

# HIGH COURT OF SIKKIM

## EDITORIAL BOARD



Hon'ble Shri Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim



Hon'ble Shri Justice S. P. Wangdi, Judge, High Court of Sikkim



Hon'ble Smt. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim

**VACANCIES IN COURTS**

(i) Vacancies in the High Court of Sikkim as on 30.06.2015

Sl.No.	Sanctioned Strength	Working Strength	Vacancies
1.	03	03	00

(ii) Vacancies in the District & Subordinate Courts as on 30.06.2015

Sl.No.	Sanctioned Strength	Working Strength	Vacancies
1.	Superior Judicial Service (SSJS) - 10	07	03 01 post of District & Sessions Judge (Spl. Div.-1) and 01 post of District & Sessions Judge (Spl. Div.-II) & 01 post in the cadre of SSJS created (in compliance to the direction passed by the Hon'ble Supreme Court in Brij Mohan Lal Vs. Union of India)
2.	Sikkim Judicial Service (SJS) – 08	07	01 01 post of CJM-cum-Civil Judge (South & West)
<b>Total</b>	<b>18</b>	<b>14</b>	<b>04</b>

## INSTITUTION, DISPOSAL & PENDENCY OF CASES

### (1) Statement of Main & Misc. Cases in the High Court of Sikkim from 01.04.2015 to 30.06.2015.

Sl. No.	Pending as on 31.03.2015		Institution		Disposal		Pending as on 30.06.2015	
	Main Cases	Misc. Appl.	Main Cases	Misc. Appl.	Main Cases	Misc. Appl.	Main Cases	Misc. Appl.
1.	119	57	60	111	82	114	97	54

### (2) Total Institution, Disposal & Pendency of cases in the Subordinate Courts of Sikkim from 01.04.2015 to 30.06.2015.

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
East District at Gangtok	Main cases	177	69	63	183	533	208	158	583
	Misc. cases	91	77	86	82	12	211	199	24
West District at Gyalshing	Main cases	15	05	06	14	32	24	35	21
	Misc. cases	13	16	09	20	00	73	71	02
North District at Mangang	Main cases	14	03	11	06	13	16	09	20
	Misc. cases	02	12	08	06	01	16	17	00
South District at Namchi	Main cases	49	13	25	37	75	92	72	95
	Misc. cases	24	25	19	30	03	109	104	08
Family Courts	Main cases	88	68	54	102	38	26	26	38
	Misc. cases	01	00	00	01	14	07	11	10
Fast Track Courts	Main cases					08	01	04	05
	Misc. cases					00	02	02	00
Juvenile Justice Boards	Main cases					13	13	10	16
	Misc. cases					00	08	08	00
<b>Total Main Cases</b>		<b>343</b>	<b>158</b>	<b>159</b>	<b>342</b>	<b>712</b>	<b>380</b>	<b>314</b>	<b>778</b>
<b>Total Misc. Cases</b>		<b>131</b>	<b>130</b>	<b>122</b>	<b>139</b>	<b>30</b>	<b>426</b>	<b>412</b>	<b>44</b>

## INSTITUTION, DISPOSAL AND PENDENCY OF CASES DISTRICT WISE

(1) Total Institution, Disposal and Pendency of cases in the Subordinate Courts of Sikkim from 01.04.2015 to 30.06.2015

(i) **East District at Gangtok.**

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
District & Sessions Judge (East)	Main cases	70	40	48	62	83	34	47	70
	Misc. cases	71	71	81	61	03	48	45	06
District & Sessions Judge (Spl. Div.-I)	Main cases	01	00	00	01	00	00	00	00
	Misc. cases	01	01	00	02	00	00	00	00
District & Sessions Judge (Spl. Div.-II)	Main cases	01	15	03	13	00	15	01	14
	Misc. cases	04	00	01	03	00	00	00	00
Chief Judicial Magistrate-cum-Civil Judge (East & North)	Main cases	07	02	00	09	288	122	101	309
	Misc. cases	05	01	01	05	03	91	85	09
Civil Judge-cum-Judicial Magistrate (East)	Main cases	98	12	12	98	162	37	09	190
	Misc. cases	10	04	03	11	06	72	69	09
<b>Total Main Cases</b>		<b>177</b>	<b>69</b>	<b>63</b>	<b>183</b>	<b>533</b>	<b>208</b>	<b>158</b>	<b>583</b>
<b>Total Misc. Cases</b>		<b>91</b>	<b>77</b>	<b>86</b>	<b>82</b>	<b>12</b>	<b>211</b>	<b>199</b>	<b>24</b>

(ii) **West District at Gyalshing**

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
District & Sessions Judge (West)	Main cases	09	03	02	10	16	04	09	11
	Misc. cases	12	12	06	18	00	08	07	01
Civil Judge-cum-Judicial Magistrate (West)	Main cases	06	02	04	04	16	20	26	10
	Misc. cases	01	04	03	02	00	65	64	01
<b>Total Main Cases</b>		<b>15</b>	<b>05</b>	<b>06</b>	<b>14</b>	<b>32</b>	<b>24</b>	<b>35</b>	<b>21</b>
<b>Total Misc. Cases</b>		<b>13</b>	<b>16</b>	<b>09</b>	<b>20</b>	<b>00</b>	<b>73</b>	<b>71</b>	<b>02</b>

## (iii) North District at Mangan

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
District & Sessions Judge (North)	Main cases	06	01	06	01	01	02	01	02
	Misc. cases	02	10	06	06	00	00	00	00
Civil Judge-cum-Judicial Magistrate (North)	Main cases	08	02	05	05	12	14	08	18
	Misc. cases	00	02	02	00	01	16	17	00
<b>Total Main Cases</b>		<b>14</b>	<b>03</b>	<b>11</b>	<b>06</b>	<b>13</b>	<b>16</b>	<b>09</b>	<b>20</b>
<b>Total Misc. Cases</b>		<b>02</b>	<b>12</b>	<b>08</b>	<b>06</b>	<b>01</b>	<b>16</b>	<b>17</b>	<b>00</b>

## (iv) South District at Namchi

NAME OF THE COURTS		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
District & Sessions Judge (South)	Main cases	33	09	24	18	52	18	13	57
	Misc. cases	23	21	19	25	00	29	28	01
Chief Judicial Magistrate-cum-Civil Judge (South & West)	Main cases	00	00	00	00	08	55	47	16
	Misc. cases	00	02	00	02	03	54	54	03
Civil Judge-cum-Judicial Magistrate (South)	Main cases	16	04	01	19	15	19	12	22
	Misc. cases	01	02	00	03	00	26	22	04
<b>Total Main Cases</b>		<b>49</b>	<b>13</b>	<b>25</b>	<b>37</b>	<b>75</b>	<b>92</b>	<b>72</b>	<b>95</b>
<b>Total Misc. Cases</b>		<b>24</b>	<b>25</b>	<b>19</b>	<b>30</b>	<b>03</b>	<b>109</b>	<b>104</b>	<b>08</b>

(v) Family Courts

NAME OF THE COURT		CIVIL CASES				CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015	Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
Family Court, East at Gangtok	Main cases	51	46	24	73	21	16	10	27
	Misc. cases	01	00	00	01	09	06	07	08
Family Court West at Gyalshing	Main cases	06	08	06	08	03	02	04	01
	Misc. cases	00	00	00	00	00	00	00	00
Family Court North at Mangan	Main cases	01	00	01	00	02	01	03	00
	Misc. cases	00	00	00	00	00	00	00	00
Family Court South at Namchi	Main cases	30	14	23	21	12	07	09	10
	Misc. cases	00	00	00	00	05	01	04	02
<b>Total Main Cases</b>		<b>88</b>	<b>68</b>	<b>54</b>	<b>102</b>	<b>38</b>	<b>26</b>	<b>26</b>	<b>38</b>
<b>Total Misc. Cases</b>		<b>01</b>	<b>00</b>	<b>00</b>	<b>01</b>	<b>14</b>	<b>07</b>	<b>11</b>	<b>10</b>

(vi) Fast Track Court

NAME OF THE COURT		CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
Fast Track Court (East & North) at Gangtok	Main cases	04	00	02	02
	Misc. cases	00	00	00	00
Fast Track Court (South & West) at Gyalshing	Main cases	04	01	02	03
	Misc. cases	00	02	02	00
<b>Total Main Cases</b>		<b>08</b>	<b>01</b>	<b>04</b>	<b>05</b>
<b>Total Misc. Cases</b>		<b>00</b>	<b>02</b>	<b>02</b>	<b>00</b>

(vii) Juvenile Justice Boards

NAME OF THE COURTS		CRIMINAL CASES			
		Opening balance as on 01.04.2015	Institution from 01.04.2015 to 30.06.2015	Disposal from 01.04.2015 to 30.06.2015	Pendency at the end of 30.06.2015
Juvenile Justice Board East, at Gangtok	Main cases	08	06	04	10
	Misc. cases	00	05	05	00
Juvenile Justice Board West, at Gyalshing	Main cases	03	01	02	02
	Misc. cases	00	00	00	00
Juvenile Justice Board North, at Mangan	Main cases	02	01	02	01
	Misc. cases	00	00	00	00
Juvenile Justice Board South, at Namchi	Main cases	00	05	02	03
	Misc. cases	00	03	03	00
<b>Total Main Cases</b>		<b>13</b>	<b>13</b>	<b>10</b>	<b>16</b>
<b>Total Misc. Cases</b>		<b>00</b>	<b>08</b>	<b>08</b>	<b>00</b>

## **SOME RECENT JUDGMENTS OF HIGH COURT OF SIKKIM**

**FROM (01.03.2015 to 30.06.2015)**

- 1. Second Schedule of the Motor Vehicles Act, 1988 alone shall apply in claim for compensation under Section 163A of the said Act:** On 07/04/2015, a Single Bench of the Court in MAC App. No. 21/2014 (The Branch Manager, National Insurance Co. Ltd. Vs. Smt. Sujita Newar & Ors.) held that in a claim for compensation arising out of a motor vehicle accident, it is for the claimants to select as to which of the two provisions, i.e. Section 163A or Section 166 of the Motor Vehicles Act, 1988 they resort to. If they select to resort to the provision of Section 163A, a fixed amount in accordance with the Second Schedule alone shall be ordered to be paid under Section 163A irrespective of the loss sustained by them. The amount of compensation ultimately determined under Section 163A would be in full and final settlement of the claim for compensation and any deviation thereof would not be held to be correctly awarded to them. Thus, in the instant case, where the claim was filed under Section 163A, the Tribunal ought to have followed the provision contained in the Second Schedule, as in such cases, the ratio relating to a claim under Section 166 would not apply. It was further held that when the Tribunal has already awarded compensation towards loss of consortium and loss of estate, award of a further sum of Rs. 100,000/- towards non-pecuniary damages appears to be a repetition. The court allowed the appeal in part.
- 2. An enactment cannot be struck down merely on ground of being arbitrary or unreasonable, in the absence of constitutional infirmity:** On 22/06/2015, a Single Bench of the Court in WP(C) No. 45 of 2014 (Mrs. J. Geetha Vs. State of Sikkim & Ors.) held that a law made by parliament or the legislature can be struck down by courts only on two grounds: (1) lack of legislative competence and (2) violation of any of the fundamental rights guaranteed in Part III of the Constitution or of any other constitutional provision. No enactment can be struck down by just saying that it is arbitrary or unreasonable. Some other constitutional infirmity has to be found before invalidating an act. Even in the case of administrative action, the scope of judicial review is limited to three grounds, viz., (1) unreasonableness, which can more appropriately be called irrationality, (2) illegality and (iii) procedural impropriety. In the instant case in which one of the issues was the legality and propriety of Rule 4(3)(a)(iii) of the Lottery Regulation Rules, 2014 which provided that the tenderer shall have carried out similar jobs of paper lotteries continuously for two or more years and should have distributorship of at least one or more state currently, it was held that the said Rule does not violate any of the fundamental rights or any other constitutional provision. It has nexus with the object to be achieved, i.e. to generate more revenue. Thus, it is neither arbitrary nor unreasonable. It was further held that Sub-rule (2) of Rule 3 of the Lottery Regulation Rules, 2010 which requires the state government, after it has taken the decision to run the lottery business, to issue a notification in the official gazette, outlining the purpose, scope, limitation and methods of the same, is mandatory and its non-compliance has vitiated the entire proceedings of the lottery undertaken by the state.

**3. Employees appointed as daily wage earners have no right to challenge their termination, even if the termination was without notice:** On 22/06/2015, in WP (C) No. 44 of 2014 (Bhupal Gurung & Ano. Vs. State of Sikkim & Ors.), the Court, distinguishing between the temporary employees appointed against a regular vacancy and those appointed as daily wage earners, held that a temporary appointment against a regular vacancy stands on a completely different footing from temporary employment as a daily wage earner. The employment of the petitioners working in the office of the Assistant Engineer, Building and Housing Department on Muster Roll basis was not against a vacancy which entitles them to any grade pay or pay band, as would have been the case had the employment been made against a regular vacant sanctioned post; it was without dispute employment on daily wages, and there can be no lien to any post by a daily wage earner. Therefore, the petitioners do not have a judicially enforceable legal right to challenge their termination from service and consequently, there can be no scope for the issuance of a writ. It was further held that the question of a mandatory notice of termination from employment to a daily wage earner finds no place in the legal scheme of things.

**4. UGC Act and Regulations being central enactments have supremacy over all the related state legislations, and are binding on all the universities:** On 26/06/2015, the Division Bench of the Court in WP(C) No. 4 of 2015 (Sikkim Manipal University Vs. IGNOU & Ano.) held that the University Grants Commission Act, 1956 creating the UGC has supervening influence over all other state legislations on the subject of education for maintenance of minimum standards in the country, since it was enacted by the parliament in exercise of powers under Entry 66 of List I of the Seventh Schedule to the Constitution of India. It was further held that the University Grants Commission (Establishment of and maintenance of Standards in Private Universities) Regulations, 2003 framed by the UGC in exercise of powers conferred by Clauses (f) and (g) of Sub-Section (1) of Section 26 of the UGC Act, being subordinate legislation would also become part of the Act and therefore, are applicable and binding on all the universities including the petitioner university. The provision of any enactment made by the state legislature concerning higher education which is in conflict with the UGC Regulations would be ultra vires. It was also held that the petitioner university is a 'Private University' as defined under Clause 2.1 of UGC Regulations, 2003 and therefore, the provisions of the said Regulations including restrictions on territoriality would apply in full force to the petitioner university.

## SOME RECENT MAJOR EVENTS

### 1. SWEARING-IN CEREMONY



Hon'ble the Governor of Sikkim administering the Oath of office to Hon'ble Mrs. Meenakshi Madan Rai at Aashirvad Hall, Raj Bhawan, Gangtok.

In pursuance of Notification No. K-13031/01/2012-US.II dated 11<sup>th</sup> April, 2015 issued by the Government of India, Ministry of Law & Justice, (Department of Justice), New Delhi, Hon'ble Mrs. Justice Meenakshi Madan Rai designate Judge was sworn-in as the first woman Judge of the Sikkim High Court on Wednesday, 15<sup>th</sup> April, 2015 by Hon'ble Governor Shri Srinivas Patil at Aashirvad Hall of Raj Bhawan, Gangtok.



Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim taking Oath as Judge on 15<sup>th</sup> April, 2015

The Oath of Office was administered by the Hon'ble Governor of Sikkim, Shri Srinivas Patil at Aashirbad Hall, Raj Bhawan, Gangtok in the presence of Hon'ble Chief Minister of Sikkim, Shri Pawan Chamling, Hon'ble Cabinet Ministers, Hon'ble Mr. Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim and Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim. The Chief Secretary, Dignitaries of the State Government, Judicial Officers, Sr. Advocates, Members of the Bar and local gentry also attended the swearing-in-ceremony .

## **2. INAUGURATION FUNCTION OF NEWLY CONSTRUCTED BUILDING OF 'SIKKIM STATE LEGAL SERVICES AUTHORITY' AT DEVELOPMENT AREA, GANGTOK.**



Infrastructure is the key to success for any programme. The Sikkim State Legal Service Authorities new building was Inaugurated in an impressive function on 2<sup>nd</sup> May, 2015 at Development Area, Gangtok .



Hon'ble Shri Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim, Hon'ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim and Hon'ble Smt. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim in the auspicious presence of Hon'ble Shri Justice T.S. Thakur, Judge, Supreme Court of India and Hon'ble Shri Pawan Chamling, Chief Minister of Sikkim in a stone plaque unveiling inaugural ceremony of newly constructed building of Sikkim State Legal Services Authority at Development Area, Gangtok.

'Inauguration Function' of newly constructed Building of Sikkim State Legal Services Authority, Development Area, Gangtok was held on 2<sup>nd</sup> May, 2015. Hon'ble Shri Justice T. S. Thakur, Judge, Supreme Court of India & Executive Chairman, National Legal Services Authority inaugurated the new office building of Sikkim State Legal Services Authority in presence of Hon'ble Shri Pawan Chamling, Chief Minister of Sikkim, Hon'ble Shri Justice S.K. Sinha, Chief Justice of Sikkim, High Court of Sikkim, Hon'ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim, Hon'ble Smt. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim.

The newly constructed Building of Sikkim State Legal Services Authority has Video Conferencing room, Conference Hall, Lok Adalat Room, Library, Mediation Room, Training Hall and room for Sikkim State Legal Services Authority office bearers.

### **3. INAUGURATION OF "THE REGIONAL MEET OF STATE LEGAL SERVICES AUTHORITIES OF THE NORTH EASTERN STATES SIKKIM CHAPTER 2015.**



Lightening of lamp by Hon'ble Shri Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim & Patron-in-Chief, Sikkim State Legal Services Authority on Inaugural function of "the Regional Meet of the State Legal Services Authorities (SLSA) of the North Eastern States Sikkim Chapter at Chintan Bhawan" on 2<sup>nd</sup> May, 2015 in the gracious presence of Chief Guest Hon'ble Shri Justice T.S. Thakur, Judge, Supreme Court of India and Executive Chairperson, National Legal Services Authority (NALSA), Hon'ble Shri Pawan Chamling, Chief Minister of Sikkim who presided as a Guest of Honour in the presence of Hon'ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim & Executive Chairman, Sikkim State Legal Services Authority and Hon'ble Smt. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim.

Inauguration of "The Regional Meet of State Legal Services Authorities of the North Eastern States Sikkim Chapter 2015" by Hon'ble Mr. Justice T.S. Thakur, Judge, Supreme Court of India and Executive Chairman, National Legal Services

Authority was held on 2<sup>nd</sup> May, 2015 at Chintan Bhawan, Gangtok. On this auspicious occasion Hon'ble Shri Pawan Chamling, Chief Minister of Sikkim presided as a Guest of Honour in presence of Hon'ble Mr. Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim & Patron-in-Chief, Sikkim State Legal Services Authority, Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim & Executive Chairman, Sikkim State Legal Services Authority and Hon'ble Smt. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim organized by State Legal Services Authority, Gangtok, Sikkim.

Addressing the inaugural session, Hon'ble Shri Justice T.S. Thakur expressed his profound happiness to be in such a beautiful state of Sikkim and speaking about the Legal Services Authority Hon'ble Justice said that it's a very noble concept where Legal knowledge and aid is being provided to the people who are illiterate and ignorant about their legal rights. "Economic disparity should not be impediment for the weaker section of the society and the under privileged and Legal Services Authority assures justice for all".

Hon'b'le Shri Pawan Chamling, Chief Minister of Sikkim who presided over the meeting, highlighted the various works done by the State Government to make the judiciary in the State robust and vibrant.

Hon'ble Shri Justice Sunil Kumar Sinha who is also the Patron-in-Chief of Sikkim Legal Services Authority (SLSA) address the gathering where his Lordship expressed great pleasure to invite all the guests for the function and also informed about both the business and awareness sessions of the meet.

The National Legal Services Authority (NALSA) was constituted under the Legal Services Authorities Act, 1987 to provide free Legal Services to the weaker sections of the society and to organize Lok Adalats for amicable settlement of disputes.

4. **“FOUNDATION STONE LAYING CEREMONY” OF THE COURT OF CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE, SORENG SUB-DIVISION, WEST SIKKIM.**



Unveiling of plaque of the Foundation Stone laying ceremony of the Court of Civil Judge-cum-Judicial Magistrate, Soreng Sub-Division, West Sikkim by Hon'ble Mr. Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim in gracious presence of Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim and Shri R.B. Subba, Hon'ble Minister, Human Resource Development, Sports & Youth Affairs, Law & Legislative and Parliamentary Affairs Department, Govt. of Sikkim with other dignitaries.



Shri R.B. Subba, Hon'ble Minister, Human Resource Development, Sports & Youth Affairs, Law & Legislative and Parliamentary Affairs Department, Govt. of Sikkim laying down the foundations stone of the Court of Civil Judge-cum-Judicial Magistrate, Soreng Subdivision, West Sikkim.



Welcome Address by Ms. Jyoti Kharka, District & Sessions Judge (West) at Gyalshing in the Foundation Stone laying ceremony at Soreng, Sub-division, West Sikkim.

The “Foundation Stone Laying Ceremony” of the Court of Civil Judge-cum-Judicial Magistrate, Soreng Sub-Division, West Sikkim was held on 30<sup>th</sup> May, 2015 at Soreng Sub-Division, West Sikkim. The Foundation Stone was laid by Hon'ble Mr. Justice Sunil Kumar Sinha, Hon'ble the Chief Justice, High Court of Sikkim in presence of Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim and Shri R.B. Subba, Hon'ble Minister, Human Resource Development, Sports & Youth Affairs, Law & Legislative and Parliamentary Affairs Department, Govt. of Sikkim as Guests of Honour.

## **IMPORTANT VISITS & CONFERENCES**

1. Hon'ble Mr. Justice S.P. Wangdi, Judge, High Court of Sikkim, Executive Chairman, Sikkim State Legal Services Authority and Member, Central Authority, NALSA attended the "National Consultation on Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2000" at Jacaranda Hall, India Habitat Centre, New Delhi on 25<sup>th</sup> April, 2015, presided over the proceedings was Hon'ble the Chief Justice of India, Hon'ble Shri Justice Madan B. Lokur, One Man Committee to ensure effective implementation of Juvenile Justice (Care and Protection of Children) Act, 2000, Representatives of UNICEF, Secretary of Women and Child Welfare Development and all Key Functionaries to deliberate on four major themes which as follows:-
  - i. Effective functioning of the Child Welfare Committees.
  - ii. Effective functioning of the Juvenile Justice Boards.
  - iii. Effective Management of Homes.
  - iv. Effective provision of Legal Services to Children.
  
2. Hon'ble Mr. Justice Sunil Kumar Sinha, the Chief Justice, High Court of Sikkim attended the "National Judicial Academy's Annual Calendar Meeting" at Supreme Court of India, New Delhi on 9<sup>th</sup> May, 2015 organized by National Judicial Academy to provide insight on training proposed in the tentative calendar of National Judicial Academy for 2015-2016, presided over by Hon'ble Chairperson of the National Judicial Academy, Hon'ble Chief Justice of India and Hon'ble Mr. Justice T.S. Thakur, Hon'ble Senior Puisne Judge of the Supreme Court of India and Executive Chairman of the NALSA.
  
3. Hon'ble Mr. Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim along with the other puisne Judges, Hon'ble Mr. Justice S.P. Wangdi and Hon'ble Mrs. Justice Meenakshi Madan Rai had visited the District & Sessions Court at Mangan, North Sikkim and also inspected the undergoing construction work of the District Court complex at Mangan, North Sikkim on 20<sup>th</sup> June, 2015.

## **E-COURTS MISION MODE PROJECT-SIKKIM**

The e-Courts project was conceptualized on the basis of the “**National Policy and Action Plan for Implementation of information and communication technology (ICT) in the Indian Judiciary – 2005**” submitted by e-Committee (Supreme Court of India), with a vision to transform the Indian Judiciary by ICT enablement of Courts.

Under the guidance and leadership of Hon'ble Shri Justice Sunil Kumar Sinha, Chief Justice High Court of Sikkim and Hon'ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim and Chairman, Steering Committee, Judiciary in Sikkim has achieved milestone in implementing Information and Communication Technology (ICT).

The following Committee are formed in High Court and Subordinate Courts of Sikkim for effective implementation of Information and Communication Technology (ICT) in Judiciary.

### **STEERING COMMITTEE**

1. Hon'ble Shri Justice S.P. Wangdi, Judge, High Court of Sikkim and Chairman, Steering Committee
2. Mrs K.C. Barphungpa, Registrar General, High Court of Sikkim and Member, Steering Committee

### **CENTRAL PROJECT COORDINATOR**

1. Mr. N.G.Sherpa, Registrar, High Court of Sikkim

### **DISTRICT LEVEL COMPUTER COMMITTEE**

#### **District Level Computer Committee (East)**

1. District & Sessions Judge (East) at Gangtok.
2. Civil Judge-cum-Judicial Magistrate, East at Gangtok.
3. District Informatics Officer, NIC, East at Gangtok.
4. System Administrator, East at Gangtok.

#### **District Level Computer Committee (North)**

1. District & Sessions Judge (North) at Mangan.
2. Civil Judge-cum-Judicial Magistrate, North at Mangan.
3. District Informatics Officer, NIC, North at Mangan.
4. System Officer, Technical Manpower under e-Court Project, North at Mangan

### **District Level Computer Committee (South)**

1. District & Sessions Judge (South) at Namchi.
2. Civil Judge-cum-Judicial Magistrate, South at Namchi.
3. District Informatics Officer, NIC, South at Namchi.
4. System Administrator, South at Namchi.

### **District Level Computer Committee (West)**

1. District & Sessions Judge (West) at Gyalshing.
2. Civil Judge-cum-Judicial Magistrate, West at Gyalshing.
3. District Informatics Officer, NIC, West at Gyalshing.
4. System Officer, Technical Manpower under e-Courts Project, West at Gyalshing

### **NODAL OFFICER**

District & Sessions Judges of four districts of Sikkim are appointed as Nodal Officer for effective implementation of eCourts Mission Mode Project.

### **COURTS STATUS OF SIKKIM**

<b>District Name</b>	<b>Total Court Sanctioned</b>	<b>Total Court Functioning</b>	<b>Number of Court registered under e-Courts Mission Mode Project during Phase I</b>
Gangtok, East Sikkim	5	6	5
Namchi, South Sikkim	3	4	3
Gyalshing, West Sikkim	3	3	1
Mangan, North Sikkim	3	3	1
<b>Total</b>	<b>14</b>	<b>16</b>	<b>10</b>
		5+1=6 (One fast track court in Gangtok, East Sikkim) 3+1=4 (One fast track court in Namchi, South Sikkim)	

**COURT COVERED DURING PHASE- I OF E-COURTS MISSION MODE  
PROJECT**

**EAST SIKKIM**

1. District and Sessions Court, (East) at Gangtok
2. District and Sessions Court Special Division I at Gangtok, East Sikkim
3. District and Sessions Court Special Division II at Gangtok, East Sikkim
4. Court of Chief Judicial Magistrate, (East & North) at Gangtok
5. Court of Civil Judge-cum-Judicial Magistrate, East at Gangtok.

**SOUTH SIKKIM**

1. District and Sessions Court, (South) at Namchi.
2. Court of Chief Judicial Magistrate, (South & West) at Namchi.
3. Court of Civil Judge-cum-Judicial Magistrate, South at Namchi.

**WEST SIKKIM**

1. Court of Civil Judge-cum-Judicial Magistrate, West at Gyalshing.

**NORTH SIKKIM**

1. Court of Civil Judge-cum-Judicial Magistrate, North at Mangan.

**COURTS NOT COVERED DURING PHASE- I OF E-COURTS MISSION MODE  
PROJECT AND LIKELY TO BE COVERED UNDER PHASE-II OF THE  
ECOURTS PROJECT**

**NEW COURTS**

**WEST SIKKIM**

1. District and Sessions Court, West at Gyalshing.
2. Court of Sub-Divisional Judicial Magistrate-cum-Civil Judge at Soreng, Sub-Division, West Sikkim.

**NORTH SIKKIM**

1. District and Sessions Court, North at Mangan.
2. Court of Sub-Divisional Judicial Magistrate-cum-Civil Judge at Chungthang, Sub-Division, North Sikkim.

## NEW COURT COMPLEXES

### WEST SIKKIM

1. District & Sessions Court, West at Gyalshing.
2. Court of Sub-Divisional Judicial Magistrate-cum-Civil Judge at Soreng, Sub-Division, West Sikkim

[Court at Sl. No. 2 falls under same district, however, it is situated at a distance of 62 km far away from the Court mentioned at Sl. No.1 ].

### NORTH SIKKIM

1. District & Sessions Court, North at Mangan.
2. Court of Sub-Divisional Judicial Magistrate-cum-Civil Judge at Chungthang, Sub-Division, North Sikkim.

[Court at Sl. No. 2 falls under same district, however, it is situated at a distance of 28 km far away from the Court mentioned at Sl. No.1 ].

The following Modules have been implemented in the Courts of Sikkim under e-Courts Mission Mode Project

1. **Site Preparation:** Completed in High Court of Sikkim and District & Subordinate Courts of Sikkim in the year 2009 and 2011 respectively. Courts not covered during Phase-I are likely to be covered in Phase-II of e-Courts Mission Mode Project.
2. **Hardware delivery and installation:** Completed in the year 2012 in District & Subordinate Courts of Sikkim. Under e-Courts Mission Mode project High Court of Sikkim received 40 Computers, 20 Printers and 40 UPS in the year 2009.
3. **Laptops to Judicial Officers:** 9 Laptops were issued to 9 Judicial Officers in the year of 2007 in Phase-I under e-Court Mission Mode Projects and were replaced with the latest Laptops by Hon'ble High Court in the month of March, 2013. Three (06) each new Laptops were issued to 6 newly appointed Judicial Officers in the year 2013 and 2015 respectively. Total fifteen (15) laptops issued to 15 Judicial Officers so far.
4. **Communication & Connectivity (LAN & WAN):** High Court and Subordinate Courts of Sikkim are connected with LAN and WAN (Leased Line and VPNoBB).

5. **Judicial Service Center:** It is made functional in District & Subordinate Courts of Sikkim from the month of January, 2014.
6. **Official Websites:** High Court of Sikkim has its own website [www.highcourtofsikkim.nic.in](http://www.highcourtofsikkim.nic.in) wherein all the information pertaining to cases like orders, judgments, causelists and other notifications, circular etc., are being uploaded for the users and litigants. Subordinate Courts of Sikkim have its own websites build on Drupal Template developed by NIC, New Delhi which provides easy access to the information.
7. **Migration of Data** from CIS-Delhi Version to National Core Version has been successfully completed at District & Subordinate Courts of Sikkim in the month of November, 2013.
8. **Process Re-engineering** implemented in the first week of December, 2013 in four District & Sessions Courts of Sikkim.
9. **Unique ID** issued to all the Judicial Officers of Sikkim.
10. There are two Judicial Officers namely; Mr. Prajwal Khatiwada and Mr. Karma Wangchuk Bhutia, District and Sessions Judge, East & South Sikkim who are designated as 'Master Trainer' under e-Courts Mission Mode Project. Further, two more Judicial Officers namely, Mr. Suraj Chettri, Chief Judicial Magistrate-cum- Civil Judge (East & North) and Mr. Benoy Sharma, Civil Judge-cum-Judicial Magistrate (North) who are designated as new 'Master Trainer'.
11. In an effort to better equip the Judicial Officers of the State of Sikkim under e-Courts Mission Mode Project, Judicial Officers were first trained on Ubuntu-Linux OS (version 12.01) on 27<sup>th</sup> and 28<sup>th</sup> March, 2013 at Conference Hall of High Court of Sikkim and on 2<sup>nd</sup> and 3<sup>rd</sup> August, 2014. Subsequently, thereafter, on 20<sup>th</sup> and 21<sup>st</sup> June, 2015 at Sikkim Judicial Academy.
12. **SMS** services have been implemented in the District & Subordinate Courts of Sikkim from the month of June 2014, through which case status is made available to Litigants/Advocates in their registered mobile number.
13. Record Room Software (RRS), Copy Room Software (CRS) and Employee Management System (EMS) are developed by Technical Manpower of High Court of Sikkim in coordination with NIC, Sikkim State Unit for the user of High Court and Subordinate Courts of Sikkim

with an objective to make less use of paper in official works (paper less).

**14. Mapping of Court Complexes** has been successfully implemented.

**15.** The Computer Cell of this Registry periodically conducts e-Courts oriented training for Ministerial Staff of High Court and Subordinate Courts of Sikkim in coordination with Sikkim Judicial Academy.

**16.** The Phase-II of e-Courts Mission Mode Project is now under progress for implementation.

# HIGH COURT OF SIKKIM



## NEWSLETTER

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### EDITORIAL BOARD

Hon'ble Mr. Justice Sunil Kumar Sinha, Chief Justice, High Court of Sikkim

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

Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim

### COMPILED BY

Mrs. K.C. Barphungpa, Registrar General

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