years of its existence, I extend my warmest greetings to the Bench, Bar and other members of the Sikkim High Court.

Like other benches of the Government, the Judiciary works in accordance with the principles and goals of our Constitution. The Supreme Court, the highest court of justice, was inaugurated just two days after India became a sovereign, democratic, republic on 26<sup>th</sup> January, 1950. Since then, we can be proud that our judicial system has done much to secure the rights and freedoms of the people of the country. It has contributed to efforts to achieve the very basic vision of the Constitution to secure for all its citizens justice social, economic and political. An efficient, independent and accessible judicial system is a prerequisite to achieve equitable development.

At the very outset, I would like to compliment the Sikkim High Court for having a good record of disposal of cases. I understand less than 100 cases are pending. These too should be disposed off soon so that a “zero arrear record” is attained.

An important aspect in the administration of justices is that it must be accessible. All citizens have a right to legal recourse. This right has been made available under the Constitution and in statutory laws. Yet, in practice for poorer sections of the society the opportunity to avail of this right is deeply constrained, faced as they are with a lack of resources and the wherewithal. Access to justice for them can often remain a theoretical concept rather than a practical exercisable right.

Fortunately, a legal aid mechanism is functioning in the country for those who need and are entitled to it. The Sikkim State and District Legal Services Authority must discharge their functions with a deep sense of social responsibility and render competent legal advice to the people. This is essential if we are to uphold the principle that no person is denied the right to be heard or to be effectively defended in front of an adjudicating authority. Alternative Dispute Mechanisms like arbitration and mediation need to be encouraged to find amicable and consensual settlement of disputes. There also can be swift and cost-effective methods of dispute settlement. Sikkim should take these and other innovative mechanisms to achieve a least cost justice administration system.

Another hurdle that comes in the way of the exercise of legal rights is the lack of awareness among the people about legal provisions and processes. Hence, creating legal awareness through holding camps and expanding legal literacy is very important.

In any democracy, it is the people, their aspirations and their needs that must occupy a position of primacy. India is not only the world's largest democracy but it is also a robust democracy and we have succeeded, through the Panchayati Raj institutions, to take democracy to the grass root level. Similarly, it should also be our effort to see that we take justice close to the door-steps of the people. The Lok Adalats have been playing an important role in this regard in Sikkim.

I am very pleased that the topic of today's seminar relates to gender justice and gender empowerment. As the country's first women President, for me, a focus on women's issues is but natural. Government has a number of programmes and schemes for the welfare of women, but there is certain disconnect in implementation. Many of the benefits do not reach women. I have always strongly advocated the need for a coordinated approach towards implementation and monitoring of women's issues. I was, therefore, particularly, happy when this year on the occasion of International Women's Day, the National Mission for the Empowerment of Women, was launched. It promises coordinated and time bound delivery of women-centric and women-related programmes. Under the Chairmanship of the Prime Minister, I am confident that it will be a success.

Since independence, there has been a series of legislations for women giving them a share in property, prohibiting dowry and ensuring equal remuneration for work among others. Legislation is important but not enough. Women have to come forward and seek their rights. Gender equality, however, is not a confrontational approach. It means mutual respect and equal opportunities for all in a non-discriminating manner. I believe that gender equality means both men and women working together for the happiness of their families and for the welfare of society.

Like charity, justice begins at home and, it is unfortunate, when women are faced with violence in their houses. The Protection of Women against Domestic Violence Act of 2005 seeks to address this unfortunate and shameful occurrence. People of our country must reject violence of any

kind. We are a nation founded on non-violence. Mahatma Gandhi, the Father of our Nation, is the apostle of peace, truth and non-violence. His life and his works have deeply influenced many people across many continents. Our finest tribute to him would be if we live our lives on the principles which he advocated and which are the very basis of any civilized society and of our own civilization.

In Sikkim also women, like in other parts of our country, constitute almost half of the total population. Industrious and hard-working, they are participating in the development of the State and occupying important positions. Efforts to give them all opportunities in the social, political and economic life of the State must continue. I am sure that the seminar will look into these various aspects of gender justice.

In conclusion, I urge all stakeholders of the legal system to work in a manner that the rights of the people are safeguarded. Bench, Bar and the litigant all have their roles to play in a Court of Law. The litigants must, come, as they say, with clean hands to justice. The lawyers should abide by the highest principles of ethics and while defending his client must, at all point of time maintain the privileged client advocate relationship. The judges must always uphold the tenets of probity and while dispensing justice the weighing scale must never tilt in favour of any party but always in favour of justice.

With these words I wish the Sikkim High Court many years of success in the service of justice and all the people of Sikkim

Thank you.  
Jai Hind.



**PRESIDENTIAL ADDRESS OF THE GOVERNOR OF SIKKIM,  
SHRI M.K. NARAYANAN ON THE OCCASION OF THE INAUGURATION  
OF THE SEMINAR ON “GENDER JUSTICE AND EMPOWERMENT OF  
WOMEN WITH SPECIAL REFERENCE TO SIKKIM” AT CHINTAN  
BHAWAN, GANGTOK ON APRIL 16, 2010.**

Respected and beloved President of India, Smt Pratibha Devisingh Patilji, the Hon'ble Shri Barin Ghosh, Chief Justice of the Sikkim High Court, Hon'ble Shri S.P. Wangdi, the Hon'ble Dr. Aftab H. Saikia, Chief Justice, Jammu and Kashmir High Court, Ministers, Members of the Judiciary and the Bar, ladies and gentlemen.



It is a privilege to deliver the Presidential address on the occasion of the Seminar on Gender Justice and Empowerment of Women with special reference to Sikkim.

The new millennium ushered in with the Government of India declaring the year 2001 as Women's Empowerment Year. This was a declaration of intent to confer a rightful place to issues of gender equality and of women's advancement in the overall development of our nation.

Women in India are today active participants in the development processes of the nation. There are several shining examples of Indian women attaining distinction in different fields. Many have achieved the highest offices in the country including that of the President, the Prime Minister and Speaker of the Lok Sabha.

Many women are currently steering the destinies of mainstream Political Parties. Apart from this, there are thousands of women today who play a significant role as engineers, scientists, doctors and professionals of every kind. Women are the main drivers of most NGOs. Women have helped raise social consciousness to new heights.

The National Policy for Empowerment of Women 2001 was a major step that was taken to provide legislative succor to women. In Sikkim, the Government of Sikkim took the initiative to enact the Sikkim State Commission for Women Act 2001. Implementation of the Act has ensured justice for women and also the protection of their rights.

The Protection of Women from Domestic Violence Act, 2005 has been implemented in Sikkim

from May 2007. The Sikkim Government has also included in the Government Servant's Conduct Rules, a clause which strictly warns against any act they may be construed as sexual harassment of women in the workplace. The Sikkim Immoral Traffic (Prevention) Act, 1986 and the rules made there under are effective measures to prevent the trafficking of women for immoral purposes in the State.

The Government of Sikkim has hence proved beyond doubt that it remains in the forefront in the area of women's emancipation. The Social Justice and Empowerment Department of the Government of Sikkim has been specially active in this regard.

For instance, numerous welfare schemes have been introduced such as the Widow Remarriage Scheme, Welfare of Destitute Women, Short-Stay Home for Abandoned Children, Small Family Scheme, establishment of Working Women's hostels, Inter-Caste Marriage Incentive, Kishori Shakti Yojana, Nutrition Programme for Adolescent Girls etc.

The Women and Child Department in Sikkim functions as the nodal agency in the State of SWAWLAMBAN, which provides financial assistance to women oriented programmes. Such programmes are being implemented all over the country.

The imperative requirement, nevertheless remains, how best to bring about the necessary changes in the mindset of society. This alone will achieve the empowerment of women. Once this is achieved and women are made fully aware of their rights they will be able to make even richer contributions to our national development. This is the age we wish for and hope to achieve.

JAIHIND

**SPECIAL ADDRESS DELIVERED BY THE HON'BLE CHIEF MINISTER OF SIKKIM, DR. PAWAN CHAMLING ON THE OCCASION OF THE INAUGURATION OF THE SEMINAR ON "GENDER JUSTICE AND EMPOWERMENT OF WOMEN WITH SPECIAL REFERENCE TO SIKKIM" AT CHINTAN BHAWAN, GANGTOK ON APRIL 16, 2010.**

Most respected Smt. Pratibha Devisingh Patilji, President of India, Most Respected Shri M.K. Narayananji, Governor of Sikkim, Most Respected Shri Justice Barin Ghoshji, Chief Justice, High Court of Sikkim, Most Respected Shri Justice S.P. Wangdiji, distinguished guests, participants and friends.



I am delighted to speak on the theme of "Gender Justice and Empowerment of Women with special reference to Sikkim" which is not only very close to our heart in our development strategy but it has symbolized the synchronization of the functions of the Hon'ble High Court of Sikkim and the State Government also.

It is with utmost humility I am to state that ever since my Government received the mandate from the people of Sikkim in 1994, we have consistently moved with the firm belief on the following three principles as the basis of our development strategy for securing human well being and happiness:-

- (i) Observance of democratic principles,
- (ii) Rule of law as the bedrock
- (iii) Social Justice.

Our women folk constitute half of the human resources capital of the State with their male counterparts constituting the remaining half. To secure over all well being and happiness it is essential that empowerment of our women should be at the same level with their male counterparts, if not more. Then only over-all development of the State would be complete in all respects. We cannot, therefore, forget this huge human resource potential of women. To relegate this potential to their routine social functions is not desirable at all. As stated earlier our all efforts in the Government have been directed to secure their full empowerment within a reasonable time frame. We have set the target of achieving a poverty free State by 2015.

Madam President, working in these directions we launched Prerna Scheme exclusively for girl

students who excel in study and secure top first three positions in each sub-division for generating competitive spirit among them. This scholarship is given over and above free tuition fees, uniforms including shoes, text books, mid day meal, rain coats and school bags.

Madam President, you will be happy to know that my Government has launched yet another unique scheme under the Chief Minister's Universal Financial inclusion programme to cover all the married rural women in the State for providing them economic independence. With issue of one Smart Card to one married women and with an initial deposit of Rs.1000/- for one mother at her credit the scheme takes off providing her access to Banking. Besides, this scheme would provide insurance cover against accident, property losses covering five members of the family. My Government is the first ever State to have implemented this scheme for the benefit of our married women.

Madam President, you had conferred us the first Nirmal Rajya Puraskar in 2008. Now this Universal Financial Inclusion for our married women being implemented in the State is the next milestone.

We have empowered our Sikkimese women by enacting Sikkim Succession Bill to provide inheritance to ancestral movable and immovable properties equally with their male brothers in the family. In addition a married woman in case is deserted by her husband acquires inheritance of the husband's property who deserted her and the inheritance of property of her parents on equal footing as well. This is a double benefit to her. This incentive is not available anywhere else in the country.

Another unique scheme devised by my Government does not exist in any other State in the country under which a girl child on attaining the age of 13 years receives a grant of Rs.8000/- which is deposited in her name in the Bank. After her passing class X and continuing to study, the girl child receives a further bonus of Rs.2,000/- provided she remains unmarried. She receives additional bonus after passing Class XII and on her finally attaining the age of 23 years she gets a marriage bonus of Rs.1,000/- in the event of her marriage. At the age of 50 years she gets the entire deposited amount with interest provided she has only two children and in case she has more than two children the bonus is proportionately reduced. This scheme was conceived to encourage our girl children to study and have small family.

Our Daily wage workers are also allowed maternity leave of two months. Even any woman delivering a child is given a maternity allowance of Rs.1200/- at each delivery irrespective of her being a Government servant or a daily wage worker or neither.

Furthermore, it gives me deep satisfaction to revisit some of the historical decisions taken by my Government in the past for our women:-

1. First Speaker of Sikkim Legislative Assembly which is in fact first in the entire country.
2. Mother's name made mandatory in all official documents.

3. Provided 30% reservation in Government employment to women.
4. Provided 40% reservation under Panchayati Raj Institutions including Municipal bodies for women.
5. State Commission for women constituted as a statutory body for the rights of women.
6. Women MLAs appointed as first Cabinet Ministers.
7. Interest free loan for three years provided to educated unemployed women for self employment.
8. Launched Mukhya Mantri Antodaya Pushtahar Yojana to tackle malnutrition of children and mothers in the State.
9. Enacted protection of women from domestic violence Act.
10. Established Family Courts for settling family disputes.

Through various legislations and policy measures, our Government has tried to ensure adequate development share for women at par with their male counterpart. For example, all Government benefits distributed to the households are advanced in the name of the mother of the family. Other measures include distribution of free LPG connections to the poor household, grant of maternity allowance for women living below poverty line, etc.

Today our women are in the forefront of every socio-political activities marching side by side with their men folk. Sikkim State is a happy exception to the menace of female foeticide, infanticide and dowry. Undoubtedly, our women are best placed in our society if we look at the overall scenario in the Country.

We are thankful to the Central Government which has been fully supportive of all our programs and also solicit continued support in the future.

We are also thankful to the Hon'ble High Court for having organized the Golden Jubilee so well and so successfully.

Madam, we are very proud and feel blessed in your benign presence here which encourages us in our solemn resolve to see our women free from any shackles- be it social, economic or political so that they live with dignity, self esteem and freedom. I assure you Madam of our highest regards and our commitment to our Sikkimese Mothers.

I also take this opportunity to profusely thank Madam President for this visit and your blessing this time. My Government and the people of Sikkim wish Madam President happiness and our good wishes for your well being.

Thank you.  
Jai Hind.

**KEY NOTE ADDRESS DELIVERED BY THE HON'BLE CHIEF JUSTICE OF THE HIGH COURT OF SIKKIM, MR. JUSTICE BARIN GHOSH ON THE OCCASION OF THE INAUGURATION OF THE SEMINAR "GENDER JUSTICE AND EMPOWERMENT OF WOMEN WITH SPECIAL REFERENCE TO SIKKIM" AT CHINTAN BHAWAN, GANGTOK, ON APRIL 16, 2010**

1. Your Excellency Smt. Pratibha Devisingh Patil, the President of India,
2. Your Excellency Shri M.K. Narayanan, the Governor of Sikkim,
3. Hon'ble Dr. Pawan Chamling, Chief Minister of Sikkim,
4. Hon'ble Mr. Justice S.P. Wangdi,
5. Hon'ble Guests,
6. Participants,
7. Ladies and Gentlemen.

I take it as an esteemed privilege to get an opportunity to address the august gathering, where Her Excellency the President of India, His Excellency the Governor of Sikkim and Hon'ble Chief Minister of Sikkim are present.

I represent the smallest but most efficient judiciary in the country. Justice dispensation system was in vogue in this State since long. The modern day justice delivery system was introduced in this State when the High Court of Sikkim was established by the High Court of Judicature (Jurisdiction and Powers) Proclamation, 1955. Upon the State of Sikkim becoming a part and parcel of India, in terms



of clause (i) of Article 371F of the Constitution of India, the High Court that was functioning in terms of the said proclamation became the High Court of the State of Sikkim. With that all courts of civil, criminal and revenue jurisdiction throughout the territory of the State of Sikkim were recognized as courts entitled to dispense justice in terms of the provision of the Constitution of India.

The High Court and judicial system prevalent in Sikkim since 1955 completed its 50 years of glorious journey and on this occasion we are celebrating the Golden Jubilee Celebration Year which commenced on 17<sup>th</sup> April, 2009. In the year long celebration, many aspects of socio-economic matters of this State have been highlighted. One of the most important of such matters is Gender Justice and Empowerment of Women with Special Reference to Sikkim. Today, we are

holding a Seminar on that topic. As far as I have been able to gather gender injustice is hardly noticeable in Sikkimese society. There is hardly any complaint of atrocity against women. There is no noticeable difference in the matter of treatment of men and women in the Sikkimese society. The people of the State, both men and women, are gentle, sober and god fearing. They do not, unless provoked, do something which is not acceptable to the society. The mountainous and difficult terrain of the State has increased the patience and sobriety of the people living in the State. It has also made them wise. As a result, there seems to be hardly any complaint in regard to gender injustice in the State.

The word “empowerment” in the present context, as it seems to me, means availability of necessary amenities to express oneself. In order to express oneself, one is required to have access to necessary infrastructure. The present day Sikkimese society has all the basic infrastructure for expressing oneself. Women of Sikkimese society are not left behind they have come forward and have taken up the challenge. They have made themselves educated; they have made themselves established in work front. They have joined services and have also established businesses. In addition to that, they have entered the arena of policy making. In view of the reservation policy adopted by the Government, 40% of the elected members of the local bodies are women. We have 4 women Legislators and 2 women Ministers. In this background, I can safely say that the society I represent today is rich with tradition of empowering women and it would take further steps for betterment of such empowerment. In course of the seminar, I hope, different speakers and participants would highlight those areas where a re-look is required to be given for rendering more effective gender justice and to further empower the women of the State.

Thank you very much.

**WELCOME ADDRESS DELIVERED BY THE HON'BLE JUDGE OF THE HIGH COURT OF SIKKIM, MR. JUSTICE S. P. WANGDI AND CONVENOR, GOLDEN JUBILEE YEAR CELEBRATION COMMITTEE ON THE OCCASION OF THE INAUGURATION OF THE SEMINAR ON "GENDER JUSTICE AND EMPOWERMENT OF WOMEN WITH SPECIAL REFERENCE TO SIKKIM" AT CHINTAN BHAWAN ON April 16, 2010.**

1. It is with a deep sense of honour and profound privilege that I, on behalf of the Golden Jubilee Celebration Committee of the High Court of Sikkim welcome milady, Smt. Pratibha Devisingh Patil, the President of India who most graciously consented to inaugurate this function which is the finale to the year-long celebrations to mark the Golden Jubilee Year of the High Court of Sikkim which it completed on the 17<sup>th</sup> of April, 2005. It is of relevance to state that the High Court of Sikkim came into



existence through a Royal Proclamation dated 17<sup>th</sup> April, 1955. That very High Court was deemed to be the High Court for the State of Sikkim in terms of clause (i) of Article 371F of the Constitution of India. Article 371F was inserted in the Constitution by the Constitution (36<sup>th</sup> Amendment) Act, 1975 admitting Sikkim as a component State under the Union of India. The spontaneity with which Your Excellency had accepted the invitation of our Chief Justice on the 7<sup>th</sup> of August, 2009 at the Rashtrapati Bhavan, reflects your deep concern and love for every region of our country. Your gracious presence here today has added to the glory and grandeur to the occasion. Thank you very much, Madam. We also extend our welcome in equal measure to Shri M. K. Narayanan, the interim Governor of Sikkim, who in spite of his serious engagements in the State of West Bengal, has agreed to be in our midst today. We extend our hearty welcome to Dr. Pawan Chamling, Chief Minister of Sikkim, who has honoured us in consenting to be present here today, in spite of his committed public works reflecting his enthusiasm in the growth of the judiciary in the State of Sikkim. We are truly honoured Sir, thank you. It gives me great pleasure also in welcoming Hon'ble Shri Justice Barin Ghosh who took over charge as the Chief Justice, High Court of Sikkim a few days ago. The beginning of Your Lordship's tenure here has proved to be auspicious having coincided with this grand function. We welcome Your Lordship most heartily. I also have the honour and pleasure to welcome Hon'ble Dr. Justice Aftab H. Saikia, Chief Justice of Jammu & Kashmir High Court, and the former Chief Justice, High Court of Sikkim. It is indeed a great pleasure to have Your Lordship in our midst in this function which would have been incomplete in your absence as the celebration of the Golden Jubilee Year of the



High Court as it was conceptualised by Your Lordship. We are indeed honoured by Your Lordship's presence. I also welcome Shri K. T. Gyaltsen, the Speaker of the Sikkim Legislative Assembly, Shri M. B. Dahal, the Deputy Speaker, Cabinet Ministers and the Members of Parliament, both the Lok Sabha and Rajya Sabha, for their benign presence amongst us. Special welcome is extended to their Lordships Hon'ble Shri Justice S. N. Bhargava and Hon'ble Shri Justice R. Dayal, retired former Chief Justices and Hon'ble Shri Justice Malay Sengupta and Hon'ble Mr. Justice A. P. Subba, retired Judges of the High Court of Sikkim, who during their tenure, have contributed much to the growth of the judiciary in Sikkim. Our warm welcome to the Chief Secretary, the Director General of Police, the learned Additional Advocate General of Sikkim, Commissioners and Secretaries, Heads of Departments, Senior Officers of the State Government, the teaching faculty and the students of the Government Law College, the media persons and other esteemed guests. It is said that the Bench the Bar are wheels of the same chariot, i.e, the Judiciary. The members of the Bar have played a major role in the progress of the justice delivery system in the State. Being a part of the institution of judiciary they have equally participated in organizing the Golden Jubilee Celebrations. Therefore, a hearty welcome to the President, General Secretary and the esteemed Members of the Bar Association of Sikkim.

2. The topic of the Seminar **“Gender Justice and Empowerment of Women with special reference to Sikkim”** is indeed a relevant one.

Considering the social setting existing in our country the task in achieving the object of gender equality is indeed an uphill one. The progress being made by the country in this direction has been excruciatingly slow. Concerted efforts of the judiciary through many of its decisions and the legislature through various legislations have, however, accelerated the process to some extent. The fact that Her Excellency Smt. Pratibha Devisingh Patil, is the first woman President of India and, that Smt. Meira Kumar is the first lady speaker of the Lok Sabha, are manifestations of such efforts. I may inform you Madam that Sikkim has led the way in this direction for the rest of the country to follow. This State was the first to have a woman as a Speaker in the Sikkim Legislative Assembly in the year 1999 and boasts of women's strong presence in the State Administration and the Police Force not discounting the Legislature, the Panchayats and other Civic Bodies. They are also well-represented in the State Subordinate Judiciary in which they are performing extremely well. We have, therefore, travelled quite a distance in this sphere despite impediments but there is far more distance to be travelled.

3. Swami Vivekananda said **“Just as a bird could not fly with one wing only, a nation would not march forward if the women are left behind”**.

4. It is, therefore, but appropriate and befitting for the function to be inaugurated by you, Madam which we consider as a tribute to the women of our country. Hoping that the seminar, which is the next part of the programme in which eminent personalities and scholars will participate, will throw some light on the subject, I welcome you all once again.

5. Thank you.

**VOTE OF THANKS PROPOSED BY MRS. MEENAKSHI M. RAI,  
REGISTRAR GENERAL, HIGH COURT OF SIKKIM AND  
SECRETARY, GOLDEN JUBILEE CELEBRATION COMMITTEE  
ON THE OCCASION OF THE INAUGURATION OF THE SEMINAR  
ON "GENDER JUSTICE AND EMPOWERMENT OF WOMEN WITH  
SPECIAL REFERENCE TO SIKKIM AT CHINTAN BHAWAN, GANGTOK  
on April 16, 2010**

I, on behalf of the Golden Jubilee Celebration Committee of the High Court of Sikkim, extend my heartfelt gratitude to Her Excellency, the President of India, the Chief Guest on this occasion, for her inspiring presence. Despite a few heartening examples to the contrary, in general, Indian women and girls still get a much worse deal than their male counterparts. Gender Justice and empowerment of women is an issue which is close to the heart of every woman in this room and having the President of India, a lady with so much verve and dynamism inaugurate this seminar will undoubtedly create awareness of the issue which is more complex than is often recognised, since women are still bogged down by social rules and pressures that are supposed to apply only to them, we know we yet have to fight for every dream we hope to achieve.



We thank your Excellency for your presence which has given honour and prestige to the occasion.

I also extend my thanks to His Excellency, the Governor of Sikkim and Madam who have undertaken the journey from Kolkata to grace this occasion. It is an honour to have your Excellency and madam here with us today.

Hon'ble the Chief Minister of Sikkim, who we are aware, has pressing matters to attend has always made time for functions of the High Court. We thank you sir for your benign presence which is a clear indication that matters concerning the judiciary are dear to your heart.

Our thanks go out to Hon'ble the Chief Justice, Mr. Justice Barin Ghosh who so kindly agreed to be one of the Guests of Honour and for plunging into preparations for the celebrations with his encouragement so soon after taking oath of office as the Hon'ble Chief Justice of Sikkim. We thank your Lordship. We also thank Madam Ghosh for her kind presence.

Our special thanks go out to Hon'ble Dr. Justice Aftab H. Saikia the Chief Justice, Jammu & Kashmir High Court who was our Chief Justice and who is in our midst today. He is truly the architect and engineer of these entire celebrations. It was His Lordship who conceptualised the entire year long celebrations after His Lordship noticed the fact that the High Court had completed more than 50 years of its existence and that Golden Jubilee Celebrations were in order. His Lordship has taken proactive steps in organising all functions which coincided with the Golden Jubilee Celebrations. We thank Lordship for his kindness, guidance and wisdom during preparations for the functions and patience through the errors we made. We are also grateful to Madam Saikia for her quiet yet encouraging presence in our midst.

I must extend my sincere gratitude to Hon'ble Mr. Justice A.P. Subba, who was the Convenor of the Golden Jubilee Celebrations and who guided us with his experience and wisdom. Hon'ble Mr. Justice S.P. Wangdi has been our Convenor since the month of March, 2010 and His Lordship has been our constant guide in organising the programmes specially the sports function which is due tomorrow, we thank his Lordship.

I also extend my thanks to the Hon'ble former Chief Justices of this High Court Mr. Justice S.N. Bhargava and Mr. Justice R. Dayal, and Hon'ble former Judge, Mr. Justice Malay Sengupta who are present encouragingly, with us today, undertaking arduous journeys to be here to celebrate this momentous occasion. Although distance has kept us away from them yet their presence remains with us constantly in the form of the guidance that they had given us. Madam Sengupta is also with us and we extend our thanks to her for her presence.

I have to thank the Military Secretary to the President of India, Major General Bakshi for his guidance to us in details with regard to conducting the programme.

Heartfelt thanks are due to the members of the various Committees of the Golden Jubilee Celebrations and officers and staff of the Registry who have extended unstinting help and support in organising the functions and running errands on record time to ensure that all matters were ready.

We thank the State Government including the Home Department, the Police Department for all security and traffic arrangements, the Power Department who has kept us out of the darkness, the members of the Bar, Judicial Officers, the Buildings & Housing Department and the Forest Department for all necessary preparations that were made in this hall.

Finally I thank all honoured guests who have joined us on this occasion and without whose presence the function would have been a dampner.

Thank you all.

x x x

**EXCERPTS OF THE OPENING SPEECH OF  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDGE, HIGH COURT OF SIKKIM,  
AS CHAIRPERSON, IN THE SEMINAR ON THE SUBJECT,  
"REFORMING LEGAL EDUCATION AND CONTINUING LEGAL  
EDUCATION" ORGANISED BY THE BAR ASSOCIATION OF INDIA  
ON APRIL 3, 2010, AT VIVEKENANDA KENDRA, GUWAHATI.**

It is indeed a matter of great privilege for me to be chairing this session and be amongst such distinguished and eminent personalities and jurists like Hon'ble Justice Dr. M.K. Sharma, Judge, Supreme Court of India, Shri Anil Diwan, Associate President of the Bar Association of India and the Chairperson of the North East Chapter of the Bar Association of India, Shri P.P. Rao, Senior Advocate, Supreme Court of India and other distinguished members on the dias.

2. The topic of today's discussion, "Reforming Legal Education and Continuing Legal Education" is indeed a remarkable one and relevant in the present day scenario prevailing in the country. I would deal with the topic by considering it in two different aspects.

3. The first of it being that, legal education has to be considered not simply in the reformation of the conventional system of teaching law in colleges, but by keeping the bigger picture in view. When I say bigger picture, I mean the citizens of the country who are unaware of their constitutional and legal rights. It is imperative not only for the government and also other persons involved in the justice delivery system to reach out to the lot of the people, that is, in the words of Justice V.R. Krishna Iyer "**Little Indians**", who have been left out of the mainstream nation activities. We should reach out to the people living in the fringes of the nation, like we are, and let them be aware of their legal and constitutional rights. True philosophy of our Constitution would be achieved only if the people in the country become aware of the rights provided in the Constitution of India, otherwise the objects set out by the Preamble of the Constitution to bestow the people with justice, political, social and economic, would not be achieved. It is for this reason, that the national leaders and the legislators thought it appropriate to enact the State Legal Services Act, 1987, with the primary object to make people aware of their legal and constitutional rights, when they realized that even after decades of having attained independence and constituted itself into a republic with a parliamentary democracy as the system of governance, the people were yet to enjoy the fruits of democracy on account of their poverty and illiteracy. Education, therefore, has to be considered in a larger perspective by bringing within its ambit legal education, and the reforms in the legal education should be in the form of a campaign to spread awareness of constitutional and legal rights amongst the people.

4. The second aspect is the reforms in the conventional method of legal education and continuing legal education. One of the steps in this direction would be to match up the current curriculum and syllabi of the law colleges with the need of time. Law has to be dynamic and demand changes with the change of time and the changing needs of the people. The students and the teaching

faculty need to be provided with sufficient research facilities and the teaching should be research oriented. The researches on the social needs and the impediments in the orderly growth of society should be emphasised. Appropriate suggestions and proposals should come forth from as a result of such researches. Well equipped teaching faculty will be capable of providing teaching standards of excellence, resulting in producing excellent products. This naturally will result in providing good materials to man the justice delivery system and all those connected therewith. With the rapid pace of development in the sphere of commerce, economics and trade, the use of information technology has been most common. The cyber laws that have been enacted, require frequent look in order to identify those areas of law that demand a change to synthesize with the changing requirements. All these aspects would come within the contours of continuing legal education which need to be pursued by the various law institutions, the Bar and all those involved in the justice delivery system.

5. Having thus set the tone of the Seminar, I set the house open for discussion.

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# **IMPORTANT VISITS & CONFERENCES**





1. Hon'ble Mr. Justice S. P. Wangdi, Judge, High Court of Sikkim attended the Golden Jubilee Year Seminar on "One India, One Bar" at Gauhati Town Club, Guwahati on April 3, 2010 organised by the Bar Association of India.
2. Hon'ble Mr. Justice S. P. Wangdi, Judge, High Court of Sikkim accompanied by Mrs. Kesang Chukie Barphungpa, District & Sessions Judge, South & West at Namchi and Member Secretary, Sikkim State Legal Services Authority attended the launching ceremony of "*Para Legal Training & Legal Aid Activitie & Consultation*" organised by the National Committee for Para Legal Training and Legal Aid Activities at Rajiv Gandhi National Institute of Youth Development, Sriperumbudur, Chennai on April 25, 2010.
3. Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Sikkim and Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim accompanied by Mrs. Meenakshi M. Rai, Registrar General attended the Regional Meeting of the Chief Justices, State Law Ministers, State Finance Secretaries, State Law Secretaries, etc. to discuss implementation of 13th Finance Commission Grants & other related matters held at Guwahati on June 26, 2010.

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