

Volume 15

November 2003

Part 8

Court Vacations 2004

Courts functioning in the state will have the following vacations during 2004 :

Summer vacation 19.04.04 to 23.05.04(bdi)
Dasara vacation 18.10.04 to 21.10.04 (bdi)
Winter vacation 20.12.04 to 31.12.04 (bdi)

Note : 1. 1st and 2nd January 2004 will be non-sitting days for the judicial work of the High Court.

2. Saturdays falling on 21-2, 27-3, 17-4, 19-6, 25-9 and 18-12 will be sitting days for the judicial work of the High Court.

News Focus

□ On 6.11.2003 The All India Advocates Association, Karnataka chapter organised a function to felicitate Mr. H.C. Shivaramu, Chairman, K.S.B.C., Mr. D.L. Jagadeesh, President A.A.B, Mr. C.R. Gopala Swamy, General Secretary, A.A.B., Mr. A.P. Ranganath, Treasurer, A.A.B. and all Governing Council members of Advocates Association, Bangalore at SCM House, Mission Road, Bangalore.

□ On 10.11.2003 a symposium on freedom of Press and privileges of legislature was held under the auspices of AAB in the High Court unit. Mr. K.N. Harikumar, Journalist and Prof. Ravivarma Kumar, Former Chairman, Karnataka Permanent Backward classes commission and Advocate, participated as speakers. Mr. D.L. Jagadeesh, President AAB, presided. Mr. C.R. Gopalswamy, General Secretary, AAB, welcomed the gathering. A.P. Ranganath, Treasurer AAB, delivered vote of thanks.

□ On 15.11.2003 Mr. Justice N.K. Jain, Chief Justice, High Court of Karnataka, had unveiled a plaque to mark the laying of the foundation stone for a Rs. 50 Lakh community hall of the Belgaum Bar Association at New Court premises, Belgaum. Mr. P. Viswanath Shetty, Judge, High Court of Karnataka, presided on this occasion Mr. Justice A.C. Kabbin and Mr. Justice Hulawad G. Ramesh, Judges, High Court of Karnataka were felicitated.

Lawyers' Diary released



In a function held on November 7, 2003 at the Vakila Bhavan, Bangalore, Mr. Justice K.L. Manjunath, Judge, High Court of Karnataka, released Advocates Diary for the year 2004-05. The diary is published by the Bangalore Advocates Co-operative Society Ltd. and found to be useful. Mr. N. Jaiprakash Rao, President of the Bangalore Advocates Co-operative Society Ltd. presided over the function.

Books Released

□ On 3.11.2003 Mr. Justice T.S. Thakur has released a book "In pursuit of better justice" authored by Sri T.S. Krishna Bhat, Advocate in a function organised by AAB. Mr. Justice (Rtd.) K. Shivashankar Bhat was the chief guest in the function. Sri D.L. Jagadeesh, President AAB presided.

□ On 11.11.2003 Mr. Justice K.L. Manjunath, Judge, High Court of Karnataka, released a book titled 'Nageyu Baruthide' a collection of 25 humorous essays written by Mr. H.R. Shankar Narayana (Ha.Ra), Advocate at Vakila Bhavan. Mr. Vishweshwar Bhat, Editor, Vijaya Karnataka and Mr. S. Divakar, renowned novelist and literary critic, introduced the book. Mr. D.L. Jagadeesh, President AAB, presided over the function. Mr. C.R. Gopala Swamy, General Secretary AAB, welcomed the gathering and Mr. A.P. Ranganath, Treasurer AAB, delivered vote of thanks.

An appeal is when you ask one court to show its contempt for another court

- Finley Peter Dunne

Advocates Foundation

The Advocates Foundation, Bangalore, has been reorganised with following Trustees :

Mr. G.S.Visweswara - Chairman, Mr. H.K. Vasudeva Reddy, Managing Trustee, Mr. G.C. Chengappa Treasurer, Mr. D.L. Jagadeesh President AAB, Mr. C.R. Gopalswamy, Secretary AAB, Trustee, Mr. N. Jaiprakash Rao President ACS, Trustee.

Point Blank

In this country, the topic of parliamentary or legislative privilege is not about height, but about power : which is more significant under our Constitution : state legislatures (and Parliament) or the courts? Breach of legislative privilege is still one of the many occupational hazards of a free press (contempt of court is another). The contours of legislative privileges will never be codified because once there is an enacted law about 'privileges' such law would be open to scrutiny by courts for violation of fundamental rights.

- Fali S. Nariman on breach of legislative privilege issue in Tamil Nadu.

Around the Courts

Constitution of India - Entry 66, List I of the seventh schedule - Union Government directed to legislate on admission to MBBS and Post Graduate Courses; In the first week of November a five judge Constitution Bench of the Supreme Court has held that the total reservation for admission to MBBS and post graduate medical courses in the country should not exceed 50%. For super speciality courses, there shall be no reservation and admission shall be based purely on merit, the court ruled. The Bench comprising the Chief Justice V.N. Kare, R.C. Lahoti, B.N. Agrawal, S.B. Sinha and A.R. Lakshmanan JJ held that any dilution in merit would adversely affect the national interest in having the best possible talent at the highest level of professional and educational training. In a separate but concurring judgment Mr. Justice Lakshmanan observed that admission to MBBS course shall be done on the basis of a common entrance test conducted by a state agency or on the basis of qualifying marks obtained by students in the higher secondary examination. Mr. Justice Khare who wrote the main judgment regretted that despite 55 years after the country achieved independence a national polling on higher education had not come into being. "we hope and trust that the central government expeditiously consider making a legislation or taking such steps as are necessary in this behalf keeping in view the requirement of co-ordination in higher education in terms of entry 66, List I of the seventh schedule of the constitution", the judgment said.

□ **Central Government Pension Scheme launched in 1996 for employees in the public and private sectors - validity upheld;** see page 3

Disaster comes because of the kind of judges we have

Talmud

Retrograde move

The recently circulated draft rules called the conditions of practice of Advocates in Courts (Karnataka) Rules, 2003 suggests that those rules have been framed has a consequence of the decision of the apex court in Harish Uppal's case (AIR 2003 SC 739). The five judge Constitution Bench which heard Harish Uppal's case was concerned with the question whether the Lawyers have a right to strike and or give a call for boycott of courts. It is pertinent to note here that no rule framed under sec. 34 of the Advocates Act, 1961 was the subject matter before the apex court in Harish Uppal's case. However, it is true that the apex court observed in the judgment that the high courts have a right to frame rules with regard to the strike by Advocates as an interference with administration of justice leading to debarring from practising before courts. It is ironical that the Karnataka High Court has considered the separate judgment of two judges which directed the high courts to frame necessary rules under sec. 34 of the Advocates Act, 1961, it refrained from considering the fact that the majority of the judges did not issue any such direction. The observations of the majority judgment makes this point very clear when the judgment suggest that "let the Bar take note that unless self restraint is exercised, Courts may now have to consider framing specific rules debarring Advocates, guilty of contempt and/or unprofessional or unbecoming conduct, from appearing before the courts. Such a rule if framed would not have anything to do with the disciplinary jurisdiction of Bar Councils. It would be concerning the dignity and orderly functioning of the courts".

Sec. 49 (1) (ah) of the Advocates Act, 1961 empowers the Bar Council of India to make rules prescribing the conditions subject to which an Advocate shall have the right to practise. When this power is specifically vested in the Bar Council there cannot be another authority like the High Court which can usurp the powers vested in the Bar Council in the guise of framing rules prescribing conditions of practice of Advocates in Courts. In any event the hair splitting justification for framing separate rules imposing conditions of practise before the courts vis-a-vis the power of the Bar Council to frame rules subject to which

Advocate will have right to practise is ludicrous.

Sec. 35(3)(c), of the Advocates Act, 1961 vests the Disciplinary Committee of the State Bar Council, power to suspend the Advocate from practice for such period as it may deem fit in the case of proven misconduct. Even when such power vests with the Disciplinary committee of the State Bar Council the High Court wants to have a second channel whereby it will have power to suspend an Advocate from practising for a period specified not exceeding six months. In other words the Advocate can practise before courts at the mercy of the Disciplinary Committee of the State Bar Council as well as the High Court. Perhaps the Parliament while enacting the Advocates Act, 1961 did not envisaged that the Advocate will be simultaneously at the mercy of the Bar Council and the High Court. The scope of sec. 34 of the Advocates Act, 1961 having come up before the Division Bench of Allahabad High Court (AIR 1974 All 133) it was held that the words "laying down the conditions subject to which an Advocate shall be permitted to practise" must be given a restricted meaning of permitting physical appearance of the Advocate and not his general right to practice. It is to be noted that this judgment was concerning the validity of Rule 615 framed by Allahabad High Courts' General Rules (civil) 1957 whereas in the case of Harish Uppal the apex court was not concerned with any existing rules. Therefore, it is wrong to presume that the apex court is approved of a rule which was still born.

Right to practice advocacy stems from the provisions of Article 19(1) (g) of the Constitution of India and therefore constitute a fundamental right. State can only make any law imposing, in the interests of general public reasonable restrictions on the exercise of the right conferred by the said sub-clause under Article 19 (6).

The proposed rules imposing conditions of practice on Advocates by the court is neither in public interest nor it is a reasonable restriction. Therefore an Advocate cannot expected to be under the mercy of a presiding officer who could afford to be arbitrary, whimsical and biased. It is an accepted tenet that the Bar should be strong, fearless and independent and should be in a

see page 4

Internet Dumping

John Corker and Gautham Srinivas

From last issue

Telstra's role

Telstra is a monopoly provider of the premium rate call service to service providers. With the Telstra 'Infocall' service, the rate can be between 35 cents and \$5.50 a minute. Telstra states that entry to the industry involves a capital cost of up to \$1,50,000 for the purchase of specialised telecommunications equipment. There are presently 58 (up from 39 in mid-2001) 190 service providers. Telstra stated in its printed material in 2001 that it charges service providers about one-third of every dollar generated in gross revenue from the caller. When the Minister for Communications, Information Technology and the Arts, Senator Richard Alston, was recently asked in Parliament by Lindsay Tanner, Shadow Minister for Communications, a question on notice about the revenue generated annually from 190 numbers, Peter McGauran, Minister for Science, responded for Senator Alston that Telstra had advised that this was a matter of a commercially confident nature.

There seems little doubt that this is a highly profitable business for Telstra.

Generally, Telstra is unsympathetic to dumping cases and has been loathe to settle any disputed bills for telephone charges.

Telstra states on its website :

As a general rule, those websites that make use of Internet Dialler software and IDD telephone numbers to provide access will warn users of the call costs. However, many of these websites are located overseas and, as such, are not governed by Australian law. It is possible, then, that an Internet Dialler will connect to an IDD number without first advising the user of call costs. It is also possible that the software will not provide any warning before disconnecting the user from their local ISP and reconnecting via an international number. Despite the covert nature of this type of software, *the user remains responsible for all call charges made from their telephone line, even if they were unaware of the presence or use of Internet Dialler software* [emphasis added].

Again in response to questions asked in Parliament, Telstra recently indicated through the Minister that the measures it has in place to ensure customers do not receive unexpectedly huge bills as a result of using premium service include the following :

- ◆ For people calling premium services with charges of more

than \$4 a minute, calls are automatically disconnected after 30 minutes.

- ◆ During each call, a tone is played every five minutes.

Telstra also indicated that they have previously disconnected some 190 services considered to be in breach of the TISSC code.

Australian Government position

On 12 July 2001 Senator Alston issued a media release indicating that the Australian Communications Authority (ACA) would be directed to develop service provider rules under s99 of the *Telecommunications Act 1997* (Cth) so that internet premium rate adult services will be treated similarly to telephone sex services (access only by a PIN number).

In 2002 the Government introduced new regulations, under s 99 of the *Telecommunications Act*, providing authority for the ACA to enact service provider determinations that may deal with a wide range of matters including :

- ◆ the terms and conditions of supply of premium services;
- ◆ restrictions on access to premium services;
- ◆ the obligation of a service provider to notify customers about matters relating to premium services;
- ◆ limitation of liability of customers in respect of supply of the service;
- ◆ the advertising practices of premium service providers; and
- ◆ any matter relating to the supply of premium services used to access an internet service.

On 13 March 2003 the Minister issued a Direction to the ACA requiring it to make a service provider determination that requires a service provider :

to bar future calls by a relevant customer to 190 premium services for the remainder of a calendar month where charges incurred by that customer for those services during that month exceed a specified amount (and to include rules allowing the customer to waive the bar); and

to provide information to its customers about the risks associated with premium services and the action they can take to lessen the risk of unexpected high bills for those services.

to be continued

Around the Courts

From first page

On November 11, Supreme Court upheld the validity of the Government pension scheme launched in 1996 for employees in the public and private sectors.

The scheme envisages diverting a major part of the employers' Provident Fund contribution to a Central Fund for payment of pension to employees after super annuation.

A Bench, comprising Mr. Justice S. Rajendra Babu and Mr. Justice K.G. Balakrishnan, dismissed a batch of over 80 petitions filed by various employees unions challenging the scheme on the ground that it is arbitrarily withholding money due to the employees after retirement on the pretext of paying pension.

The Bench said the Government could go ahead with the implementation of the scheme but the cases of those establishments, which claimed exemption on the ground that they had better pension schemes for their employees, would be examined later. Since various pension schemes for their employees, would be examined later. Various petitions challenging the validity of the scheme had been filed in several High Courts, and were transferred to the Supreme Court.

□ **Articles 301 to 304 of the Constitution-Freedom of trade, commerce and intercourse-State Government can impose any levy on liquor imported from other states;**

On November 23rd a five judge Constitution Bench of the Supreme Court has held that a State Government is competent to impose any levy or fee on liquor imported by licencees from other States and they have to comply with the conditions imposed by the State from time to time.

The Bench, by a majority of 3:2 held that the fee levied was for the privilege given to the licensee for import of liquor and such imposition "does not in any way, restrict trade, commerce and intercourse among the states". In this case the judges upheld such a levy by the Punjab Government and allowed its appeal.

The majority judgment was by the chief Justice V.N. Khare, Justice R.C. Lahoti and Justice A.R. Lakshmanan and the differing judgment was given by Justice B.N. Agrawal and Justice S.B. Sinha.

Indian Youth Executed

On October 3, 2003 an Indian youth, who has been sentenced to death for murdering a fellow Indian worker in a drunken brawl, was executed in Singapore. Vaithialingam, a diploma holder in electrical and computer engineering from Tiruvarur in South Tamil Nadu, had stabbed his co-worker and flat-mate Lourdasamy Lenin Selvanayagam, also hailing from Tamil Nadu, with a kitchen knife during a drunken brawl on December 22, 2001.

The Singapore high court sentenced Vaithialingam to death and a black warrant was issued in December 2002. Recently, Singapore President S.R. Nathan rejected mercy petitions from Vaithialingam's parents. His father, who is an ex-serviceman and mother working in the Tamil Nadu Electricity Board, had pleaded that it was not a pre-meditated murder and he was their only son.

The Peoples' Union for Civil Liberties (PUCL) had petitioned the Singapore President for commutation of the death punishment as the convict was not a habitual offender and by showing the mitigating factor that Vaithialingam rushed Lenin to hospital after the incident. The Amnesty International had launched a global campaign to stop the execution and pleaded with the Singapore Government to reconsider the sentence.

Wedding

We are glad to report that :

On 24.11.2003 Mr. Suman, Advocate, married Ms. Suchitra at Bangalore. Mr. Suman is the son of Mr. S.G. Bhagavan, Advocate.

Miscellany

□ On 1.11.2003 Mr. S.N. Rama prasad, Advocate, opened his new law chamber at No. 157, 2nd Floor, Near City Central Library, Sampige Road, Malleswaram, Bangalore-3. Mobile : 98456 54794 Ph. : 3120886 (R). Mr. Ramaprasad is the colleague of Mr. Arakeshwar, Advocate.

□ In the first week of November M/s Harsha & Co. shifted their Law Chamber to No. 29/2, 2nd Floor, G.K. Manor, Seshadripuram, near Nehru Circle, Bangalore-560020. Ph: 3347715

□ Mr. N. Thimmappa, Advocate, opened his new law chamber "N. Thimmappa & Associates" at No. 232, 1 Floor, Prabhat Complex, K.G. Road, Bangalore-9. Ph. : 51141929, 57609495 (O), 36737380 (M)

National Judicial Commission

K. B. Mohandas, Chairman, Bar Council of Kerala

From last issue

In order to give representation to the Bar (legal profession) which constitute the single largest segment in the justice delivery system, the above eminent personality, who is to be nominated by the President, should be from the Bar, an eminent senior practicing advocate of high repute and integrity. With regard to the proposed Art. 143 A (3) it is to be noted that the present provision is too vague to convey any meaning or to carry out any purpose. The nation is thinking about changing the existing procedure of making the appointments in consultation with the executive since in due course of time the consultation has become ineffective and meaningless and reduced it to a hollow formality. Viewed from the background, to say that in the matter of appointment or transfer of Judge of a High Court, the Chief Minister or the Chief Justice of the State concerned or during Governor's rule, the Governor concerned should be "associated" with the Commission, would render the exercise very soon meaningless especially in our country where everybody is competing with each other to sponsor their people wherever possible. If the State Government's or State Judiciary's participation or opinion is genuinely needed or desired the process should atleast be "effective consultation" and not mere "association". Consultation with the State functionaries is in fact needed to know the local talents and their reputation and integrity, which may not be properly assessed by a national commission. So also the provisions for consultation with the Governor should be avoided if what is actually intended is to ascertain the state's views on the matter. Imposition of Art. 356 is not a perpetual matter in any state and is only a temporary phenomenon. It is better to avoid sending names during that interregnum, lest it may be abused by the center by mass filing up of all existing vacancies or by making indiscriminate transfer of judges contrary to the desire of the State and its people.

In Art. 147 (4) (d) instead of the words 'a judge' the words 'a Supreme Court or High Court Judge' should be included, lest it should be misunderstood as a District and Sessions Judge also.

To sum up, the points in the matter of formation of a National Judicial Commission are :

1. Judiciary's special status under the constitution as an Ombudsman to oversee the activities of the executive and the legislature should be retained.
2. Judicial activism of the Judiciary transgressing into the areas of the executive and the legislature should be checked.
3. Liberty to fearlessly criticize erring Judgments must be ensured.
4. A National Judicial Commission should be formed with powers in the matter of appointment, transfer and removal of Judges - It should consist of Chief Justice and two senior most Judges of the Supreme Court, the Union Law Minister and an eminent senior practicing advocate nominated by the President.
5. In the matter of appointment, transfer and removal of the Judges of the High Court, the commission also should consult the Chief Justice and the Chief Minister of that state.

to be continued

A.I.R. SUPREME COURT (A.I.R.S.C.)

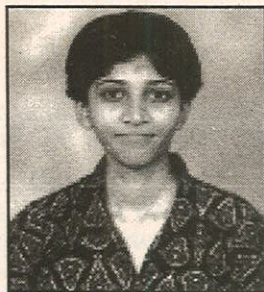
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Congratulations



Ms. B.V. Nidhishree, a student of University Law College, has secured fourth rank in III year LLB from Bangalore University during 2002-03. Ms. Nidhishree is the daughter of Mr. B.N. Venugopal and Ms. Bhavani, Advocates.

Kolar Diary

□ On 2.11.2003 Mr. K.M. Shankar, Advocate, Bangalore, married Ms. G. Deepa, Advocate at Kolar. Ms. G. Deepa is the daughter of Mr. K.M. Gurumurthy, Advocate, Malur, Kolar District.

□ On 3.11.2003 Mr. Narayana swamy, Advocate from Bangalore married Ms. V.R. Ropa at Kolar.

□ On 8.11.2003 a programme "Kannina arivu mathu kannina neravu" was held at Kolar under the presidentship Mr. Milind Donge, First Additional District & Session Judge, Srinivasapura, Kolar District.

□ On 8.11.2003 and 9.11.2003 a programme "Law for women" was held at Chikka-ballapur under the presidentship of Smt. Nirmal Prabhu, Advocate and City Municipal Councillor, Chikkaballapur.

□ On 9.11.2003 Legal Services Day was celebrated at Thora devanahalli, Kolar Taluk under the presidentship Mr. Ramprasad, IAS and Deputy Commissioner, Kolar. As a part of the day "Law for women" a programme for the women was also held. Mr. K.H. Mallehappa, Principal District and Session Judge, Kolar graced the occasion.

□ On 15.11.2003 under the auspices of Legal Aid Committee and Advocates Association, Mahur a workshop on legal Awareness was conducted at Chikka Thirupathi, Malur Taluk. Mr. Justice K. Sreedhar Rao, Judge, High Court of Karnataka inaugurated the workshop. Ms. Manjula Chellur, Judge, High Court of Karnataka, presided.

□ On 26.11.2003 a programme "Law for women" was held at Kolar under the presidentship of Mr. K. H. Mallehappa, Principal District and Sessions Judge of Kolar.

News Panorama

On 28th November Iran's first revolutionary Tribunal head Ayatollah Sadeg Khalkhali, who sent dozens if not hundreds of people to the gallows, died in a Tehran hospital after a brain operation. Known in the foreign media as "the hanging judge", he shot to prominence after condemning to death in absentia the deposed Shah of Iran and ordering the execution of the Former Premier, Amir Abbas Hoveyda. Ayatollah Khalkhali, who was close to the late Ayatollah Ruhollah Khomeini, the leader of the 1979 revolution, published a list of 85 people, whose execution he had ordered. Dozens of left-wingers and kurds who rebelled against Khomeini after the revolution were also put to death on Ayatollah Khalkhali's orders.

Robber flings slipper in court

On 17th October persistent delays in judicial proceedings prompted a petty robber to fling his slipper in the air in a local courtroom at Pune, leading to commotion in which another man accused in some case escaped.

Shashikant Wadekar (32), one of the six accused in a case of robbery, was sore at the judicial magistrate D. D. Kambie postponing the hearing of the matter to a later date. The case has been on for the past two years, so frustrated Wadekar threw his slipper high in the court room and in the melee that followed, Vijay Patil (29), gave police the slip.

Obituary

We report, with regret, that :

□ On 12.11.03 R. Narayanappa (82), an Advocate practising before Mayo Hall Courts passed away at Bangalore. He is the former President of AAB.

□ On 14.11.2003 M.R. Radhakrishna (53), Advocate passed away at Bangalore. He was a colleague of Mr. T.N. Arakeshwara, Advocate.

□ On 21.11.2003 M.S. Ramachandra Rao, an Advocate, practising at Tumkur and Bangalore died in a road accident near Gubbi in Tumkur District.

□ On 27.11.2003 N. Basavaraju (75), Advocate, passed away at Bangalore.

□ On 28.11.2003 G.V. Ramaiah (80), Advocate, passed away at Bangalore.

Legal Precedents

□ AIR 2003 Supreme Court 1292

S.N. VARIAVA AND B.N. AGRAWAL, JJ.

Motor Vehicles Act (59 of 1988), S. 149 Insurance Company - Liability-Drivers licence found to be fake - Liability of insurance company towards third party does not get avoided-Insurance company on proof that owner of vehicle was aware of fact that licence was fake, can however recover the amount from insured.

□ AIR 2003 supreme Court 1302

LAHOTI AND BRIJESH KUMAR, JJ.

Hari Shankar Prasa, Appellant V, Shahid Ali Khan and others, Respondents

Representation of the people Act (43 of 1951), S.169-Conduct of Election Rules (1961), R.52(2) (b)-rejection of ballot papers-Wrong rubber seal meant for putting 'distinguishing mark' provided by polling staff to voters-Polling officer stated that wrong seal was given by him by mistake to voters which was later on taken back and correct seal was supplied-Mistake on part of polling officer can be inferred-Bald enquiry conducted by Returning Officer-Rejection of ballot papers marked with wrong seal-Being against instructions dated 26.2.2000 issued by Election Commissioner wrongly rejected ballot papers are to be counted in favour of appellant.

Contributed by : A.D. Ramananda, Advocate

Retrograde move

from second page

position to lead the society. Members of the Bar have discharged these responsibilities during the national movement as well as in independent India. No amount of shackles can prevent Advocates community from being strong, fearless and independent. The proposal to introduce the draft rules could only be futile and the independent Bar could not allow itself to be restrained by any such ill-advised rules.

The proposition that the judges could be repository of all goodness in society is an illusion. After all the judges were members of the Bar before they could function as judges. While co-ordination and co-operation should have been the mantra to govern the relationship of the Bench and the Bar it can never be replaced by confrontation. Those who think otherwise are sitting in ivory towers. In the context of religious conversions it is said that the new converts are always dangerous is the original religion to which they belonged. It appears to be true in respect of the judges too who might be thinking of a motion to damage the independence of the Bar of which they were members till yesterday.

It is ironical that the draft rules in its ambit seems to be concerned about the courts staff. The draft rules preaches unsolicited sermon to the Bar to deal with the staff of the court courteously. It is not the case of the Bar that it should be discourteous to the Bench or the courts staff. However the way the draft rules are framed discloses the sickness of the mind which has drafted the rule. It also gives an indication that an Advocate has to be constantly at the mercy

of the presiding officer and the courts staff eventhough he is considered to be an officer of the court. The draft rules does not deal with situations involving the presiding officers or the court staff which can act indulgently against the interest of a lawyer. The judges and the court staff are considered to be symbols of all virtues while the poor lawyer is deemed to represent the "evil".

Therefore already archaic laws in independent India which includes amongst other laws, the Contempt of Courts Act, 1971 which act as a deterrent to independence of judiciary. The draft rules attempts to further invade not only independence of the Bar but to impinge the powers of the Bar Council. While lawyers are not perse afraid of such rules and consequences thereof but lurking nature of the threat contained in the draft rule hurts the sentiments of an independent Bar. It is time that the High Court shall take a dispassionate view of the draft rules and or its necessity and discard any notions of curtailing independence of the Bar, lock, stock and barrel.

Campus Watch

Under the joint auspices of Bangalore Institute of Legal Studies and Prof. V.B. Coutinho 50th birthday celebration committee, a lecture was held on 'the economic liberalization, its impact on industrial relations' which was delivered by S.N. Murthy, Advocate, High Court of Karnataka, Mr. N.B. Bhat, Advocate and Vice President, Bangalore High School and Higher Education Society presided.