

# Paramount Law Times Newsletter



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**Dr. S. K. Kapoor**  
*Ved Ratan*

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**Nishant Ahlawat**  
**Cyber Law practitioner**

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**Deepak Girdhar**  
**L.L.B Final Year Student**

## **WELCOME ANNOUNCEMENT**

**State Judicial Services preparations  
Guidance facility**

Finding necessity for guidance for all those preparing for State Judicial Services Competitions Examinations, Paramount Law Consultants Ltd. has decided to help with valuable guidance. Interested persons are welcome.

**Legal Audit and Moral Audit  
Services**

Paramount Law Consultants Ltd., Delhi has completed its research and is taking up legal audit and moral audit services for the Corporates.

**Subhash Nagpal**  
Chairman  
Paramount Law Consultants Ltd., Delhi

## **VILLAGE COURTS-2**

**Dr. S. K. Kapoor**  
*Ved Ratan*

### **First Step Functional set up**

1. Infrastructure in the form of courtroom, court staff and functional apparatus like computer and all that is first basic step for functional set up of Village Courts.

### **Village courts Judges**

2. The real challenge to have functional Village Courts would be there in selection and training of Village Court judges.
3. Village courts at one end and District & Sessions court at other end are being at different functional platforms, as such Village Courts Judges Cadre and District & Sessions Judges Cadre, naturally are to be of different functional values expression.
4. District & Sessions Judges Cadre is going to be covered under All India Cadre, while Village Courts Cadre is to remain a 'State' Cadre.

### **Cause lists and Dockets of Village Courts**

5. The causes which shall be having central place in cause lists dockets of Village Courts would be centered around local demarcation issues, land matters issues, utility services issues and expectation issues from functionaries like Village Chowkidar, Village Head Constable, Panchayat Secretary, Patwari, Ration Depot holder, Primary Health Officer, Village Panchayat, Electricity supplier, Grain Market and the like.
6. Some traditions based conflicts. Some family peace disturbance causes, misconduct, torts and other very small small irritants causes would require immediate attention and adjudications. Reconciliatory and Mediation forums availability, legal aid, legal literacy like issues as well would be the real matters of Village Courts Jurisdiction.

### **Job of execution of processes of District Courts**

7. One another very big assignment which would be with the Village Courts is going to be to have execution of the processes of District Courts.
8. With the placement of village courts establishment, much of the time energy and money going wasted in execution of the processes of District Courts would be checked and avoided. And, this service of Village Courts establishment would prove to be of great help for expediting the adjudications at District Courts level.

### **Need of village courts specific procedure codes**

9. The nature of duties to be assigned to village courts and functional expectation from them would require that there shall be village Courts specific procedure codes.
10. This assignment of settlement of village courts specific procedure codes is challenging one.

### **Law and procedures research institute**

11. This assignment deserve to be entrusted to experts, infact there would be a need to establish village courts laws and procedures research institute on permanent basis under the statute of state law. The prime assignment of this institute shall be to institutionalize and professionalize the functional systems of village courts.

..... to be continued



## **CYBER WORLD**

### **FUNDAMENTALS OF AN E-WILL**

**Nishant Ahlawat**

#### **Introduction**

1. In my last write up I discussed issues with respect to an individual's usage of computing devices, internet, technology, valuable /commercial aspect attached to such usage and effect of such individuals death on assets so created. I further inferred and suggested importance of creating an exhaustive 'E-Will' defining how and to whom assets so created by an individual user shall be transferred after life time of such a user.
2. Departing of a loved one is always a very rough time and experience for bereaved family and relations. In absence of a defined structure and mechanism for transfer of rights to the belongings, properties and assets of such an individual, scenario becomes far more painful for such family and relations.

#### **Important**

3. Be it physical property/assets or virtual property, assets, data etc., it is always advisable for every person who has attained majority to make a will or wills detailing and defining structure and mechanism for handing over of such valuable assets to nominated beneficiary (ies).

#### **Practice**

4. While in case of conventional properties it is already an established practice, however for dissemination of virtual properties and assets, it is still a very naïve concept.
5. Most important aspect for virtual properties, assets and data is the detailing of all such existing properties. Reason for it being so important is the absence of mechanism to identify of lot many of such assets in absence of descriptions. Ideally you may know about popular email account(s), social network profile, twitter handles etc but you may not know the assets/ gaming money he/ she may have purchased in virtual world gaming, number and amount of money saved in e- wallets, source code and other such important files saved on clouds.
6. As stated above and as can be well inferred all such assets are of extremely high valuation to bereaved family member(s) /relations.

### **Ingredients of and e-will**

7. Once an individual has decided to make an e-will, he/she should firstly list down and detail all of existing accounts, assets, cloud services, software subscriptions, e-wallets etc. and decide on the following lines as that:
  - a. Which data that is too personal and individual wishes the same to be destroyed after death?
  - b. Which secured data stored on storage devices or clouds to be handed over to which relations and in what manner?
  - c. Access to which virtual account be given to whom?
  - d. If it is not in conflict of policy and terms of services of service provider can (regularly updated) passwords or reset structure can be kept safe with an attorney/custodian and in contingency of death be shared with beneficiary?
  - e. What virtual money, gaming currency capable of being converted in to real money be divided in to what proportion and who will benefit from same?
  - f. Also in case of huge data base maintained by such individual, detailing in same or separate/ independent documents about contents of important files stored in such virtual accounts.
  
8. The said list is not exhaustive but suggestive of points of consideration at time of drafting of such e-will.

### **Expert Assistance**

9. Besides, in executing one or more of such wills to testament the distribution of assets and virtual properties, advise and services of an expert cyber law practitioner should be taken into account for streamlining the documents in accordance with after death policies (if they exists) of various service providers and also as per the law of lands and territories whose jurisdictions are involved for execution of the said will.

For queries, suggestion and  
feedback contact me on  
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**KNOW MORE ABOUT INDIAN JUDICIARY****Establishment of High Courts in India**

Deepak Girdhar

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In 1866, first high Court (Allahabad High Court) was established. At present, as many as 24 High Courts are there in India. Latest establishment of High Court is of Uttarakhand High Court in year 2000. The following tabulated information is being reproduced from the website of Wikipedia.org.

| Sn | Court name                            | Established     | Act established                           | Jurisdiction   | Seat      | Benches                     | Jud . | Chief Justice                              |
|----|---------------------------------------|-----------------|---|--|-----------|-----------------------------|-------|--|
| 1  | Allahabad High Court                  | 11 June 1866    | Indian High Courts Act 1861               | Uttar Pradesh  | Allahabad | Lucknow                     | 95    | Hon'ble Justice Dhana njaya Y. Chandrachud |
| 2  | High Court of Judicature at Hyderabad | 5 July 1954     | Andhra State Act, 1953                    | Andhra Pradesh, Telangan a state                         | Hyderabad |                             | 39    | Hon'ble Justice Kalya n Jyoti Sengupta     |
| 3  | Bombay High Court                     | 14 August 1862  | Indian High Courts Act 1861               | Maharashtra, Goa , Dadra and Nagar Haveli, Daman and Diu | Mumbai    | Nagpur, Pan aji, Aurangabad | 60    | Hon'ble Justice Mohit Shantilal Shah       |
| 4  | Calcutta High Court                   | 2 July 1862     | Indian High Courts Act 1861               | West Bengal, Andaman and Nicobar Islands                 | Kolkata   | Port Blair (circuit bench)  | 63    | Hon'ble Justice Arun Kumar Mishra          |
| 5  | Chhattisgarh High Court               | 11 January 2000 | Madhya Pradesh Re-organisatio n Act, 2000 | Chhattisgarh   | Bilaspur  |                             | 12    | Hon'ble Justice Yatin dra Singh            |
| 6  | Delhi High Court[3]                   | 31 October 1966 | Delhi High Court Act, 1966                | National Capital Territory of Delhi                      | New Delhi |                             | 43    | Hon'ble Justice G. Rohini                  |

|    |                              |                  |  |   |                     |   |    |  |
|----|------------------------------|------------------|--|---|---------------------|---|----|--|
| 7  | Gauhati High Court[4]        | 1 March 1948     | Government of India Act, 1935                    | Arunachal Pradesh, Assam, Nagaland, Mizoram | Guwahati            | Kohima, Aizwal, Itanagar                    | 27 | Hon'ble Justice Abhay Manohar Sapre          |
| 8  | Gujarat High Court           | 1 May 1960       | Bombay Reorganisation Act, 1960                  | Gujarat                                     | Ahmedabad           |   | 42 | Hon'ble Justice Bhaskar Bhattacharya         |
| 9  | Himachal Pradesh High Court  | 1971             | State of Himachal Pradesh Act, 1970              | Himachal Pradesh                            | Shimla              |   | 09 | Hon'ble Justice Mansoor Ahmad Mir (acting)   |
| 10 | Jammu and Kashmir High Court | 28 August 1943   | Letters Patent issued by the Maharaja of Kashmir | Jammu & Kashmir                             | Srinagar & Jammu[5] |   | 14 | Hon'ble Justice Mahesh Mittal Kumar          |
| 11 | Jharkhand High Court         | 15 November 2000 | Bihar Reorganisation Act, 2000                   | Jharkhand                                   | Ranchi              |   | 12 | Hon'ble Justice Smt. R. Banumathi            |
| 12 | Karnataka High Court[6]      | 1884             | Mysore High Court Act, 1884                      | Karnataka                                   | Bengaluru           | Circuit Benches at Hubli-Dharwad & Gulbarga | 40 | Hon'ble Chief Justice D.H. Waghela           |
| 13 | Kerala High Court[7]         | 1956             | States Reorganisation Act, 1956                  | Kerala, Lakshadweep                         | Kochi               |   | 40 | Hon'ble Justice Smt. Manjula Chellur         |
| 14 | Madhya Pradesh High Court[8] | 2 January 1936   | Government of India Act, 1935                    | Madhya Pradesh                              | Jabalpur            | Gwalior, Indore                             | 42 | Hon'ble Justice Ajay M. Khanwilkar           |
| 15 | Madras High Court            | 15 August 1862   | Indian High Courts Act 1861                      | Tamil Nadu, Pondicherry                     | Chennai             | Madurai                                     | 47 | Hon'ble Justice Satish K. Agnihotri (acting) |
| 16 | Manipur High Court           | 25 March 2013    | North-Eastern Areas (Reorganisation) and Other   | Manipur,                                    | Imphal              |   | 03 | Hon'ble Justice L.K. Mohapatra (acting)      |

|    |                                  |                  |   |                             |            |        |    |  |
|----|----------------------------------|------------------|---|-----------------------------|------------|--------|----|--|
|    |                                  |                  | Related Laws (Amendment) Act, 2012  |                             |            |        |    |  |
| 17 | Meghalaya High Court             | 25 March 2013    | North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 | Meghalaya,                  | Shillong   |        | 03 | Hon'ble Justice Prafulla Chandra Pant    |
| 18 | Orissa High Court                | 3 April 1948     | Orissa High Court Order, 1948   | Odisha                      | Cuttack    |        | 27 | Hon'ble Justice Adarsh Kumar Goel        |
| 19 | Patna High Court                 | 2 September 1916 | Government of India Act, 1915   | Bihar                       | Patna      |        | 43 | Hon'ble Justice Ms. Justice Rekha Doshit |
| 20 | Punjab and Haryana High Court[9] | 8 November 1947  | High Court (Punjab) Order, 1947   | Punjab, Haryana, Chandigarh | Chandigarh |        | 53 | Hon'ble Justice Sanjay Kishan Kaul       |
| 21 | Rajasthan High Court             | 21 June 1949     | Rajasthan High Court Ordinance, 1949  | Rajasthan                   | Jodhpur    | Jaipur | 40 | Hon'ble Justice Amitava Roy              |
| 22 | Sikkim High Court                | 16 May 1975      | The 36th Amendment to the Indian Constitution                                     | Sikkim                      | Gangtok    |        | 03 | Hon'ble Justice Narendra Kumar Jain      |
| 23 | Tripura High Court               | 26 March 2013    | North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012 | Tripura                     | Agartala   |        | 04 | Hon'ble Justice Deepak Gupta             |

|    |                        |                 |  |             |          |  |    |                             |
|----|------------------------|-----------------|--|-------------|----------|--|----|-----------------------------|
| 24 | Uttarakhand High Court | 9 November 2000 | Uttar Pradesh Reorganisation Act, 2000 | Uttarakhand | Nainital |  | 09 | Hon'ble Justice Barin Ghosh |
|----|------------------------|-----------------|--|-------------|----------|--|----|-----------------------------|

