

New Chairman to Bar Council



K.R. Subbakrishna
Chairman



Hiremani Patil Ishwargowda
Vice Chairman

In the meeting of the Karnataka State Bar Council held on 15-3-98 Sri K.R. Subbakrishna, Advocate from Mysore, has been elected as the Chairman of the Karnataka State Bar Council. Sri Hiremani Patil Ishwargowda, Advocate from Gadag, has been elected as the Vice-Chairman

KAT To Go

The state government has decided to scrap the Karnataka Administrative Tribunal with effect from August 1, 1998, pending central government's approval. Disclosing this to newsmen Mr. M.C. Nanaiah, the Law Minister, said that the decision to scrap KAT was prompted by the Apex Court's ruling of March 18, 1997 which rendered the Administrative Tribunal a superfluous institution. All pending cases would be transferred to the High Court. According to Mr. Nanaiah abolition of KAT will save Rupees Four to Five crores annually to the state exchequer.

Summer Vacation

KAT will be closed for summer vacation from 15th to 30th April 1998.

Office Bearers Elected

The following office bearers have been elected to the Bangalore Advocates Co-operative Society Ltd., for the year 1998-99.

President : Sri K.L. Manjunath;

Vice President :

Sri S. Srinivasamurthy;

Treasurer : Sri Aswatha; Internal

Auditor : Sri M.S. Mandanna;

Directors :

Sri M. Lokesh,

Sri L.B. Gangadharaiah,

Sri Y. Vasudeva,

Smt. M. Shantha

and Sri G. Papireddy.

New Law Minister

Sri M. Thambi Durai [AIADMK] has been appointed as the new Cabinet Minister for Law, Justice and Company Affairs.

Lok Adalat Inaugurated

Chief Justice R.P. Sethi inaugurated the First Lok Adalat at the Karnataka High Court on 28-3-98. In his speech Justice Sethi pointed out that from 1-7-97 66000 pending cases have been disposed off by the High Court and it is proposed to reduce the pendency to zero level within a short time. Mr. Justice Y. Bhaskara Rao called upon the High Court Legal Services Committee to introduce more variety of cases for settlement during Lok Adalat. Mr. Justice A.J. Sadashiva, Executive Chairman of KSLSA, who spoke on the occasion appealed to the lawyers not to give up any opportunity available to them for settlement of disputes before the Lok Adalats.

Mr. Justice R.V. Raveendran, Chairman of the High Court Legal Service Authority welcomed the guests and also explained the background of the Lok Adalat being held at the High Court. Mr. R.I. D'sa, Addl. Government Advocate, proposed the vote of thanks.

Women Layers Get Addl. Accommodation

Women Lawyers have been allotted addl. accommodation in the City Civil Court premises to be used as waiting room. Accepting the plea of the women Lawyers, who have substantially grown in numbers. Mr. Justice Y. Bhaskara Rao allotted the addl. accommodation. Alternate accommodation is also allotted to the extension counter of the State Bank of Mysore functioning in the City Civil Court Complex.

Your Attention please

It is learnt that the High Court of Karnataka is rejecting the Vakalaths filed by Advocates when the Vakathnama contains stamps affixed in places other than the upper margin.

Around the Courts

□ Sec. 138 of the Negotiable Instruments Act. 1881-stop payment instruction, punishable:

Sec. 139 of the Negotiable Instruments Act. 1881-presumption in favour of the holder of a cheque:

In a significant judgment delivered on 8-3-98, three judge bench of the Supreme Court headed by Justice M.K. Mukherjee, has held that a person who gives stop payment instruction to his bank immediately after issuing a cheque against a debt or liability cannot escape prosecution. By this judgement the Apex Court has over ruled the earlier judgments of two judge benches which took a contrary view in 1996.

The latest judgment states that "The propositions in both these judgments in our considered view, with great respect are contrary to the spirit and object of Sections 138 and 139 of the Negotiable Instruments Act. If we are to accept this proposition it will make Section 138 a dead letter, for, by giving instructions to the bank to stop payment immediately after issuing a cheque against a debt or liability, he can easily get rid of the penal consequences notwithstanding the fact that a deemed offence was committed."

The court held that once a cheque was issued by a person, a presumption under Section 139 that he had received the cheque in whole or in part of any debt or other liability must follow. Merely because the person issuing the cheque gives a notice to the holder or to the bank for stoppage of payment would not preclude an action under Section 138 by the holder of the cheque in due course.

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Whether Consumer Forums

Can Enforce their orders?

In Writ Petition No. 20067/1994 filed by Vishwabharathi House Building Co-operative Society Limited, the Division Bench of the Karnataka High Court by its Order dated 19-4-1995, ruled that the Orders passed by the District Forum, Bangalore, cannot be enforced under Section 27 of the Consumer Protection Act, 1986. The Union of India and the State of Karnataka did not challenge this order before the Hon'ble Supreme Court and hence the said Order became final and binding on all the Consumer Forums in India.

In another writ petition No. 23455/1994 filed by the said Vishwabharathi House Building Co-operative Society Ltd. the Division Bench of the Karnataka High Court by Order dated 19-4-1995 ruled that the Consumer Forum cannot directly enforce its orders invoking Section 25 of the Consumer Protection Act, 1986. The State of Karnataka though challenged this Order before the Hon'ble Supreme Court of India, New Delhi, in Special Leave Petition (Civil) No. 20251/1995 and sought for an Interim Order of stay of operation of the said Orders passed in writ petition No. 23455/94, the Hon'ble Supreme Court, by Order dated 18-9-1995 summarily rejected the application for stay.

Under the prevailing circumstances, that too when the Apex Court declined to grant stay sought by the State of Karnataka, Consumer Forums in India cannot enforce their Orders either under Section 25 or under Section 27 of the Consumer Protection Act, 1986.

N.D.R. Ramachandra Rao

Advocates Welfare Fund

Karnataka State Bar Council has released following press note :

□ Karnataka Advocates Welfare Fund Trustee Committee hereby notifies that all those advocates who have not so far enrolled as Members for the Advocates Welfare Fund, can become Members even now by paying Rs. 1,000/- with a penalty of Rs. 10/- per month or part of month calculated from October, 1997 at the cash counter of the Office of Karnataka State Bar Council, or by sending a Demand Draft in favour of the Trustee Committee to avoid penal action as provided under the Act.

□ Karnataka State Bar Council has warned law students about joining derecognised law colleges in the state. KSBC has asked the students seeking admission in various law colleges to find out whether the institutions are recognised and those institutions are following the BCI guidelines regarding intake of students, Standard of legal education etc.

Sports/Cultural Competitions

In connection with the annual day of AAB sports and cultural competitions were held during March 1998. Details of the results will be published in the next issue.

Communique Classifieds

Advocates Office with library, near K.R. Market, available on rent. Contact : 5471304/627948.

Kolar Diary

□ On 15-3-98 Mr. Justice V. Gopala Gowda inaugurated the new court building at Bagepalli. Speaker of the Legislative Assembly Sri Ramesh Kumar and the Karnataka Minister Sri K.N. Krishna Reddy were the guests of honour on the occasion.

□ A 40 member farmers' delegation which included Advocates from Kolar left Kolar on 16-3-98 on a study tour of North India. The delegation was lead by Mr. M.V. Subba Reddy, Advocate. The tour was sponsored by Krishak Bharathi Co-operative Ltd. [KRIBHCO], New Delhi.

Civil Judges promoted

The following Civil Judges [Sr. Dn.] are promoted and appointed to officiate as District Judges:

S/s. S.D. Parmaj, OOD, Deputy Registrar, Karnataka Lokayukta, Bangalore; K. Diwakar Rao, Civil Judge, Udupi and N.S. Patil, Principal Civil Judge, Bangalore Rural District.

New Office Bearers

The Karnataka High Court Advocates' Clerks' Association, Bangalore, has elected the following persons as office bearers for the year 1998-99. President : Sri D. Shivanna Kesvy; Vice President : Sri H.C. Devaraj; Treasurer : Sri Sharanappa; Secretary : Sri Bheemasena H. Talikere; Joint Secretary : Sri M.R. Nagaraj; Executive Committee Members : S/s. V Harish, K.L. Shivaraj, S. Ramesh, C. Rangaraj, Uppin A.J. Jeevanappa and Manju.

Campus Watch

□ Mr. K. Nagendra and Badrinath Simha of ULC, Bangalore were declared the First Runner Up team in the All India Moot Court Competition held at Cochin from 6th to 8th March 1998.

□ On 7-3-98 H.E. the Governor of Karnataka Mr. Khurshed Alam Khan, inaugurated the Golden Jubilee Celebration of the University Law College, Bangalore. Mr. Justice R.P. Sethi, the Chief Justice of High Court of Karnataka presided over the function.

□ Attributing part of the delay in dispensation of justice to lack of facilities Mr. Justice M.F. Saldanha called upon the private sector entrepreneurs, MNCs and other organisations to provide infrastructure upgradation in courts. Justice Saldanha was speaking at a symposium on "delay in dispensation of Justice - a national crisis" jointly organised by the NLSIU and Indian Institute of Legal Literacy at Bangalore on 30-3-98.

□ ULC, Bangalore, will have a new college building at Gnana Bharathi Campus in the near future. Mr. V.V. Coutinho, Principal of the College, disclosed this to press persons and said that the college would approach government, public sector enterprises, private entrepreneurs, colleges and the alumni seeking funds for the purpose. He also informed that a seed money of Rs. 10 Lakhs, to be granted by the University in commemoration of the Golden Jubilee year of the College, will be set up in this regard.

Increase Teaching Time

Bangalore University has asked the law colleges to increase the teaching hours for 6 hours a day so as to comply with the BCI guidelines. This was told by Mr. N.R. Shetty, the Vice Chancellor of BU, while speaking to the press persons at Bangalore on 28-2-98.

Around the Court

From page 1

The judges said the penalties for dishonoured cheques contained in Sections 138 to 142 of the Act was to promote the efficacy of banking operations and to ensure credibility in transacting business through cheques.

□ **Sec. 2(d) of The Consumer protection Act, 1986-parents of a child which suffered permanent brain damage are entitled to separate compensation and they are also consumers under the Act:**

In a landmark judgment delivered on 26-3-98 the Supreme Court held that the parents of a child which had suffered permanent brain damage as a result of negligence by the staff of a private hospital were entitled to separate compensation as they were also consumers under the Act. The bench comprising Justice S. Saghir Ahmad and Justice J.B. Pattanaik, in their 26 page judgment, held that "When a young child is taken to hospital and is treated by a doctor the parents would come within the definition of consumer having hired the services of the hospital and the young child would also become a consumer under the inclusive definition being a beneficiary of the statute."

The court dismissed an appeal filed by the Spring Meadows Hospital, Noida, against the order of the National Consumer Disputes Redressal Commission awarding a compensation of Rs. 12.5 lakhs to the minor child Harjot Ahluwalia besides Rs. 5 lakhs to the parents Harpreet Ahluwalia and Kamaljit Singh Ahluwalia, residents of Delhi.

Read Communique

Role of Lawyers Fast Changing

The role of lawyers is fast changing in the present judicial system and the lawyers are attempting to assume the role of litigants rather than playing the role of intermediary between the court and the litigants said Justice Manmohan Singh Liberhan, the Chief Justice of Madras High Court. Delivering the key note address on the role of lawyers at Salem on 9-3-98 organised by Salem Bar Association the Chief Justice said that securing the success of cases by wrong ways was becoming the order of the day which would eat away the routes of the judicial systems.

Boycott of courts was done at the drop of a hat making the poor litigants suffer, he said. He also pointed out that attempts were also made to browbeat judges/judicial officers by making allegations against them, insulting senior members of the bar etc., He appealed to the lawyers to present the case of their clients in a dispassionate manner to reach the truth and help in reducing the arrears.

High Courts asked to Reduce Arrears

The Apex Court has asked the High Courts in the country to bring down the pendency of cases to 1990 level according to a recent circular. The Supreme Court hopes that the High Courts will be able to achieve this target before the closure of courts for summer vacation of 1998. Speaking at the inauguration of a lokadalat in Chennai the Madras Bar Association president Mr. P. Ravindran disclosed this.

News Panorama

□ 34 advocates had contested to the 12th loksabha elections from Tamil Nadu out of which 20 advocates have been successful.

□ A story about a wealthy businessman and a black cat cost a Gujarati newspaper form London Dollars 3,70,000 as compensation. Mr. C.B. Patel, editor *Gujarat Samachar* had sued Gujarati newspaper, its editor and publisher *Garavi Gujarat* that a certain article published in the latter newspaper had defamed him. The all-white jury of 8 men and 4 women unanimously upheld the plan of Mr. C.B. Patel.

□ Ram Shri, 37 became the first woman to be sentenced for capital punishment [hanging till death] in independent India alongwith her father and brother who have been convicted of murdering her aunt, her son and daughter-in-law. Ram Shri is lodged in Mathura jail [UP]. However, the Apex Court has stayed the sentence on an appeal filed on behalf of the convicts.

□ A Srilankan Court fined Mr. Welikadage Don Saminda, a 24 year litigant who appeared in Court wearing a T-Shirt that carried the picture of a couple kissing passionately. The Court also ordered for confiscation of the T-Shirt after holding the wearer of having committed contempt of Court.

□ A Pakistani judge directed the suspension of the Lahore Air Port Manager for delaying a flight awaiting the arrival of the Prime Minister Nawaz Sharif's son. An aide of the son struck PM intervened to have the suspension of the Manager revoked.

□ Singapore has become the first country in the world where an attempt has been made to incorporate a new clause in the divorce law. According to the new law Singapore couples will soon have to decide between themselves who gets their property before the divorce case is filed. The law is intended to spare families the emotional pain and legal costs of fighting over their homes after they are divorced.

Judicial Postings

The following civil judges [Junior Division] appointed vide Government Notification No. LAW 106 LAC 97 dated 18-2-98 have been posted to the various places in Karnataka:

S/s. Gurunath Virupaxappa Turamari, Khanapur; A.K. Naveen Kumari, Nanjangud; B.N. Lavanya Latha, Tumkur; Kotrayya Mahalingayya Hiremath, Haveri; C. Rajasekhara, Tumkur, Zahid Ahamed, Mangalore; K. Subramanya, Mangalore; K.R. Nagaraja, Pavagada; Meti Pompanagoud, Madhugiri; Rajeshwari N. Hegde, Mysore; Mohamed Mujahidulla, Chintamani; Uma Shashidhar Mathad, Gokak; R.V. Renuka, Mandya; Kulkarni Sudheer Hanumanth Rao, Mudhol; B.S. Rekha, Mysore; H.B. Khadripathi, Chamarajanagar; B. Shubhaveer, Gadag; Meenaxi Mahadevappa Bani, Chikodi; Deshpande Govindaraj Shankar, Gadag; H. Channegowda, Kadur; Ningappa Parashuram Koparde, Bidar; D.S. Vijaya Kumar, Kollegal; B. Madhusudhan, Humanabad; Shantaveer Shivappa, Raichur; Ravindra M. Joshi, Sindagi; K. Krishnamurthy, Karkala; K.G. Shanthi, Mangalore; Muddamallaiiah, Tiptur; Savitri Venkataramana Bhat, Mysore; Vijayakumar Malkajappa Pawale, Raibag; Krishnaji Baburao Patil, Bijapur; K.S. Narayana Karanth, Madikeri; M.K. Shobavathi, Sagar; K.P. Dinesh, Anekal; Sunildatt Annappa Chikkorde, Gadag; Joshi Venkatesh, Hubli; Mohammadgouse Mohiddin Patil, Chitradurga; N.R. Chennakeshava, Virajpet; M. Brungesh, Kunigal; Usharani, Dharwad; G. Nanjundaiah, Ranebennur; Maruti Bagade, Gangavati; Shivaji Anant Nalawade, Mandya; P. Sadananda Malleshappa, Kalal; A.D. Mahanthappa, Indi; D. Manjunath, Basavan-Bagevadi; Chandrashekar Narayanarao Sunagar, Kundapur; Shuklaksha Palan, Hubli; H.C. Shamprasad, Jamkhandi; G.M. Sheenappa, Chikkaballapur; D.T. Puttarangaswamy, Muddebihal; Sirwalkar Mareppa, Belgaum; Donekallu Veernna, Doddaballapur; K.B. Krishnamurthy, Bailhongal and R.Bannikatti Hanumanthappa, Athani.



Mr. N.S. Satyanarayana Gupta, inaugurating the Kabaddi team.

Lahari Advocates Forum

On 19-3-98 Sri N.S. Satyanarayana Gupta, President of the forum inaugurated an all Advocates Kabaddi team formed at Bangalore. Sri K.M. Nagaraja Reddy has been selected as captain of the team.

Foreign Tours

- Mr. B.C. Prabhakar, Advocate, returned to Bangalore on 10-2-98 from Japan after two weeks of visit to that country where he had gone as the head of delegation to an International Conference.
- Mr. Hydervali, Advocate, returned to Bangalore during last week of February 98 after two weeks tour of Dubai and Mascot.
- During the last week of March 98. Mr. R.N. Narasimha Murthy, Senior Advocate, left for USA.

**READ
COMMUNIQUE**

Miscellany

- On 1-3-98 Mr. S. Ramesh, advocates, opened his law chamber at no. 64, I Floor, Lakshmi Commercial Complex, I Main Road, Seshadripuram, Bangalore-560 020.
- On 6-3-98 Mr. H.T. Nataraja, advocate, opened his law chamber at no. 45/1, II Main, Seshadripuram, Bangalore - 560 020.
- On 9-3-98 Mr. S. Gangadhara Aithal, advocate, found cash of Rs. 10,000/- in the city civil court complex and made over the same to the principal city civil and sessions judge, and the registrar, city civil court, Bangalore. Later it was found that the money belonged to an advocate and on proper identification it was returned to him. Mr. S. Gangadhar Aithal has set a good example for others to emulate.
- With effect from 10-3-98 Mr. K.V. Bhuvanendra, advocate, shifted his law chamber to no. 5, "Sindhoo", I Floor, II Block [Reservoir Road], opp. BWSSB office, Kumara park [west], Bangalore - 560 020.
- On 11-3-98 Dr. Abhishek Manu Singhvi, former Addl. Solicitor General of India, addressed the members of AAB. High Court Unit on the topic "Reforms in administration of justice for reduction of Court arrears."
- On 18-3-98 Justice M. Rama Jois, former Chief Justice of Punjab and Haryana High Court, addressed the members of AAB, City Civil Unit on the topic "Problems of hung legislatures and instability of Governments"
- On 24-3-98 Sri P.G.R. Sindhia, Hon'ble Minister for Transport, addressed the members of AAB, its City unit, on the work of Bangalore Metropolitan Transport Corporation.
- On 25-3-98 Sri K. Ramakrishna Bhat, Addl. City Civil Judge, Bangalore, inaugurated the Annual Cultural Festival of AAB, in the city auditorium. Sri Veeranna G. Thigadi, Addl. City Civil Judge, Bangalore, was the chief guest in the function.
- On 27-3-98 advocates boycotted court hall no. 1 in the High Court pursuant to the AAB resolution.
- On Saturday the 28th March, 1998 judicial work in the High Court was taken up.

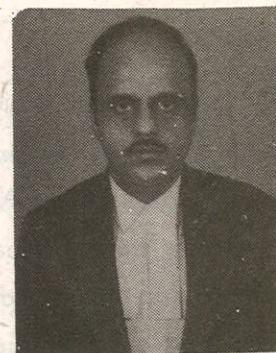
News Focus

□ Chief Justice Mr. R.P. Sethi inaugurated three weeks training programme for Civil Judge [Jr. Dr.] appointees on 2-3-98 at Bangalore.

□ On 4-3-98 Ms. Indira Jaisingh, Supreme Court Advocate, addressed the members of AAB, High Court Unit, IFWL, Karnataka Branch, had sponsored this programme.

□ On 9-3-98 Indian Federation of Women Lawyers, Karnataka Branch, celebrated the International Women's Day. Mr. Justice M.F. Saldanha was the chief guest of the function which was held in AAB, city Auditorium. Ms. Bharathi Nagesh, President of IFWL, Karnataka Branch, presided over the function.

Re-elected



S. Srinivasa Murthy
Vice-President

Mr. S. Srinivasa Murthy, advocate, has been elected as the vice president of the Karnataka State Industrial Co-operative Bank Ltd., Bangalore. This is the fifth time Mr. Srinivasa Murthy has been elected to this post.

Achievement

The National Book Trust of India had entrusted the task of translation of the book "Our Judiciary" written by the Supreme Court Advocate [late] Aggarvala, from English to Kannada to Mr. S.R. Gautham, advocate, Bangalore. In its latest communication NBT has informed Mr. Gautham that the kannada translation of the book [to be published shortly] has been accepted. Lahari congratulates Mr. Gautham on his achievement.

Humour in Courts

- Two passengers in a city bus were chatting with each other:

First passenger : At present I am on the look out for a good lawyer, would you suggest anyone?

Second passenger : Perhaps you have to search in a gravy yard!

Obituary

On 13-3-98 N.J. Kantharaj [68], advocate [Mayo Hall], passed away at Bangalore.