October 2012

Karnataka Judicial Academy

Crescent House, Crescent Road, Bangalore 560 001 Tel.: 2238 2894/96 Fax:2238 2895 Email.: dirkjab@gmail.com Www.kjablr.kar.nic.in



KJA e-News Letter

CONTENTS

- From the Desk of the Patron-in-Chief
- Important Amendments by Parliament
- Important amendments by the Karnataka State Legislature
- Important judgments of Supreme Court of India
- Important judgments of High Court of Karnataka
- Programmes of Karnataka Judicial Academy
- Articles
- Other News



OCTOBER 2012



From the Desk of the Patron-in-Chief

Vikramajit Sen Chief Justice



"Shanthi Gruha" 1, Palace Road Bangalore - 560 001.

"If our business methods were as antiquated as our legal system, we would have become a bankrupt Nation long back" - Lord Devlin

There is no gainsaying the fact that judicial training is required to those who are invested with the task of dispensing justice at various levels so that their equipment, felicity and the urge to do justice is in keeping with the current mores of the society. Our Constitution is widely regarded as a living document encapsulating the aspirations of the Indian people. Rest of the masses of various enactments made should sub-serve the noble principles contained in the Constitution of India. In this context, especially in the current scenario where equality, transparency and accountability is the hallmark of any civilized society, the role of the Judges has become even more arduous, and there is heavy demand on his jural capability. Livingston Armytage in a different context argued that judicial training should focus on an examination of the technical issues involved in educating Judges. He further argued that judicial training involves the application of educational theories to the practice of judging and he identified distinctive characteristics of Judges as learners. He proposed a number of educational principles and guidelines to accommodate these characteristics with a view to developing an effective educational response. To the extent that complaints of inequality encapsulate an underpinning demand for judicial accountability, he argued, continuing education is acquiring a significant role for the judiciary at two levels: first, as a means to enhance equality of treatment before the law; and second, to illuminate an appropriate means to provide accountability. For these reasons, he submitted, the judiciary has an emerging interest in developing its continuing education (18th Biennial Conference LAWASIA 2003).

PAGE 2

Vikramajit Sen Chief Justice



"Shanthi Gruha" 1, Palace Road Bangalore - 560 001.

The subject of judicial education has been engaging the attention of various bodies including the Law Commission of India, the Apex Court and also the various High Courts in the Country. 117th Report of Law Commission of India was exclusively devoted to training of Judicial Officers. Infact Chapter V of the Report suggested a format of syllabus also. In para 4.8 of its Report (117th Report on Training of Judicial Officers, Law Commission of India), it is observed as follows:

4.8. It is a matter of regret for the Law Commission to note that while in all other disciplines workshops, seminars and symposia are held at regular intervals, the judges are hardly, if ever are exposed to it. In fact, the Law Commission has information which it considers reliable that there is some reluctance on the part of High Courts to permit the District Judges and Judges subordinate to it to participate in workshops and seminars. The Commission came across an incident which is worth referring here. In one of the Northern States, a body set up by the local Government and charged with a duty to expand legal aid service convened a workshop at a district level for setting up local legal aid body. The workshop was presided over by a Judge of the High Court having jurisdiction in the State. Surprisingly, neither the District Judge, nor the Judges subordinate to the District Judge participated in the workshop. On an enquiry at the proper place, the information given was that the High Court does not favour exposure of judges in such seminars and workshops. The Law Commission found this closed-door non-exposure approach un-understandable. Therefore, over and above the in-service training for promo tees to Indian Judicial Service, there should be regular refresher courses for each judge at the interval of 5 years. Workshops, seminars and symposia may be held for discussing latest trends in the development of law, inter-disciplinary relations and expanding goals of justice system. It must be the obligatory duty of the High Court to make provision for

Vikramajit Sen Chief Justice



"Shanthi Gruha" 1, Palace Road Bangalore - 560 001.

converting such workshops, seminars and symposia for District Judges with the active participation of the Judges of the High Courts, teachers from the faculty of law and leading advocates. This is how comprehensive training is conceived for judicial service.

(Emphasis supplied)

Judicial Officers and Judges while discharging their duties are required to handle a wide ranging problems which are all-encompassing and panoptic. Even though the law applicable may be limited in number, the problems emerging in cases may be as diverse as the life itself. Any judicial training which does not cater to the above needs will be meaningless and therefore a cipher.

In the past two decades, almost all High Courts have set up independent Judicial Academies and at the Apex level, there is National Judicial Academy. Our own Karnataka Judicial Academy is second to none in imparting judicial education to not only the Judicial Officers, but also the Public Prosecutors, Police Officers and the Forest Officers, etc.

I am happy to note that the Karnataka Judicial Academy is starting E-News Letter with the idea of supplementing the judicial education already given in the Academy and also to keep the Judicial Officers abreast with the latest developments in the case laws and also seminal exposition of law made by leading authorities on law.

I hope this endeavor of the Karnataka Judicial Academy would help our Judicial Officers in enhancing their legal knowledge in dispensation of speedy and responsive justice.

Vibramaget len

(VIKRAMJIT SEN)

Important amendments by the Parliament

Transfer of Property Act, 1882 –

*[Section 53A. Part Perfor**mance** – Where any person contracts to transfer for conimmovable sideration any property by writing signed by him or on his behalf from which the terms necessary to constitute the transfer can be ascertained with reasonable certainty, and the transferee has, in part performance of the contract, taken possession of the property or any part thereof, or the transferee, being already in possession, continues in possession in part performance of the contract and has

done some act in furtherance of the contract, and the transferee has performed or is willing to perform his part of the contract, then, notwithstanding that ** where there is an instrument of transfer, that the transfer has not been completed in the manner prescribed therefor by the law for the time being in force, the transferor or any person claiming under him shall be debarred from enforcing against the transferee and persons claiming under him any right in respect of the property of which the transferee has taken or continued in possession, other than a right

expressly provided by the terms of the contract:

Provided that nothing in this section shall affect the rights of a transferee for consideration who has no notice of the contract or of the part performance thereof.]

*Ins. By Act 20 of 1929, Sec.16

**The words "the contract, though required to be registered, has not been registered, or," omitted by Act 48 of 2001, sec. 10 (w.e.f. 24-9-2001)

Transfer of Property Act, 1882 –

*[Section 106 – Duration of certain leases in absence of written contract or local usage, –

(1) In the absence of a contract or local law or usage to the contrary, a lease of immovable property for agricultural or manufacturing purposes shall be deemed to be a lease from year to year, terminable, on the part of either lessor or lessee, by six months' notice; and a lease of immovable property for any other purpose shall be deemed to be a lease from

Section 49 of the Registration Act, 1908

Effect of non-registration of documents required to be registered – No document required by section 17* [or by any provision of Transfer of Property Act, 1882,] to be registered shall –

(a) affect any immovable property comprised therein, or(b) confer any power to adopt,

month to month, terminable, on the part of either lessor or lessee, by fifteen days' notice.

(2) Notwithstanding anything contained in any other law for the time being in force, the period mentioned in sub-section (1) shall commence from the date of receipt of notice.

(3) A notice under sub-section (1) shall not be deemed to be invalid merely because the period mentioned therein falls short of the period specified under that sub-section, where a suit or proceeding is filed after the expiry of the period mentioned in that sub-section. (4) Every notice under subsection (1) must be in writing, signed by or on behalf of the person giving it, and either be sent by post to the party who is intended to be bound by it or be tendered or delivered personally to such party, or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the property.]

* (Subs. by Act 3 of 2003, sec. 2, for section 106 (w.e.f., 31-12-2002).

or

(c) be received as evidence of any transaction affecting such property or conferring such power, unless it has been registered:

*[Provided that an unregistered document affecting immovable property and required by this Act, or the Transfer of Property Act, 1882, to be registered may be received as evidence of a contract in a suit for specific performance under Chapter II of the Specific Relief Act, 1877** [or as evidence of any collateral transaction not required to be effected by registered instrument.]

*Added by Act 21 of 1929, S. 10 **The words "or as evidence of part performance of a contract for the purpose of section 53-A of the Transfer of property Act, 1882" omitted by Act 48 of 2001, section 6(w.e.f., 24-9-2001)]

Important amendments by the Karnataka State Legislature

Section 54 of the Code of Civil Procedure as amended in Karnataka:-

* "54. Partition of estate or separation of share.-

Where the decree is for the partition of an undivided estate assessed to the payment of revenue to the Government, or for the separate possession of a share of such an estate, the partition of the estate or the separation of the share shall be made by the Court in accordance with the law if any, for the time being in force relating to the partition, or the separate possession of shares and if necessary on the report of a revenue officer, not below the rank of Tahsildar or such other person as the court may appoint as commissioner in that behalf".

*(Added by Act 36 of 1998)

Important judgments of the Supreme Court of India

Dalveer Bhandari and Deepak Verma, JJ. (Ramrameshwari Devi and others V/s. Nirmala Devi and Others.)

Head Note (2011 AIR SCW 4000=(2011)8 SCC 249 Constitution of India— Article 21 — speedy trial— Prevailing delays in Civil Suits – Measures to be adopted by the Court.

It has been observed by the Apex Court, "The prevailing delay in disposal of civil suits can be curbed and existing system can be changed and improved by adopting following steps:-

1)Pleadings are foundation of the claims of parties. Civil litigation is largely based on documents. It is the bounden duty and obligation of the trial Judge to carefully scrutinize, check and verify the pleadings and the documents filed by the parties. This must be done immediately after civil suits are filed.

2)The Court should resort to discovery and production of documents and interrogatories at the earliest according to the object of the Act. If this exercise is carefully carried out, it would focus the controversies involved in the case and help the Court in arriving at truth of the matter and doing substantial justice.

3) Imposition of actual, realistic or proper costs and or ordering prosecution would go a long way in controlling the tendency of introducing false pleadings and forged and fabricated documents by the liti-Imposition of heavy gants. costs would also control unnecessary adjournments by the parties. In appropriate cases the Courts may consider ordering prosecution otherwise it may not be possible to maintain purity and sanctity of judicial proceedings.

4)The Court must adopt realistic and pragmatic approach in granting mesne profits. The Court must carefully keep in view the ground realities while granting mesne profits.

5)The Courts should be extremely careful and cautious in granting ex-parte ad interim injunctions or stay orders. Ordinarily short notice should be issued to the defendants or respondents and only after hearing concerned parties appropriate orders should be passed.

6)Litigants who obtained exparte ad interim injunction on the strength of false pleadings and forged documents should be adequately punished. No one should be allowed to abuse the process of the Court.

7)The principle of restitution be fully applied in a pragmatic manner in order to do real and substantial justice.

8)Every case emanates from a human or a commercial problem and the Court must make serious endeavour to resolve the problem within the framework of law and in accordance with the well settled principles of law and justice.

9)If in a given case, ex-parte injunction is granted then the said application for grant of injunctions should be disposed of on merits, after hearing both sides as expeditiously as may be possible on a priority basis and undue adjournments should be avoided.

- - -

Important judgments of High Court of Karnataka

IN THE HIGH COURT OF KARNATAKA AT BANGALORE,

Case Number:

RSA 2223/2006, Judge: N.Kumar, Petitioner: Dr. M. Mahalingam Respondent: Smt. Shashikala, Date of Judgment: 19.02.2008,

(ILR 2008 KAR 4055)

Speedy disposal of civil cases – The Object and reason behind the Amendment Act was that, every effort should be made to expedite the disposal of civil suits and proceedings so that justice may not be delayed.

While emphasizing the need for implementation of rules in letter and spirit, with reference to expeditious disposal of civil cases, Hon'ble High Court of Karnataka has laid down the following guidelines :-

(1) After the pleadings are complete the case shall not be posted for framing of issues as was done all these years. It shall be posted for appearance of the parties. On such appearance of the parties the Court shall comply with the mandatory requirement as contained in Order X Rule 1 and Rule 1A of the Code.

(2) After ascertaining the facts and recording the admissions and denials, it is advisable for the Court to frame issues in the open Court itself, so that its effort and precious time do not go waste.

(3) Thereafter direct the parties to opt for any one of the modes of settlement; and accordingly issue appropriate directions.

(4) While referring the matter to Lok Adalath or Mediation, the Court shall fix the date of trial beyond 60 days, making it clear that if the Mediation or Lok Adalath fails, the trial would begin on the said date and that it will go on day to day.

(5) The court while fixing the date for trial, do so in consultation with the counsel and the parties, so that they proceed with the trial on the day so fixed without fail.

(6) The learned Judges shall maintain a dairy to make sure that only such number of cases which they can handle are posted on any date for trial and complete the recording of evidence, thereby avoid the crowding of cases, and consequent adjournments for want of time and thus inconvenience to counsel and litigants.

(7) All request for adjournments has to be considered before the actual beginning of the trial. Once the trial begins as contemplated under proviso to Rule (1) of order XVII it shall go on day to day till all the witnesses are examined. If for any reason the case is to be adjourned, it is to be only to the next date.

(8) The Court shall give effect to the provision for payment of cost or such higher cost in order to ensure that adjournment is not sought with the intention of harassing the opposite party and that the opposite party is duly compensated if any adjournment is given.

(9) Once the trial is over, arguments are to be heard immediately and continuously and judgment has to pronounced within the period stipulated under law.

(10) If this procedure as contemplated by the amended provisions of the Code of Civil Procedure is adhered to by the Courts, it will be their contribution to the cause of speedy justice

Programmes of Karnataka Judicial Academy

The Academy had the privilege to conduct one day programme training on 03.06.2012 on "Sections 13 and 14 of Securitization and Reconstruction of Financial Assets and Enforcements of Security Act, 2002" and the Chief Metropolitan Magistrates of Bangalore were sensitized about legal aspects touching Section 13 and 14 of the said Act. Hon'ble Mr.Justice N. Kumar. President of the Academy and Hon'ble Mr. Justice B. Padmaraj, Former Acting Chief Justice of High Court of Karnataka and Sri. C.R. Benakanahalli. Chairman of Debt Recovery Tribunal, Bangalore were present to guide and interact with trainees.

Three Davs Refresher courses for District Judges (20 officers at a time) conducted from were 21.06.2012 to 23.06.2012, 28.06.2012 to 30.06.2012. 05.07.2012 to 07.07.2012. 11.07.2012 to 13.07.2012. 19.07.2012 to 21.07.2012 and 26.07.2012 to 28.07.2012.

Three Days Refresher courses for Fast Track Judges (20 officers at a time) were conducted from 02.08.2012 to 04.08.2012, 09.08.2012 to 11.08.2012, 16.08.2012 to 18.08.2012 and 23.08.2012 to 25.08.2012.

Three days Refresher Courses for Senior Civil Judges (20 officers at a time) were conducted from 30.08.2012 to 01.09.2012, 06.09.2012 to 08.09.2012, 13.09.2012 to 15.09.2012, 20.09.2012 to 22.09.2012, 27.09.2012 to 29.09.2012, 04.10.2012 to 06.10.2012, 11.10.2012 to 13.10.2012. Refresher course for remaining Senior Civil Judges will be continued on every Thursday to Saturday.

Three days Refresher Courses for Civil Judges -2008-09 Batch (20 officers at a time) were conducted from 27.08.2012 to 29.08.2012, 03.09.2012 to 05.09.2012, 10.09.2012 to 12.09.2012, 24.09.2012 to 26.09.2012, 08.10.2012 to 10.10.2012. Refresher Course for remaining Civil Judges will be continued on every Monday to Wednesday.

Three days further training for Civil Judges – 2008-09 Batch (20 officers at a time) was conducted from 23.07.2012 to 25.07.2012, 30.07.2012 to 01.08.2012 and 06.08.2012 to 8-8-2012.

The above said Refresher Courses were blessed by the Presence of Former Chief Justices of India namely Hon'ble Mr. Justice M. N. Venkatachalaiah and Hon'ble Mr. Justice S. Rajendra Babu, Former Judges of Supreme Court of India, namely Hon'ble Mr. Justice N. Venkatachala, Hon'ble Mr. Justice N. Santhosh Hegde and Hon'ble Mr. Justice R.V. Raveendran. Hon'ble Mr. Justice Dr. V. S. Malimath, Former Chief justice of Karand Kerala High nataka Hon'ble Mr.Justice courts.

U. L. Bhat.Former Chief Justice of M.P & Gauhathi High Court, Former Chief Justice of Kerala High court Hon'ble Mr. Justice K.A.Swami, Former Chief Justice of Kerala High court Hon'ble Mr. Justice S.R. Bannurmath, Former Judges of High Court of Karnataka namely Hon'ble Mr. Justice Mohammed Anwar. Hon'ble Mr. Justice B Padmaraj, Hon'ble Mr. Justice H. Rangavittalachar Hon'ble Mr. Justice S.R. Venkateshmurthy, Hon'ble Mr. Justice A.M. Farooq. Hon'ble Mr. Justice B.N. Krishnan, Hon'ble Mr. Justice R.J.Babu, Hon'ble Mr. Justice M.P. Chinnappa, Hon'ble Mr. Justice H.N. Narayan, and Hon'ble Mr. Justice V. Jagannathan, Sitting Judges namely Hon'ble Mr. Justice K. Sreedhar Rao. Hon'ble Mr. Justice K.L. Manjunath, Hon'ble Mr. Justice N. Kumar. Hon'ble N.K. Justice Patil. Mr Hon'ble Mr. Justice Dr. K. Bhakthavatsala, Hon'ble Mr. Justice Mohan Shantanagoudar. Hon'ble Mr. Justice H.Billappa, Hon'ble Mr. Justice Huluvadi G. Ramesh, Hon'ble Mr. Justice H.N. Nagamohan Das,, Hon'ble Mr. Justice B.S. Patil. Hon'ble Mr. Justice Ashok B. Hinchigeri, Hon'ble Mr. Justice C.R. Kumarswamy, Hon'ble Mr.Justice Subhash B.Adi, Hon'ble Mr.Justice Jawad Rahim, Hon'ble Mr. Justice A.N. Venugopalagowda, Hon'ble Mr.Justice A.S. Pachhapure, Hon'ble Mrs. Justice B.V. Nagarathna, Hon'ble Mr. Justice B. Sreenivase Gow-

Programmes of Karnataka Judicial Academy

da, Hon'ble Mr. Justice K.N. Keshava Narayana, Hon'ble Mr. Justice Arvind Kumar, Hon'ble Mr. Justice B.V.Pinto, Hon'ble Mr. Justice B.Manohar. Hon'ble Mr. Justice H. S. Kempanna, Hon'ble Mr. Justice V.S. Appa Rao, and Hon'ble Mrs. Justice B. S. Indrakala, and have enlightened the thev trainee officers on different subjects.

Apart from Hon'ble Judges, the medical officers namely Dr. P.K.Devdas, Prof & HOD, Department of Forensic Science, Bangalore Medical College, Dr. Purushotham. Orthopedic Surgeon, Dr. Sathish Babu, Neuro surgeon Dr. Suresh Babu Neuro surgeon, Dr. Uma Hirisave, Child Psvchologist, have also enlightened the officers on medical side of the legal matters.

Dr.Kamalesh Bajaj, C.E.O, Data Security Concil of India, and Sri.K.Venkates Murtthy program manager cyber police station, C.I.D, Bangalore and Hon'ble Mr. Justice S.R. Bannurmath, have addressed the officers on Cyber space and cyber crimes.

The subjects case flow and case load management, suits for declaration, possession, injunction, specific performance, suits filed against State. bv or **BDA.BCC** and statutory bodies, misc. cases u/o 9 rule 13 CPC, Sec 144 CPC, administration matters, Arbitration Act, Intellectual property rights, Regular Appeal & Miscellaneous Appeal, Jurisprudence, Judicial Ethics, Law of Precedents, Partition -Hindu Law & Mohammedan Law, Culpable Homicide & Murder, Dowry Death and Harassment of Women, Sentencing & Compensation, Case & Counter Case, Importance of Examination of Accused. Negotiable Instrument Act, Complaints to Magistrates, Framing of Charges, Bail & Anticipatory Bail, Appreciation of Evidence in Criminal Trial. Dving Declaration, Criminal Appeal & Revisions, Cyber Crimes, Assessment of Compensation Motor Vehicle Cases, in Suits for Partition & Specific Performance of Contract.

Amendment to Code of Civil Procedure & Adjournments & Costs, Temporary Injunctions, Execution of Decrees & Orders, Powers of Labour Courts & Industrial Tribunal under Sec.11A of Industrial Disputes Act, Family Issues. Counseling and Therapy, Maintenance U/s. 125 Cr.P.C. Domestic Enquiry & Principles of Natural Justice, Importance of Mediation in Industrial & Family Disputes CIS Implementation & Computers, Child Psychology, Custody of Children Family Courts Act, Retrenchment, MVC Matters, Land acquisition Act, Regular Appeal U/O. XLI CPC & Miscellaneous Appeal U/O. XLIII CPC, Prevention of Corruption Act, Karnataka Education Act, NDPS Act, arbitration, Constitution of India, Art of Writing Judgment, medical evidence in sessions trials, administrative matters, Evidence Act, have been dealt with etc. by different resource persons.

The refresher courses are going on in the Academy on regular basis.



Hon'ble Mr. Justice M.N. Venkatachlaiah, Former Chief Justice of India, during his address to the District Judges on the subject "Case Flow and Case Load Management" on 21.06.2012



Hon'ble Mr. Justice S. Rajendra Babu, Former Chief Justice of India, during his address to the District Judges on 22.06.2012

OCTOBER 2012

KARNATAKA JUDICIAL ACADEMY

Programmes of Karnataka Judicial Academy



Hon'ble Mr. Justice N. Venkatachala, Former Judge, Supreme Court of India, during his address to the District Judges on 21.06.2012



Hon'ble Mr. Justice Santosh Hegde, Former Judge, Supreme Court of India, during his address to the District Judges on 29.06.2012



Hon'ble Mr. Justice R.V. Raveendran, Former Judge, Supreme Court of India, during his address to the District Judges on the subject "Arbitration Act" on 23.06.2012



Hon'ble Mr. Justice Dr.V.S. Malimath, Former Chief Justice of Karnataka and Kerala High Courts, during his address to the FTC Judges on 24.08.2012



Hon'ble Mr Justice K.A. Swamy, Former Chief Justice, High Court of Madras during his address to the District Judges



Hon'ble Mr. Justice U.L. Bhat, Former Chief Justice of M.P. & Gauhathi High Courts, during his address to the District Judges on 21.06.2012



Hon'ble Mr. Justice S.R. Bannurmath, Former Chief Justice of Kerala High Court, during his address to the FTC Judges



Article

WHAT IS THE EFFECT OF AMENDMENT OF PROVI-SION BY SUBSTITUTION

- By Justice N. Kumar

The word "substitute" ordinarily would mean "to put (one) in place of another"; or "to replace". In Black's Law Dictionary, Fifth Edition, at page 1281. the word "substitute" has been defined to mean "To put in the place of another person or thing" or "to exchange". In Collins English Dictionary, the word "substitute" has been defined to mean "to serve or cause to serve in place of another person or thing"; "to replace (an atom or group in a molecule) with (another atom or group)"; or "a person or thing that serves in place of another, such as a player in a game who takes the place of an injured colleague. Substitution of a provision results in repeal of the earlier provision and its replacement by the new provision. Substitution thus combines repeal and fresh enactment. The substitution has the effect of just deleting the old rule and making the new rule operative. The process of substitution consists of two steps : first, the old rule is made to cease to exist and, next. the new rule is brought into existence in its place. The rule is that when a subsequent Act amends an earlier one in such a way as to incorporate itself, or a part of itself, into the earlier, then the

earlier Act must thereafter be read and construed as if the altered words had been written into the earlier Act with pen and ink and the old words scored out so that thereafter there is no need to refer to the amending Act at all. Whenever an amended Act has to be applied subsequent to the date of amendment, the various unamended provisions of the Act have to be read along with the amended provision "as though they are the part of it.

It is well-settled rule of construction that every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have retrospective effect. The principle is also well settled that statutes should not be construed so as to create new disabilities or obligations or impose new duties in respect of transactions which were complete at the time the Amending Act came into force. When the legislature amends an existing provision in a statute by way of substitution, the effect is the substituted provision stands repealed and the amended provision is substituted in the place of earlier provision in the earlier Act, as if the substituted provision is there in the earlier act from the inception. By express provision or by implication if it is not made clear that it is prospective in nature the said amended provision comes into effect from the date of the earlier Act. But

it is not an invariable Rule. If such an interpretation is given, if it leads to repugnancy, inconsistency or absurdity, then the said general rule is not followed. In certain situations, the court having regard to the purport and object sought to be achieved by the Legislature may construe the word "substitution" as an "amendment" having a proeffect. spective If the amendment Act expressly states that the substituted provision shall come into force from the date the amendment comes into force, the said provision is prospective in nature. Then it is not open to the Court by way of interpretation to give retrospective effect to such provision.

Ultimately to decide whether these provisions are prospective or retrospective, it is the intention of the legislature which is the sole guide. If the procedure adopted for amendment is substitution and in the Amended Act it is specifically stated that the substituted provisions come into effect from the date the amended Rules or Act came into force, the intention of the legislature is clear. On the pretext that it is the case of substitution, the effect cannot be given to that substituted provision from the date of the earlier statute. It has to be necessarily from the date the amended rules came into force.

- - -

Other News

The Academy with US Patent and Trade Marks Office in co ordination with US Embbassy, New Delhi had conducted "Intellectual Property Rights Seminar for Judges" on 28th and 29th of June, 2012. Hon'ble Mr. Justice N. Kumar. Mr. Stanley A Boone, Assistant US Attorney, Chief, White Collar Crime Unit Frensno Division USA, Ms. Counselo Maria Challahan,



Ms. Kalpana Reddy, US Embassy, New Delhi, Mr. Stanley A Boone, Ms. Counselo Maria Challahan, Mr. Morrison C. England Jr., Judge, US District Court, California, Mr. Uday Holla, Former Advocate General and Senior Counsel with Hon'ble Mr.

On 18th August, 2012, the Karnataka (India) Section of the International Commission of Jurists conducted "Seminar on the Land Acquisition Bill, 2011" in the Karnataka Judicial Judge, US Court of Appeals for Ninth Circuit, Mr. Morrison C. England Jr. Judge, US District Court, California, Mr. Uday Holla, Former Advocate General and Senior Counsel Ms. Kalpana Reddy, First Secretary for IP, US Embassy, New Delhi, Mr. A.R. Deshpande, Addl. Registrar, Karnataka Lokayuktha addressed the officers.



Mr. Stanley A Boone, Hon'ble Mr. Justice N. Kumar, Hon'ble Mr. Justice N. Santosh Hegde with Ms. Counselo Maria Challahan, Mr. Morrison C. England Jr., and Mr. A.R. Deshpande with the Director, KJA

Academy. Hon'ble Mr. Justice S. Rajendra Babu, Former Chief Justice of India delivered the inaugural address and Hon'ble Chief Justice of Karnataka delivered presidential address.



Hon'ble Mr. Justice Vikramjith Sen, Chief Justice, High Court of Karnataka and Hon'ble Mr. Justice S. Rajendra Babu, Former Chief Justice of India, during the "Seminar on the Land Acquisition Bill, 2011" organized by Karnataka (India) Section of the International Commission of Jurists at Karnataka Judicial Academy on 18th August, 2012

On 15.09.2012 3rd National Workshop on "Drafting of Commercial Agreements" was conducted by ASSOCHAM inassociation with the Academy. Hon'ble Mr. Justice S. Rajendra Babu, Former Chief Justice of India inaugurated the workshop and Hon'ble Justice N.Kumar was the Guest of Honour. Karnataka Judicial Academy in association with Centre for Mental Health Law and Policy, Indian Law Society, Pune, The Banyan Academy of Leadership in Mental Health (BALM), Chennai and The Rangoonwala Foundation (India) Trust, Mumbai, conducted two days workshop for Judicial Officers on Mental

OCTOBER 2012

Health on 13th and 14th October 2012. Hon'ble Justice N.Kumar, inaugurated the function and Hon'ble Justice B.V. Nagarathna presided over the function. Hon'ble Mrs. Justice Prabha Sride-



Hon'ble Mr. Justice N. Kumar with Hon'ble Mrs. Justice B.V. Nagarathn and Prof Jaya Sagade, during inauguration by lighting lamp

van, Chairman, Intellectual Property Appellate Board, Chennai, Prof.Jaya Sagade, Indian Law Society Pune, Dr. K.V. Kishore Kumar, Psychiatrist, NIMHANS, addressed the officers.



Dr. K.V. Kishore Kumar, Psychiatrist, NIMHANS, Hon'ble Mr. Justice N. Kumar and Hon'ble Mrs. Justice B.V. Nagarathna

During "WORKSHOP FOR JUDICIAL OFFICERS ON MENTAL HEALTH" organized by Centre for Mental Health Law and Policy, ILS Pune, The Banyan Academy of Leadership in Mental Health (BALM), Chennai and the Rangoonwala Foundation (India) Trust on 13th and 14th of October, 2012



Hon'ble Mrs. Justice Prabha Sridevan, Chairman, Intellectual Property Appellate Board, Chennai, addressing the participants in the workshop on 14.10.2012



Dr K.V. Kishore Kumar, Hon'ble Mr. Justice N. Kumar, Hon'ble Mrs.Justice B.V. Nagarathna and Prov. Jaya Sagade

(BALM), CHENNAI &



Hon'ble Mr. Justice Vikramjit Sen, Chief Justice of Karnataka and Patron-in-Chief during visit to Karnataka Judicial Academy Campus



Hon'ble Chief Justice of Karnataka and Patron-in-Chief, KJA with Hon'ble Mr. Justice N. Kumar, President, KJA and Hon'ble Mr Justice Ashok B Hinchigeri , Honble Mr. Justice B.V. Pinto, Board of Governors ,KJA

KARNATAKA JUDICIAL ACADEMY

GOVERNANCE

Hon'ble Mr. Justice Vikramjit Sen

Patron-in-Chief, Karnataka Judicial Academy Hon'ble Chief Justice, High Court of Karnataka

President

Hon'ble Mr. Justice N. Kumar

Hon'ble Mr. Justice Ashok B. Hinchigeri

Hon'ble Mr. Justice A.S. Bopanna

Hon'ble Mrs. Justice B.V. Nagarathna

Hon'ble Mr. Justice B.V. Pinto

Board of Governors



