

decision reservation for superspeciality courses in medicine have been held as invalid and impermissible. In another decision, it has been held that at the time of second promotion the seniority between reserved category candidate and general candidate shall be governed by their panel position prepared at the time of initial appointment/selection. These

and other decisions have circumscribed the expanding dimensions of OBC-reservation due to which another constitutional amendment nullifying their effects is in the pipeline. One must hope that the recently declared Commission for Constitutional Review would look into the hitherto performance of this remarkable vehicle of social justice.

**SHORT NOTE ON BALAMANI V. SENIOR SUPERINTENDENT OF
POST OFFICES AND OTHERS, AIR 2008 AP 181 = 2008 (4) ALD 401**

By

—Justice P.S. NARAYANA,
High Court of A.P.,
Hyderabad

In this matter the writ petitioner filed a writ petition praying for issuance of writ of *mandamus* directing respondents 1 and 2 to accord registration of the Journal “Law Animated World” being published by the writ petitioner and certain other appropriate reliefs.

The learned Judge of the A.P. High Court had dealt with Section 9 of the Post Office Act, 1898, and came to the conclusion that the grievance of the writ petitioner that the publication of the writ petitioner had not been allowed the benefit as a registered newspaper is thoroughly justified and accordingly allowed the writ petition. The learned Judge observed that the expression “news” need not be confined for the purpose of appreciation as only relating to topics of political interests/questions or political debates. Any information on recent events and current affairs is liable to be understood as “news”. Undoubtedly, law being an embodiment of moral sentiment of the people, anything concerning it, becomes a matter of news. Since good laws make it easier to do certain things right and also simultaneously make harder to do certain things, which are wrong, it evokes and

generates lot of public interest. In that sense of the matter, any event of reporting about such information, which is hitherto not known either in such complete form or shape, also answers the definition of “news”. The learned Judge also had referred to certain definitions under sub-section (2) of Section 9 of the Act aforesaid and also further referred to Sections 4 and 7 of the Act apart from Section 9 of the Act and further had dealt with the meaning of the expression “news” in the context of dictionary meaning as well and ultimately arrived at the conclusion that the writ petitioner is entitled for the reliefs prayed for in the writ petition.

Journalism is an important intellectual field and Legal Journalism is no exception thereto. Legal Journalism is having several peculiarities when compared to the Journalism in ordinary sense. The importance of the Law Reports reporting of judgments had fallen for consideration before Courts only in a couple of decisions. This decision is an important decision in the context of Legal Journalism.

I have been in the habit of visiting respective Courts in different States of this

country. I am surprised to see that the Indian Law Reports series are not being run by different States for several reasons. I am not interested in discussing the merits or demerits of these decisions taken by the concerned States and concerned High Courts, but the fact remains that despite a Legislation governing the field the Indian Law Reports are not being run in several States and in a couple of States, in fact, they had closed down. This in a way had paved the way of private law journals predominantly holding the field of Legal Journalism. The same appears to be even in the publication of decisions of the Apex Court.

Legal Journalism also is an important facet of efficient administration of justice. In my view, this is a wing which is to be supervised and well protected in the interest of administration of justice. The importance of the Precedent Law in delivering judgments needs no emphasis being well known. There is a general feeling that this wing, Legal Journalism in a way is a neglected wing. May be, there may be so many reasons both explainable and unexplainable as well.

As usual if the journals are run by Public Administration, such journals suffer from certain ills. May be that these ills are more concerned with the commercial element involved in running of such journals. Since standard law journals play a vital role in the administration of the judicial system, the commercial element be ignored and the Public Administration may have to shoulder the responsibility of running the standard Law Journals so as to cater the needs of the Bench, the Bar, the judicial institutions and the Academic institutions concerned with the same as well.

Precedent Law plays a very vital role in the judicial system. In this view, reporting of judgments by Law Journals would assume lot of importance since the Bar, the Bench and the Public as well may have to depend

upon these Law Journals only for the purpose of knowing what is the latest legal position relating to a particular point. The Legal Professionals are expected to carefully follow the reported judgments and equip themselves will in this regard for the purpose of putting forth their arguments effectively before the Courts of Law. No doubt, factual aspects are very relevant, and equally so, the questions of law.

As a Legal Professional, as an Author, as an Editor and as a Judge, in my experience I came across several important judgments, which were left unreported. It is also pertinent to note that even the subsequent judgments delivered on the strength of such unreported judgments are again being left unreported due to several reasons and it is really unfortunate that in certain cases because of this position, the Bar is unable to cite such judgments and the Bench also, for want of time or otherwise, is unable to refer to such unreported judgments though important questions of law had been decided in such cases. Hence, the Editors of these Law Journals are expected to be careful and cautious in seeing that such judgments are promptly reported.

It is no doubt true that on the same point, there will be several repetitive judgments by several of the learned Judges. It may be that the Editor may feel that such settled principles need not be reported repeatedly. In my experience I do come across non-reporting of certain important judgments, which can be said to be rare judgments. Courts are expected to decide questions, which are germane to a particular litigation. At certain times, rare questions do arise for consideration only on a couple of cases. It is no doubt true that the questions decided in such matters may also very rarely arise for consideration before Courts of Law. It is pertinent to note if such decisions are left unreported, there may not be a reported decision at all on a particular point.

Yet another aspect is the difficulty in publishing judgments, which are very lengthy. Law Journals at certain times definitely do hesitate to publish such lengthy judgments for want of space. In view of the importance of these judgments, it would be inevitable and the Journals may have to publish the same. In certain judgments, the evidentiary details, which may not throw much light, may run into pages and pages. In such cases, the Editor may exercise the discretion of reporting the material portion of the judgment by virtue of which the legal principles enunciated therein may be well understood by the concerned. If reporting of lengthy judgments is not possible, such judgments can be reported in short form. A reported judgment may fall under different Acts. The same point also may fall under different Acts. It is always better to show this judgment under each of such Acts. On several occasions busy professionals do not even find time to search for the decisions since they would be otherwise occupied by other professional work.

We, no doubt, remember the decision and the point but human memory varies from individual to individual and hence in the present expanded field of law and reported judgments in relation thereto it would be difficult to lay our hands on a particular decision immediately. We come across decisions while dealing with matters in a different context which we could not have been successful in tracing out in exact time of need. These are the usual practical problems. Even on verification of Digest at certain times it would be difficult to pick up the citation. The reason being, it would be under a head, which we won't expect, or at certain times under wrong heads too. Sufficient care to be taken by the Editors and the assisting staff of a Journal in this regard so as to make it easy to the Bar and Bench to catch the decision by an easy glance.

Editorial excellence and cautious editorial note are essential requirements of Legal

Journalism. A reported judgment may involve several points. The Editor of a Law Journal is expected to cautiously and carefully follow the judgment for the purpose of giving the Editorial Note. Editorial Note always should be clear and should be never misleading.

Many a time we come across Editors leaving several important points and highlighting only a few of them. There are certain cases where the Editorial Note would be different from the text of the judgment. In this view of the matter, a few of the Law Journals are considered to be of higher standard though all the Journals just reproduce the judgments. This is the area where the Editors are expected to be careful. Care to be taken to see that judgments are reported to be useful not only to those practising in Higher Courts, but also practising in Mofussils. Quite often complaints would be received from the subscribers in this regard.

While reporting judgments, several mistakes creep in- whether it is the mistake in the original judgment, mistake in the L.R. copy, printer's devil or any other like mistake, several spelling mistakes also would occur. Therefore, careful proof reading also may be essential.

While publishing the articles, several views would be expressed. Some views would be more critical too. If the comment is only a fair comment about a particular judgment, nothing prevents a Law Journal from publishing such articles. In my experience, I do come across contribution of certain articles containing untenable scandalous and like remarks and such articles and publication thereof may have to be avoided. Tracing the march of law would be definitely convenient and certain Law Journals are adopting this procedure.

It is needless to say that Legal Journalism is well known in almost all the countries and the improvement of this field in our country

is traceable from the early Indian Cases (IC) and Moore Indian Appeals till this day, which is remarkable and appreciable as well.

This decision *Balamani v. Senior Superintendent of Post Offices and others*, AIR 2008 AP 181 =

2008 (4) ALD 401, is a notable decision in the field of Legal Journalism wherein it was specifically observed that a Journal which is sought to be brought about for the purpose of propagating judgments rendered by various Courts is a publication of news and current topics.

**IMMENSE NEED AND NECESSITY TO ENHANCE PECUNIARY
JURISDICTION OF CIVIL COURTS AND MAKE NECESSARY
AMENDMENTS TO VARIOUS SECTIONS OF A.P. CIVIL COURTS
ACT, 1972 (AP ACT NO.19 OF 1972)**

By

—VARAHAGIRI PRASADA RAO, B.Sc., (Hon.) B.L.,
ADVOCATE,
Bobbili, Vizianagaram District, A.P.

It is the constitutional desire, nay mandate, that the persons, who are responsible for administration of justice, must endeavour themselves in such a way that justice to the door-steps of the needy must not only appear to be taken but must actually be rendered to them with less expense just like the other two wings of the State, to wit, the Legislature and the Executive and also be within the easy and amenable reach of the common man. It is not my endeavour in this present article to suggest means as to how best the State can take effective measures to ameliorate the existing evils rampantly prevailing in the other two functionaries of the State, to wit, the Executive and the Legislature. In this present article. I want to draw the attention of the law-makers to pay little of their precious time to consider about the immense necessity to interfere and do the needful in the interests of poor litigant public in the field of the administration of justice.

2. It is the constitutional mandate under Article 214 of the Constitution of India that there should be a High Court for each State, but, to meet the demands of litigant public,

permanent Benches of High Court have been allowed to be notified by the President (Rashtrapathi, the Executive-in-chief) under the same Article in various States, not in Andhra Pradesh which have been upheld by Apex Court.

3. Likewise, District Judges have to be appointed for each district in every State by the Governor of the State in consultation of the High Court of such State under Article 233 of the Constitution of India, but, depending upon the needs and necessities, the Governor can appoint Additional District Judges to any district.

4. Likewise, the States are given power under Section 10 of AP Civil Courts Act, 1972 (AP Act 19 of 1972) to establish, by notification, and in consultation with the High Court, District Courts for the districts within the territories of the State and also appoint Additional District Judges under Section 11 of Act 19 of 1972 one or more to the District Court, again depending upon the exigencies and necessities of the local public. So, also, the Government establish, after consultation with the High Court, by