



# The Supreme Court of India

ANNUAL REPORT **2014**



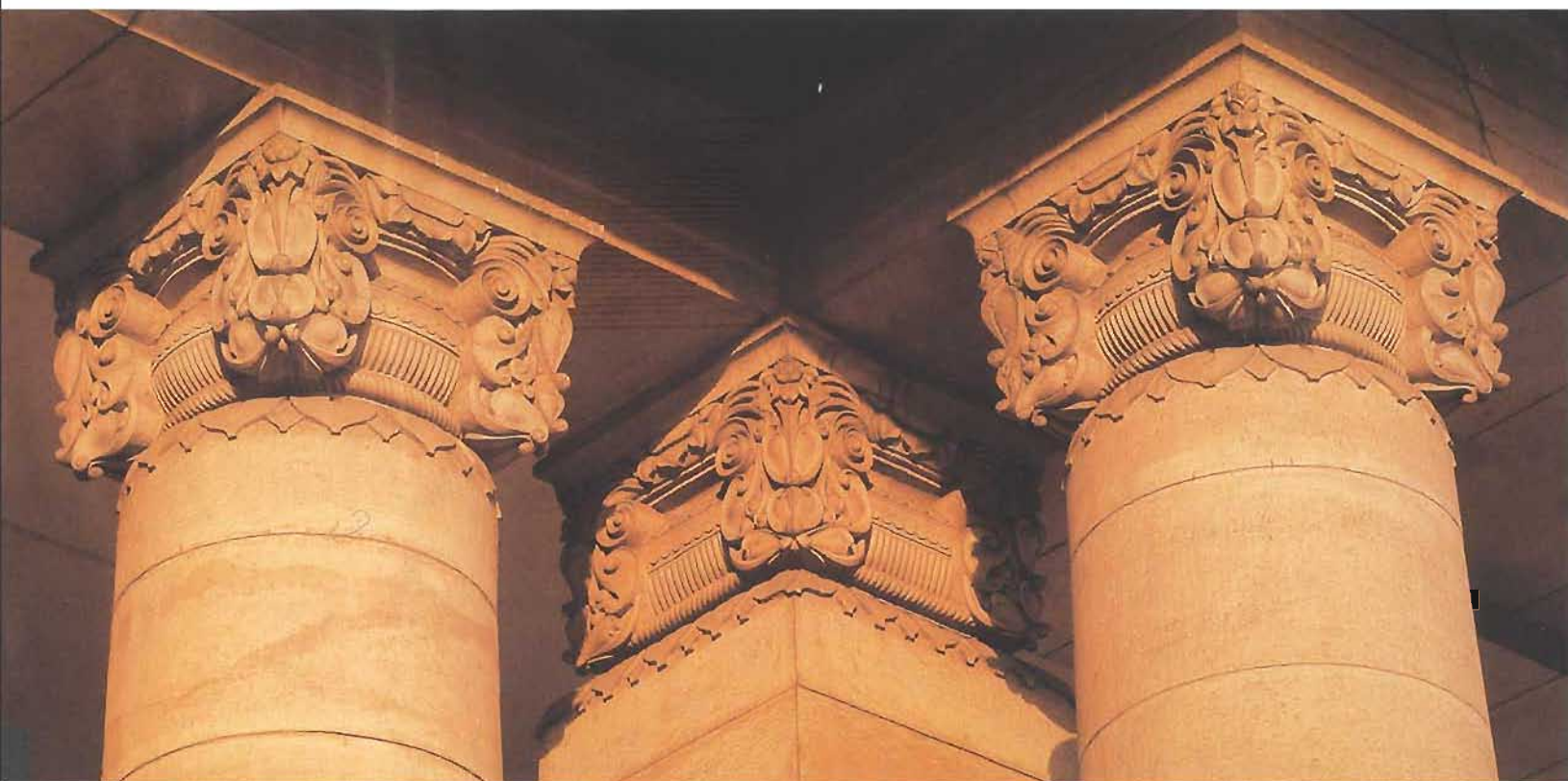
# THE SUPREME COURT OF INDIA

## Annual Report 2014

(Published by the Supreme Court of India)







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# FROM THE DESK OF THE CHIEF JUSTICE OF INDIA

*The Supreme Court of India has completed 65 years as a custodian of Constitution of India. The review of 65 years of its existence reflects that this Court has discharged its responsibilities of upholding the spirit of the Constitution magnificently. The success of Indian Judiciary on the Constitutional front is unparalleled and its contribution in enlarging and enforcing human rights is universally appreciated. Indian Courts are held in high esteem not only by developing, but, by developed countries as well. It is time to weigh the contribution of this Court made to the cause of justice and its efforts in balancing the diverse interests and upholding the sovereignty and integrity of India.*

*The purpose of Annual Report is to highlight the organization's accomplishments as a whole. The first Annual Report of Supreme Court of India was released in the year 2003-04 and thereafter, the successive Annual Reports were published every year till the year 2008-09 both in "Print" and "Online" version. It is signifying to note that the Annual Report published earlier by the Supreme Court were received well by one and all, not only within the country, but also at international level.*

*In a democratic system of governance, information is empowerment since it promotes transparency, integrity and accountability. Free flow of information not only enlightens our people, but it also enables them to form an informed opinion on the functioning and efficacy of our Public*



*Institutions. It is because of this reason the decision to republish the "Annual Report" of the Court has been taken.*

*It would not be a very tall claim when we say that no other judicial institute in the world has acquired the kind of respect, credibility and faith of the people anywhere else in the world in a short span of 65 years as the Indian Supreme Court. An Overview of the Supreme Court, its jurisdiction and activities on the judicial as well as on the administrative side have been documented in this Annual Report for the benefit of legal fraternity.*

*In order to make the judicial system more effective, computerization has been introduced at all levels in the Court. Chapter 6 reflects the computerization activities in the Registry to facilitate the effective and speedy justice.*

*The Supreme Court has extended its frontiers by taking an active role in judicial training and legal education through National Judicial Academy (**NJA**), Bhopal and Indian Law Institute (**ILI**), New Delhi. **NJA**, Bhopal is organizing the continuing Legal Education programs for the Judges so that they can serve the people more effectively by updating themselves in the new emerging areas of law. Activities of the **NJA**, Bhopal and **ILI**, New Delhi in the field of Judicial Training and Legal Education respectively have also been included in this monograph.*

*The continuing need to access to justice in Indian society requires adoption of both modern and traditional processes better suited to Indian conditions. The Legal Services Authority at all levels is making vigorous efforts to encourage reliance on Alternative Dispute Resolution (ADR) methods. Special emphasis has been placed on the organization of Lok Adalats to provide a convenient forum for resolving disputes pertaining to accident compensation claims, family disputes and deficiency in the delivery of public utility services. Civil Judges are also statutorily empowered to refer ongoing cases for their resolution through methods such as Mediation, Negotiated Settlements and Permanent Lok Adalats. Activities of NALSA, Supreme Court Mediation and Conciliation Project Committee and Supreme Court Legal Services Committee have been enumerated in this Report for the awareness and benefit of legal fraternity.*

*In the end, I would like to express my deep gratitude for the contributions made by my Brother and Sister Judges in upholding the tradition of this great institution. I must also congratulate the Judges of the High Courts and the members of the Subordinate Judiciary whose tireless efforts have kept the faith and hope of the people alive in our judicial system. The commendable service being rendered by officers and staff members of the Registry is also worth recognition. I would like to express my gratitude to the Members of the Bar for their valuable contribution in the proper discharge of the functions of this Court. I am sure, the goal of speedy justice to the needy can be achieved by collective efforts and thinking of the three pillars of the State i.e. the Executive, the Legislature and the Judiciary, with combined and concerted efforts of the Bench and the Bar.*

*I deem it my proud privilege to release the Annual Report 2014 of the Supreme Court of India.*



**H.L. Dattu**

Chief Justice of India

New Delhi, March 11, 2015

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# Supreme Court Bench- A Profile\*



\* As on 12/02/2015





# **JUSTICE H.L. DATTU**

## **Chief Justice of India**

Born on December 03, 1950. Enrolled as Advocate on October 23, 1975. Practiced at Bangalore in Civil, Criminal, Constitutional and Taxation matters. Was High Court Government Pleader for Sales Tax Department from 1983 to 1990, Government Advocate from 1990 to 1993, Standing Counsel for Income Tax Department from 1992 to 1993 and Senior Standing Counsel for Income Tax Department from 1993 to 1995. Appointed as Judge of the High Court of Karnataka on December 18, 1995. Appointed as Chief Justice of the High Court of Chhattisgarh on February 12, 2007. Transferred to the High Court of Kerala and assumed charge of the Office on May 18, 2007.

Appointed as a Judge of the Supreme Court of India on December 17, 2008. Elevated as the Chief Justice of India on September 28, 2014 and is Chairman, National Judicial Academy; Patron-in-Chief, National Legal Services Authority; President, Indian Law Institute; President, ILA, Regional Branch, India; Chancellor, National Law School of India University, Bangalore; Chancellor, West Bengal National University of Juridical Sciences, Kolkata; Pro-Chancellor, University of Delhi; Visitor, Hidayatullah National Law University, Raipur, Chhattisgarh; Visitor, National Law School University, Jodhpur and Visitor, Dr. Ram Manohar Lohia National Law University, Lucknow, Uttar Pradesh.

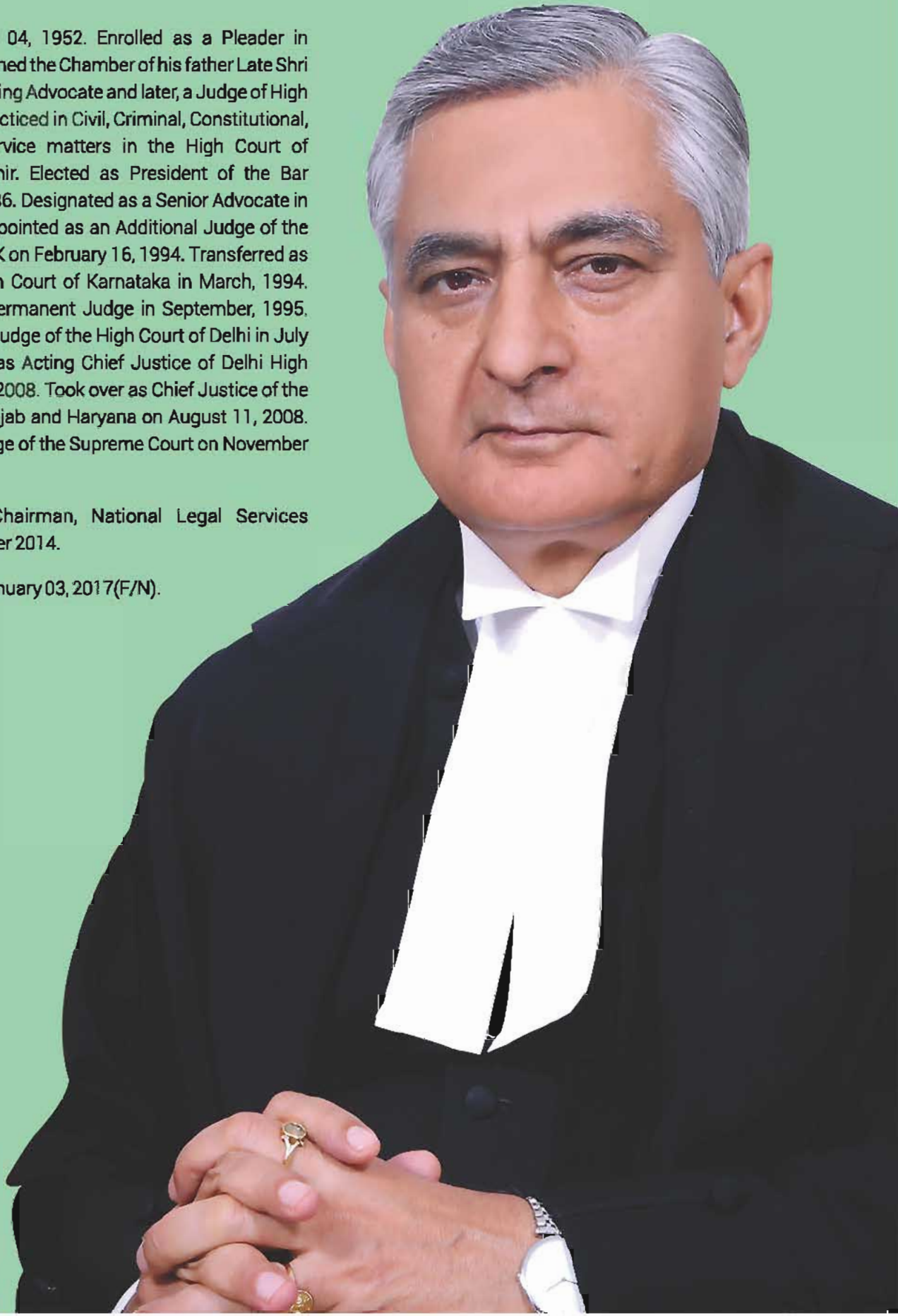
Due to retire on December 03, 2015 (F/N)

# JUSTICE T.S. THAKUR

Born on January 04, 1952. Enrolled as a Pleader in October, 1972. Joined the Chamber of his father Late Shri D.D. Thakur, a leading Advocate and later, a Judge of High Court of J & K. Practiced in Civil, Criminal, Constitutional, Taxation and Service matters in the High Court of Jammu & Kashmir. Elected as President of the Bar Association in 1986. Designated as a Senior Advocate in the year 1990. Appointed as an Additional Judge of the High Court of J & K on February 16, 1994. Transferred as Judge of the High Court of Karnataka in March, 1994. Appointed as a permanent Judge in September, 1995. Transferred as a Judge of the High Court of Delhi in July 2004. Appointed as Acting Chief Justice of Delhi High Court on April 09, 2008. Took over as Chief Justice of the High Court of Punjab and Haryana on August 11, 2008. Elevated as a Judge of the Supreme Court on November 17, 2009.

Took over as Chairman, National Legal Services Authority in October 2014.

Due to retire on January 03, 2017(F/N).

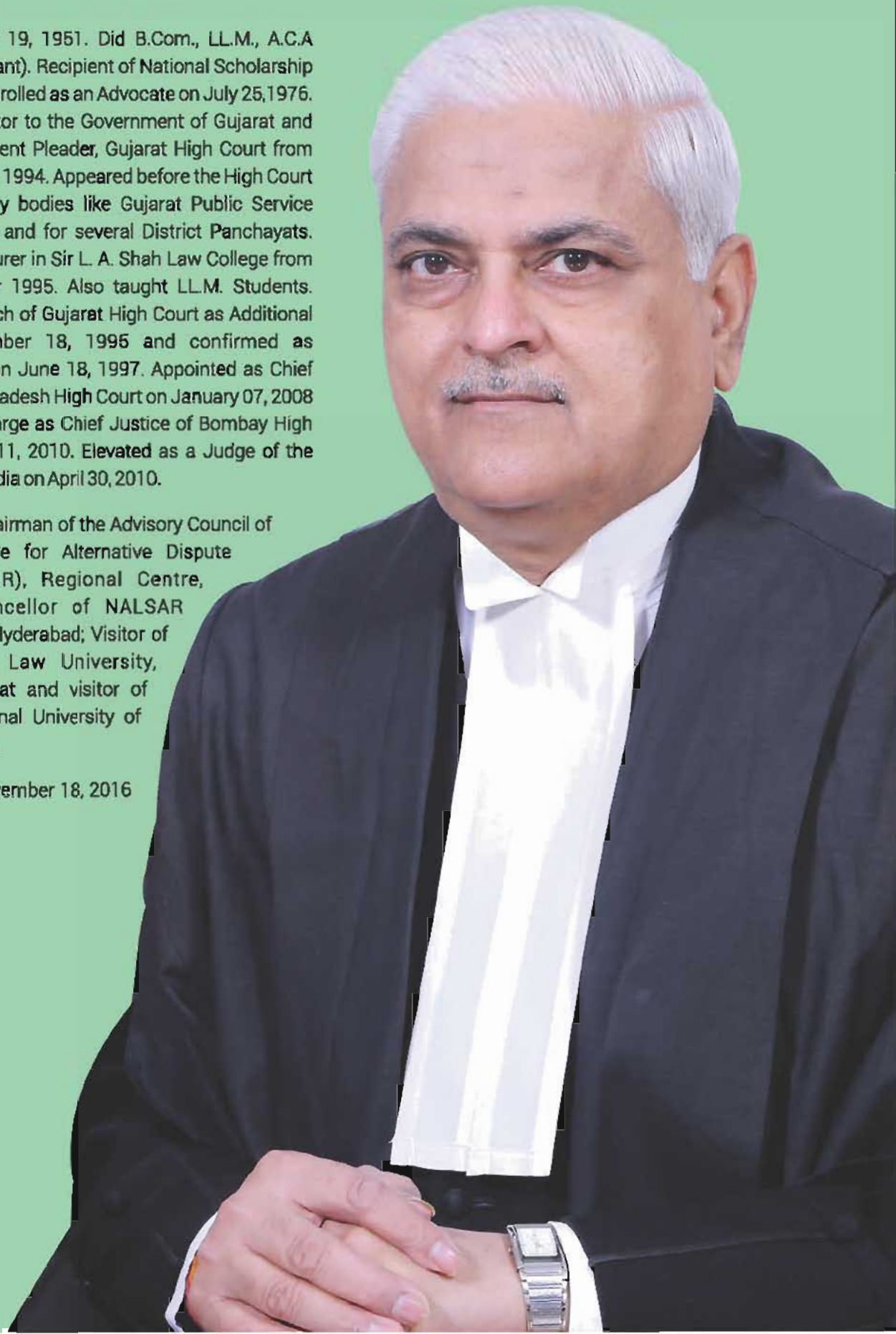


# JUSTICE ANIL R. DAVE

Born on November 19, 1951. Did B.Com., LL.M., A.C.A (Chartered Accountant). Recipient of National Scholarship for LL.M. Studies. Enrolled as an Advocate on July 25, 1976. Appointed as Solicitor to the Government of Gujarat and Additional Government Pleader, Gujarat High Court from April 1986 to August 1994. Appeared before the High Court for several statutory bodies like Gujarat Public Service Commission, GEER and for several District Panchayats. Was part-time Lecturer in Sir L. A. Shah Law College from 1976 to September 1995. Also taught LL.M. Students. Elevated to the Bench of Gujarat High Court as Additional Judge on September 18, 1995 and confirmed as Permanent Judge on June 18, 1997. Appointed as Chief Justice of Andhra Pradesh High Court on January 07, 2008 (F/N). Assumed charge as Chief Justice of Bombay High Court on February 11, 2010. Elevated as a Judge of the Supreme Court of India on April 30, 2010.

Was Patron and Chairman of the Advisory Council of International Centre for Alternative Dispute Resolution (ICADR), Regional Centre, Hyderabad; Chancellor of NALSAR University of Law, Hyderabad; Visitor of Gujarat National Law University, Gandhinagar, Gujarat and visitor of Rajiv Gandhi National University of Law, Patiala, Punjab.

Due to retire on November 18, 2016 (F/N).

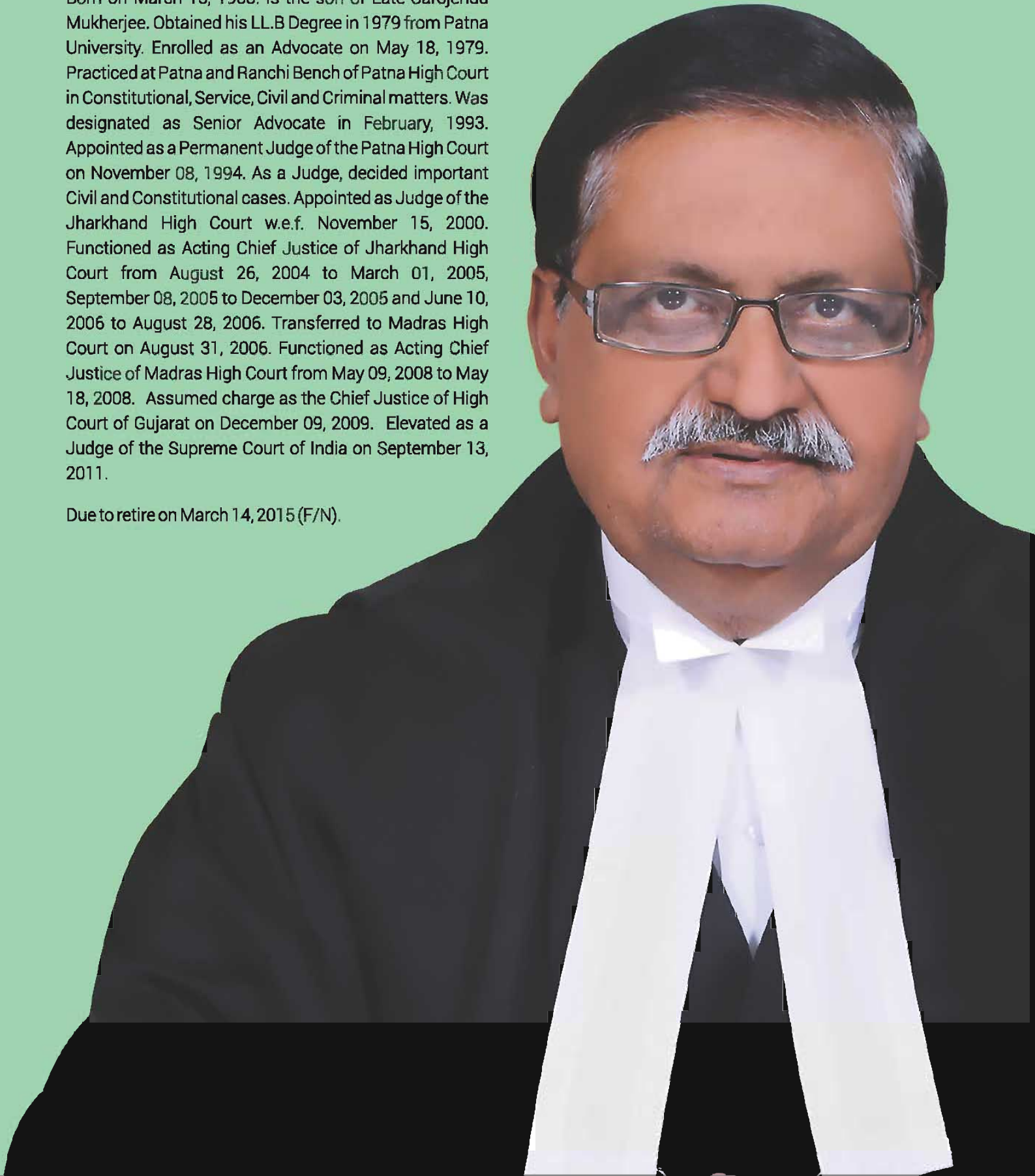




# JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

Born on March 15, 1950. Is the son of Late Sarojendu Mukherjee. Obtained his LL.B Degree in 1979 from Patna University. Enrolled as an Advocate on May 18, 1979. Practiced at Patna and Ranchi Bench of Patna High Court in Constitutional, Service, Civil and Criminal matters. Was designated as Senior Advocate in February, 1993. Appointed as a Permanent Judge of the Patna High Court on November 08, 1994. As a Judge, decided important Civil and Constitutional cases. Appointed as Judge of the Jharkhand High Court w.e.f. November 15, 2000. Functioned as Acting Chief Justice of Jharkhand High Court from August 26, 2004 to March 01, 2005, September 08, 2005 to December 03, 2005 and June 10, 2006 to August 28, 2006. Transferred to Madras High Court on August 31, 2006. Functioned as Acting Chief Justice of Madras High Court from May 09, 2008 to May 18, 2008. Assumed charge as the Chief Justice of High Court of Gujarat on December 09, 2009. Elevated as a Judge of the Supreme Court of India on September 13, 2011.

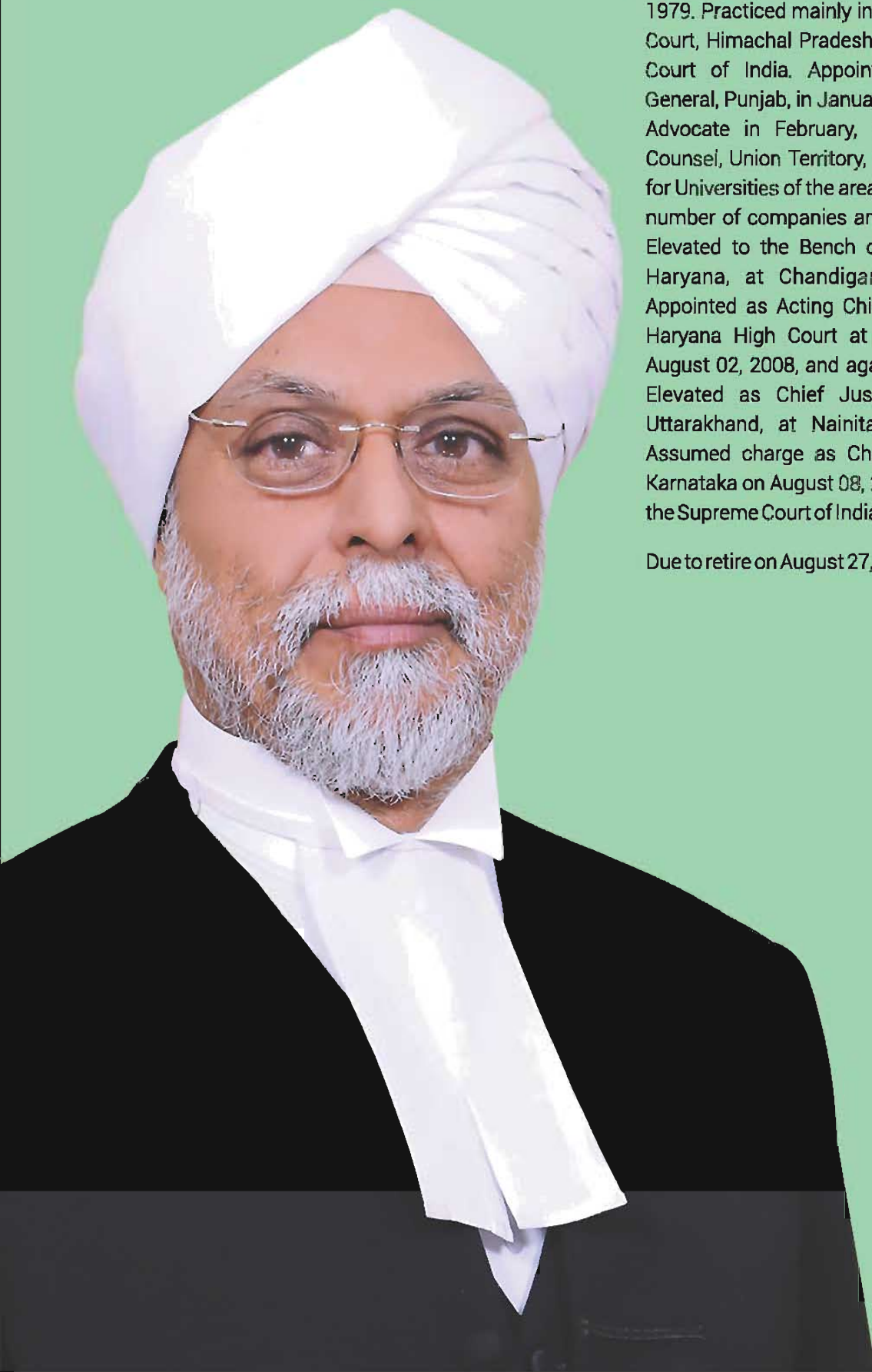
Due to retire on March 14, 2015 (F/N).



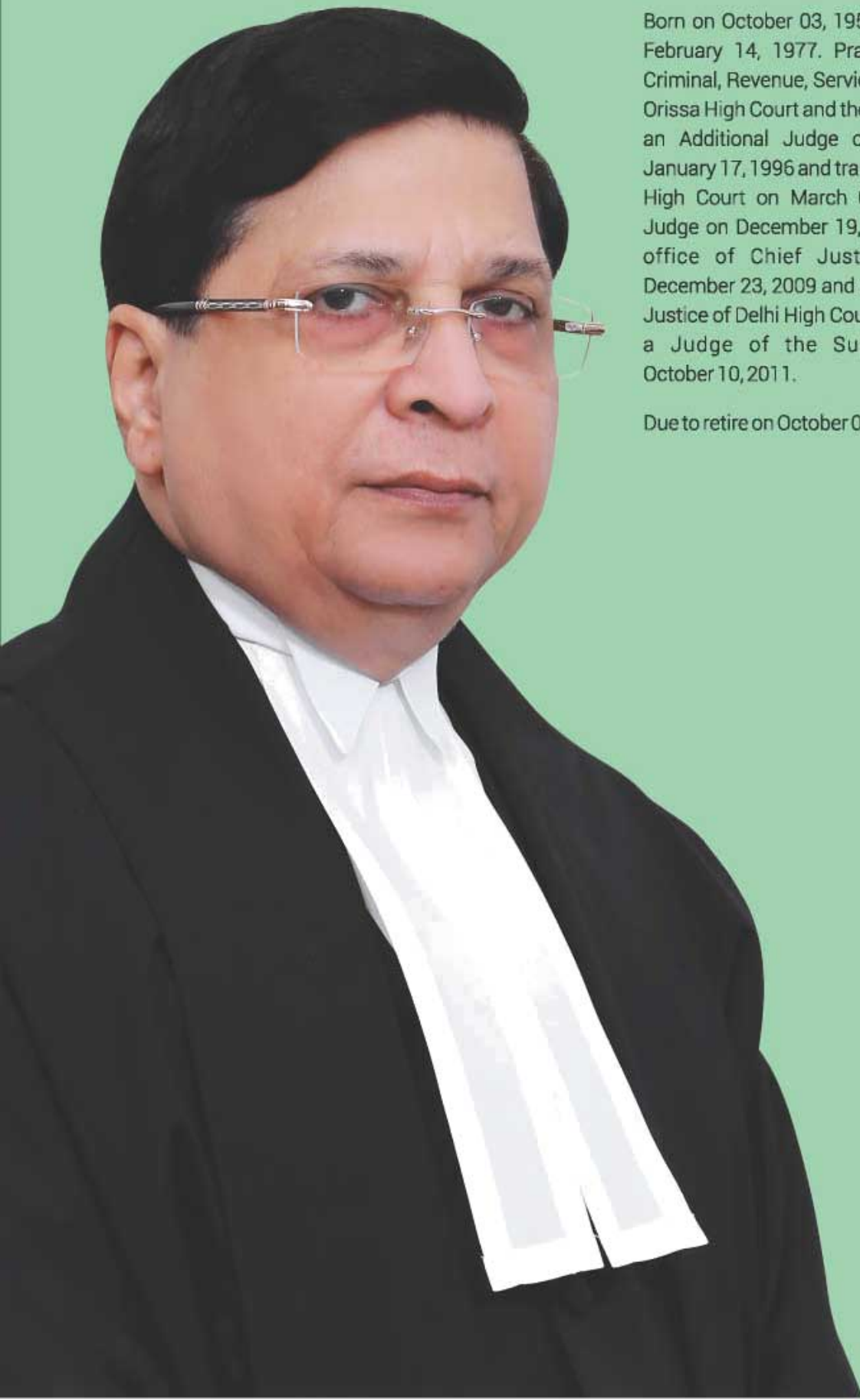
# JUSTICE JAGDISH SINGH KHEHAR

Born on August 28, 1952. Enrolled as an Advocate in 1979. Practiced mainly in the Punjab and Haryana High Court, Himachal Pradesh High Court and the Supreme Court of India. Appointed as Additional Advocate General, Punjab, in January 1992. Designated as Senior Advocate in February, 1995. Was Senior Standing Counsel, Union Territory, Chandigarh, standing counsel for Universities of the area, Corporate Bodies and a large number of companies and co-operative organizations. Elevated to the Bench of High Court of Punjab and Haryana, at Chandigarh, on February 08, 1999. Appointed as Acting Chief Justice of the Punjab and Haryana High Court at Chandigarh twice i.e., w.e.f. August 02, 2008, and again, w.e.f. November 17, 2009. Elevated as Chief Justice of the High Court of Uttarakhand, at Nainital, on November 29, 2009. Assumed charge as Chief Justice of High Court of Karnataka on August 08, 2010. Appointed as a Judge of the Supreme Court of India on September 13, 2011.

Due to retire on August 27, 2017 (F/N).



# JUSTICE DIPAK MISRA



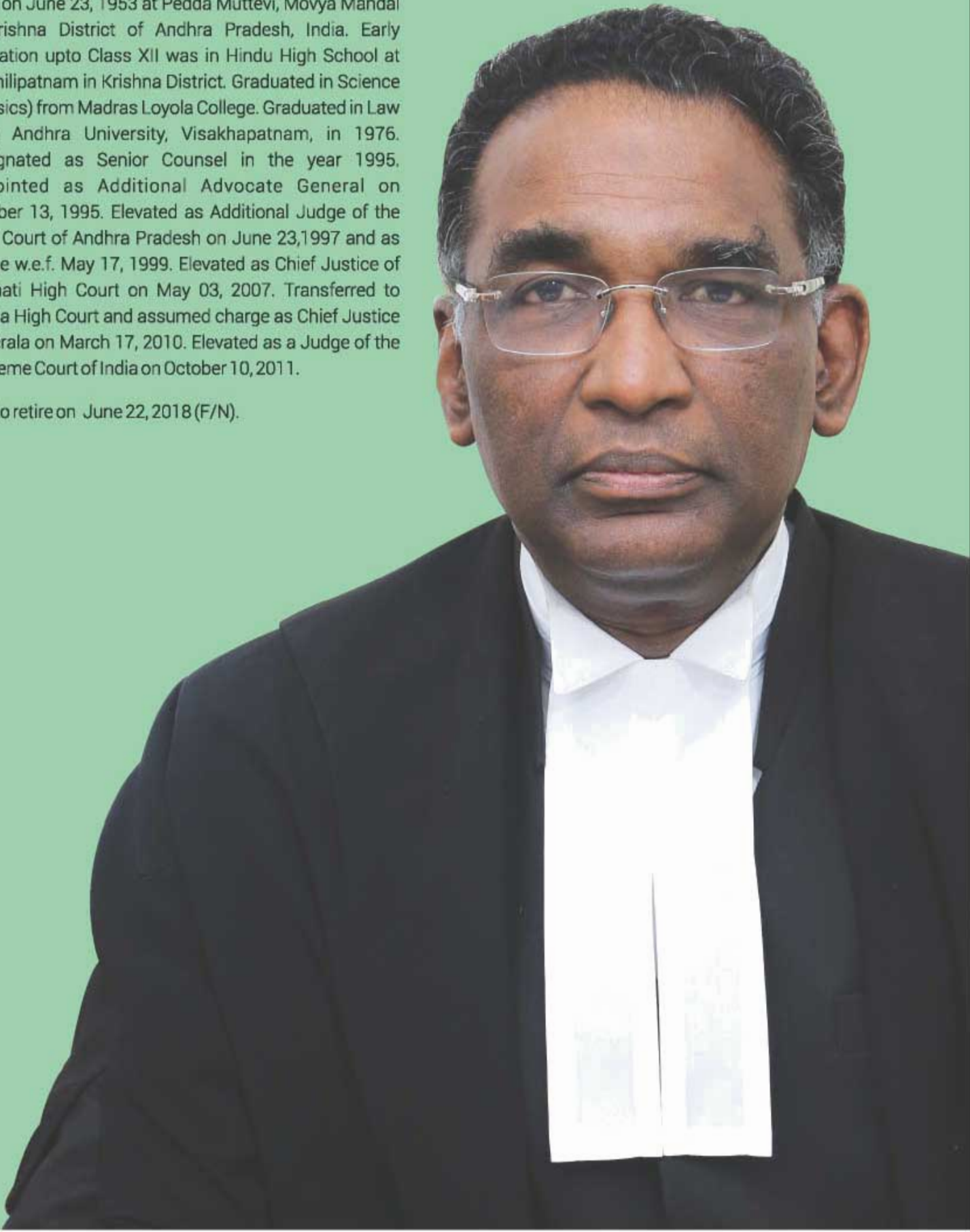
Born on October 03, 1953. Enrolled as an Advocate on February 14, 1977. Practiced in Constitutional, Civil, Criminal, Revenue, Service and Sales Tax matters in the Orissa High Court and the Service Tribunal. Appointed as an Additional Judge of the Orissa High Court on January 17, 1996 and transferred to the Madhya Pradesh High Court on March 03, 1997. Became permanent Judge on December 19, 1997. Assumed charge of the office of Chief Justice, Patna High Court on December 23, 2009 and charge of the office of the Chief Justice of Delhi High Court on May 24, 2010. Elevated as a Judge of the Supreme Court of India on October 10, 2011.

Due to retire on October 02, 2018 (F/N).

# JUSTICE JASTI CHELAMESWAR

Born on June 23, 1953 at Pedda Muttevi, Movya Mandal in Krishna District of Andhra Pradesh, India. Early education upto Class XII was in Hindu High School at Machilipatnam in Krishna District. Graduated in Science (Physics) from Madras Loyola College. Graduated in Law from Andhra University, Visakhapatnam, in 1976. Designated as Senior Counsel in the year 1995. Appointed as Additional Advocate General on October 13, 1995. Elevated as Additional Judge of the High Court of Andhra Pradesh on June 23, 1997 and as Judge w.e.f. May 17, 1999. Elevated as Chief Justice of Gauhati High Court on May 03, 2007. Transferred to Kerala High Court and assumed charge as Chief Justice of Kerala on March 17, 2010. Elevated as a Judge of the Supreme Court of India on October 10, 2011.

Due to retire on June 22, 2018 (F/N).

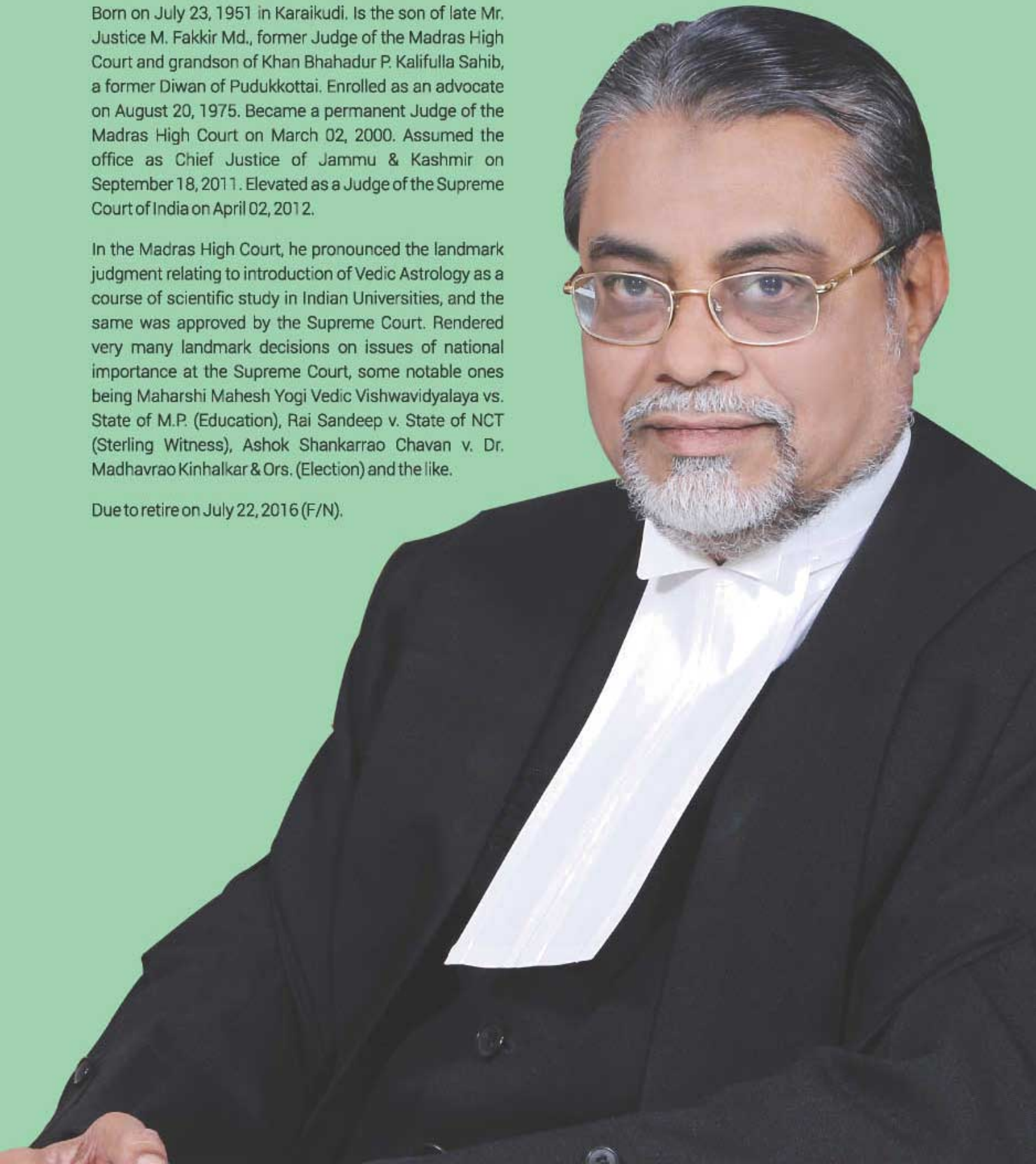


# JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

Born on July 23, 1951 in Karaikudi. Is the son of late Mr. Justice M. Fakkir Md., former Judge of the Madras High Court and grandson of Khan Bahadur P. Kalifulla Sahib, a former Diwan of Pudukkottai. Enrolled as an advocate on August 20, 1975. Became a permanent Judge of the Madras High Court on March 02, 2000. Assumed the office as Chief Justice of Jammu & Kashmir on September 18, 2011. Elevated as a Judge of the Supreme Court of India on April 02, 2012.

In the Madras High Court, he pronounced the landmark judgment relating to introduction of Vedic Astrology as a course of scientific study in Indian Universities, and the same was approved by the Supreme Court. Rendered very many landmark decisions on issues of national importance at the Supreme Court, some notable ones being Maharshi Mahesh Yogi Vedic Vishwavidyalaya vs. State of M.P. (Education), Rai Sandeep v. State of NCT (Sterling Witness), Ashok Shankarrao Chavan v. Dr. Madhavrao Kinhalakar & Ors. (Election) and the like.

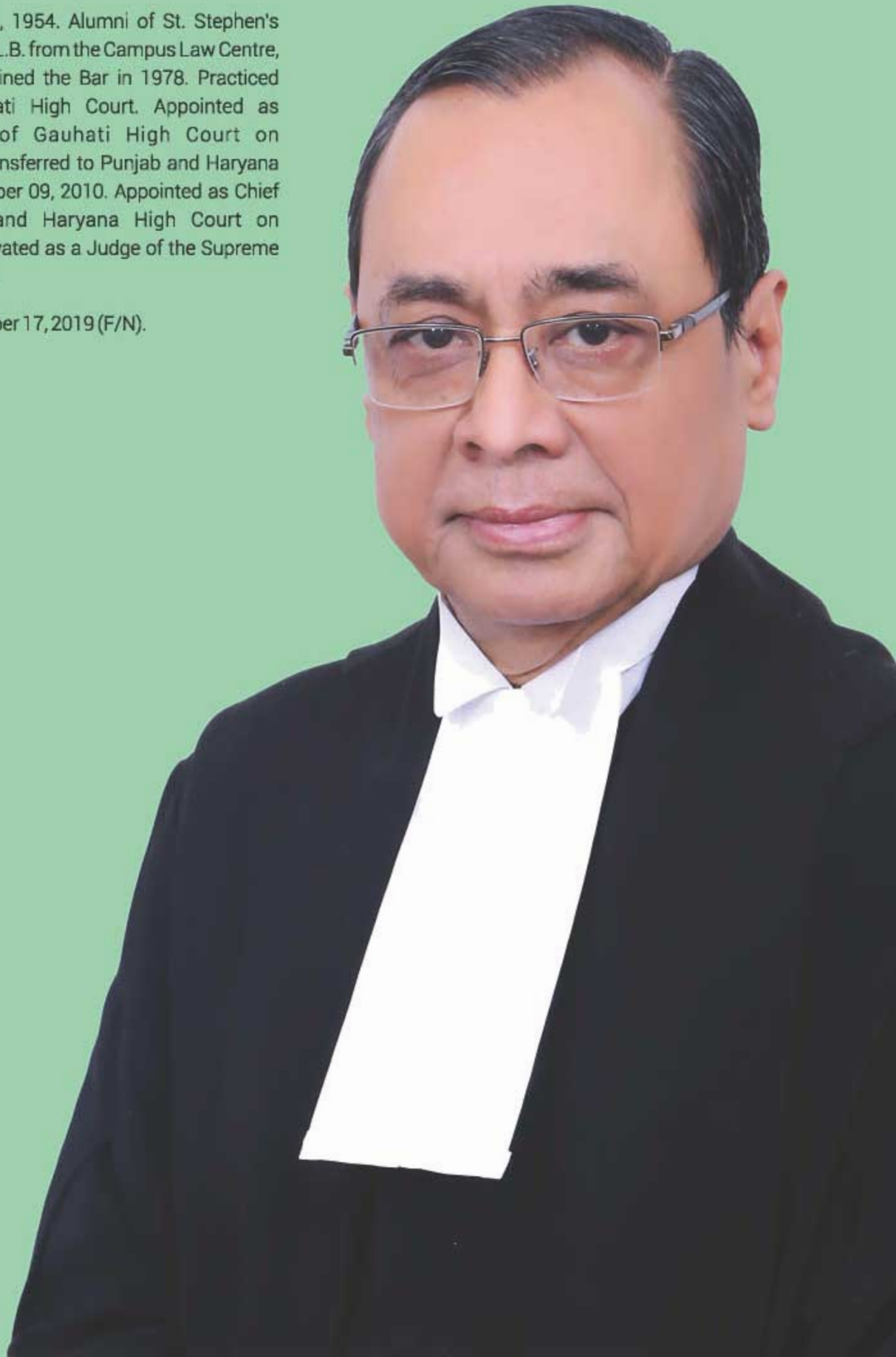
Due to retire on July 22, 2016 (F/N).



# JUSTICE RANJAN GOGOI

Born on November 18, 1954. Alumni of St. Stephen's College, Delhi. Did his LL.B. from the Campus Law Centre, University of Delhi. Joined the Bar in 1978. Practiced mainly in the Gauhati High Court. Appointed as Permanent Judge of Gauhati High Court on February 28, 2001. Transferred to Punjab and Haryana High Court on September 09, 2010. Appointed as Chief Justice of Punjab and Haryana High Court on February 12, 2011. Elevated as a Judge of the Supreme Court on April 23, 2012.

Due to retire on November 17, 2019 (F/N).

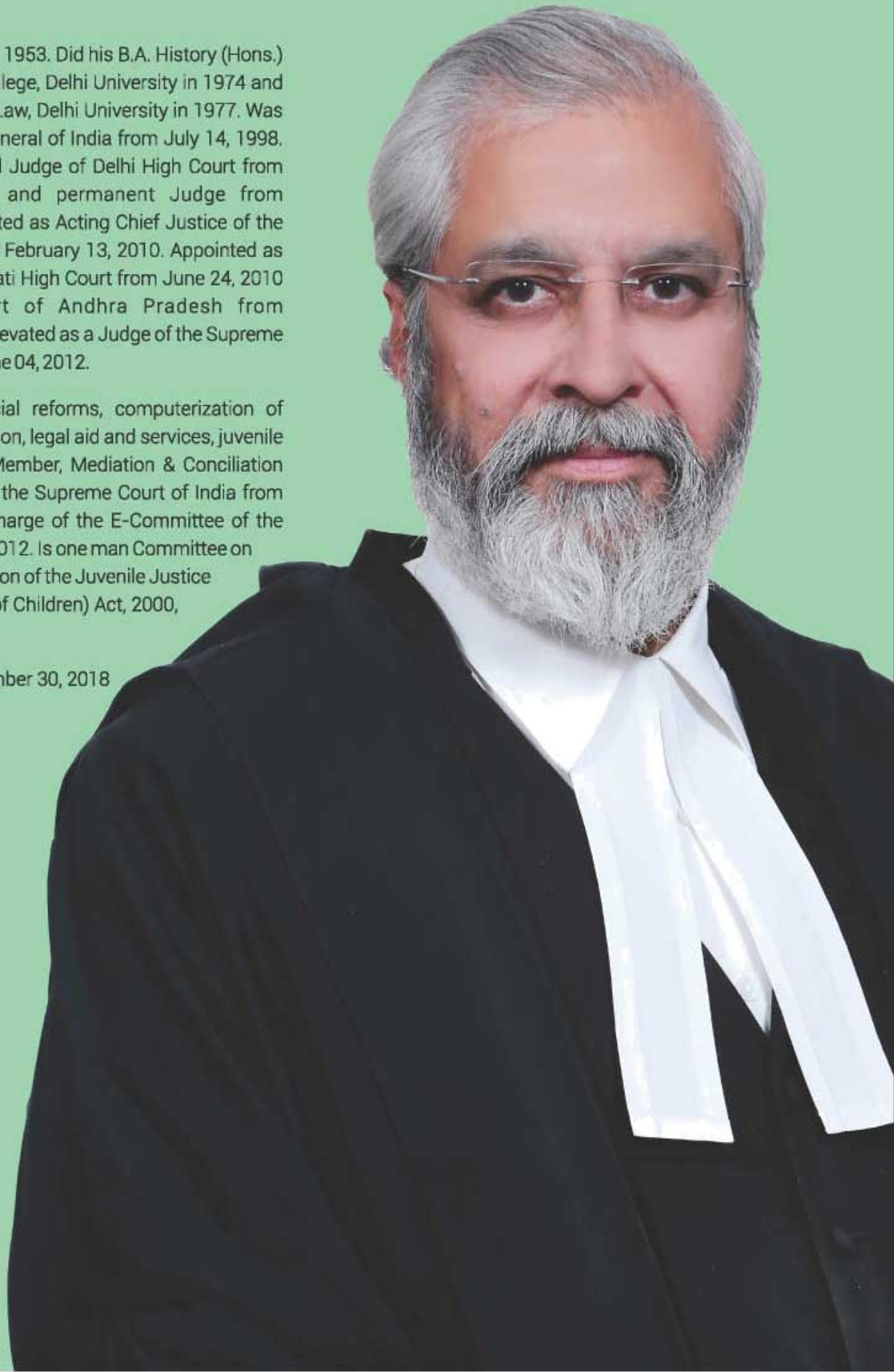


# JUSTICE MADAN B. LOKUR

Born on December 31, 1953. Did his B.A. History (Hons.) from St. Stephen's College, Delhi University in 1974 and LL.B. from Faculty of Law, Delhi University in 1977. Was Additional Solicitor General of India from July 14, 1998. Elevated as Additional Judge of Delhi High Court from February 19, 1999 and permanent Judge from July 05, 1999. Appointed as Acting Chief Justice of the Delhi High Court from February 13, 2010. Appointed as Chief Justice of Gauhati High Court from June 24, 2010 and of High Court of Andhra Pradesh from November 15, 2011. Elevated as a Judge of the Supreme Court of India from June 04, 2012.

Has interest in judicial reforms, computerization of courts, judicial education, legal aid and services, juvenile justice and ADR. Is Member, Mediation & Conciliation Project Committee of the Supreme Court of India from 2005 and Judge-in-charge of the E-Committee of the Supreme Court from 2012. Is one man Committee on effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000, from 2013.

Due to retire on December 30, 2018  
(F/N).



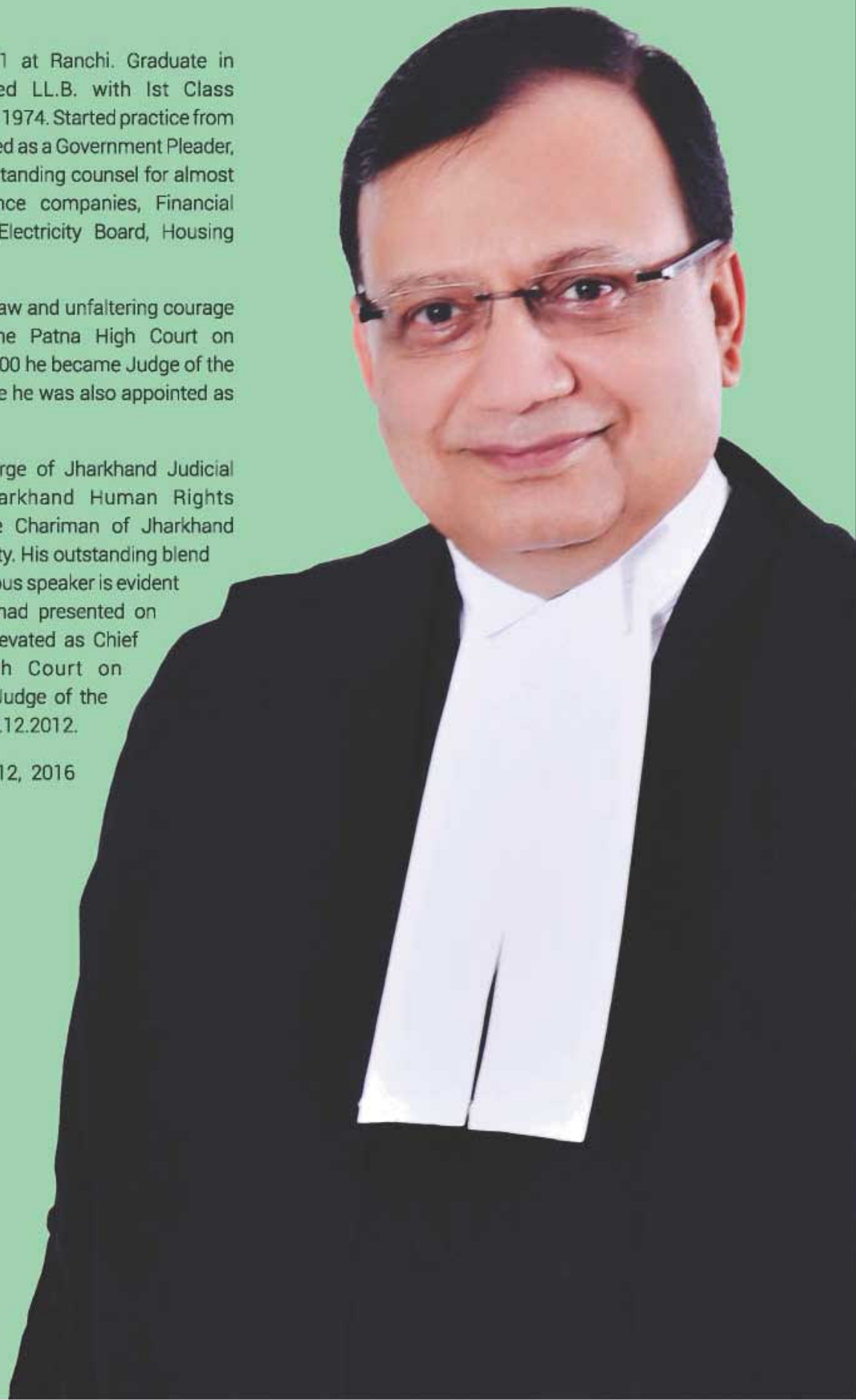
# JUSTICE M.Y. EQBAL

Born on February 13, 1951 at Ranchi. Graduate in Science and accomplished LL.B. with 1st Class Distinction (Gold Medalist) in 1974. Started practice from the Civil Court and also worked as a Government Pleader, Government Advocate and standing counsel for almost all institutions i.e. Insurance companies, Financial institutions, Universities, Electricity Board, Housing Board.

His profound knowledge of law and unfaltering courage led to his elevation to the Patna High Court on 09.05.1996, and on 15.11.2000 he became Judge of the Jharkhand High Court, where he was also appointed as its Acting Chief Justice.

He was also Judge-In-charge of Jharkhand Judicial Academy; Chariman, Jharkhand Human Rights Commission and Executive Chariman of Jharkhand State Legal Services Authority. His outstanding blend of scholarship as an efficacious speaker is evident on the various papers he had presented on variegated facets of law. Elevated as Chief Justice of Madras High Court on 11.06.2010. Elevated as a Judge of the Supreme Court of India on 24.12.2012.

Due to retire on February 12, 2016  
(F/N).

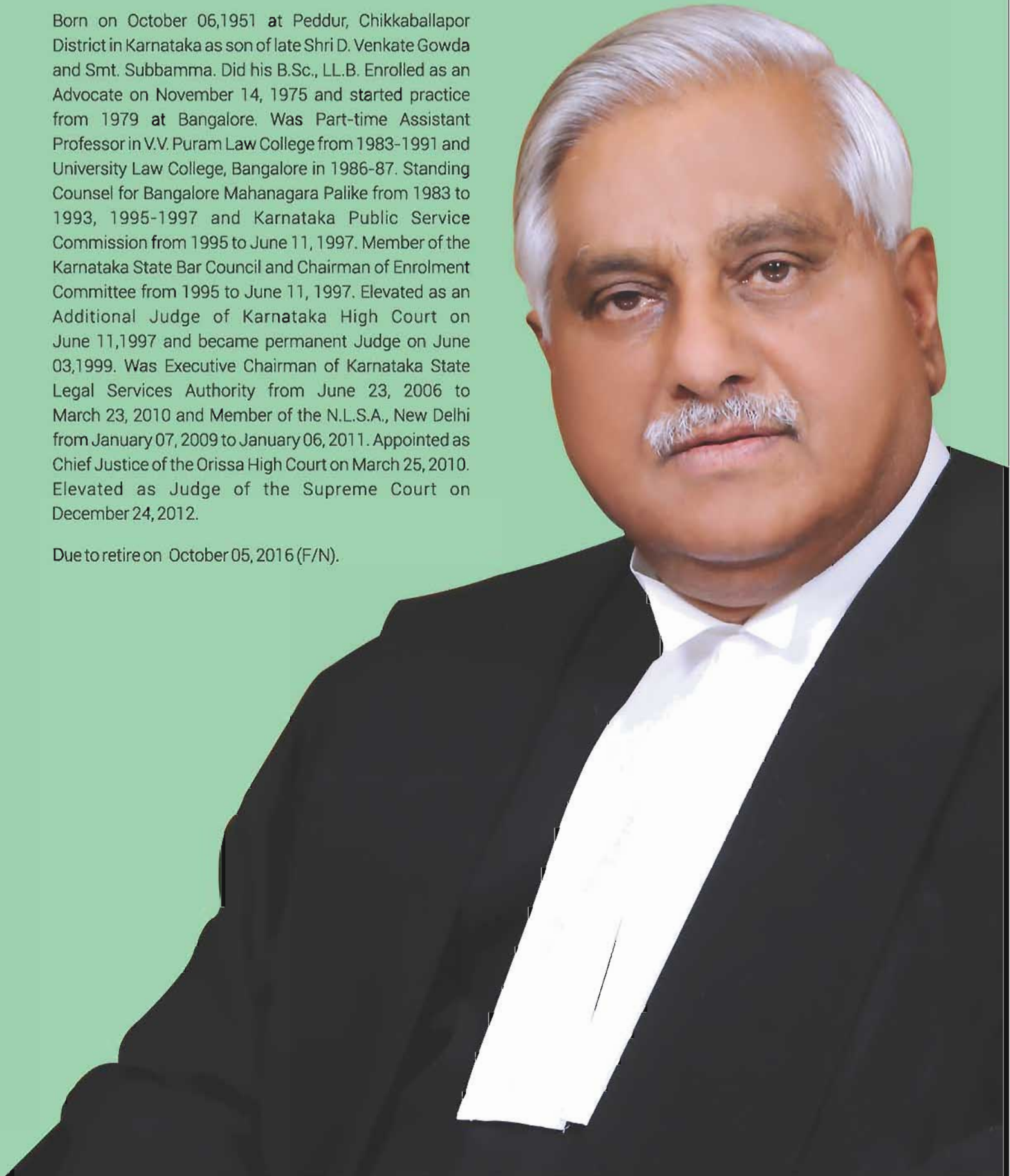




# JUSTICE V. GOPALA GOWDA

Born on October 06, 1951 at Peddur, Chikkaballapur District in Karnataka as son of late Shri D. Venkate Gowda and Smt. Subbamma. Did his B.Sc., LL.B. Enrolled as an Advocate on November 14, 1975 and started practice from 1979 at Bangalore. Was Part-time Assistant Professor in V.V. Puram Law College from 1983-1991 and University Law College, Bangalore in 1986-87. Standing Counsel for Bangalore Mahanagara Palike from 1983 to 1993, 1995-1997 and Karnataka Public Service Commission from 1995 to June 11, 1997. Member of the Karnataka State Bar Council and Chairman of Enrolment Committee from 1995 to June 11, 1997. Elevated as an Additional Judge of Karnataka High Court on June 11, 1997 and became permanent Judge on June 03, 1999. Was Executive Chairman of Karnataka State Legal Services Authority from June 23, 2006 to March 23, 2010 and Member of the N.L.S.A., New Delhi from January 07, 2009 to January 06, 2011. Appointed as Chief Justice of the Orissa High Court on March 25, 2010. Elevated as Judge of the Supreme Court on December 24, 2012.

Due to retire on October 05, 2016 (F/N).

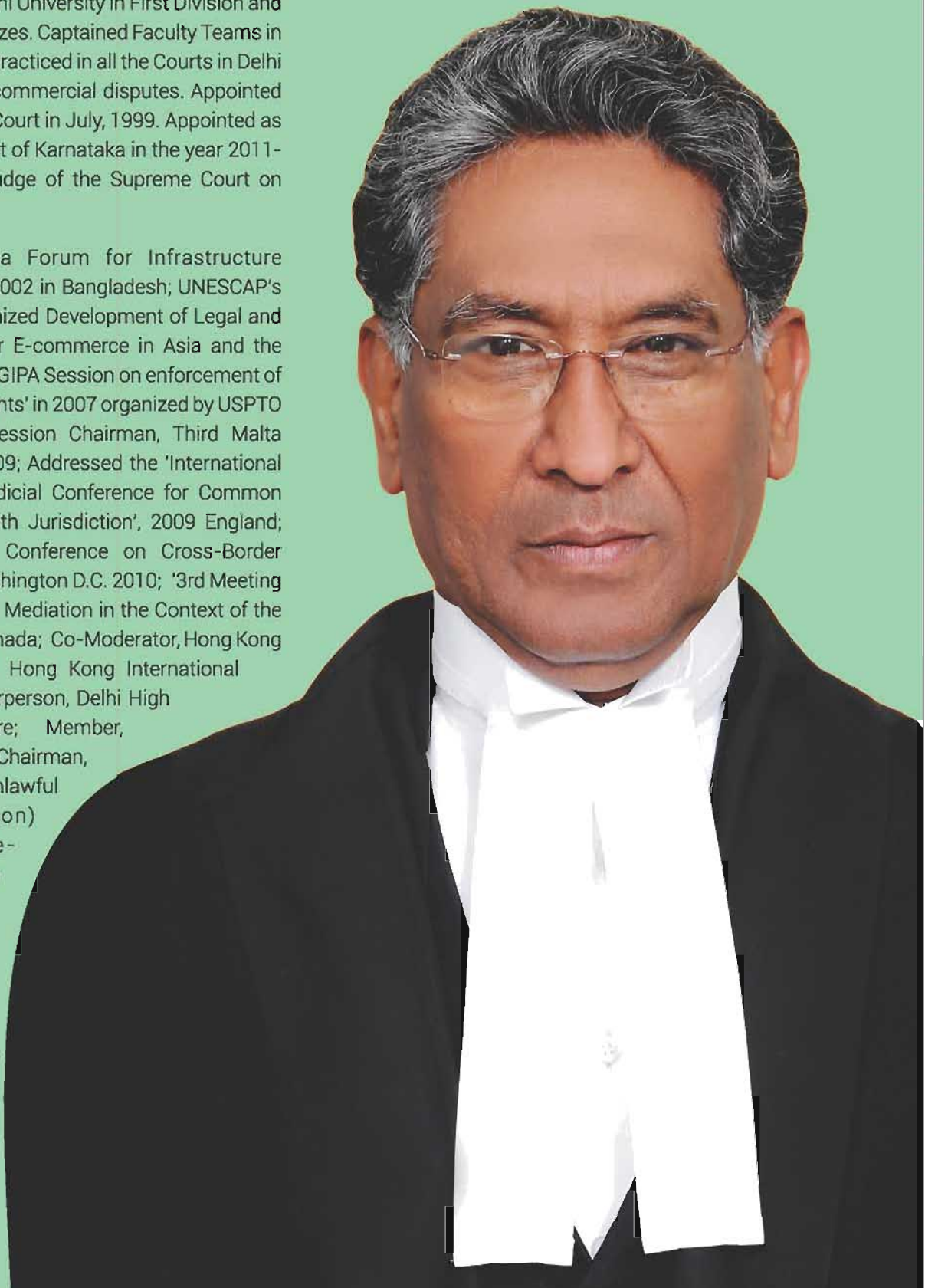


# JUSTICE VIKRAMAJIT SEN

Born on December 31, 1950. Passed ISC in the First Division from St. Xavier's School, Delhi. Graduated from St. Stephen's College with Honours in History. Did LL.B from Faculty of Law, Delhi University in First Division and was awarded several prizes. Captained Faculty Teams in Basketball and Tennis. Practiced in all the Courts in Delhi in civil, arbitration and commercial disputes. Appointed as Judge of Delhi High Court in July, 1999. Appointed as Chief Justice, High Court of Karnataka in the year 2011-2012. Elevated as a Judge of the Supreme Court on December 24, 2012.

Addressed-South Asia Forum for Infrastructure Regulation Workshop, 2002 in Bangladesh; UNESCAP's Conference on "Harmonized Development of Legal and Regulatory Systems for E-commerce in Asia and the Pacific", 2004 Thailand; GIPA Session on enforcement of Intellectual Property Rights' in 2007 organized by USPTO in Washington D.C.; Session Chairman, Third Malta Judicial Conference 2009; Addressed the 'International Family Justice and Judicial Conference for Common Law and Commonwealth Jurisdiction', 2009 England; "International Judicial Conference on Cross-Border Family Relocation" Washington D.C. 2010; '3rd Meeting of the Working Party on Mediation in the Context of the Malta Conference' in Canada; Co-Moderator, Hong Kong Mediation Council and Hong Kong International Arbitration Centre; Chairperson, Delhi High Court Arbitration Centre; Member, NALSA and Executive Chairman, DLSA; Chairman, Unlawful Activities (Prevention) Tribunal and Vice-President, India International Law Foundation, New Delhi.

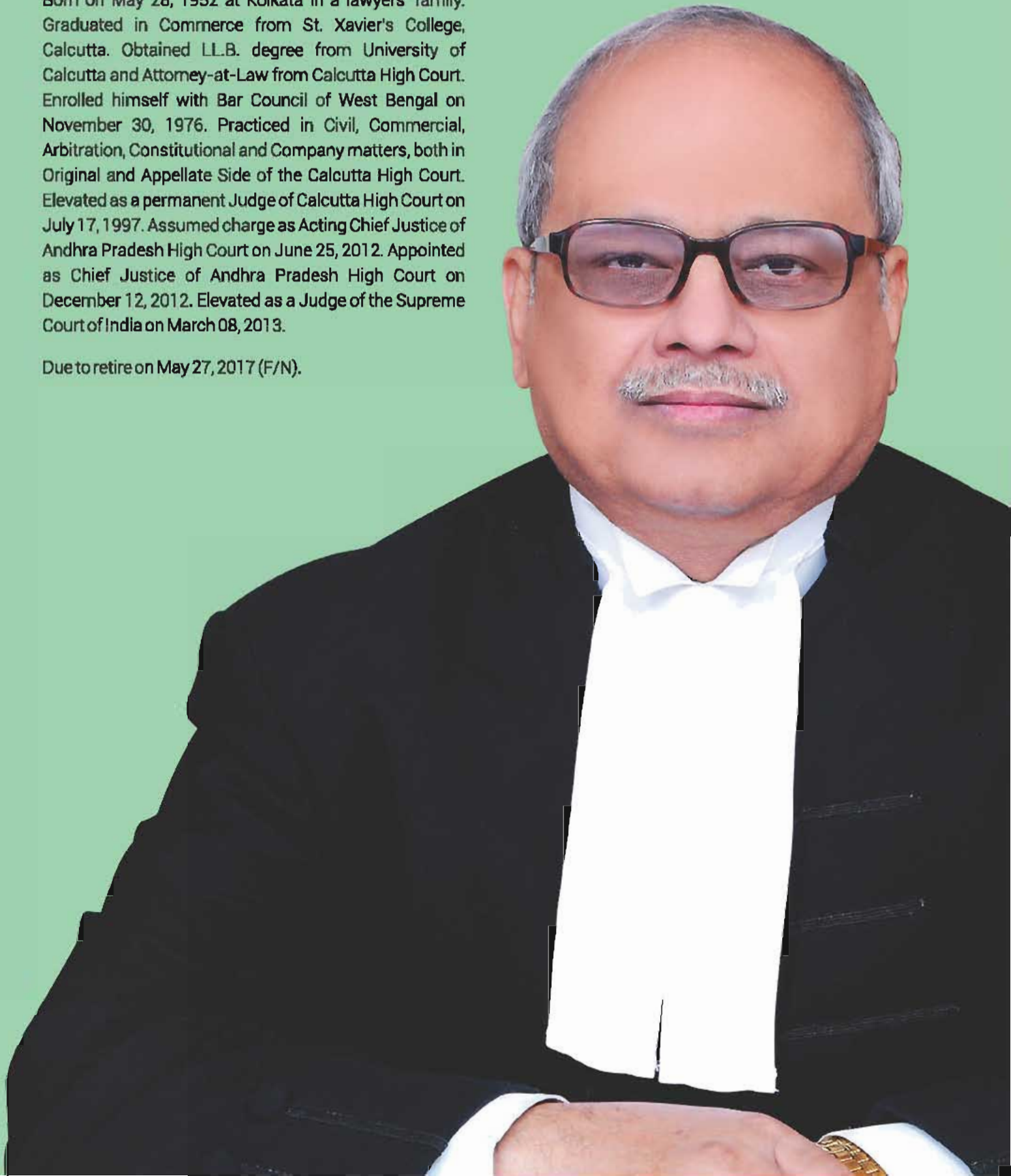
Due to retire on  
December 30, 2015  
(F/N).



# JUSTICE PINAKI CHANDRA GHOSE

Born on May 28, 1952 at Kolkata in a lawyers' family. Graduated in Commerce from St. Xavier's College, Calcutta. Obtained LL.B. degree from University of Calcutta and Attorney-at-Law from Calcutta High Court. Enrolled himself with Bar Council of West Bengal on November 30, 1976. Practiced in Civil, Commercial, Arbitration, Constitutional and Company matters, both in Original and Appellate Side of the Calcutta High Court. Elevated as a permanent Judge of Calcutta High Court on July 17, 1997. Assumed charge as Acting Chief Justice of Andhra Pradesh High Court on June 25, 2012. Appointed as Chief Justice of Andhra Pradesh High Court on December 12, 2012. Elevated as a Judge of the Supreme Court of India on March 08, 2013.

Due to retire on May 27, 2017 (F/N).

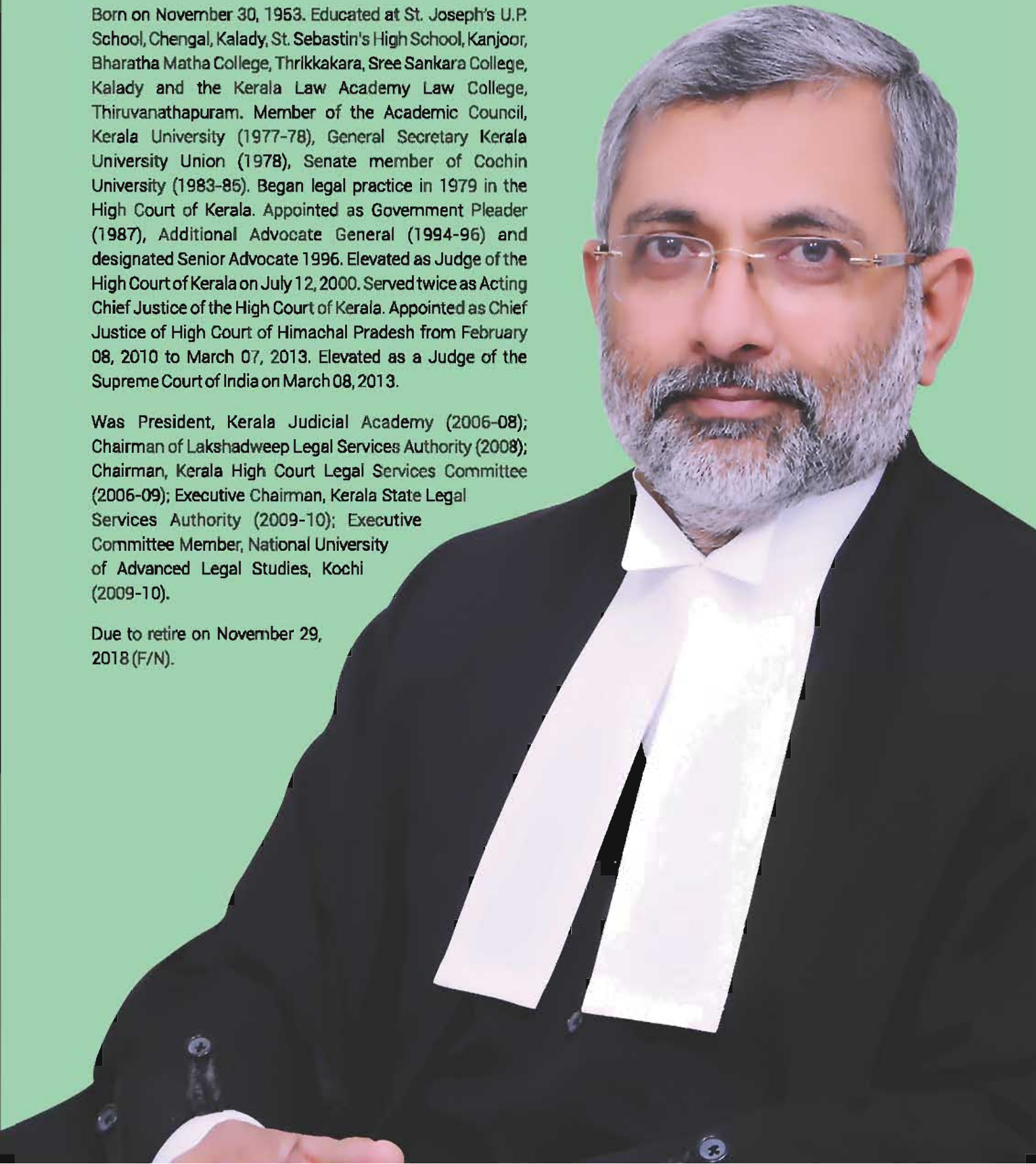


# JUSTICE KURIAN JOSEPH

Born on November 30, 1953. Educated at St. Joseph's U.P. School, Chengal, Kalady, St. Sebastin's High School, Kanjoor, Bharatha Matha College, Thrikkakara, Sree Sankara College, Kalady and the Kerala Law Academy Law College, Thiruvananthapuram. Member of the Academic Council, Kerala University (1977-78), General Secretary Kerala University Union (1978), Senate member of Cochin University (1983-85). Began legal practice in 1979 in the High Court of Kerala. Appointed as Government Pleader (1987), Additional Advocate General (1994-96) and designated Senior Advocate 1996. Elevated as Judge of the High Court of Kerala on July 12, 2000. Served twice as Acting Chief Justice of the High Court of Kerala. Appointed as Chief Justice of High Court of Himachal Pradesh from February 08, 2010 to March 07, 2013. Elevated as a Judge of the Supreme Court of India on March 08, 2013.

Was President, Kerala Judicial Academy (2006-08); Chairman of Lakshadweep Legal Services Authority (2008); Chairman, Kerala High Court Legal Services Committee (2006-09); Executive Chairman, Kerala State Legal Services Authority (2009-10); Executive Committee Member, National University of Advanced Legal Studies, Kochi (2009-10).

Due to retire on November 29, 2018 (F/N).



# JUSTICE A.K. SIKRI

Born on March 07, 1954. Had brilliant academic record. Stood third in Higher Secondary. Gold Medalist in LL.B. and LL.M. Was President of CLC, Delhi University and Member of Academic Council. Received scholarships from 9th Standard till LL.M. Joined Bar in July, 1977. Specialized in Constitutional, Labour-Service, and Arbitration Matters. Was counsel for numerous Public Sector Undertakings, Educational Institutions, Banks etc. Was part-time lecturer in Law Faculty. Was Vice-President, Delhi High Court Bar Association. Designated as Senior Advocate in 1997. Appointed as Judge of Delhi High Court in July, 1999 and Acting Chief Justice in October, 2011. Elevated as the Chief Justice of Punjab and Haryana High Court in September 2012. Elevated as a Judge to the Supreme Court on April 12, 2013.

Has attended/chaired various national and international conferences and presented papers therein. Many published articles in magazines/journals. Was chosen as one of the 50 most influential persons in Intellectual Property in the world by Managing Intellectual Property Association (2007). Conferred Doctorate of Laws, *Honoris Causa*, by Dr. Ram Manohar Lohiya National Law University, Lucknow.

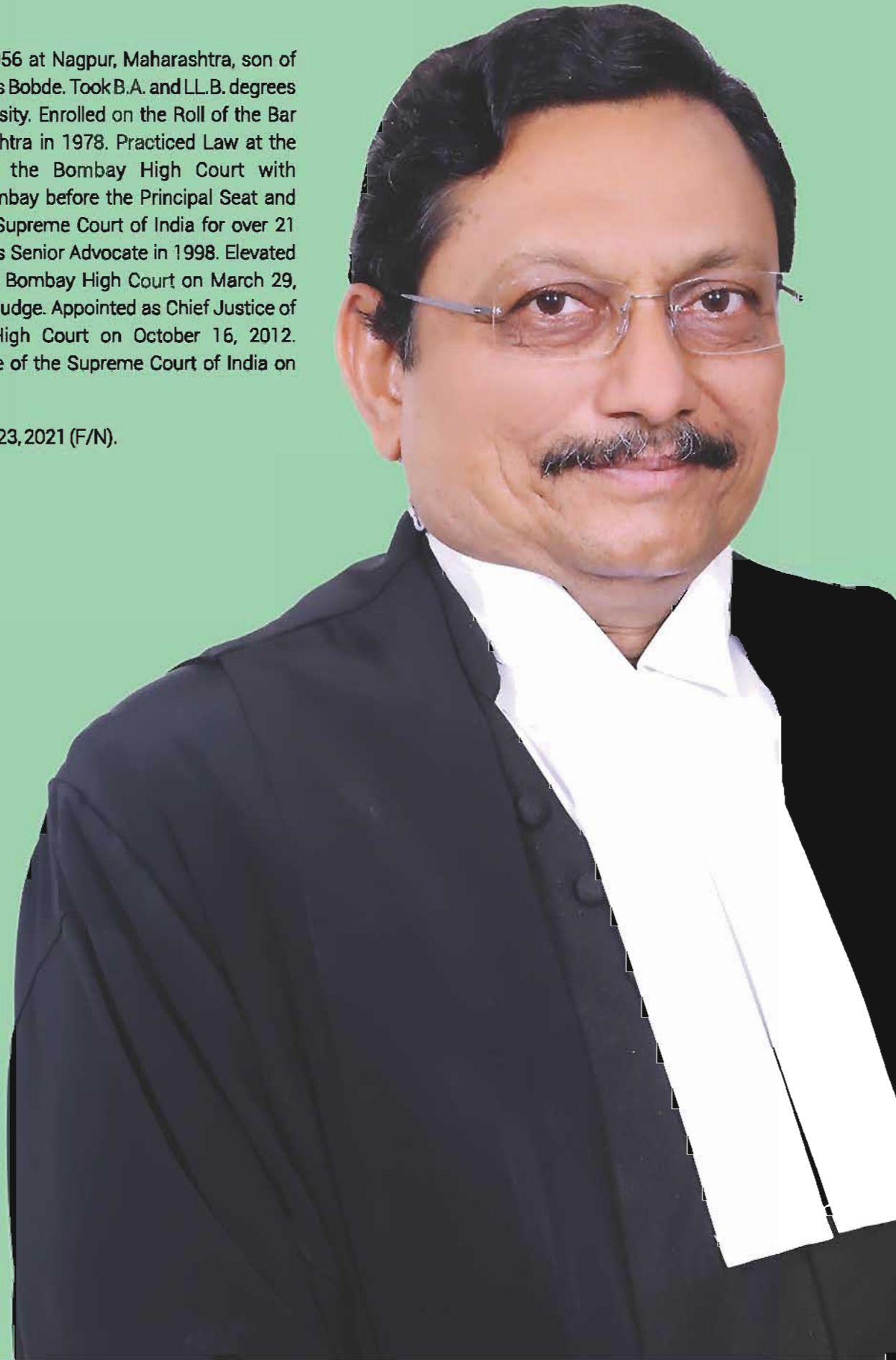
Due to retire on March 06, 2019 (F/N).



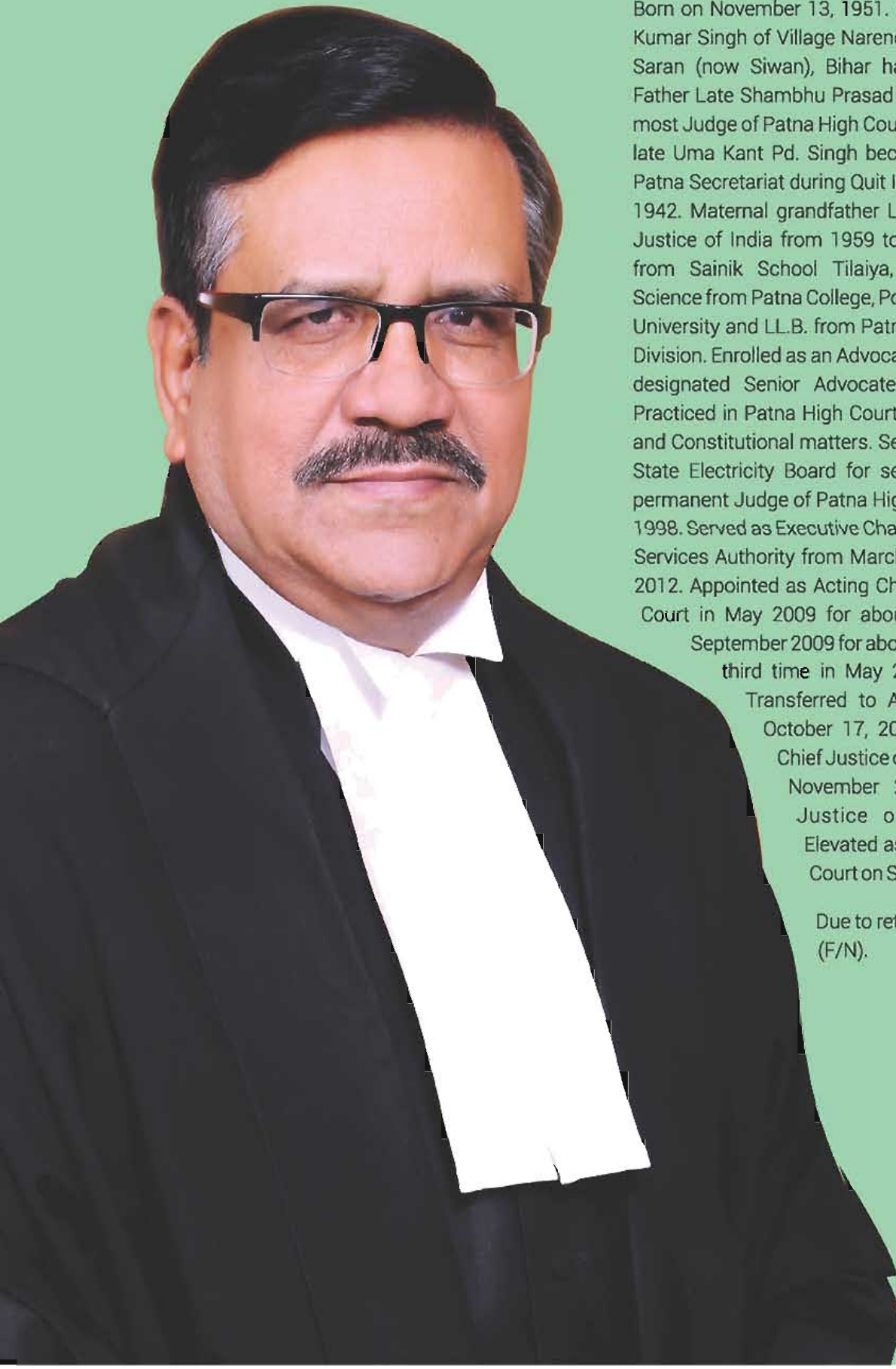
# JUSTICE S.A. BOBDE

Born on April 24, 1956 at Nagpur, Maharashtra, son of Shri Arvind Shrinivas Bobde. Took B.A. and LL.B. degrees from Nagpur University. Enrolled on the Roll of the Bar Council of Maharashtra in 1978. Practiced Law at the Nagpur Bench of the Bombay High Court with appearances at Bombay before the Principal Seat and before the Hon'ble Supreme Court of India for over 21 years. Designated as Senior Advocate in 1998. Elevated to the Bench of the Bombay High Court on March 29, 2000 as Additional Judge. Appointed as Chief Justice of Madhya Pradesh High Court on October 16, 2012. Elevated as a Judge of the Supreme Court of India on April 12, 2013.

Due to retire on April 23, 2021 (F/N).



# JUSTICE SHIVA KIRTI SINGH



Born on November 13, 1951. Grandfather Late Krishna Kumar Singh of Village Narendrapur, P.S. Ander, District Saran (now Siwan), Bihar had a modest Zamindari. Father Late Shambhu Prasad Singh, retired as a senior most Judge of Patna High Court in January, 1979. Uncle, late Uma Kant Pd. Singh became a martyr in front of Patna Secretariat during Quit India Movement in August 1942. Maternal grandfather Late B.P. Sinha was Chief Justice of India from 1959 to 1964. Did his schooling from Sainik School Tilaiya, Graduation in Political Science from Patna College, Post Graduation from Patna University and LL.B. from Patna Law College, all in First Division. Enrolled as an Advocate on March 17, 1977 and designated Senior Advocate on January 17, 1990. Practiced in Patna High Court in Civil, Criminal, Service and Constitutional matters. Served as counsel for Bihar State Electricity Board for several years. Elevated as permanent Judge of Patna High Court on December 29, 1998. Served as Executive Chairman of Bihar State Legal Services Authority from March 07, 2006 to October 16, 2012. Appointed as Acting Chief Justice of Patna High Court in May 2009 for about four months, again in September 2009 for about same period and for the third time in May 2010 for a lesser period.

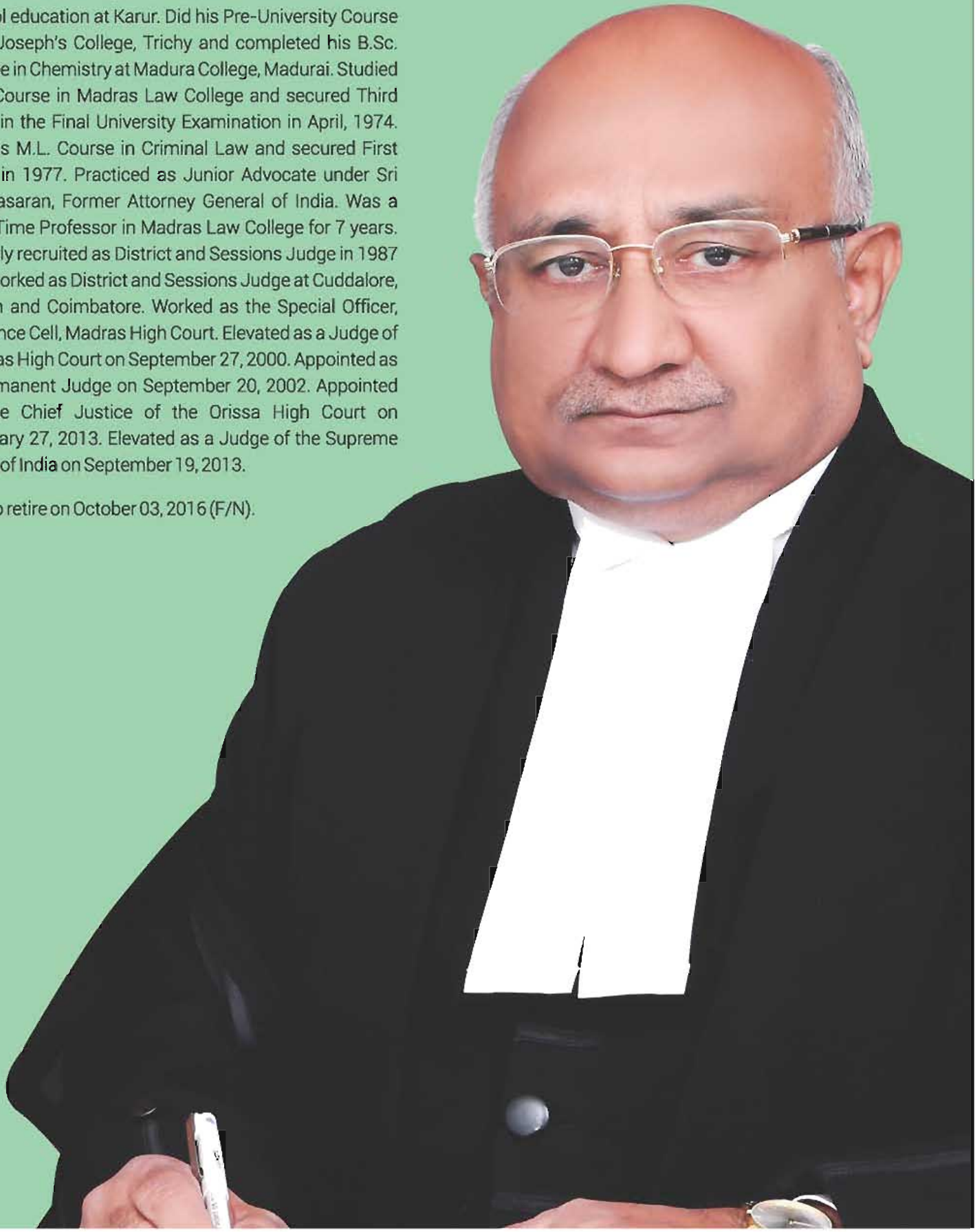
Transferred to Allahabad High Court on October 17, 2012. Appointed as Acting Chief Justice of Allahabad High Court on November 20, 2012 and as Chief Justice on February 04, 2013. Elevated as a Judge of the Supreme Court on September 19, 2013.

Due to retire on November 12, 2016 (F/N).

# JUSTICE CHOCKALINGAM NAGAPPAN

Born on October 04, 1951. Hails from Karur and had his school education at Karur. Did his Pre-University Course in St. Joseph's College, Trichy and completed his B.Sc. Degree in Chemistry at Madura College, Madurai. Studied Law Course in Madras Law College and secured Third Rank in the Final University Examination in April, 1974. Did his M.L. Course in Criminal Law and secured First Rank in 1977. Practiced as Junior Advocate under Sri K.Parasaran, Former Attorney General of India. Was a Part-Time Professor in Madras Law College for 7 years. Directly recruited as District and Sessions Judge in 1987 and worked as District and Sessions Judge at Cuddalore, Salem and Coimbatore. Worked as the Special Officer, Vigilance Cell, Madras High Court. Elevated as a Judge of Madras High Court on September 27, 2000. Appointed as a permanent Judge on September 20, 2002. Appointed as the Chief Justice of the Orissa High Court on February 27, 2013. Elevated as a Judge of the Supreme Court of India on September 19, 2013.

Due to retire on October 03, 2016 (F/N).

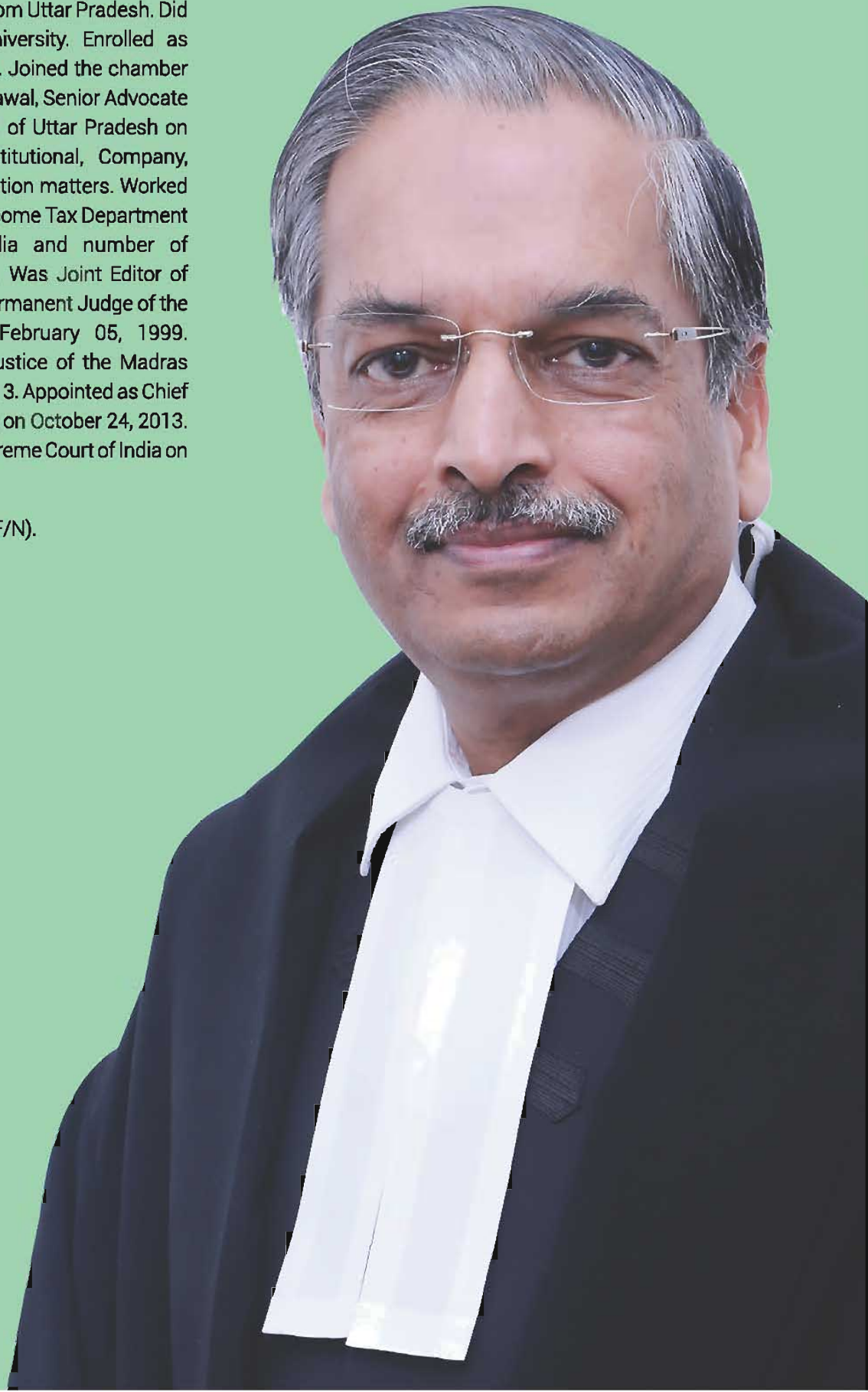




# JUSTICE R.K. AGRAWAL

Born on May 05, 1953. Hails from Uttar Pradesh. Did his Law from Allahabad University. Enrolled as Advocate on August 14, 1976. Joined the chamber of his father Sri Raja Ram Agrawal, Senior Advocate and former Advocate General of Uttar Pradesh on civil side. Dealt with Constitutional, Company, Service, Educational and Taxation matters. Worked as Standing Counsel of the Income Tax Department of the Government of India and number of corporations and institutions. Was Joint Editor of U.P. Tax Cases. Elevated as permanent Judge of the Allahabad High Court on February 05, 1999. Appointed as Acting Chief Justice of the Madras High Court on February 07, 2013. Appointed as Chief Justice, High Court of Madras on October 24, 2013. Elevated as a Judge of the Supreme Court of India on February 17, 2014.

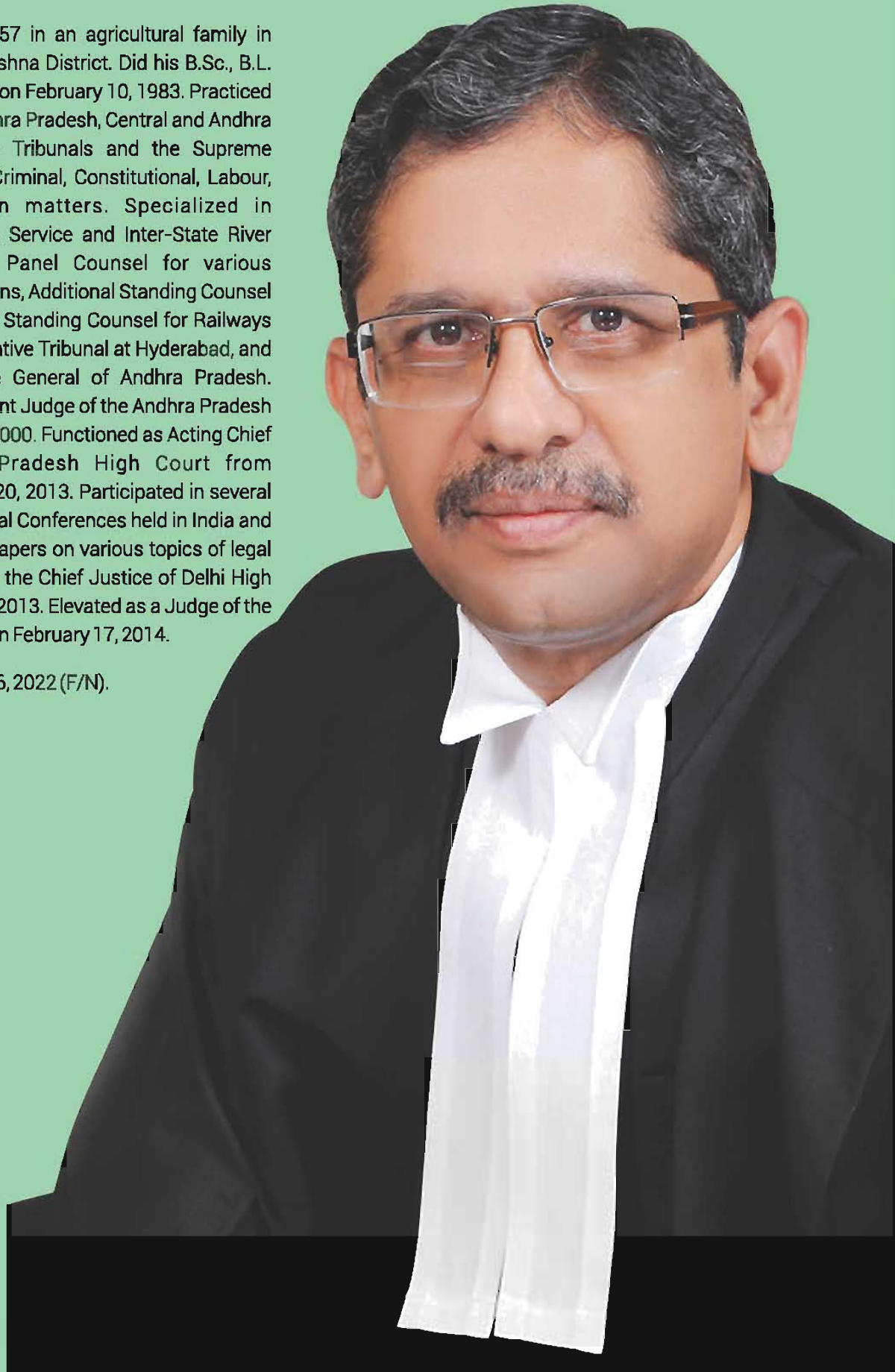
Due to retire on May 04, 2018 (F/N).



# JUSTICE N.V. RAMANA

Born on August 27, 1957 in an agricultural family in Ponnavaram Village, Krishna District. Did his B.Sc., B.L. Enrolled as an Advocate on February 10, 1983. Practiced in the High Court of Andhra Pradesh, Central and Andhra Pradesh Administrative Tribunals and the Supreme Court of India in Civil, Criminal, Constitutional, Labour, Service and Election matters. Specialized in Constitutional, Criminal, Service and Inter-State River laws. Functioned as Panel Counsel for various Government Organizations, Additional Standing Counsel for Central Government, Standing Counsel for Railways in the Central Administrative Tribunal at Hyderabad, and as Additional Advocate General of Andhra Pradesh. Appointed as a permanent Judge of the Andhra Pradesh High Court on June 27, 2000. Functioned as Acting Chief Justice of Andhra Pradesh High Court from March 10, 2013 to May 20, 2013. Participated in several National and International Conferences held in India and abroad and submitted papers on various topics of legal importance. Elevated as the Chief Justice of Delhi High Court on September 02, 2013. Elevated as a Judge of the Supreme Court of India on February 17, 2014.

Due to retire on August 26, 2022 (F/N).



# JUSTICE ARUN MISHRA

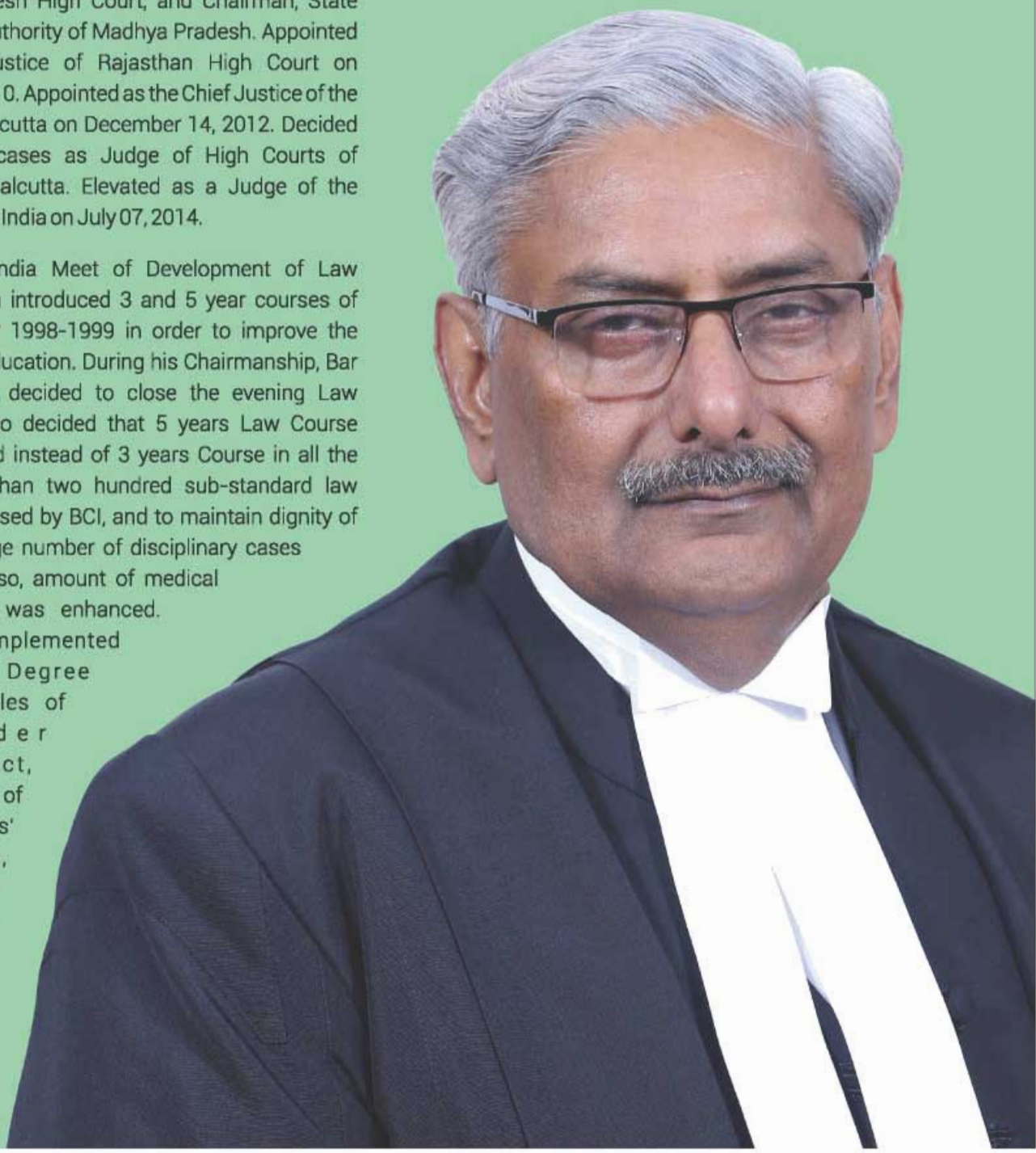
Born on September 03, 1955. Did his B.Sc., M.A., LL.B. Son of Justice H. G. Mishra, Judge, M. P. High Court. Called to the Bar in 1978. Practiced in constitutional, civil, industrial, service and criminal matters. Elected as youngest Chairman of Bar Council of India (1998-99). Also Vice-Chairman of BCI and M.P. State Bar Council. Elected to Bar Council of M.P. in 1989 and 1995. In the Bar Council, worked for improvement of legal education. Appointed as Judge of the High Court of Madhya Pradesh on October 25, 1999. Was Administrative Judge of Madhya Pradesh High Court, and Chairman, State Legal Services Authority of Madhya Pradesh. Appointed as the Chief Justice of Rajasthan High Court on November 26, 2010. Appointed as the Chief Justice of the High Court at Calcutta on December 14, 2012. Decided approx. 97,000 cases as Judge of High Courts of M.P./Rajasthan/Calcutta. Elevated as a Judge of the Supreme Court of India on July 07, 2014.

Co-chaired All India Meet of Development of Law curriculum which introduced 3 and 5 year courses of LL.B. in the year 1998-1999 in order to improve the quality of legal education. During his Chairmanship, Bar Council of India decided to close the evening Law Colleges and also decided that 5 years Law Course should be started instead of 3 years Course in all the colleges. More than two hundred sub-standard law colleges were closed by BCI, and to maintain dignity of profession, a large number of disciplinary cases were decided. Also, amount of medical aid to lawyers was enhanced.

Drafted and implemented Foreign Law Degree Recognition Rules of 1997 under Advocates' Act, 1961; Bar Council of India Employees' Service Rules, 1996 and Rules pertaining to

Foreign Lawyers Conditions of Practice in India. Remained Chairman of General Council of National Law School of India University, Bangalore, from May 15, 1998 to October 24, 1999 and continues to be a Member. Led Indian Bar delegation to the Common Wealth Law Conference of "Common Wealth Countries" held at 'Malaysia' in September, 1999 and chaired one Session there.

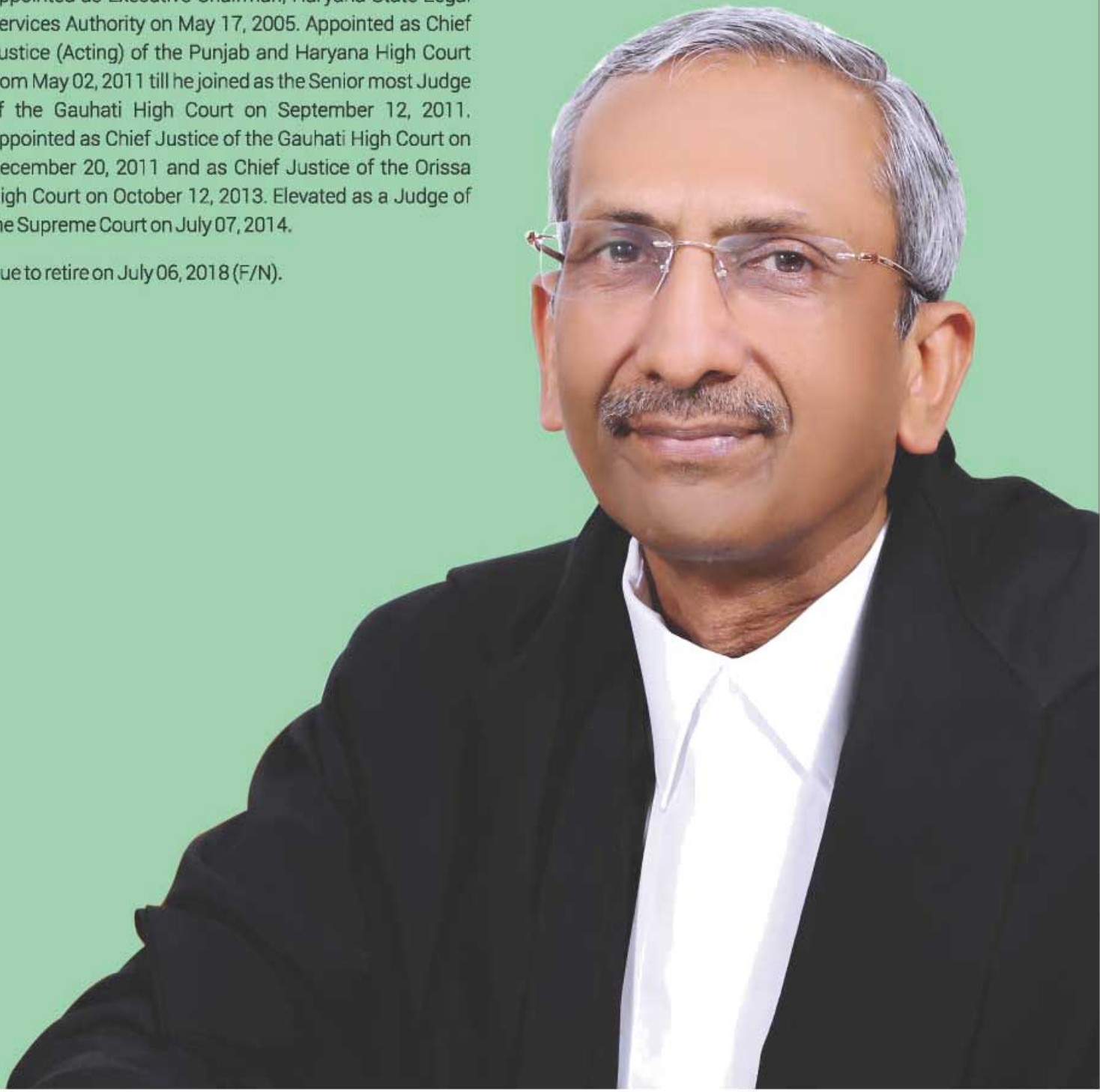
Due to retire on September 02, 2020 (F/N).



# JUSTICE ADARSH KUMAR GOEL

Born on July 07, 1953 at Hissar, Haryana. Did B.A. (Hons.) and LL.B. from the Punjab University, Chandigarh. Enrolled as an Advocate with the Bar Council of Punjab and Haryana on July 16, 1974. Practiced before the High Court of Punjab and Haryana for about five years, and before the Supreme Court of India and Delhi High Court for about 22 years. Designated as Senior Advocate by the Supreme Court on February 11, 1999. Elevated as Judge of Punjab and Haryana High Court on July 02, 2001. Appointed as Executive Chairman, Haryana State Legal Services Authority on May 17, 2005. Appointed as Chief Justice (Acting) of the Punjab and Haryana High Court from May 02, 2011 till he joined as the Senior most Judge of the Gauhati High Court on September 12, 2011. Appointed as Chief Justice of the Gauhati High Court on December 20, 2011 and as Chief Justice of the Orissa High Court on October 12, 2013. Elevated as a Judge of the Supreme Court on July 07, 2014.

Due to retire on July 06, 2018 (F/N).



# JUSTICE ROHINTON FALI NARIMAN

Born on August 13, 1956. Did his schooling from Cathedral School, Mumbai (High 1st Division, ISC). Did his B.Com from Shri Ram College of Commerce, LL.B. (1st Class-2nd in the University) from Faculty of Law, Delhi, and LL.M. from Harvard Law School (Thesis on affirmative action: A comparison between India and US constitutional law). Practiced Maritime Law in New York at Haight, Gardener, Poor and Havens for 1 year. Was

Solicitor General of India from July 27, 2011 to February 04, 2013. Was made Senior Counsel by the Chief Justice of India. Justice Venkatachaliah amended the Rules in order to make him a Senior Counsel at the young age of 37 against the mandatory 45. Has practiced law for the last 35 years. Has over 500 Reported Supreme Court Judgments to his credit. Has expertise in Comparative Constitutional Law and Civil Law. Elevated as a Judge of the Supreme Court of India on July 07, 2014.

He is in the Governing Board Gujarat Law School, Ahmedabad. Is a Member of Mediation Committee, Supreme Court of India. Has given a talk at IIC Delhi 2007 on Beethoven. Is a Member of the Delegation from the Supreme Court of India to the Supreme Court of the United States of America, 2002. Gave the keynote address at the K.L. Misra Lecture on SPIRITUALITY AND LAW along with the Chief Justice of India and other Supreme Court Judges in Allahabad in 2004. Lectured at the Bar Council of India at the Supreme Court of India, and the Delhi Law School, University of Delhi.

Has specialized in Comparative Religious Studies: Zoroastrianism in other faiths on November 11, 2006. Delivered the Annual K.R. Cama Lecture at K.R. Cama Institute, Mumbai on "Through the Looking Glass". Held fortnightly Gatha classes for two years in Delhi. Lectured in New York to the Zoroastrian Federation. Gave two lectures in Ahmedabad at the invitation of the Ahmedabad Parsi Panchayat in 2003. Gave religious talks at Philadelphia in 2005. Gave the SEARCH lecture at the IIC, Delhi in 2000. Ordained Priest from Bandra Agiary.

Has passion for and deep knowledge about western classical music. Great interest in and avid reader of history, philosophy, literature and science. Enjoys nature walks-is a committed daily walker.

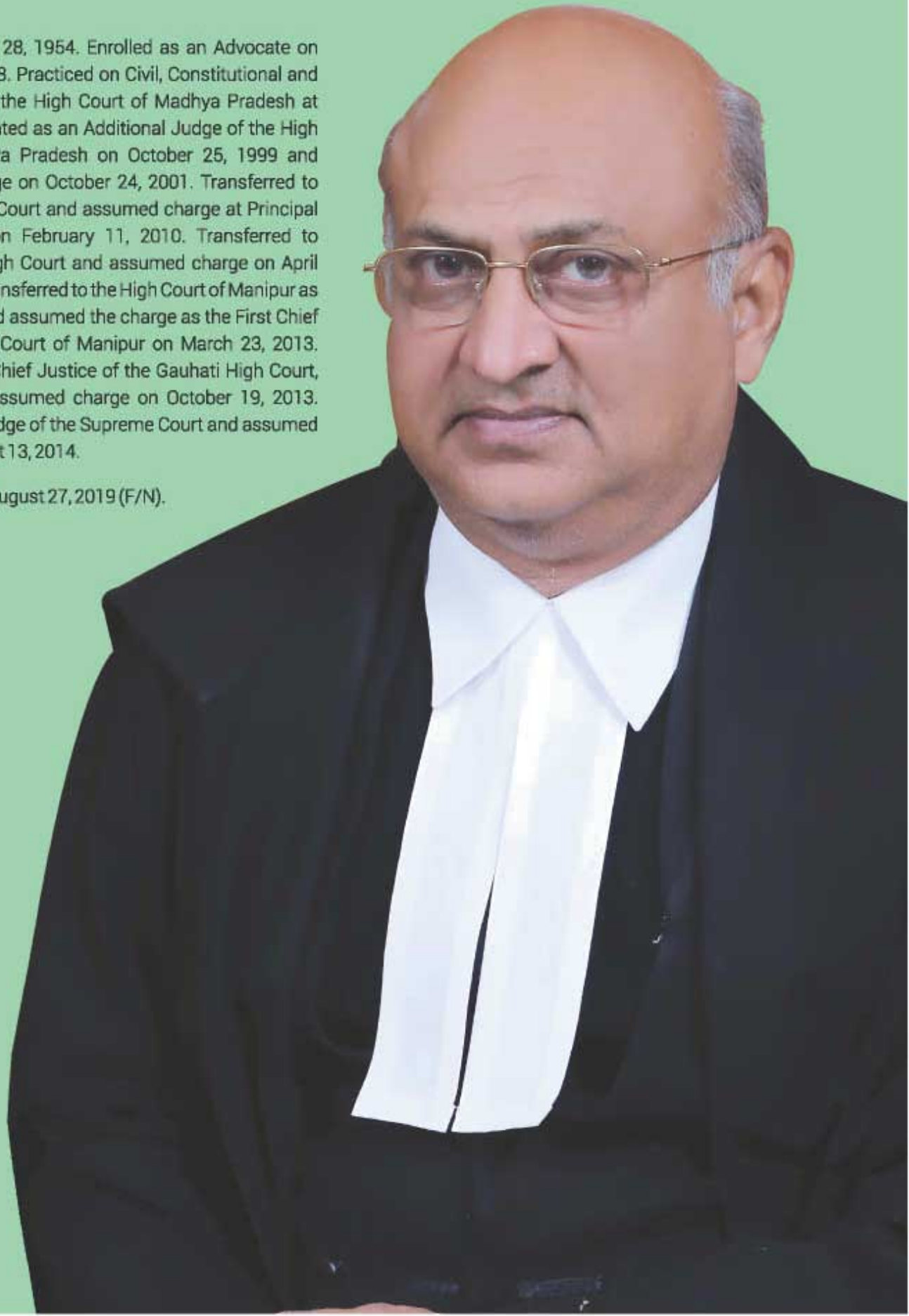
Due to retire on August 12, 2021(F/N).



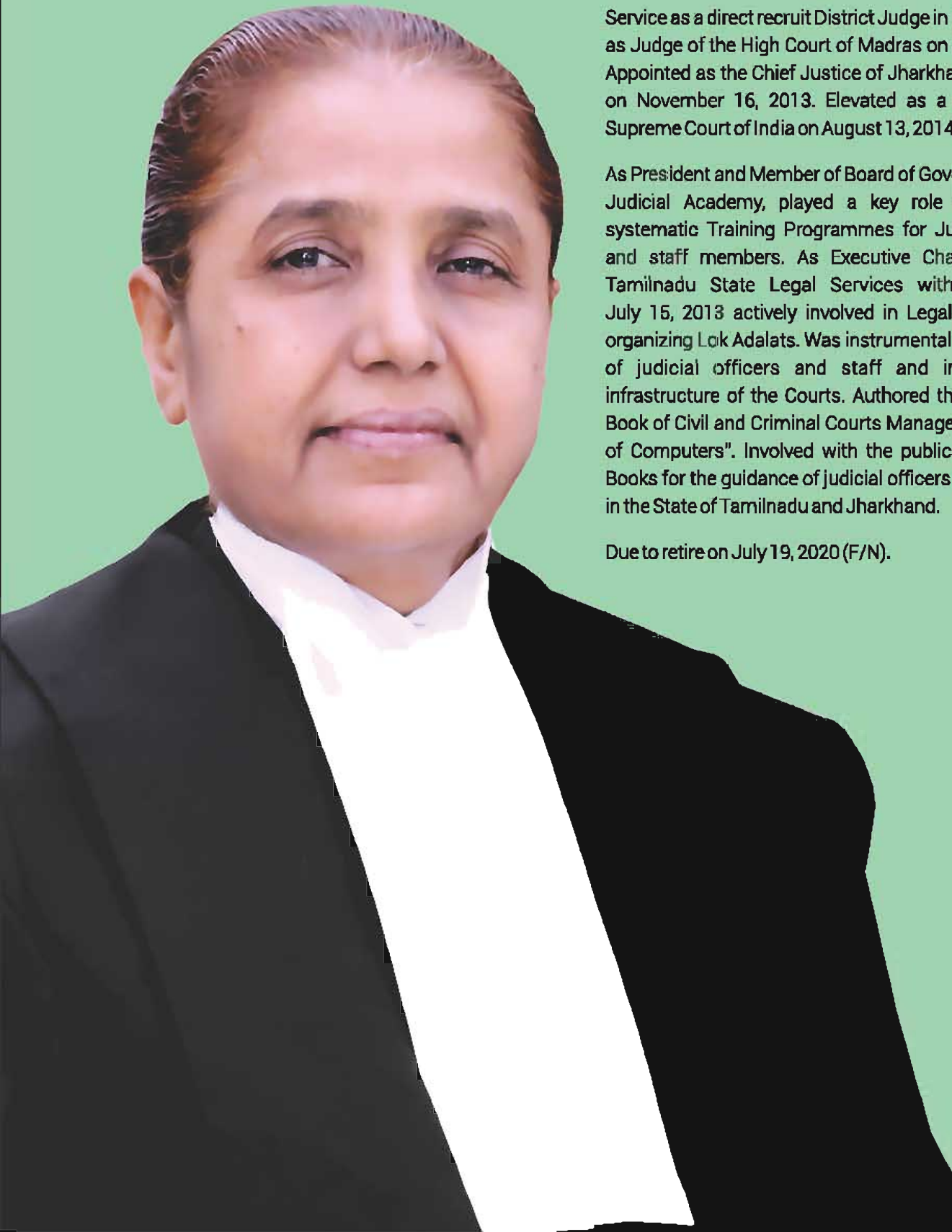
# JUSTICE ABHAY MANOHAR SAPRE

Born on August 28, 1954. Enrolled as an Advocate on January 21, 1978. Practiced on Civil, Constitutional and Labour sides in the High Court of Madhya Pradesh at Jabalpur. Appointed as an Additional Judge of the High Court of Madhya Pradesh on October 25, 1999 and Permanent Judge on October 24, 2001. Transferred to Rajasthan High Court and assumed charge at Principal Seat Jodhpur on February 11, 2010. Transferred to Chhattisgarh High Court and assumed charge on April 23, 2012. Was transferred to the High Court of Manipur as Chief Justice and assumed the charge as the First Chief Justice of High Court of Manipur on March 23, 2013. Transferred as Chief Justice of the Gauhati High Court, Guwahati and assumed charge on October 19, 2013. Elevated as a Judge of the Supreme Court and assumed charge on August 13, 2014.

Due to retire on August 27, 2019 (F/N).



# JUSTICE R. BANUMATHI



Born on July 20, 1955. Enrolled on January 07, 1981. Practiced in Mofussil Courts at Harur and Krishnagiri, State of Tamilnadu. Entered Tamilnadu Higher Judicial Service as a direct recruit District Judge in 1988. Elevated as Judge of the High Court of Madras on April 03, 2003. Appointed as the Chief Justice of Jharkhand High Court on November 16, 2013. Elevated as a Judge of the Supreme Court of India on August 13, 2014.

As President and Member of Board of Governors in State Judicial Academy, played a key role in organizing systematic Training Programmes for Judicial officers and staff members. As Executive Chairman of the Tamilnadu State Legal Services with effect from July 15, 2013 actively involved in Legal Services and organizing Lok Adalats. Was instrumental in recruitment of judicial officers and staff and improving the infrastructure of the Courts. Authored the Book "Hand Book of Civil and Criminal Courts Management and Use of Computers". Involved with the publication of Hand Books for the guidance of judicial officers and staff both in the State of Tamilnadu and Jharkhand.

Due to retire on July 19, 2020 (F/N).

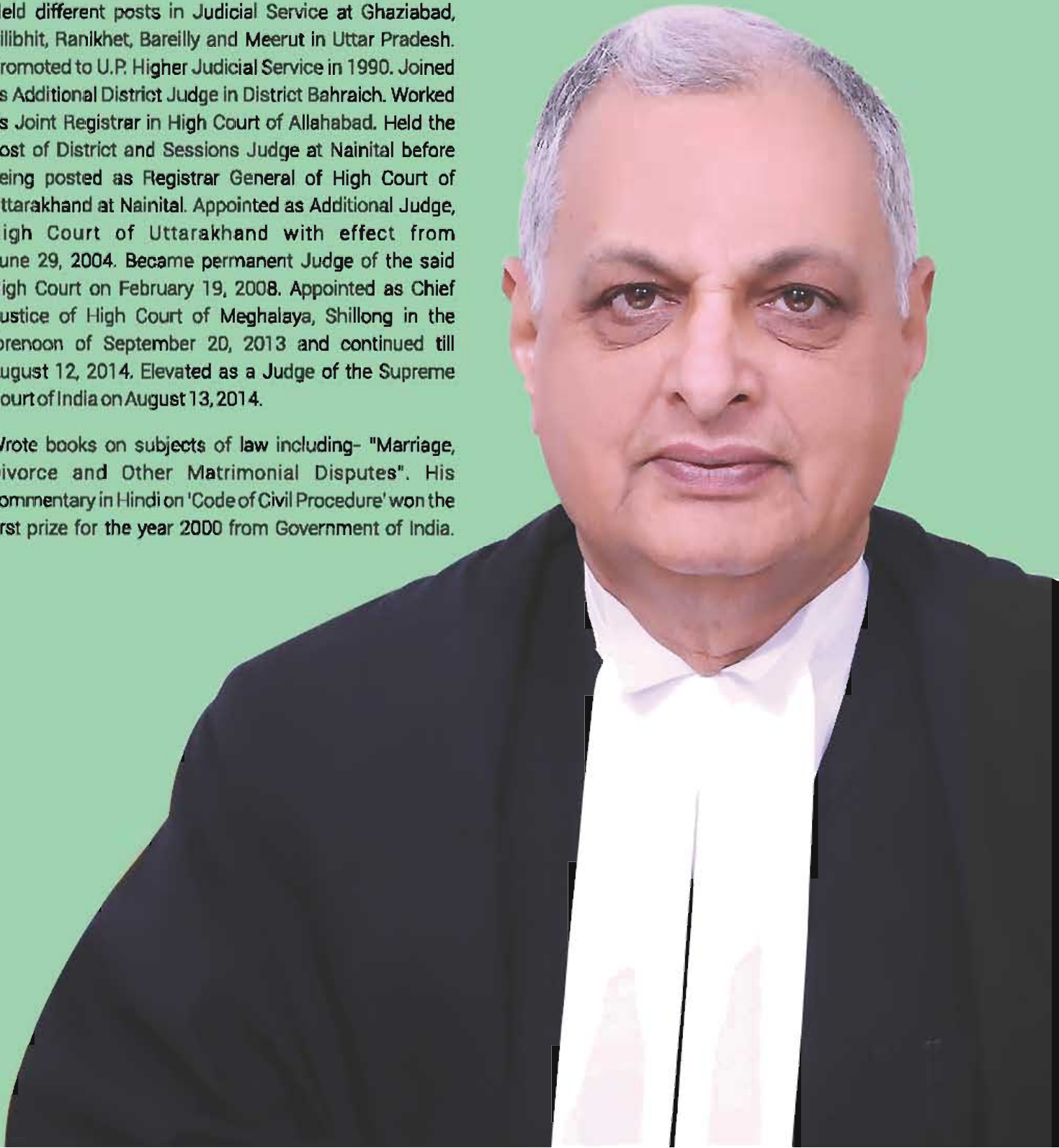
# JUSTICE PRAFULLA C. PANT

Born on August 30, 1952 in District Pithoragarh of Uttarakhand. Got his primary and secondary education in District Pithoragarh. Did his B.Sc. and LL.B. from Allahabad and Lucknow respectively. Joined the Bar at Allahabad in 1973. Entered into U.P. Judicial Service in the year 1976 (through U.P. Munsif Examination, 1973). Held different posts in Judicial Service at Ghaziabad, Pilibhit, Ranikhet, Bareilly and Meerut in Uttar Pradesh. Promoted to U.P. Higher Judicial Service in 1990. Joined as Additional District Judge in District Bahraich. Worked as Joint Registrar in High Court of Allahabad. Held the post of District and Sessions Judge at Nainital before being posted as Registrar General of High Court of Uttarakhand at Nainital. Appointed as Additional Judge, High Court of Uttarakhand with effect from June 29, 2004. Became permanent Judge of the said High Court on February 19, 2008. Appointed as Chief Justice of High Court of Meghalaya, Shillong in the forenoon of September 20, 2013 and continued till August 12, 2014. Elevated as a Judge of the Supreme Court of India on August 13, 2014.

Wrote books on subjects of law including- "Marriage, Divorce and Other Matrimonial Disputes". His commentary in Hindi on 'Code of Civil Procedure' won the first prize for the year 2000 from Government of India.

Authored 'Sunder Nirnay Kaise Likhain' (How to write good judgments) meant for the new entrants in Judicial Services. Was the first Secretary, Judicial, of the State of Uttarakhand after creation of the State.

Due to retire on August 29, 2017 (F/N).





# JUSTICE U. U. LALIT

Born on November 9, 1957. Enrolled as an Advocate in June, 1983. Practiced in the High Court of Bombay till December, 1985. Shifted his practice to Delhi in January, 1986. Designated as Senior Advocate by the Supreme Court in April, 2004. Appeared as *Amicus Curiae* in many matters. Appointed Special Public Prosecutor for CBI to conduct trial in all 2G matters under the orders of the Supreme Court. Member of Supreme Court of India Legal Services Committee for two terms. Appointed Judge of the Supreme Court of India on August 13, 2014.

Due to retire on November 08, 2022 (F/N).



# Hon'ble Chief Justices of India retired during 2014



**Justice P. Sathasivam**

Former Chief Justice of India

Date of Appointment: 21.08.2007

Date of Appointment as CJI: 19.07.2013

Held Office Till: 26.04.2014



**Justice R.M. Lodha**

Former Chief Justice of India

Date of Appointment: 17.12.2008

Date of Appointment as CJI: 27.04.2014

Held Office Till: 27.09.2014

# Hon'ble Judges retired during 2014



**Justice B. S. Chauhan**  
Date of Appointment: 11.05.2009  
Held office Till: 01.07.2014



**Justice A. K. Patnaik**  
Date of Appointment: 17.11.2009  
Held office Till: 02.06.2014



**Justice K.S. Panicker Radhakrishnan**  
Date of Appointment: 17.11.2009  
Held office Till: 14.05.2014



**Justice S. S. Nijjar**  
Date of Appointment: 17.11.2009  
Held office Till: 06.06.2014

# Hon'ble Judges retired during 2014



**Justice C. K. Prasad**

Date of Appointment: 08.02.2010

Held office Till: 14.07.2014



**Justice H.L. Gokhale**

Date of Appointment: 30.04.2010

Held office Till: 09.03.2014



**Justice Gyan Sudha Misra**

Date of Appointment: 30.04.2010

Held office Till: 27.04.2014



**Justice Ranjana Prakash Desai**

Date of Appointment: 13.09.2011

Held office Till: 29.10.2014



*Rare view of Supreme Court*

# 2

## SUPREME COURT OF INDIA : AN OVERVIEW

*@* n the 26th day of November, 1949, the people of India solemnly resolved to constitute a sovereign, democratic, republic and gave themselves the Constitution. The Constitution established a federation of the Union and States, parliamentary institutions, and a judiciary headed by the Supreme Court of India, with High Courts for every State, empowered to interpret and give effect to the Constitution and defend the rights and liberties of all persons and citizens.

The connotation "Supreme Court of India" invokes great respect in minds of the citizens of India as a pyramid of administration of justice and defender of the fundamentals of the rule of law. The people of India firmly believe that the country is and will remain stable with justice for all as long as the Supreme Court of India is in command of the judicial system.



**President of India. Dr. Rajendra Prasad administers the oath of Office to Sir Harilal J. Kania as the Chief Justice of India, as Sri C. Rajagopalachari, the last Governor General of India looks on**

### I. A RETROSPECT

It is said that – "Roots of the present lie deep in the past". If one was to enter the realm of Indian legal history, there

*"Every citizen in this country has the right to live with dignity and honour which is a fundamental right guaranteed under Article 21 of the Constitution of India."*<sup>1</sup>



**Supreme Court at Fort William in Bengal**

is no end as to how much one can go back in terms of time. In order to understand the present judicial system, it may be appropriate to look at the times of the British and take note of the major incidents which shaped the society in a manner so as to make it receptive to present judicial system which could come up and function effectively.

King George - I issued a Charter to the East India Company on 24th September, 1726 for bringing out important changes in the judicial administration of the Presidency Towns of Bombay, Calcutta and Madras. The civil and criminal Courts established in the Presidency Towns started deriving their authority from the King through the Charter. This Charter brought into existence the system of appeals from India to the Privy Council in England.

In order, to control the acts of the East India Company, the King in England had to intervene by bringing out Regulating Act of 1773 published in "The Statutes At

Large". The Act subjected the East India Company to the control of the British Government and provided for His Majesty by Charter or Letters Patent to establish a Supreme Court of Judicature at Fort William at Calcutta superseding the prevalent judicial system there. The Act contained provision for appointment of a Chief Justice and three puisne Judge. The Act provided that Supreme Court of Judicature shall have full Power and Authority to hear and determine all Complaints against any of His Majesty's Subjects for any Crimes, Misdemeanours, or Oppressions, committed or to be committed; and also to entertain, hear, and determine, any Suits or Actions whatsoever against any of His Majesty's Subjects in Bengal, Bihar and Orissa.

One interesting provision found in the Regulating Act of 1773 is in Clause XXIII which prohibits the Governor-General or any of the Council of the said United Company's Presidency at Fort William in Bengal or any Chief Justice or any of the Judges of the Supreme Court

*"Court is the conscience of the Constitution of India. Conscience is the moral sense of right and wrong of a person."*<sup>2</sup>

of Judicature at Fort William from directly or indirectly, by themselves or by any other person or persons on his behalf, to accept, receive or take of or from any "Perfon or Perfons", (Person or Persons") in any manner or on any account whatsoever any "Perfent Gift, Fonation, Gratuity or Reward, pecuniary or otherwife", {"Present Gift, Donation, Gratuity or Reward, pecuniary or otherwise."}

Letters Patent establishing "The Supreme Court of Judicature, at Fort William, in Bengal" were issued on March 26, 1774. It was to be a Court of Record. Sir Elijah Impey was appointed as Chief Justice and Robert Chamber, Stephen Ceasar Lemaistre and John Hyde were appointed puisne Judges. The Supreme Court established at Fort William was a Court of Equity. There was provision to appeal against the orders of the Supreme Court to the King in Council.

On issue of Charter, on 26th December, 1800, King George-III established Supreme Court at Madras with effect from 4th September, 1801. Another Supreme Court was established by another Charter dated 8th December, 1823 at Bombay (now Mumbai) which was formally inaugurated on 8th May, 1824. The Supreme Courts at Madras and Bombay were on same lines as the Supreme Court at Calcutta.

British Parliament passed the Act establishing "The Judicial Committee of the Privy Council" in 1833. The Act established a permanent statutory Committee of legal experts to hear appeals from the British colonies. Thus the Privy Council was transformed by the Act of 1833 into a great Imperial Court of unimpeachable authority.

The Indian High Courts Act, 1861 was passed by the British Parliament on 6th August, 1861 which abolished these Supreme Courts and then existing Sadar Adalats in the Presidency Towns and established High Courts in their place. The High Courts were granted civil, criminal, admiralty, vice-admiralty, testimony, intestate, matrimonial jurisdictions and had Original and Appellate powers. The Judicial System thus grew in India.



**Sir Maurice Gwyer who was sworn in as the 1st Chief Justice of the Federal Court with Sri Shah Muhammed Sulaiman, Judge (Left) and Hon'ble Mr. M.R. Jayakar, Judge (Right)**

## II. FEDERAL COURT - THE PRECURSOR TO THE SUPREME COURT OF INDIA

Government of India Act, 1935 (26 Geo. V & I Edw. VII Ch.2) came to be enacted on 2nd August, 1935. Part IX of the Act dealt with "The Judicature". This Part of the Act laid down in Section 200 that "There shall be a Federal Court consisting of a Chief Justice of India and such number of other Judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of Judges, the number of puisne Judges shall not exceed six".

It was the first Constitutional Court and also the first all India Court of extensive jurisdiction having Original, Appellate and Advisory jurisdiction. Law declared by the

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*"Besides separation of powers, the independence of judiciary is of fundamental constitutional value in the structure of our Constitution."*<sup>3</sup>





**"Chamber of Princes" - Now part of Parliament House**

Federal Court and Privy Council had been given binding effect on all the Courts in British India. The Federal Court had its inaugural Session on December 6, 1937 in Chamber of Princess in Parliament Building, New Delhi and sat there for 12 years until Supreme Court of India replaced it.

The first sitting at Federal Court makes an epoch in the history of India. The establishment of the Court introduced a new element in the Indian civilization one of oldest and the greatest civilizations of the World. In exercise of both its original & appellate jurisdiction, the Federal Court exercised its responsibility in such a manner that the quality of judicial capacity, fairness, and

dignity, based upon British tradition, has gained so high a reputation.

Appeals from the Federal Court lay to the Privy Council in London, which remained the final Arbitrator on all the matters of Indian Legal System. The Federal Court in its existence for 12 years left behind a considerable impact on Indian law. The First Chief Justice of the Federal Court was Sir Maurice Gwyer. During the period of its existence, the Federal Court decided 151 cases on issues of momentous importance relating to federalism, its own Advisory jurisdiction and, on matters of Preventive detention. In 1950, when the Federal Court ceased to exist and was replaced by the Supreme Court of India, its Judges became the Judges of the Supreme Court of

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*"In a democracy, the citizens legitimately expect that the Government of the day would treat the public interest as primary and any other interest secondary"<sup>4</sup>*



*Photograph of the Judges of the Supreme Court in 1950*

India, carrying with them tradition of erudition, independence and courage.

A new era in the legal history of India began on 26th January, 1950 when the Constitution of India came into force.

### **III. SUPREME COURT – AT PRESENT**

“We, the people” of independent India, through Constituent Assembly, enforced on 26th January 1950 own Constitution providing, *inter alia*, for replacing the Federal Court by establishing Supreme Court of India as the apex court in the judicial hierarchy of the land with its seat in Delhi. The constituent assembly conceived the Supreme Court of Independent India as the “Guardian of

Social Revolution”, being a repository of all judicial power at the National Level.

On January 28, 1950, two days after India became sovereign democratic republic, the Supreme Court had its inaugural session. The inauguration took place in the Chamber of Princes in the Parliament building, which also housed India’s Parliament, consisting of the Council of States and the House of the People.

Chief Justice Harilal J. Kania observed in inaugural session that “The Supreme Court, an all India Court, will stand firm and aloof from party politics and political theories. It is unconcerned with the changes in the government. The Court stands to administer the law for the time being in force, has goodwill and sympathy for all, but is allied to none.”

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*“Institutional respectability and adoption of precautions for the sustenance of constitutional values would include reverence for the constitutional structure”<sup>5</sup>*

The Supreme Court established by the Constitution was empowered with a jurisdiction incomparable to any other apex court in the world. It could virtually hear, decide and pronounce on any legal matter brought before it.

Chapter IV of the Constitution of India makes provision for "Union Judiciary". Article 124 deals with establishment and constitution of the Supreme Court, *inter alia*, prescribing its composition, qualifications of a Judge and mode of appointment as a Judge thereof, and procedure for removal of a Judge from Office. There is provision for appointment of ad hoc Judges, and attendance of retired Judges at sittings, under Article 128. It is a Court of Record (as per Article 129) and has all the powers of such Court including the power to punish for contempt.

Supreme Court of India, since its inception, has been conferred with a jurisdiction far greater than that of any comparable court anywhere in the World. With its extensive powers under Articles 32 & 129 to 145 of the Constitution, the Supreme Court stands out as the forum for redressal of grievances and as the guardian of liberties, rights and as the final arbitrator in most of the disputes not only between individuals, but also between States or between the Union and State or between individual and State. As an appellate court, it can hear appeal from the High Courts on civil, criminal and constitutional matters. It possesses a special appellate power to permit appeals from any Tribunal, Court or High Court. In the years that have followed after its establishment, this special jurisdiction has dwarfed all others. The Court can review its own judgments. In its advisory capacity, it answers references by the President of India on any questions of law or fact of public importance, which may have arisen or is likely to arise.

The Supreme Court is designated as the custodian of fundamental rights and "rule of law". Article 144 mandates all authorities, civil and judicial, to act in aid of the Supreme Court. Interwoven into these power is the power of judicial review, the power to strike down such legislation or executive action as may be violative of the provisions or the basic structure of the Constitution (e.g.

the distribution of power between Union and States), or inimical to the fundamental rights guaranteed by the Constitution. The Court has the authority to pass any decree and order as is necessary for doing "complete justice"

#### IV. STRENGTH OF JUDGES

The present strength of Supreme Court Judges is 31 i.e. one the Chief Justice of India and 30 Judges. The strength of the Judges in the Supreme Court at the time of its inception was 8 which has been increased from time to time by amending the Supreme Court (Number of Judges) Act, 1965. The strength of the Judges in the Supreme Court, as increased by amending Acts from time to time, has been as under:-

Constitution/ Acts	Strength of Judges	Bill No.
Constitution – Article 124	1 + 7 = 8	
Act No. 55/1956	1 + 10 = 11	L.S. Bill No.44/1956
Act No. 17/1960	1 + 13 = 14	L.S. Bill No.V/1960
Act No. 48/1977	1 + 17 = 18	L.S. Bill No.135/1977
Act No. 22/1986	1 + 25 = 26	L.S. Bill No.157/1985
Act No. 11/2009	1 + 30 = 31	L.S. Bill No.41/2008

#### V. THE COURT AND ITS PREDECESSORS:

The Supreme Court, since its inception has been nurtured and served by the judicial vision of 41 Hon'ble Chief Justices and 150 Hon'ble Judges till the date of publication of this report besides the present Hon'ble the Chief Justice of India and 27 Hon'ble Judges.

*"It is always profitable to remember that a Constitution is "written in blood, rather than ink" <sup>6</sup>*

## RETIRED HON'BLE CHIEF JUSTICES (ARRANGED ACCORDING TO SENIORITY)

S.No.	NAME	DATE OF APPOINTMENT	DATE OF APPOINTMENT AS C.J.I	HELD OFFICE TILL
1.	Hon'ble Mr. Justice Harilal Jekisundas Kania	26/01/1950	26/01/1950	06/11/1951*
2.	Hon'ble Mr. Justice M. Patanjali Sastri	26/01/1950	07/11/1951	03/01/1954
3.	Hon'ble Mr. Justice Mehr Chand Mahajan	26/01/1950	04/01/1954	22/12/1954
4.	Hon'ble Mr. Justice Bijan Kumar Mukherjea	26/01/1950	23/12/1954	31/01/1956**
5.	Hon'ble Mr. Justice Sudhi Ranjan Das	26/01/1950	01/02/1956	30/09/1959
6.	Hon'ble Mr. Justice Bhuvneshwar Prasad Sinha	03/12/1954	01/10/1959	31/01/1964
7.	Hon'ble Mr. Justice P.B. Gajendragadkar	17/01/1957	01/02/1964	15/03/1966
8.	Hon'ble Mr. Justice A.K. Sarkar	04/03/1957	16/03/1966	29/06/1966
9.	Hon'ble Mr. Justice K. Subba Rao	31/01/1958	30/06/1966	11/04/1967**
10.	Hon'ble Mr. Justice K.N. Wanchoo	11/08/1958	12/04/1967	24/02/1968
11.	Hon'ble Mr. Justice M. Hidayatullah	01/12/1958	25/02/1968	16/12/1970
12.	Hon'ble Mr. Justice J.C. Shah	12/10/1959	17/12/1970	21/01/1971
13.	Hon'ble Mr. Justice S.M. Sikri	03/02/1964	22/01/1971	25/04/1973
14.	Hon'ble Mr. Justice A.N. Ray	01/08/1969	26/04/1973	28/01/1977
15.	Hon'ble Mr. Justice M.Hameedullah Beg	10/12/1971	29/01/1977	21/02/1978
16.	Hon'ble Mr. Justice Y.V. Chandrachud	28/08/1972	22/02/1978	11/07/1985
17.	Hon'ble Mr. Justice P.N. Bhagwati	17/07/1973	12/07/1985	20/12/1986
18.	Hon'ble Mr. Justice R.S. Pathak	20/02/1978	21/12/1986	18/06/1989**
19.	Hon'ble Mr. Justice E.S. Venkataramiah	08/03/1979	19/06/1989	17/12/1989
20.	Hon'ble Mr. Justice Sabyasachi Mukherji	15/03/1983	18/12/1989	25/09/1990*
21.	Hon'ble Mr. Justice Ranganath Misra	15/03/1983	25/09/1990	24/11/1991
22.	Hon'ble Mr. Justice K.N. Singh	10/03/1986	25/11/1991	12/12/1991
23.	Hon'ble Mr. Justice M.H. Kania	01/05/1987	13/12/1991	17/11/1992

S.No.	NAME	DATE OF APPOINTMENT	DATE OF APPOINTMENT AS C.J.I	HELD OFFICE TILL
24.	Hon'ble Mr. Justice L.M. Sharma	05/10/1987	18/11/1992	11/02/1993
25.	Hon'ble Mr. Justice M.N. Venkatachaliah	05/10/1987	12/02/1993	24/10/1994
26.	Hon'ble Mr. Justice A.M. Ahmadi	14/12/1988	25/10/1994	24/03/1997
27.	Hon'ble Mr. Justice J.S. Verma	03/06/1989	25/03/1997	17/01/1998
28.	Hon'ble Mr. Justice M.M. Punchhi	06/10/1989	18/01/1998	09/10/1998
29.	Hon'ble Dr. Justice A.S. Anand	18/11/1991	10/10/1998	31/10/2001
30.	Hon'ble Mr. Justice S.P. Bharucha	01/07/1992	01/11/2001	05/05/2002
31.	Hon'ble Mr. Justice B.N. Kirpal	11/09/1995	06/05/2002	07/11/2002
32.	Hon'ble Mr. Justice G.B. Pattanaik	11/09/1995	08/11/2002	18/12/2002
33.	Hon'ble Mr. Justice V.N. Khare	21/03/1997	19/12/2002	01/05/2004
34.	Hon'ble Mr. Justice S. Rajendra Babu	25/09/1997	02/05/2004	31/05/2004
35.	Hon'ble Mr. Justice R.C. Lahoti	09/12/1998	01/06/2004	31/10/2005
36.	Hon'ble Mr. Justice Y.K. Sabharwal	28/01/2000	01/11/2005	13/01/2007
37.	Hon'ble Mr. Justice K.G. Balakrishnan	08/06/2000	14/01/2007	11/05/2010
38.	Hon'ble Mr. Justice S.H. Kapadia	18/12/2003	12/05/2010	28/09/2012
39.	Hon'ble Mr. Justice Altamas Kabir	09/09/2005	29/09/2012	18/07/2013
40.	Hon'ble Mr. Justice P. Sathasivam	21/08/2007	19/07/2013	26/04/2014
41.	Hon'ble Mr. Justice Rajendra Mal Lodha	17/12/2008	27/04/2014	27/09/2014

• Date of Death

↔ Date of Resignation

## RETIRED HON'BLE JUDGES (ARRANGED ACCORDING TO SENIORITY)

S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
1.	Hon'ble Mr. Justice Sir Saiyid Fazl Ali	26/01/1950	18/09/1951
2.	Hon'ble Mr. Justice N. Chandrasekhara Aiyar	23/09/1950	24/01/1953
3.	Hon'ble Mr. Justice Vivian Bose	05/03/1951	08/06/1956
4.	Hon'ble Mr. Justice Ghulam Hasan	08/09/1952	05/11/1954 *
5.	Hon'ble Mr. Justice Natwarlal Harilal Bhagwati	08/09/1952	06/08/1959
6.	Hon'ble Mr. Justice B. Jagannadhadas	09/03/1953	26/07/1958
7.	Hon'ble Mr. Justice T.L. Venkatarama Aiyar	04/01/1954	24/11/1958
8.	Hon'ble Mr. Justice Syed Jaffer Imam	10/01/1955	31/01/1964 **
9.	Hon'ble Mr. Justice S.K. Das	30/04/1956	02/09/1963
10.	Hon'ble Mr. Justice P. Govinda Menon	01/09/1956	16/10/1957*
11.	Hon'ble Mr. Justice J.L. Kapur	14/01/1957	12/12/1962
12.	Hon'ble Mr. Justice K.C. Das Gupta	24/08/1959	02/01/1965
13.	Hon'ble Mr. Justice Raghubar Dayal	27/07/1960	25/10/1965
14.	Hon'ble Mr. Justice N. Rajagopala Ayyangar	27/07/1960	14/12/1964
15.	Hon'ble Mr. Justice J.R. Madholkar	03/10/1960	03/07/1966 **
16.	Hon'ble Mr. Justice R.S. Bachawat	07/09/1964	31/07/1969
17.	Hon'ble Mr. Justice V. Ramaswami	04/01/1965	29/10/1969
18.	Hon'ble Mr. Justice P. Satyanarayana Raju	20/10/1965	20/04/1966*
19.	Hon'ble Mr. Justice J.M. Shelat	24/02/1966	30/04/1973**
20.	Hon'ble Mr. Justice Vishishtha Bhargava	08/08/1966	04/02/1971
21.	Hon'ble M. Justice G.K. Mitter	29/08/1966	23/09/1971
22.	Hon'ble Mr. Justice C.A. Vaidyalingam	10/10/1966	29/06/1972
23.	Hon'ble Mr. Justice K.S. Hegde	17/07/1967	30/04/1973 **

S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
24.	Hon'ble Mr. Justice A.N. Grover	11/02/1968	31/05/1973 **
25.	Hon'ble Mr. Justice P. Jaganmohan Reddy	01/08/1969	22/01/1975
26.	Hon'ble Mr. Justice I.D. Dua	01/08/1969	03/10/1972
27.	Hon'ble Mr. Justice Subimal Chandra Roy	19/07/1971	12/11/1971 *
28.	Hon'ble Mr. Justice D.G. Palekar	19/07/1971	03/09/1974
29.	Hon'ble Mr. Justice Hans Raj Khanna	22/09/1971	12/03/1977 **
30.	Hon'ble Mr. Justice Kuttyil Kurien Mathew	04/10/1971	02/01/1976
31.	Hon'ble Mr. Justice S.N. Dwivedi	14/08/1972	08/12/1974 *
32.	Hon'ble Mr. Justice A.K. Mukherjea	14/08/1972	23/10/1973 *
33.	Hon'ble Mr. Justice A. Alagiriswami	17/10/1972	16/10/1975
34.	Hon'ble Mr. Justice V.R. Krishna Iyer	17/07/1973	14/11/1980
35.	Hon'ble Mr. Justice P.K. Goswami	10/09/1973	31/12/1977
36.	Hon'ble Mr. Justice R.S. Sarkaria	17/09/1973	15/01/1981
37.	Hon'ble Mr. Justice A.C. Gupta	02/09/1974	31/12/1981
38.	Hon'ble Mr. Justice N.L. Untwalia	03/10/1974	31/07/1980
39.	Hon'ble Mr. Justice S. Murtaza Fazal Ali	02/04/1975	20/08/1985*
40.	Hon'ble Mr. Justice P.N. Shingal	06/11/1975	14/10/1980
41.	Hon'ble Mr. Justice Jaswant Singh	23/01/1976	24/01/1979
42.	Hon'ble Mr. Justice P.S. Kailasam	03/01/1977	11/09/1980
43.	Hon'ble Mr. Justice V.D. Tulzapurkar	30/09/1977	08/03/1986
44.	Hon'ble Mr. Justice D.A. Desai	30/09/1977	08/05/1985
45.	Hon'ble Mr. Justice A.D. Koshal	17/07/1978	06/03/1982
46.	Hon'ble Mr. Justice O. Chinnappa Reddy	17/07/1978	24/09/1987
47.	Hon'ble Mr. Justice A.P. Sen	17/07/1978	19/09/1988
48.	Hon'ble Mr. Justice Baharul Islam	04/12/1980	12/01/1983**
49.	Hon'ble Mr. Justice A. Varadarajan	10/12/1980	16/08/1985

S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
50.	Hon'ble Mr. Justice Amarendra Nath Sen	28/01/1981	30/09/1985
51.	Hon'ble Mr. Justice V. Balakrishna Eradi	30/01/1981	18/06/1987
52.	Hon'ble Mr. Justice R.B. Misra	30/01/1981	14/06/1986
53.	Hon'ble Mr. Justice D.P. Madon	15/03/1983	06/04/1986
54.	Hon'ble Mr. Justice M.P. Thakkar	15/03/1983	03/11/1988
55.	Hon'ble Mr. Justice V. Khalid	25/06/1984	30/06/1987
56.	Hon'ble Mr. Justice G.L. Oza	29/10/1985	11/12/1989
57.	Hon'ble Mr. Justice B.C. Ray	29/10/1985	31/10/1991
58.	Hon'ble Mr. Justice M.M. Dutt	10/03/1986	29/10/1989
59.	Hon'ble Mr. Justice S. Natarajan	10/03/1986	28/10/1989
60.	Hon'ble Mr. Justice K. Jagannatha Shetty	01/05/1987	14/12/1991
61.	Hon'ble Mr. Justice S. Ranganathan	05/10/1987	30/10/1992
62.	Hon'ble Mr. Justice N.D. Ojha	18/01/1988	18/01/1991
63.	Hon'ble Mr. Justice S. Ratnavel Pandian	14/12/1988	12/03/1994
64.	Hon'ble Dr. Justice T.K. Thommen	14/12/1988	25/09/1993
65.	Hon'ble Mr. Justice K.N. Saikia	14/12/1988	28/02/1991
66.	Hon'ble Mr. Justice Kuldip Singh	14/12/1988	31/12/1996
67.	Hon'ble Mr. Justice V. Ramaswami	06/10/1989	14/02/1994
68.	Hon'ble Mr. Justice P.B. Sawant	06/10/1989	29/06/1995
69.	Hon'ble Mr. Justice N.M. Kasliwal	06/10/1989	03/04/1993
70.	Hon'ble Mr. Justice K. Ramaswamy	06/10/1989	12/07/1997
71.	Hon'ble Ms. Justice M. Fathima Beevi	06/10/1989	29/04/1992
72.	Hon'ble Mr. Justice K. Jayachandra Reddy	11/01/1990	14/07/1994
73.	Hon'ble Mr. Justice S.C. Agrawal	11/01/1990	04/09/1998
74.	Hon'ble Mr. Justice R.M. Sahai	11/01/1990	24/06/1995
75.	Hon'ble Mr. Justice Yogeshwar Dayal	22/03/1991	02/08/1994*



S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
76.	Hon'ble Mr. Justice S. Mohan	07/10/1991	10/02/1995
77.	Hon'ble Mr. Justice B.P. Jeevan Reddy	07/10/1991	13/03/1997
78.	Hon'ble Mr. Justice G.N. Ray	07/10/1991	30/04/1998
79.	Hon'ble Mr. Justice R.C. Patnaik	03/12/1991	30/05/1992 *
80.	Hon'ble Mr. Justice N.P. Singh	15/06/1992	24/12/1996
81.	Hon'ble Mr. Justice N. Venkatachala	01/07/1992	02/07/1995
82.	Hon'ble Mr. Justice M.K. Mukherjee	14/12/1993	30/11/1998
83.	Hon'ble Mr. Justice Faizan Uddin	14/12/1993	04/02/1997
84.	Hon'ble Mr. Justice B.L. Hansaria	14/12/1993	24/12/1996
85.	Hon'ble Mr. Justice S.C. Sen	11/06/1994	20/12/1997
86.	Hon'ble Mr. Justice K.S. Paripoornan	11/06/1994	11/06/1997
87.	Hon'ble Mr. Justice S.B. Majmudar	19/09/1994	19/08/2000
88.	Hon'ble Ms. Justice Sujata V. Manohar	08/11/1994	27/08/1999
89.	Hon'ble Mr. Justice G.T. Navavati	06/03/1995	16/02/2000
90.	Hon'ble Mr. Justice S. Saghir Ahmad	06/03/1995	30/06/2000
91.	Hon'ble Mr. Justice K. Venkataswami	06/03/1995	18/09/1999
92.	Hon'ble Mr. Justice S.P. Kurdukar	29/03/1996	15/01/2000
93.	Hon'ble Mr. Justice K.T. Thomas	29/03/1996	29/01/2002
94.	Hon'ble Mr. Justice M. Jagannadha Rao	21/03/1997	01/12/2000
95.	Hon'ble Mr. Justice D.P. Wadhwa	21/03/1997	04/05/2000
96.	Hon'ble Mr. Justice M. Srinivasan	25/09/1997	25/02/2000 *
97.	Hon'ble Mr. Justice Ajay Prakash Misra	04/12/1997	31/08/2001
98.	Hon'ble Mr. Justice S.S.M. Quadri	04/12/1997	04/04/2003
99.	Hon'ble Mr. Justice M.B. Shah	09/12/1998	24/09/2003
100.	Hon'ble Mr. Justice D.P. Mohapatra	09/12/1998	02/08/2002
101.	Hon'ble Mr. Justice U.C. Banerjee	09/12/1998	17/11/2002

S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
102.	Hon'ble Mr. Justice N. Santosh Hegde	08/01/1999	15/06/2005
103.	Hon'ble Mr. Justice R.P. Sethi	08/01/1999	06/07/2002
104.	Hon'ble Mr. Justice S.N. Phukan	28/01/1999	31/03/2002
105.	Hon'ble Mr. Justice Doraiswamy Raju	28/01/2000	01/07/2004
106.	Hon'ble Mrs. Justice Ruma Pal	28/01/2000	02/06/2006
107.	Hon'ble Mr. Justice S.N. Variava	15/03/2000	07/11/2005
108.	Hon'ble Mr. Justice Shivaraj V. Patil	15/03/2000	11/01/2005
109.	Hon'ble Mr. Justice Brijesh Kumar	19/10/2000	09/06/2004
110.	Hon'ble Mr. Justice B.N. Agrawal	19/10/2000	14/10/2009
111.	Hon'ble Mr. Justice P. Venkatarama Reddi	17/08/2001	09/08/2005
112.	Hon'ble Mr. Justice Ashok Bhan	17/08/2001	01/10/2008
113.	Hon'ble Dr. Justice Arijit Pasayat	19/10/2001	09/05/2009
114.	Hon'ble Mr. Justice B.P. Singh	14/12/2001	08/07/2007
115.	Hon'ble Mr. Justice D.M. Dharmadhikari	05/03/2002	13/08/2005
116.	Hon'ble Mr. Justice H.K. Sema	09/04/2002	31/05/2008
117.	Hon'ble Mr. Justice S.B. Sinha	03/10/2002	07/08/2009
118.	Hon'ble Mr. Justice Arun Kumar	03/10/2002	11/04/2006
119.	Hon'ble Mr. Justice B.N. Srikrishna	03/10/2002	20/05/2006
120.	Hon'ble Dr. Justice AR. Lakshmanan	20/12/2002	21/03/2007
121.	Hon'ble Mr. Justice G.P. Mathur	20/12/2002	18/01/2008
122.	Hon'ble Mr. Justice A.K. Mathur	07/06/2004	06/08/2008
123.	Hon'ble Mr. Justice C.K. Thakker	07/06/2004	09/11/2008
124.	Hon'ble Mr. Justice Tarun Chatterjee	27/08/2004	13/01/2010
125.	Hon'ble Mr. Justice P.K. Balasubramanyan	27/08/2004	27/08/2007
126.	Hon'ble Mr. Justice P.P. Naolekar	27/08/2004	28/06/2008
127.	Hon'ble Mr. Justice R.V. Raveendran	09/09/2005	14/10/2011

S.No.	NAME	DATE OF APPOINTMENT	HELD OFFICE TILL
128.	Hon'ble Mr. Justice Dalveer Bhandari	28/10/2005	27/04/2012**
129.	Hon'ble Mr. Justice Lokeshwar Singh Panta	03/02/2006	22/04/2009
130.	Hon'ble Mr. Justice D.K. Jain	10/04/2006	24/01/2013
131.	Hon'ble Mr. Justice Markandey Katju	10/04/2006	19/09/2011
132.	Hon'ble Mr. Justice H.S. Bedi	12/01/2007	04/09/2011
133.	Hon'ble Mr. Justice V.S. Sirpurkar	12/01/2007	21/08/2011
134.	Hon'ble Mr. Justice B. Sudershan Reddy	12/01/2007	07/07/2011
135.	Hon'ble Mr. Justice G.S. Singhvi	12/11/2007	11/12/2013
136.	Hon'ble Mr. Justice Aftab Alam	12/11/2007	18/04/2013
137.	Hon'ble Mr. Justice J.M. Panchal	12/11/2007	05/10/2011
138.	Hon'ble Dr. Justice Mukundakam Sharma	09/04/2008	17/09/2011
139.	Hon'ble Mr. Justice Cyriac Joseph	07/07/2008	27/01/2012
140.	Hon'ble Mr. Justice A.K. Ganguly	17/12/2008	02/02/2012
141.	Hon'ble Mr. Justice Deepak Verma	11/05/2009	27/08/2012
142.	Hon'ble Dr. Justice B.S. Chauhan	11/05/2009	01/07/2014
143.	Hon'ble Mr. Justice A.K. Patnaik	17/11/2009	02/06/2014
144.	Hon'ble Mr. Justice K.S. Radhakrishnan	17/11/2009	14/05/2014
145.	Hon'ble Mr. Justice S.S. Nijjar	17/11/2009	06/06/2014
146.	Hon'ble Mr. Justice Swatanter Kumar	18/12/2009	19/12/2012
147.	Hon'ble Mr. Justice C.K. Prasad	08/02/2010	14/07/2014
148.	Hon'ble Mr. Justice H.L. Gokhale	30/04/2010	09/03/2014
149.	Hon'ble Mrs. Justice Gyan Sudha Misra	30/04/2010	27/04/2014
150.	Hon'ble Mrs. Justice Ranjana Prakash Desai	13/09/2011	29/10/2014

• Date of Death

\*\* Date of Resignation

# 3

## THE JURISDICTION

The Supreme Court of India has the Original, Appellate and Advisory Jurisdiction. The Original Jurisdiction is used rarely by entertaining a Writ Petition under Article 32 of the Constitution for the protection of Fundamental Rights. The primary task of the Supreme Court is to act as an appellate court. In that capacity it serves as final Arbitrator in the construction of Constitutional Provisions. Appeals come to the Supreme Court from various sources, i.e. from High Court, Tribunals and Special Tribunals etc. The different types of Jurisdictions given to the Supreme Court under the Constitutional scheme are as under:-

### I. ORIGINAL JURISDICTION

#### (a) Writ Jurisdiction:-

Under Article 32, the Supreme Court has powers to issue directions or orders including writs in the nature of *Habeas Corpus*, *Mandamus*, *Prohibition*, *Quo Warranto* and *Certiorari*, whichever may be appropriate, for the enforcement of any of the Fundamental Rights guaranteed under the Constitution.

#### (b) Election Disputes Relating to President/Vice-President of India:-

In view of Article 71, disputes relating to the election of the President or Vice-President of the Union of India may be enquired into, and decided by the Supreme Court whose decision shall be final.

#### (c) Original Suits:-

In the case of contingencies enumerated under Article 131, the Supreme Court can exercise original jurisdiction to the exclusion of any other Court. Disputes between the Government of India and one or more States; or between the Government of India on one hand and any State or States on the other; or between two or more States.

#### (d) Transfer of Cases:-

The Supreme Court also has powers to transfer matters from one High Court to another High Court or from one subordinate court to another subordinate court under Section 25 of the Code of Civil Procedure, 1908. The Supreme Court can also transfer to itself any case involving same or

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*"It is imperative for the Court to diligently distil and then apply the ratio of a decision"*<sup>7</sup>

substantially same questions of law pending before it and one or more High Courts in certain contingencies as per the provisions under Article 139A.

**(e) Arbitration Matters:-**

"The Appointment of Arbitrators by the Chief Justice of India Scheme, 1996" framed under Section 11(10) of the Arbitration and Conciliation Act, 1996 regulates the appointment of arbitrators under Section 11(6) of the Act.

**(f) Contempt Proceedings:-**

The Supreme Court of India has all the powers to punish for contempt of itself. For this purpose, "Rules to Regulate proceedings for Contempt of the Supreme Court, 1975," have been framed in exercise of the power under section 23 of the Contempt of Courts Act, 1971, read with Article 145 of the Constitution of India.

## II. APPELLATE JURISDICTION

**(a) General:-**

Appellate Jurisdiction is exercised under Article 132 to 134 of the Constitution. According to Article 132, an appeal shall lie to the Supreme Court from any Judgment, Decrees or Final Order of a High Court in the territory of India, whether in a civil, criminal or other proceedings, if the High Court certifies under Article 134A that the case involves a substantial question of law as to the interpretation of the Constitution. An appeal shall also lie to Supreme Court from any Judgment, Decree or Final Order in civil proceedings of a High Court, if the High Court certifies under Article 134-A (a) that the case involves substantial question of law of general importance; and (b) that in the opinion of the High Court, the said question needs to be decided by the Supreme Court. In criminal matters, Article 134 provides for appeal to Supreme Court upon the High Court issuing a

certificate about fitness of the case for such appeal, or where sentence of death is awarded by the High Court reversing an order of acquittal by trial court, or in a case tried by the High Court, if it awards a sentence of death.

**(b) Statutory Appeals :-**

A number of special statutes provide for appeal to Supreme Court. Such provisions for statutory appeals include the following:-

- (i) Section 35(L) of the Central Excise Act, 1944 (1 of 1944);
- (ii) Section 116 A of the Representation of the People Act, 1951 (43 of 1951);
- (iii) Section 38 of the Advocates Act, 1961 (25 of 1961);
- (iv) Section 261 of the Income Tax Act, 1961 (43 of 1961) before the establishment of National Tax Tribunal from 28.12.2005;
- (v) Section 130 E of the Customs Act, 1962 (52 of 1962);
- (vi) Section 19(1) (b) of the Contempt of Courts Act, 1971 (70 of 1971);
- (vii) Section 374 & 379 of the Code of Criminal Procedure, 1973 (2 of 1974);
- (viii) Section 23 of the Consumer Protection Act, 1986 (68 of 1986);
- (ix) Section 19 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987);
- (x) Section 10 of the Special Courts (Trial of Offences relating to Transactions in Securities) Act, 1992 (27 of 1992);
- (xi) Section 15-Z of the Securities and Exchange Board of India Act, 1992 (15 of 1992);

*"Affronts, jibes and carefully and consciously planned snubs would not deter the Court from discharging its onerous responsibility"<sup>8</sup>*



- (xii) Section 18 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (xiii) Section 125 of the Electricity Act, 2003 (36 of 2003);
- (xiv) Section 24 of National Tax Tribunal Act, 2005 (49 of 2005);
- (xv) Section 30 of the Armed Forces Tribunal Act, 2007 (55 of 2007).
- (xvi) Section 37 of the Petroleum & Natural Gas Regulatory Board Act, 2006 (19 of 2006).
- (xvii) Section 53T of Competition Act, 2002 (12 of 2003)
- (xviii) Section 31 of the Airport Economic Regulation Authority of India Act, 2008 (27 of 2008).
- (xix) Section 22 of the National Green Tribunal Act, 2010 (19 of 2010);
- (xx) Section 423 of the Companies Act, 2013 (18 of 2013);
- (xxi) Section 38 of the Pension Fund Regulatory and Development Authority Act, 2013 (23 of 2013).

**(c) Special Leave Petitions :-**

The provision most resorted to is Article 136 providing for Special Leave to Appeal. In cases other than those in which leave has been granted by the High Court, leave may be granted by the Supreme Court in its discretion. The proceedings are popularly referred to as "SLP".

**(d) Reference:-**

Income Tax Appellate Tribunal, through its President, can refer to Supreme Court under Section 257 of the Income Tax Act, 1961, any question of law regarding which there is conflict in the decisions of High Courts and it is

expedient that a reference should be made to the Supreme Court.

### III. ADVISORY JURISDICTION

- (i) If at any time it appears to the President of India that a question of law or fact of such public importance has arisen (or is likely to arise) and that it is expedient to obtain the opinion, he may refer the question to the Supreme Court for consideration (Article 143). The Court on receiving such a reference may, after hearing, as it thinks fit, report to the President its opinion thereon.
- (ii) The reference to the Supreme Court can also be made as in:-
  - (a) Article 317, as regards removal of Chairman or any other Member of a Public Services Commission;
  - (b) Section 11 of the Competition Act, 2002 as regards removal of a Member of the Commission; and
  - (c) Removal of Chief Information Commissioner or Information Commissioner, State Chief Information Commissioner as per Sections 14 and 17 of the Right to Information Act, 2005.

### IV. POWER OF REVIEW

The Supreme Court, under Article 137, has the power to review any of its judgments or orders made by it. Review Petitions are disposed of by circulation as per listing procedures.

### V. CURATIVE PETITIONS

The Supreme Court can reconsider the final Judgment/Order on limited grounds in a curative petition, under its inherent powers, even after the dismissal of the review petition (in view of the decision in "Rupa Ashok Hurra v. Ashok Hurra & Anr.

*"Breach of the rule of law, amounts to negation of equality under Article 14 of the Constitution"*<sup>9</sup>

(2002) 2 SCR 1006].

## VI. PUBLIC INTEREST LITIGATION

The general rule of *locus standi* for moving a Court is relaxed in matters of Public Interest where the poor, ignorant or socially or economically disadvantaged people seek legal remedy. The Supreme Court thus exercises its powers to do justice in certain matters popularly known as public interest litigation (PIL). PIL petitions received by post are also entertained by the Court, and on many occasions even *Suo Motu*. A PIL section has been set up for dealing with the PIL petitions.

## VII. IMPORTANT PROVISIONS OF CONSTITUTION OF INDIA, OTHER ACTS AND RULES RELATING TO SUPREME COURT

- a. Judges (Inquiry) Act, 1968 (51 of 1968);
- b. Judges (Protection) Act, 1985 (59 of 1985);
- c. Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970 (28 of 1970) [amended by Act No. 37 of 1972];

- d. Supreme court (Number of Judges) Act, 1965 (55 of 1965) [amended by Act Nos. 17 of 1960, 48 of 1977, 22 of 1986 and 11 of 2009];
- e. Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 to 1958) [amended by Act Nos. 77 of 1971, 36 of 1976, 57 of 1980, 36 of 1985, 38 of 1986, 20 of 1988, 32 of 1989, 72 of 1993, 2 of 1994, 20 of 1996, 18 of 1998, 7 of 1999, 8 of 2003, 46 of 2005 and 23 of 2009];
- f. The National Judicial Appointments Commission Act, 2014 (No. 40 of 2014).

## VIII. SUBORDINATE LEGISLATIONS

- a. Judges (Inquiry) Rules, 1969;
- b. Supreme Court Rules, 2013;
- c. Supreme Court (Decrees and Orders) Enforcement Order, 1954;
- d. Supreme Court Judges Rules, 1959;
- e. Supreme Court Judges (Travelling Allowance) Rules, 1959;
- f. Rules to Regulate proceedings for contempt of the Supreme Court, 1975;

## Letters/Petitions and Writ Petitions (Civil & Criminal) Received/Filed under PIL in the Supreme Court of India

Year	Letters/ Petitions received in English, Hindi & Other Regional Languages	Writ Petition (Civil)	Writ Petition (Criminal)
1985	24716	105	2
1986	25419	286	10
1987	18411	119	19
1988	16271	71	25
1989	17769	76	22
1990	17971	92	26



Year	Letters/ Petitions received in English, Hindi & Other Regional Languages	Writ Petition (Civil)	Writ Petition (Criminal)
1991	17474	61	28
1992	16961	62	16
1993	15749	96	38
1994	16466	83	20
1995	15094	109	44
1996	19180	185	36
1997	15503	180	35
1998	13087	160	17
1999	15339	137	21
2000	17764	161	22
2001	17198	159	23
2002	15518	186	13
2003	14293	156	21
2004	15653	171	22
2005	14261	215	12
2006	19840	226	17
2007	18200	232	26 (3)*
2008	24666	193 (1)*	33 (1)*
2009	21180	153 (1)*	12
2010	24611	115	14
2011	35026	135	20 (1)*
2012	41314	126	23
2013	45588	214 (3)*	45 (2)*
Till 31.10.2014	24414*	289	40 (2)*

\* Figure in brackets shows the number of Writ Petitions registered suo-moto

# 4

## SUPREME COURT BUILDING

The Supreme Court of India came into existence immediately after two days the Constitution of India was adopted. The first sitting of the Supreme Court of India was held on 28th January, 1950. The Supreme Court of India operated from the "Chamber of Princes" in the Parliament Building, i.e., the place from where the Federal Court of India was functioning since its inception in 1937.

The foundation stone of Supreme Court building was laid down by the First President of India Dr. Rajendra Prasad on 29 Oct 1954. The main block of Supreme Court Building was built on a triangular plot of 17 acres. It was designed in an Indo-British architectural style.

The court shifted in the present building in the year 1958 when the new building was inaugurated by Dr. Rajendra Prasad, First President of India, on 4th August, 1958.

### I. ARCHITECTURE

The main block of Supreme Court building was built on triangular plot of 17 Acres. Supreme Court Building was designed by Chief Architect Ganesh Bhikaji Deolalikar, who was the first Indian to head CPWD and designed it in an Indo - British architectural style. The design of the



*Old view of Supreme Court*

building itself is in the shape of a balance with a pair of Scales of Justice. This noble edifice has been conceived and planned by Engineers and Architects who were trained in their profession according to western standards. The architecture and construction of Building bear testimony of western expertise and skill of high order of the Engineers and Architect combined with our conception of justice. Traditionally justice is looked upon as a pair of scales, the two pans of which have to be held evenly without allowing the beam from which they hang to incline to one side or the other. Therefore, there are two wings on the two sides. They will accommodate the

*"The purpose of a law may be either the elimination of a public mischief or the achievement of some positive public good" <sup>10</sup>*



**Front view of Supreme Court**



**Sculpture of Mother and Child**

offices and the records. At the end of each wing is a semi circular structure. They represent the paws which are attached to the beam at the top. This beam will accommodate the Court rooms wherein the Hon'ble Judges will sit and dispense justice without inking either to the right or to the left.

The Central beam from the ends of which the scales hang, comprises the Chief Justice's Court at the Centre with two Court halls on either side. The right wing of the structure consists of the Bar room, the offices of the Attorney General and other Law officers and the library of the Court. The left wing consists of offices of the Court.

## **II. MOTHER AND CHILD SCULPTURE**

A black bronze sculpture of 210 centimeter height was installed in lawn of the Supreme Court on 20 February 1978. It portrays Mother India in the form of the figure of a lady. The lady is sheltering the young Republic of India represented by the symbol of a child, who is upholding the laws of land symbolically shown in the form of an open book. On the book, a balance is shown, which represents dispensation of equal justice to all. The sculpture was made by the renowned artist Shri Chintamonikar.

*"Arrest brings humiliation, curtails freedom and casts scars forever"<sup>22</sup>*



**Murals in the Judges Gallery**

### III. LOGO OF THE SUPREME COURT:

Design of Logo is reproduced from the wheel with 32 spokes that appears on the abacus of the Lion capital of Ashoka pillars at Sarnath . The inscription in Sanskrit "yatodharmastato jayah" means – Truth alone I uphold. It is also referred to – as the wheel of righteousness, encompassing truth, goodness and equity.



The Goddess of Justice on the right side of the rectangle is in white robes and wearing a crown, holding a balance with scales in one hand and a book in the other. Her eyes are not blind-folded because as per the Vedic sutra, the deity of Justice does not close its eyes but allows the graceful rays from its eyes to illumine the administration of Justice. The deity is seated in padmasana on a throne, and has four arms like any other deity in Hindu tradition. On the right, one hand holds the book of Dhrama Shashtra which signifies the offer of total knowledge to one and all.

Between the Mahatma on the left and the Goddess on the right, there is a rectangle showing a Dhrama Chakra (Wheel of Justice) with twenty-four spokes and with an inscription below in Sanskrit which reads "Satyamevoddhaharamyaham" which means "Truth alone I uphold"

### IV. MURALS IN THE JUDGES GALLERY

Between the two entrances from the Judges wing, as one enters the Chief Justice's court, there is a beautiful mural of coloured porcelain tiles, with the Goddesses of Justice and Mahatma Gandhi, one on each side of the wheel of Dharma.

On the left side of the central rectangle, the picture of Mahatma Gandhi, The Father of our Nation, who won freedom for our country through his abiding faith in truth, non-violence and peace. The two chakras below his figure symbolize our spirit of self-reliance.

*"Religion cannot be allowed to be merciless to the victim. Faith cannot be used as the demonising force"* <sup>23</sup>



**Inside view of Museum**

## V. SUPREME COURT MUSEUM

The Supreme Court Museum was inaugurated on 6th April 2004 for viewing of general public as a unique Center of Informal Learning of our judicial heritage.

The single pillared round building housing the Museum is located within the premises of the Supreme Court of India on its northern side and, has two galleries of 5000 square feet built up area on each floor.

The Museum is divided into two sections. The first section deals with the evolution and development of Judiciary in India and the second portrays the Federal Court and the Supreme Court. The Museum shows all the objects relating to Judicial system in various historical period of time which includes Manuscripts, Copper Plates, Maces, Photographs of Hon'ble the Chief Justices

and Hon'ble Judges of Federal Court and the Supreme Court and landmark judgments.

The Supreme Court Museum, therefore, provides a glimpse of legal heritage of India under one roof.

## VI. UNITED COMMERCIAL BANK

The United Commercial Bank (now UCO Bank) had opened its branch in the Supreme Court complex in the year 1965. In the year 1984, the Bank opened a separate counter in order to give better services to the officers and members of the Supreme Court staff and the Advocates. The bank is providing facility of Automatic Teller Machine (ATM) to all its customers.

In the year 2014, as a major technology enabled initiative aimed at enhancing Customer Service, UCO Bank has set up an e-Lobby comprising of 4 self operated fully

*"The power to adjudicate must flow from a validly made law" <sup>13</sup>*



**Reception**

automatic machines for Cash Deposit, Cash Withdrawal, Cheque Deposit and Pass Book printing in Supreme Court Compound. E-Lobbies are fully automated self service kiosks and the banking transactions take place without a need of intervention of any Bank personnel. E-Lobbies use state of art technology and the services are available round the clock. The e-lobby at Supreme Court was inaugurated by Hon'ble Shri Rajendra Mal Lodha, the then Chief Justice of India.

## VII. RECEPTION

New Reception complex consisting of BO and PRO office has been constructed to make available more counter for the public. In this complex, there are reception counter and other counter for COURTNIC (NIC), R&I (for Receipt), Copying Branch (for Party-in Person & Receipt of applications), Admn. Material (for Proximity Cards and receipts of tenders), Section IB (Defect curing counter etc.), Counter for mobiles, General Enquiry.

At present 15 photo entry pass counters are functional for the convenience of litigants, advocates and visitors in

addition to general enquiry counter and an exclusive counter for issuing proximity card to advocates.

Approximately 1500 photo entry pass are issued daily to litigants and advocates.

## VIII. DISPENSARY

The Supreme Court Dispensary (First-Aid-Post) located in Room No. W-14, West Wing, 1st floor of the Supreme Court premises was established in the year 1989 to provide medical facilities to the Hon'ble Judges, officers and staff of the Supreme

Court. Thereafter, the First-Aid Post was upgraded and the same is located on the ground floor of the West Wing of the Building. The upgraded Dispensary was inaugurated on 5th September, 1994 by the then Hon'ble the Chief Justice of India (Hon'ble Mr. Justice M.N. Venkatachaliah).

The Supreme Court Dispensary has been upgraded and better equipped with the following facilities:

- (1) Mageto-Therapy Unit
- (2) Serum Electrolyte Analyzer
- (3) Automatic Urine Analyzer
- (4) Automatic ESR Analyzer
- (5) Haematology Cell Counter
- (6) ENT Unit
- (7) Fully Automatic Biochemistry Analyzer and
- (8) Auto-Keroto Refractometer.

*"Criminal law is designed as a mechanism for achieving social control and its purpose is the regulation of conduct and activities within the society" <sup>14</sup>*

## IX. POST OFFICE

A huge number of letters, notices, documents, parcels etc. are to be dispatched by the Registry and Advocates to various outside agencies, High Courts, various departments of Centre and State Governments and lawyers throughout the country.

In order to cater to the needs of the Supreme Court, a Post Office started functioning on the ground floor of main building of the Supreme Court in the year 1958. Keeping in view the huge number of letters, notices, documents, parcels etc. to be dispatched, it was shifted to more spacious accommodation in the Lawyers' Chambers Block.

## X. RAILWAY RESERVATION COUNTER

Advocates and litigants from all over India come to the Supreme Court for their cases. In order to facilitate the railway reservation for them and also for the Hon'ble Judges, Officers and staff of the Registry, a computerized Railway Reservation counter of the Northern Railways was opened in the Supreme Court premises on 17.1.1996.

## XI. CANTEEN FACILITIES

A Departmental Canteen is functioning in the Supreme Court with effect from November, 1986 to cater to the needs of the Hon'ble Judges, officers and members of the staff of the Supreme Court. In addition, Advocates' Canteens are also functioning at Plaza in the Supreme Court Compound and in the New Lawyers' Chambers Building at Bhagwan Dass Road since 1996 and October, 2000 respectively.



*"Estoppel is a doctrine based on fairness. It postulates the exclusion of the truth of the matter. All for the sake of fairness"<sup>15</sup>*

# 5

## ACTIVITIES ON JUDICIAL SIDE

The backlog of cases had increased manifold by the year 2000. In this view, focus in recent times has been on taking steps to bring down the pendency. The Court Management was evolved keeping in view the goal setting, statistical analysis, causes of delay and case-flow management. A variety of general techniques for the improvement of Court efficiency, including Court's supervision and control of the movement of cases from institution till final disposal were also adopted. The procedure has been streamlined and simplified, shedding the pedantic approach. Infructuous cases and also cases covered by the Judgments/Orders already passed by the Court were identified and listed before the Court for disposal. Apart from them, cases with cognate issues are listed together. Resultantly, the rate of disposal increased; logjam of cases decreased. This exercise was relentlessly pursued and had impact in reducing arrears substantially.

There has been enormous increase in the institution of fresh cases (surpassing the figure of disposal) during the period under report. Total number of matters instituted in the year 2012 was 76,917 as against 77,090 in 2011. 81,583 cases have already been instituted till 30th

November, 2014. This has resulted in the marginal increase in the pendency of cases each year since 2002. The pendency of both Admission and Regular matters as on 30.11.2014 is 64,919.

Various measures are being taken to check the increase in the pendency of cases and to reduce the arrears, as detailed below:-

### I. FILING, REGISTRATION & LISTING

- For processing the cases, the Registry of the Supreme Court is divided into Sections which are fully computerized. Institution of cases takes place at the Filing Counter. The work in the Filing Section has been streamlined to avoid duplicity of work and to expedite scrutiny and registration of fresh matters filed. As per the new system effective from 04.05.2009, the counsel can now leave the Filing Counter after submitting the matter and getting the Diary number. Scrutiny of the file is done thereafter as per the modified 21 point check list. Upon a case filed being found in order (as per rules) or upon removal of defects (if any found as per 21 point modified check list)

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*"When a statute creates an offence and imposes a penalty of fine and imprisonment, the words of the section must be strictly construed in favor of the subject" <sup>16</sup>*



registration is done through computer. The listing is made through computer application strictly in chronological order within a week of the registration, before the Bench of Hon'ble Judges dealing with the particular subject category. An evening counter has been opened in the Filing Branch to accept fresh matters from 5 p.m. to 7 p.m. from Mondays to Fridays.

- The List of Business is categorized in two parts; Part I containing 'admission' matters and Part II 'regular hearing' matters. The computer classifies the cases, allocates them to appropriate Benches and generates the lists such as Terminal List, Weekly List, Advance List, Daily Cause List (Final Cause List) and Supplementary List. For admission matters, Advance Lists for Mondays and Fridays are generated and issued two weeks before the actual date of hearing. However, fresh matters, which are listed within one week of their registration, are not included in the Advance List. Supplementary Lists are issued on preceding Saturday for Monday and on Thursday for Friday. On Mondays, approximately 67 admission matters and 5 final disposal matters are listed for hearing before each Division Bench while on Fridays, approximately 55 admission matters excluding final disposal matters (subject to the ceiling of 10 matters) are listed.
- The work relating to grouping of matters and classification of cases (to come up for hearing before the Court) is done by Section I-B ensuring that the cases/matters involving common/identical question(s) of law are posted before the appropriate Bench.
- Three days of each week (Tuesday, Wednesday & Thursday) are earmarked for hearing regular matters. For this, Terminal List for the year is generated through computer before the reopening of the Court after the summer vacation. Weekly List of regular hearing matters

is generated from the Terminal List, followed by the Daily List for Tuesday. In addition to regular hearing matters, upto ten including miscellaneous and final disposal matters or even more, if specifically directed by the Hon'ble Court, are also listed on Tuesday before each Hon'ble Court. Similarly on Wednesday and Thursday upto five matters including miscellaneous and final disposal matters or even more, if specifically directed by the Hon'ble Court, are listed. Final Cause List of Tuesday containing miscellaneous and final disposal matters is published on Thursday in the preceding week. For regular hearing matters to be listed on a Tuesday a Supplementary List is issued on Friday in the preceding week and a Second Supplementary List is published on Monday for Tuesday. Daily Lists are issued on Tuesday and Wednesday for the cases listed for the following days, which include both miscellaneous/final disposal and regular hearing matters.

## II. OLD AND URGENT MATTERS

- With a view to expedite disposal, particularly of old cases, Hon'ble the Chief Justice of India constituted Benches of Supreme Court for hearing urgent matters as well as old regular matters during summer vacation from 12th May, 2014 to 27th June, 2014. 491 urgent matters were heard by the Vacation Benches. Out of them 277 matters were disposed of. 282 old regular matters were listed before the Vacation Benches. Out of them 203 matters were disposed of.

## III. RECENT STEPS FOR EXPEDITING HEARING & DISPOSAL

- A number of initiatives have been taken in recent past to expedite decision making process and thereby reduce arrears. The steps taken include those mentioned hereafter.

*"No one enjoys any privilege against criminal prosecution. There cannot be any privilege against conduct of investigation for a criminal offence"<sup>17</sup>*

- Earlier, 10 or more matters involving identical issue were treated as group matters. With a view to identify more group matters and to list them for early hearing and disposal, under directions of Hon'ble the Chief Justice of India vide order dated 13.12.2007, five or more matters on identical issue are now treated as a group matter. This has helped in achieving significant increase in the number of disposals by listing more group matters for hearing before the Benches specially assigned by the Hon'ble the Chief Justice of India.
- In compliance with the direction of the Full Court dated 06.02.2008, in addition to the matters being listed on Mondays, five more final disposal matters are being listed before each Bench with effect from 25.02.2008.
- In order to get old matters decided (upto the year 2007), Hon'ble the Chief Justice of India in 2013 constituted two Benches, one for hearing old Civil Regular Hearing matters and another for hearing old Criminal Regular Hearing matters.
- In order to decide the Expedited Regular Hearing matters, Hon'ble the Chief Justice of India in 2014 directed to list 10 Expedited Civil Regular Hearing matters each on Tuesdays, Wednesdays and Thursdays before two Benches and 10 Expedited Criminal Regular Hearing matters each on Tuesdays, Wednesdays and Thursdays before another Bench.
- In order to get the final disposal matters decided, Hon'ble the Chief Justice of India directed to list upto ten final disposal matters on Tuesday and five on Wednesday and Thursday each in addition to regular hearing matters before each Bench.
- Hon'ble the Chief Justice of India has also constituted a Special Bench for hearing matters relating to 'social justice' and the said Bench sits every Friday at 2.00 P.M. for hearing.
- In view of directions of Hon'ble the Chief Justice of India, group matters relating to Land Acquisition, compensation matters and some other were identified and are being listed before the Bench presided over by His Lordship. In this way a large number of matters have been decided thereby resulting in reduction of pendency of matters.
- In order to streamline and to make effective the listing of cases before various Benches, certain directions have been issued. This includes :
  - (i) With a view to easily identify and locate the Office Report on limitation (where the filing is beyond the prescribed period), the Office Report on limitation shall be produced along with the paper books. In cases where there is delay, the office report on limitation shall be on green paper and if there is no delay in filing the matter, the office report on limitation shall be prepared on white paper.
  - (ii) The cases in which parties are appearing 'in person', are listed as the last item of the matters shown under the respective heading of the cause list;
  - (iii) Considering the acute shortage of space in the paper book godown, whenever a petition for direction, order or writ is filed, only three sets of paper books of such petition and affidavit need be filed instead of seven sets as provided in Rule 7 of Order XXXV of the Supreme Court Rules, 1966. Additional copies of paper books (In required number) have to be prepared by the concerned Section with the assistance of the counsel concerned whenever any such matter is referred to a Constitution Bench;

*"Judicial comity is an integral part of judicial discipline and judicial discipline the cornerstone of judicial integrity"*<sup>18</sup>



**Massive pillars**

- (iv) Requests received by hand, post or E-mail seeking early listing of the case or for deletion of the matter from the list or for postponement of date etc., are not to be entertained and the applicant is required to move prayer as per the rules, practice and procedure of the Court;
- (v) A miscellaneous matter, released from part-heard (but not possible to be listed before a senior Hon'ble Judge due to reasons such as retirement etc.) is to be listed before the second or third Hon'ble Judge holding the coram (in that order, depending on availability). If no Hon'ble Judge bearing the coram in the matter is

available the same is to be listed as per subject category;

- (vi) Similarly, part-heard 'regular hearing' matters (which could not be heard or taken up by the presiding Judge prior to retirement) shall be listed before the next senior-most Hon'ble Judges, who was the member of the Bench which has heard the matter in part, if such Hon'ble Judge is presiding the Bench. The same procedure will be followed on retirement of the two senior-most Hon'ble Judges in a regular matter partly heard by a three-Judges Bench. If no such Hon'ble Judge is available then the matter will be listed as per subject-category. These directions apply *mutatis mutandis* to specially directed/ adjourned 'regular hearing' matters;

- (vii) Group matters, both on miscellaneous side and regular side, are being given top priority and listed below part-heard matters, so that maximum cases are heard and decided by a common order. In the matter of listing, the larger group precedes smaller group.

- If urgent relief/directions are required in a fresh matter or in a pending matter, either the party-in-person or his advocate can give request in the prescribed format, called Listing Proforma/ Mentioning Proforma (available on the Internet) to Deputy Registrar (Mentioning) on week days. Urgent matters in which the request is received till 1 P.M. are listed before the Hon'ble Court on next working day and the matters received after 1 P.M. are listed before the Hon'ble Court on next to next working day for the purpose of mentioning only. However, if by way of affidavit of urgency it is shown that a fresh matter is of urgent nature that it cannot wait listing till next to next day and it requires hearing on the

*"Laws are commended to establish a society as required by the paradigms laid down by law" <sup>19</sup>*

immediate next working day, such matters after scrutiny of factum of urgency are listed on the next working day for the purpose of mentioning only provided the request for mentioning is received before 4 P.M. However, no mentioning is allowed on Mondays. This facility enables the party to obtain immediate relief instead of waiting for the scheduled listing of his case.

#### IV. OTHER STEPS

- The other steps designed to combat the huge arrears and improve functioning of the court process include the following:-
  - (i) A large number of matter have been taken up for final disposal instead of the usual course of granting leave and hearing in due course.
  - (ii) Constitution Bench & larger Bench sit regularly to decide important questions of law, particularly in a large number of matters involving common issues.
  - (iii) Number of matters listed before each Bench on Miscellaneous Days has been increased (upto 72).
  - (iv) All the fresh matters are listed within 7 days of registration and many disposed of at the preliminary hearing.
  - (v) Cases of certain categories such as (a) Death penalty cases, (b) Group matters, (c) matters relating to sexual harassment, kidnapping & abduction, (d) matters relating to harassment of SC/ST/OBC and women, (e) matters relating to harassment, cruelty to woman for dowry, dowry death, eve-teasing, domestic violence etc., (f) prevention of corruption matters, (g) other criminal matters in which accused are in jail, (h) three Judge bench matters, (i) matters filed by State/Complainant against acquittal, (j) election matters of Parliament constituency and Assembly constituency, (k) matters relating to workmen who are out of job, (l) senior citizen matters (age 65 years and above), (m) matrimonial matters and (n) old matters are accorded priority in listing for regular hearing, in order to ensure that such cases are heard and disposed of expeditiously. For this purpose, all cases of these categories are included in the Terminal List and while generating weekly list and daily list, computer automatically gives the specified priority to such matters. In 2014, 83,013 cases have been disposed of till 30th November, 2014.
  - (vi) In addition to Regular Court hearing, three Judges have been nominated to hear Miscellaneous applications including Bail Applications in Chambers and each Judge holds chamber sitting once in a week preferably after completing the sitting on miscellaneous days.
  - (vii) As many as four Division Benches now deal with service matters and labour matters on admission side and on regular side.
  - (viii) Nine Division Benches now deal with criminal matters on admission side and on regular side.
  - (ix) Apart from this, as per the directions of Hon'ble the Chief Justice of India, whenever one of the Hon'ble Judges of two Judge bench is to sit in a Special Bench from 2.00 P.M. or any other time, earlier than the normal working hours of the Hon'ble Court to take Special Bench matters or Arbitration matters etc., the other Hon'ble Judge may take up in

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*"When there are binding decisions, judicial comity expects and requires the same to be followed" <sup>20</sup>*

Chamber matters from 2.00 P.M. or later, as the case may be.

- The steps taken have paid dividends as is evident from table in next page. In spite of the fact that there was decrease in the Judge-strength, there has been considerable increase in the disposal of cases. The total disposal of cases in the year 2002 was 42,439 cases, whereas the disposal of cases in the year 2013 was 77,085, cumulative increase being as much as 81.63% (approximately) in a period of 11 years. However, because of the consistent efforts to liquidate arrears about 83,013 cases already stand decided till 30.11.2014, in the year 2014. All out efforts are being made to reduce the pendency of cases to about 50,000 in the near future.

## V. REGISTRARS' COURTS

- Two Courts of Registrars have been functional, one since 3rd April, 2006 and the other from 1st September, 2006. These courts deal with matters referred to in Supreme Court Rules. Presently, each such Court takes upto 150 incomplete (after notice) matters daily.
- These Courts also deal with procedural aspects in respect of matters in which after the issuance

of the notice, steps have to be taken for completion of service or the cases in which pleadings are incomplete. In addition, they also deal with the mentioning of urgent matters with regard to the cancellation of the date noted for listing. When once a regular hearing matter becomes ready for hearing, before inclusion of such matter in the Terminal List, the same is listed before Registrar's Court for pre-final hearing, to verify and ensure that in all respects, the matter is ready for inclusion in the Terminal List.

- All the Lists of matters – Terminal List, Weekly List, Advance List, Final Cause List, Supplementary List, Mentioning Matters List, Registrar Court List, Chamber List, Elimination Lists of both Court & Registrar Court, and Review Petition List are uploaded on the Court Website to enable the Advocates or parties to have access of the same.
- A software has been developed for the Copying Branch which indicates the status of the application made by an Advocate or a party. All order/ Judgments/ documents are supplied to the applicants within 2-3 days of receipt of application.

## STATEMENT OF INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT OF INDIA From the year 1950 to 30.11.2014

YEAR	Institution		Total	Disposal		Total	Pendency		Total
	Admission	Regular		Admission	Regular		Admission	Regular	
1950	1,037	178	1,215	491	34	525	546	144	690
1951	1,324	600	1,924	1,560	227	1,787	310	517	827
1952	1,127	330	1,457	1,145	527	1,672	292	320	612
1953	1,354	360	1,714	1,163	252	1,415	483	428	911

*"Precedent keeps the law predictable"*<sup>21</sup>

YEAR	Institution		Total	Disposal		Total	Pendency		Total
	Admission	Regular		Admission	Regular		Admission	Regular	
1954	1,743	410	2,153	1,522	427	1,949	704	411	1,115
1955	1,580	512	2,092	1,669	200	1,869	615	723	1,338
1956	1,732	630	2,362	1,720	258	1,978	627	1,095	1,722
1957	1,490	999	2,489	1,517	411	1,928	600	1,683	2,283
1958	1,698	784	2,482	1,694	623	2,317	604	1,844	2,448
1959	1,870	783	2,653	1,829	682	2,511	645	1,945	2,590
1960	1,971	1,276	3,247	1,910	1,271	3,181	706	1,950	2,656
1961	2,000	1,214	3,214	1,899	1,654	3,553	807	1,510	2,317
1962	2,214	1,345	3,559	2,291	1,542	3,833	730	1,313	2,043
1963	2,189	1,561	3,750	2,152	1,131	3,283	767	1,743	2,510
1964	2,544	1,520	4,064	2,463	1,605	4,068	848	1,658	2,506
1965	2,366	1,535	3,901	2,444	1,341	3,785	770	1,852	2,622
1966	2,639	3,012	5,651	2,429	1,412	3,841	980	3,452	4,432
1967	2,826	2,493	5,319	2,515	1,566	4,081	1,291	4,379	5,670
1968	3,489	3,317	6,806	3,138	3,032	6,170	1,642	4,664	6,306
1969	4,185	3,512	7,697	3,731	2,737	6,468	2,096	5,439	7,535
1970	4,273	3,203	7,476	3,779	2,569	6,348	2,590	6,073	8,663
1971	5,338	2,641	7,979	4,588	1,903	6,491	3,340	6,811	10,151
1972	4,853	4,223	9,076	5,053	1,769	6,822	3,140	9,265	12,405
1973	6,298	3,876	10,174	6,112	2,063	8,175	3,326	11,078	14,404
1974	5,423	2,780	8,203	5,103	3,158	8,261	3,646	10,700	14,346
1975	6,192	3,336	9,528	5,749	2,978	8,727	4,089	11,058	15,147
1976	5,549	2,705	8,254	4,904	2,830	7,734	4,734	10,933	15,667
1977	9,251	5,250	14,501	8,714	1,681	10,395	5,271	14,502	19,773
1978	13,723	7,117	20,840	10,624	6,471	17,095	8,370	15,148	23,518
1979	16,088	4,666	20,754	11,988	3,845	15,833	12,470	15,969	28,439
1980	21,749	4,616	26,365	14,520	2,433	16,953	19,699	18,152	37,851

*“The doctrine of finality has to be applied in a strict legal sense”<sup>22</sup>*

YEAR	Institution		Total	Disposal		Total	Pendency		Total
	Admission	Regular		Admission	Regular		Admission	Regular	
1981	24,474	6,566	31,040	16,528	2,162	18,690	27,645	22,556	50,201
1982	29,706	13,804	43,510	26,593	2,519	29,112	30,758	33,841	64,599
1983	37,602	18,300	55,902	35,745	10,079	45,824	32,615	42,062	74,677
1984	37,799	11,275	49,074	28,813	6,734	35,547	41,601	46,603	88,204
1985	36,243	15,349	51,592	36,004	15,074	51,078	41,840	46,878	88,718
1986	22,334	5,547	27,881	17,881	12,819	30,700	46,293	39,606	85,899
1987	22,234	5,806	28,040	15,476	6,331	21,807	53,051	39,081	92,132
1988	21,950	5,771	27,721	15,714	4,181	19,895	59,287	40,671	99,958
1989	21,213	6,256	27,469	17,389	4,011	21,400	63,111	42,916	1,06,027
1990	22,265	6,223	28,488	20,890	4,348	25,238	64,486	44,791	1,09,277
1991	26,283	6,218	32,501	28,679	6,662	35,341	62,090	44,347	1,06,437
1992	20,435	6,251	26,686	20,234	15,613	35,847	62,291	34,985	97,476*
1993	18,778	2,870	21,648	17,166	3,718	20,884	37,549	21,245** (98,240)	58,794**
1994	29,271	12,775	42,046	35,853	12,037	47,890	30,967	21,983	52,950
1995	35,689	15,754	51,443	51,547	16,790	68,337	15,109	20,947	36,056
1996	26,778	6,628	33,406	35,227	10,989	46,216	6,660	16,586	23,246
1997	27,771	4,584	32,355	29,130	7,439	36,569	5,301	13,731	19,032
1998	32,769	3,790	36,559	31,054	4,179	35,233	7,016	13,342	20,358
1999	30,795	3,888	34,683	30,847	3,860	34,707	6,964	13,370	20,334
2000	32,604	4,507	37,111	30,980	4,320	35,300	8,588	13,557	22,145
2001	32,954	6,465	39,419	32,686	6,156	38,842	8,856	13,866	22,722
2002	37,781	6,271	44,052	36,903	5,536	42,439	9,734	14,601	24,335
2003	42,823	7,571	50,394	41,074	6,905	47,979	11,483	15,267	26,750
2004	51,362	7,569	58,931	47,850	7,680	55,530	14,995	15,156	30,151
2005	45,342	5,198	50,540	41,794	4,416	46,210	18,543	15,938	34,481
2006	55,402	6,437	61,839	51,584	4,956	56,540	22,361	17,419	39,780
2007	62,281	6,822	69,103	56,682	5,275	61,957	27,960	18,966	46,926

*"Decisions that fall short of the standards of reasonableness are open to challenge in a court of law often in writ jurisdiction of the superior courts but no less in statutory processes wherever the same are available"* <sup>23</sup>

YEAR	Institution		Total	Disposal		Total	Pendency		Total
	Admission	Regular		Admission	Regular		Admission	Regular	
2008	63,346	7,006	70,352	61,219	6,240	67,459	30,087	19,732	49,819
2009	69,171	7,980	77,151	64,282	6,897	71,179	34,976	20,815	55,791
2010	69,456	8,824	78,280	71,867	7,642	79,509	32,565	21,997	54,562
2011	68,020	9,070	77,090	67,131	6,002	73,133	33,454	25,065	58,519
2012	68,887	8,030	76,917	64,682	4,062	68,744	37,659	29,033	66,692
2013	68,478	8,264	76,742	70,385	6,700	77,085	35,752	30,597	66,349
2014 (Nov.)	67,965	13,618	81,583	68,352	14,661	83,013	35,284	29,635	64,919

## STATEMENT OF INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT OF INDIA From the year 2014 (Month-wise)

Month	Institution		Total	Disposal		Total	Pendency		Total
	Admission	Regular		Admission	Regular		Admission	Regular	
Jan., 2014	7,248	1,006	8,254	7,536	675	8,211	35,464	30,928	66,392
Feb., 2014	7,386	960	8,346	7,754	1,723	9,477	35,096	30,165	65,261
Mar., 2014	4,576	877	5,453	5,528	856	6,384	34,144	30,186	64,330
Apr., 2014	5,781	1,283	7,064	5,956	1,595	7,551	33,969	29,874	63,843
May, 2014	6,933	692	7,625	7,012	1,195	8,207	33,890	29,371	63,261
June, 2014	7,490	283	7,773	4,880	184	5,064	36,500	29,470	65,970
July, 2014	4,219	1,307	5,526	5,388	346	5,734	35,244	30,518	65,762
Aug., 2014	6,866	4,500	11,366	6,936	4,778	11,714	35,174	30,240	65,414
Sep., 2014	6,429	1,527	7,956	6,930	1,828	8,758	34,673	29,939	64,612
Oct., 2014	4,530	577	5,107	4,354	623	4,977	34,855	29,887	63,742
Nov., 2014	6,507	606	7,113	6,078	858	6,936	35,284	29,635	64,919

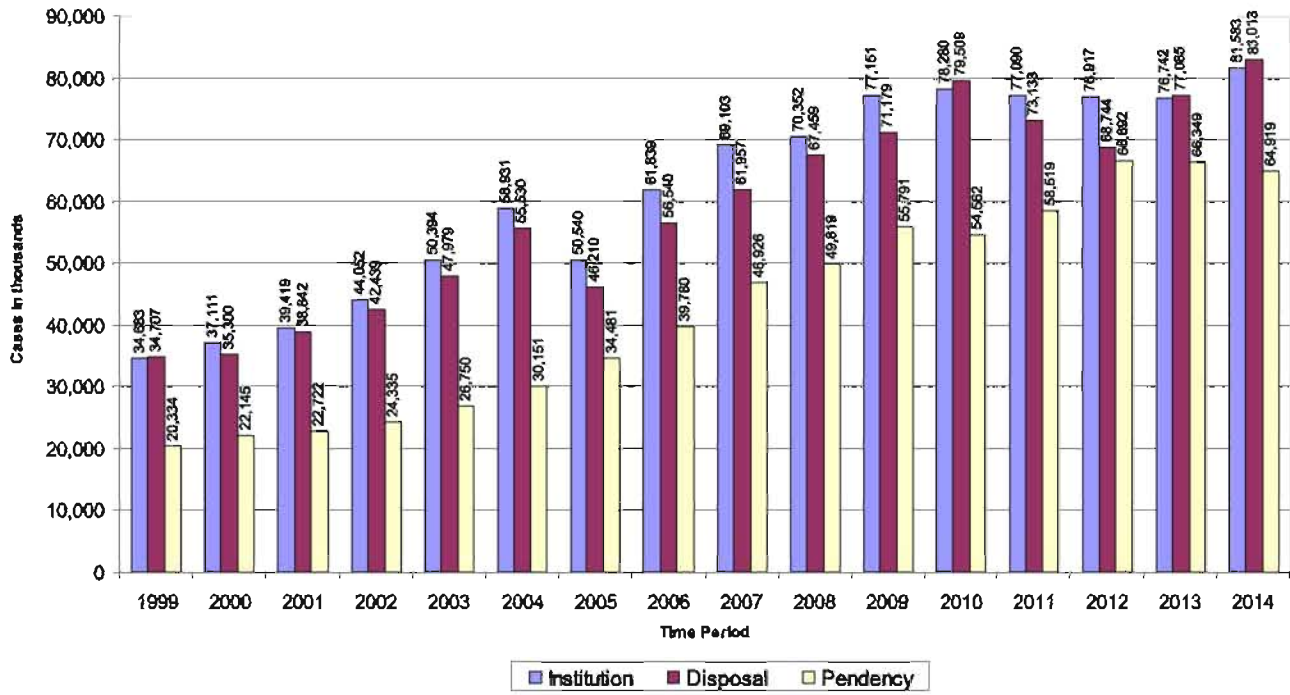
\* The pendency figures shown upto the year 1992 indicates the number of matters after expanded hyphenated number on files.

\*\* From 1993 onwards the figure of pendency of matters are actual filewise i.e. without expanding hyphenated number on files.

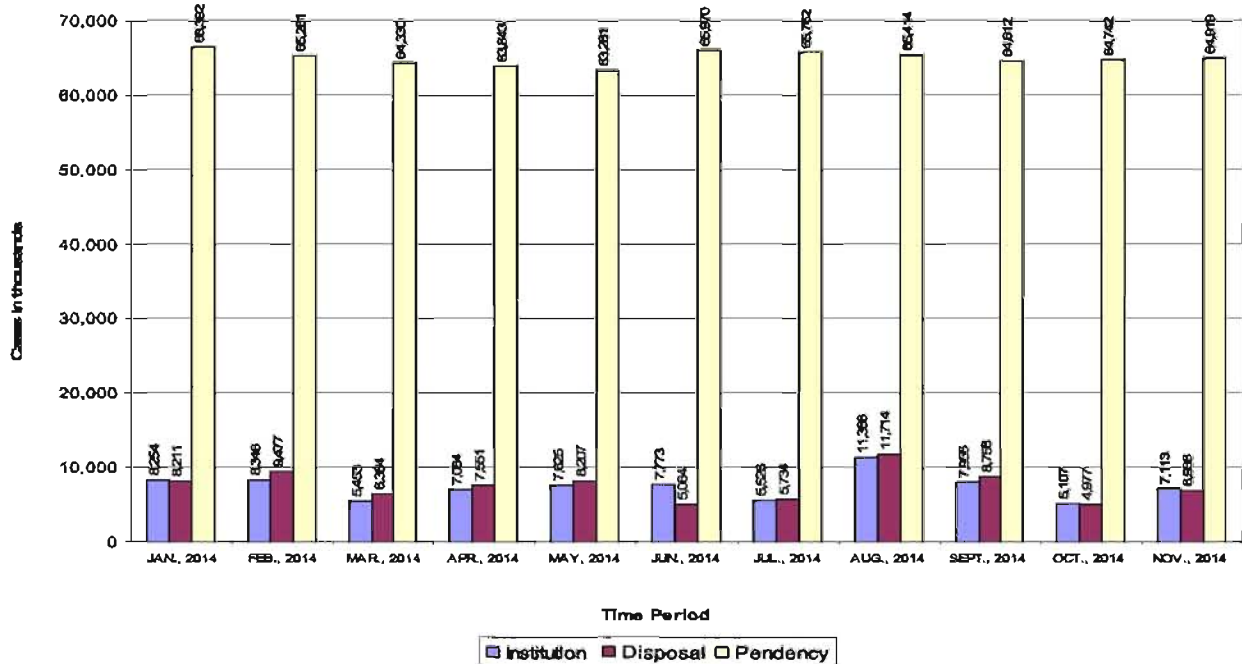
FIGURES TAKEN FROM MONTHLY STATEMENT PROVIDED BY NIC.



**SUPREME COURT OF INDIA**  
**INSTITUTION, DISPOSAL & PENDENCY**  
 From Year 1999 to Nov., 2014  
 (Total of Admission and Regular matters)



**SUPREME COURT OF INDIA**  
**INSTITUTION, DISPOSAL & PENDENCY**  
 From Jan., 2014 to Nov. 2014  
 (Total of Admission and Regular matters)

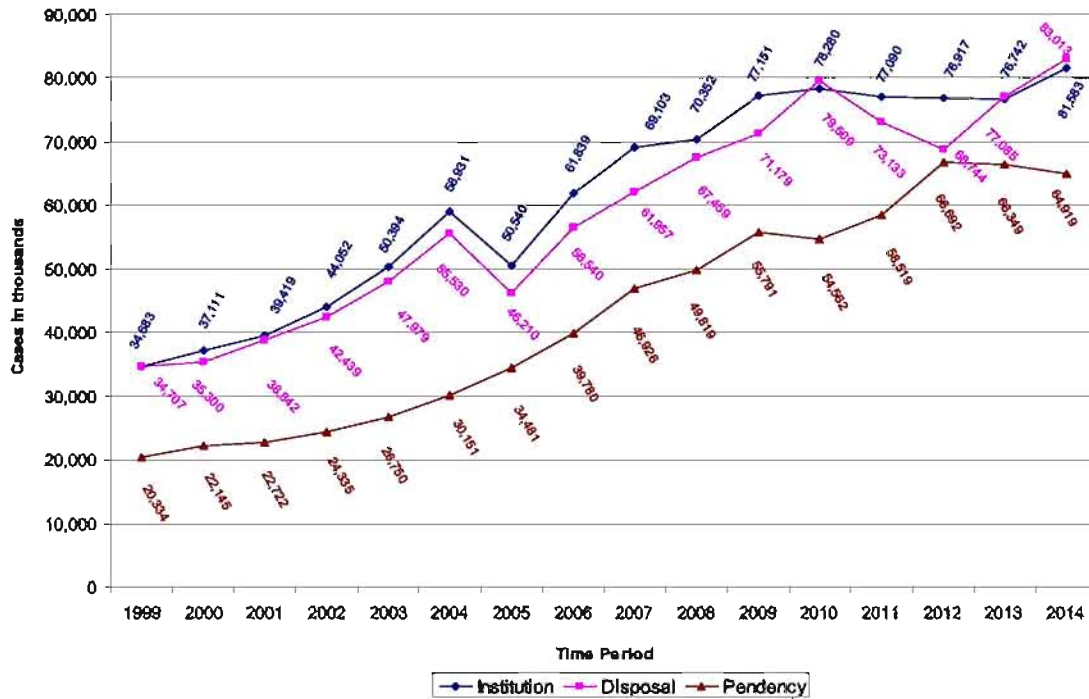


### SUPREME COURT OF INDIA

#### INSTITUTION, DISPOSAL & PENDENCY

From Year 1999 to Nov., 2014

(Total of Admission and Regular matters)

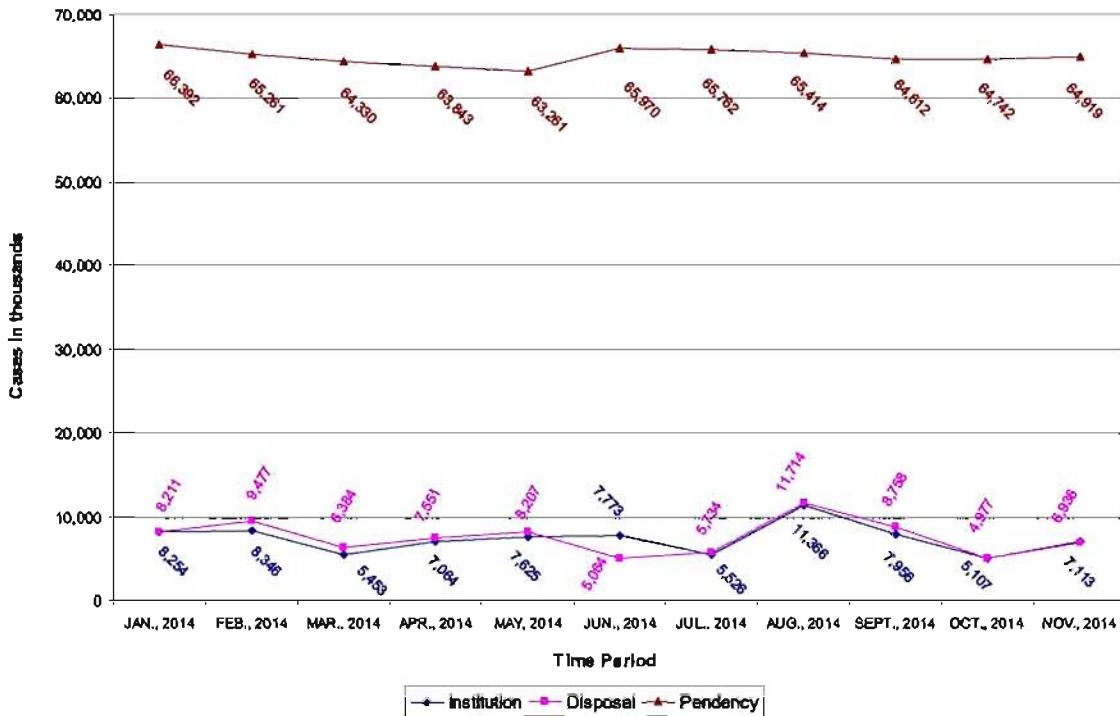


### SUPREME COURT OF INDIA

#### INSTITUTION, DISPOSAL & PENDENCY

From Jan. 2014 to Nov. 2014

(Total of Admission and Regular matters)






*Chief Justice's Chamber*

# 6

## TONING UP OF REGISTRY

 Activities of Information Technology (IT) in the Supreme Court were initiated in 1990 when the COURTIS (Court Information System) Project was commissioned for streamlining the Registry.

New computers and printers were provided to all Judicial Sections and various Administrative Wings recently under the ICT project and new software modules are provided to maintain the records. Computer systems are used for updating the case databases pertaining to different sections; Minimizing movement of files; Generation of notices; Generation of Dismissal letters; Registration of cases; Disposal of cases; Finding status of cases and Generation of cause list.

Some of the web-enabled applications, successfully implemented at Supreme Court, include

### I. SUPREME COURT WEBSITE

Website <http://www.supremecourtindia.nic.in> alias <http://www.sci.nic.in> developed by Computer Cell for the Supreme Court of India. The website provides the following information to

public/litigants/ advocates on Internet with respect to Supreme Court of India.

- **Constitution:** This option provides the information about Law, Courts and the Constitution, Sources of Law, Enactment of Laws, Applicability of Laws, Judiciary, Constitution of Supreme Court, Supreme Court Registry, Attorney General, Supreme Court Advocates.
- **Jurisdiction:** This option explains the jurisdiction of Supreme Court of India and its related terms like Public Interest Litigation, Provision of Legal Aid, Amicus Curiae, High Courts, Advocate General, Lok Adalats.
- **Rules:** The Constitution of India under Article 145 empowers the Supreme Court to frame its own Rules for regulating the practice and procedure of the Court as and when required (with the approval of the President). Accordingly, Supreme Court Rules, 1950 were framed. The 1950 Rules were replaced by the Supreme Court Rules, 1966. In the year 2014, Supreme Court notified the Supreme Court Rules, 2013 replacing the 1966

*“The duty to adopt a judicial approach arises from the very nature of the power exercised by the court or the authority does not have to be separately or additionally enjoined upon the fora concerned”<sup>24</sup>*



# SUPREME COURT OF INDIA

॥ यतो धर्मस्ततो जयः ॥



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The Court - Photo Gallery

eVisitor Entry Pass

Legal Aid

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**IMPORTANT SUPREME COURT RULES, 2013**

### Latest Updates

**Notice** Destruction of scanned disposed of cases records of Civil Appeals for the years 1986 to 1991 [PDF] - 10-03-2015

**Advance Notice** List Of Regular Hearing civil appeals of subject category 600(Service matters) [PDF] - 09-03-2015

**Advance Notice** Listing of Regular Hearing Criminal Appeals of Subject Category 1426 and 1427 before a Special Bench [PDF] - 28-02-2015

**Advance Notice** Listing of Regular Hearing Civil Appeals of Subject Category 300 and 400 before a Special Bench [PDF] - 28-02-2015

### Circulars

**Circular dt. 11/03/2015:** reg. Guidelines in the matter of defective paper books.

**Circular dt. 19/08/2014:** reg. SCR, 2013 Provisions of Order XV (Petitions Generally). Note appended to Form 30, Fourth Schedule .....

**Revised Circular dt. 21/07/2014:** reg. Supreme Court Rules, 2013

**Office Order dt. 04/06/2014:** reg. Office Reports

**Visitor Management System** Online facility of requests for entry passes for Litigants and Visitors.

**Circular dt. 28.04.2014:**

### Judgments

**Judgment dt. 18/12/2014 - Civil Appeal No(s), 11527/2014 (Arising out of SLP/C) No. 11684/2012).**

**Judgment dt. 18/12/2014 - Civil Appeal No(s) 5674-5675/2009 KUMOD KUMAR & ANR. Vs. STATE OF JHARKHAND & ORS.**

**Judgment dt. 18/12/2014 - Writ Petition(s)(Civil) No(s), 732/2014 ADDITIONAL DISTRICT AND SESSIONS JUDGE, X Vs. REGISTRAR GENERAL, HIGH COURT OF MADHYA PRADESH & ORS.**

**Judgment Dt. 18/12/2014 -**



Judgments from June, 2008 onwards and orders from 17/05/2012 onwards are available in pdf format. For Formatted PDF Daily Orders please use link Daily Orders

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Best viewed in IE v9.0 Firefox v24.0 Google Chrome v35.0 or higher on (html5)1280x1024 pixels screen resolution

Official Website of the Supreme Court of India

*"Any statutory emasculation, intended or unintended, of the powers exercisable under Article 32 of the Constitution is impermissible" <sup>25</sup>*

Rules effective from 19th August, 2014. Regulations regarding advocates-on-record examination, Rules to Regulate Proceedings for Contempt of The Supreme Court, 1975 and The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, Supreme Court Officers and Servants Rule, 1961 and Gender Sensitization Internal Complaints Committee (GSICC) are available on website.

- **CJI & Judges:** This option displays the photo gallery of sitting Hon'ble Chief Justice of India and Judges of Supreme Court along with their bio data; and also provides a list of retired Hon'ble CJI and Judges of Supreme Court along with their bio data arranged according to seniority.
- **Former CJIs:** This option displays the photo gallery of former CJIs of Supreme Court of India along with their official bio data.
- **Former Judges:** This option displays the photo gallery of former Judges of Supreme Court of India along with their official bio data.
- **Calendar:** Provides Official Supreme Court Calendar and previous 14 year's official calendars on internet for benefit of public/litigants/advocates for knowing the Court and Registry working days and holidays of Supreme Court of India.
- **Secretary Generals & Registrars:** This option displays the photograph of Secretary Generals and Registrars of Supreme Court of India and provides list of former Secretary Generals and Registrars.
- **Registry:** This option provides information regarding Organizational Structure of the Registry, Secretary General, Registrars, Facilities on the campus, Pay Scales of Officers/Officials, Telephone Directory and

Officers/Officials of Supreme Court.

- **Notices & Circulars:** This option displays latest Notices and Circulars, provides archive Notices and Circulars since 2010, Guidelines and Orders, Advocate-on-Record (AOR) Applications and Computer Code, List of Amicus Curiae (AC), the existing panels of Sr. Advocates, Advocates-on-Record and Non-Advocates-on-Record, list of Allotment of Advocate Chambers and Names & Addresses of Sr. Advocates, Advocates-on-Record of Supreme Court etc.
- **Right to Information Act, 2005:** This option displays Central Public Information Officer (CPIO) and the First Appellate Authority (FAA) for Supreme Court of India and Annual Progress Reports, Quarterly Return Form/Reports.
- **E-Committee:** E-Committee was constituted by the decision of the Union Cabinet since 1st February, 2008. The mandate of the E-Committee was, *inter alia*, to formulate a National Policy on computerization of the justice delivery system and to draw up an action plan with appropriate phasing of technological, communication and management related changes and time-bound implementation. This Committee is also required to design an IT network along with NIC and other knowledge and service providers and create an IT grid, linking the Apex Court to all the courts in the country.

This option displays Mobile Apps. i.e. Android App. for availing Supreme Court Case Information and Java Mobile App. for availing Display Board of Supreme Court, Webcast of Inaugural Sessions, Policy and Action Plan Document of the e-Courts Project, latest customized Ubuntu

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*"In a State of good governance the government cannot act like an alien. It has an active role to play. It has to have a constructive and progressive vision"* <sup>26</sup>



**Side view of Supreme Court Building**

Information, e-mail applications forms, present e-Committee invitee members and Regular Members of the e-Committee etc.

- **E-Visitor Entry Pass:** This option displays e-Visitor Management System which facilitates online registration of requests of Entry Pass for Litigants (Petitioners/ Respondents) and other persons visiting Supreme Court of India.
- **E- Filing:** For the first time, e-filing is being made available by any court in the country. For the benefit of the advocates and the petitioner-in-persons desirous to file cases in the Supreme Court of India from the comfort of their own offices, the Supreme Court of India has generated 'E-Filing' software on Internet, which is prepared by NIC. This is a convenient tool especially to the out station petitioners/advocates in filing their petitions without actually coming to the Supreme Court. In addition to the facility of

E-Filing, the petitioner/advocates who filed cases through E-Filing also get court notices, latest Orders of the Court, etc., through e-mail automatically. This is a milestone effort of the Supreme Court in serving the needs of the litigants and the advocates. One can file Petition/Counter/Rejoinder etc., through E-filing by accessing the web site of the Supreme Court of India at <http://www.supremecourtindia.nic.in>. Other additional facilities available include:

- Re-filing after curing defects
- Addition application filing
- Counter/Rejoinder Filing
- **Judges Library:** It can be accessed through a icon given at the bottom of the webpage. This option displays Library Brochure, Overview of Judges Library, In House databases i.e. JUDIS (Judgment Information System), SUP LIS (Case Indexing),

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*"Legal maxims are not mandatory rules but their importance as guiding principles can hardly be underestimated" <sup>27</sup>*

SUPLIB (Legal Articles), LEGIS (Legislation of Acts), CATALOGUE (Online Public Access Catalog), Journal holdings, Current journals, Equivalent Citation Table (AIR, SCR, SCC, JT, SCALE), Union Catalogue of Legal Journals, Contacts, Related Links and Westlaw India Manual (for Internal Use only).

- **Museum:** The Supreme Court Museum was set up with a view to preserve, protect and display rare objects, artifacts, manuscripts, old documents, files, photographs depicting our legal heritage and growth of our Justice Delivery System. This option provides the detailed information about the Museum.
- **Publications:** This option shows Annual Reports, Court News, Annual Report of the GSICC, Supreme Court Reports (SCR), Practice and Procedure Handbook, Mediation Training Manual and National Court Management System.
- **Acts & Rules:** This option displays Supreme Court Officers & Servants Rules, 1961, Supreme Court Enlargement of Criminal Appellate Jurisdiction Act, 1970, Supreme Court Rules, 2013 & Gender Sensitization Internal Complaints Committee (GSICC).
- **Employee Corner – SUPNET:** This option displays web enabled retrieval system for the Supreme Court employees that includes Telephone Directory of officers, Pay details.
- **Case Status:** The web provides Supreme Court Cases status information about pending and disposed cases to litigants/ advocates on Internet. 'Case-status' gives the latest information with respect to the status of a case which could stand as: Disposed/ Adjourned, Lower court details, Party and Advocate names, Date on which last listed, Waiting position, Subject category

along with exact verbatim of the text of the Court's order. Pending case status can be accessed through: Case Number, Title, Advocate names and Lower court details.

When a case is filed in the Supreme Court, its 'Case status' is made available on the web, by giving filing details, such as Diary number, Date of filing, etc. Litigants can find out whether their cases have been filed in the court or not without contacting their advocates. The 'Case status' also provides all orders pertaining to the case, delivered by the court. The litigants can maintain their own case files by downloading the orders. 'Case status' receives hundreds of hits every day.

An advocate can download all his cases whether pending or disposed of, and can maintain his own database. Where the matter filed on scrutiny is found to be defective and a diary number has been generated, the defects are made available on Internet within 24 hours.

- **Daily Order:** The daily orders of the Supreme Court are available on the web in PDF & text formats. After signing of the court's orders by Hon'ble Judges, they are made available on Internet within 24 hours. These orders are only for the information to the litigants. It is the easiest way to get a copy of the latest order delivered in the court. The free text based search enables the litigants to also access relevant orders of the court on the same subject. It helps the litigants in accessing orders without knowing the case number or party name. Access thereof can be made through: Case Number, Title, Party name, Advocate, Diary Number, High Court Number, Filing Defects.
- **Judgments:** This option displays PDF copy

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*"The Constitutional Courts are the sentinels of justice and have been vested with extraordinary powers of judicial review to ensure that the rights of citizens are duly protected"* <sup>28</sup>



of the Judgment on the very same day. Access thereof can be made through: Party name, Advocate, Date of judgment and, more importantly, through free text search. The free text based search enables the users to retrieve all relevant judgments on a particular subject. They are made available in PDF and Text format on the website within 24 hours of their pronouncement in the court.

- **Cause Lists:** This option displays Cause Lists containing schedule of cases to be heard by the Courts. All the Cause Lists of Business are published under the Authority of the Chief Justice of India. The Daily, Weekly, Advance, Supplementary, Elimination, Chamber, Registrar, Mentioning Cause Lists are available in <http://www.sci.nic.in> in both XML & PDF formats. These Cause Lists are updated daily by a technical team. Litigants/ advocates can also download Archive Cause lists from the website
- **Office Reports:** This option is about providing current report on status of pending cases to litigants/ advocates on Internet; accessible through Case Number, Party Name and Listing Date.
- **Display Board:** This option displays Digital as well as LCD Boards showing present hearing case details in different Court Rooms i.e. Court No. + Item No. of Supreme Court as well as Delhi High Court. Displays Court-wise listing of cases + Item No., updated after every 30 seconds. Litigants can also download Display Board Android Mobile App. from the website.
- **Latest Updates:** This option flashes important day today notices, circulars, important Court Proceedings/Orders, Judgements etc.

- **Legal Aid:** This option provides information on Legal Aid, Supreme Legal Services Committee (SCLSC), Supreme Court Middle Income Group Legal Aid Society, National Legal Services Authority (NALSA), Ministry of Law and Justice etc.,
- **Miscellaneous & Other Links:** This website also provide few links to other options like information regarding Recruitment, Tenders, Deposits, List of Law Officers, Photo Gallery, Monthly Pending Cases Statements, Details of the Committees of Honorable Judges & Officers, Chief Justices Conference, Guest House Rules, Allotment of Lawyers Chambers Rules, Purchase Procedure for Stores etc., Compendium of Circulars, Purchase Procedure for Library Books for Supreme Court Library, Speeches, Old Question papers of Advocate-on-Record Examination for last 7 years, Supreme Court Middle Income Group Legal Aid Society, The Budgetary Grants for the Supreme Court - Principal Accounts Office Information about Supreme Court Expenditure and Budget Grant, Fortnight, monthly reports & Statements etc. are available on the Website.

## II. SMS & E-MAIL

This Web SMS application is developed for sending status of filing, registration, defects notification, next date of listing, etc. through SMS to petitioners/ respondents/ advocates/ litigants who have provided Mobile numbers and sending e-mails of entire cause lists, elimination lists, office reports over e-Mail ID's.

## III. TOKEN BASED QUEUE MANAGEMENT SYSTEM

Installed Token Based Queue Management System (QMS) in the precincts of the Supreme Court in order to regulate Service Dispensation at the three

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*"The Framers of the Constitution were conscious of the fact that not just anybody can be given a right to practice any profession without having regard to his capacity, capability or competence" <sup>29</sup>*

locations of the Filing Counter, namely Fresh Filing Counter, Re-filing Counter/Defect Curing Counter and Miscellaneous Filing Counters.

#### IV. RECORD ROOM

Record Room computerization keeps track of 16,66,644 files from 1950 till date consigned to the record room. Approx. 65 lakh pages pertaining to the record of Civil Appeal for the years from 1950 to 1985 have been scanned by DR.ITM Ltd. It has started the work of scanning the records of Civil Appeals from the year 1986. 15,36,408 pages have also been scanned and out of which 9,35,462 pages have been put in D-Space.

Records of disposed Civil Appeals, in addition to the years 1986 to 1989, for the years 1990 to 1991 have also been scanned and converted into electronic form, duly certified, in terms of the requirements of the provisions contained in Section 7 of the Information Technology Act, 2000 (IT Act) and electronic copies are being preserved.

#### V. COPYING BRANCH

Software modules have been developed by Supreme Court technical team and implemented to help the Registry in streamlining the process of issuance of certified Orders/Judgments of the Supreme Court to Advocates and parties.

#### VI. ADMINISTRATIVE WING

The various Administrative Wings of the Registry have been computerized and software modules for maintaining the details are developed by Supreme Court technical team.

#### VII. DIGITAL SIGNATURE

The application of Digital Signature is provided to every Court Master with a Smart Card/USB e-Token Driver based Digital Signature along with Smart Card Reader /USB e-Token driver installed in

the Computer system. As soon as hard copy of the Record of Proceedings is signed by Court Master, he also signs the Record of Proceedings in electronic form available in the computer with his Digital Signature. The Digitally Signed documents are transferred to the Central Server. Officer In-Charge of Copying Branch receives the Digitally Signed document through Local Area Network, verifies the authenticity of the Digital Signature and integrity of the document through a File Verifier Software, and upon satisfaction generates hard copy of the document for certified copy to be issued.

#### VIII. DEPOSIT OF SUITOR'S FUND

The amount deposited by the litigants in the various cases pending before the Supreme Court of India were earlier deposited in the separate account known as "Suitors Fund" and deposited in fixed deposits, whenever directed, by court in the official bank of Supreme Court of India. This did not always fetch the maximum interest. Hence, Hon'ble the Chief Justice of India by order dated 29.05.2006 directed that all amounts above Rs. 50,000/- shall be deposited in nationalized bank offering maximum rate of interest, for such period, as ordered by the concerned court.

In the case of amounts exceeding Rs.5 crores. Sealed quotations are invited from all nationalized banks and the tender is confirmed in favour of the bank quoting the highest rate.

A transparent and effective method is evolved to ensure that the suitors' deposits are deposited to fetch the maximum interest during the period of litigation.

During the period from October, 2013 to September, 2014 a total sum of Rs. 316, 55, 67,269/-(Rupees Three Hundred Sixteen Crores Fifty Five Lakhs Sixty Seven Thousand Two Hundred Sixty Nine only) approximately was deposited, and sum of Rs 227,13,73,127/-(Rupees Two Hundred Twenty

*"The Supreme Court as the sentinel on the qui vive, has been invested with the powers which are elastic and flexible and in certain areas the rigidity of such powers is considered inappropriate"*<sup>30</sup>

Seven Crores Thirteen Lakh Seventy Three Thousand One Hundred Twenty Seven only) approximately has been invested in different periods apart from 5.85 US Million Dollars.

Amounts to the litigants are paid back as per Court's Order after deduction of 1% commission on principal amount and 2% commission on interest amount subject to maximum of Rs. 15,000/- (Rupees Fifteen Thousand Only) which is deposited in Government account, as per provisions of Order XIV of Supreme Court Rules, 2013.

## IX. SUPREME COURT JUDGES LIBRARY

The Supreme Court Judges Library was established in 1937, then known as Federal Court Library. It contains significant legal literature to support the need of Hon'ble Courts and Judges and has a collection of about 2,80,000 legal documents which include books, monographs, commission/committee Reports, states legislation, other legislative materials and E-Resources in the form of On-line and CD-ROM Legal Databases. It subscribes to about 200 Indian and Foreign Journals both academic and reporting. The Library has staff strength of 84 including 18 professional librarians. The users of the library are Hon'ble Judges of the Supreme Court. On an average 800-850 books/other materials are being issued per day to the different courts and to the Hon'ble Judges for their use in the residential libraries. If a desired book is not available in the library, it is procured from the different libraries on "Inter-Library Loan."

In order to provide the desired information expeditiously, the Library has developed an "Alphabetical Index" containing legislative history of all Central Acts and separate indexes of all the Acts of each State, which is being regularly updated as soon as amendment in any "Act" occurs. "Union Catalogue of Current Legal Periodicals" showing periodicals holding of Supreme Court Judges Library and all the High Court Libraries has also been

developed to ascertain availability of any particular "Law Report" at the time of need.

The library subscribes to many Indian and International computerized legal databases. Access to legal databases has also been provided at the Residential Library of Hon'ble Judges.

For the current awareness purposes, Library provides 'Press Clippings' from leading National Dailies. Selective Dissemination of Information on legal aspects is a regular Service for Hon'ble Judges. Library also brings out a quarterly publication namely "Accession List" consisting of list of books and legislative materials acquired by the library in a particular quarter for the awareness of the Hon'ble Judges. Annual cumulation of the List is also compiled and circulated under the title "Library Catalogue Supplement" every year. Supreme Court Judges Library also brings out a monthly publication namely "Current Contents" containing subject wise list of articles published in major Foreign Law Journals for awareness of the Hon'ble Judges about the recent articles published in different Foreign Law Journals. A monthly Newsletter is also published by the Library.

As an innovation, an "Equivalent Citation Table" consisting of more than 4000 pages (in 14 volumes) from four major Law Journals to Supreme Court Reports and other Journals has been prepared by the Library. This Table is regularly updated and has also been made available on the Website of the Court for the benefit of legal fraternity.

Supreme Court Judges Library is a grid of libraries. In addition to the Central Library, it also maintains workable collection in 15 Bench Libraries and 31 residential libraries of Hon'ble Judges. Supreme Court Judges Library is essentially a reference and research wing of the Apex Court. It has to keep close watch over the multifarious literature requirements of Hon'ble Judges and Court functionaries and provides quick reference service.

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*"Truth must triumph" is the hallmark of justice" <sup>31</sup>*



## • DIGITIZATION IN LIBRARY

Supreme Court Judges Library has utilized Information Technology tools to a great advantage for providing expeditious and efficient information services. Besides making available desired information to the Hon'ble Judges through 'Internet' and "CD ROM Databases", the Supreme Court judges library has developed some very useful in-house legal databases, namely "JUDIS" "SUPLIS" "SUPLIB", "LEGIS", "EQUIVALENT CITATION TABLE" and "UNION CATALOGUE OF CURRENT PERIODICALS".

### (i) JUDIS (Judgment Information System)

The acronym JUDIS stands for Judgment Information System. This is a database of Case Laws developed by NIC which contains all reportable judgments of the Supreme Court of India from 1950 till date. Besides the judgments of the Apex Court, judgments of the High Courts are also available in the database. This database consist of full text of all reportable and non-reportable judgments of the Supreme Court of India from 1950 till date which can be accessed by the legal fraternity without any charge.

Both reportable and unreportable judgments of the court are uploaded on the JUDIS within 24 hours after the pronouncement of the Judgment. "Head notes" of the reportable judgments are uploaded in the JUDIS after the publication of same in the official journal of the Supreme Court, i.e. "Supreme Court Reports". Judgments of the courts can be searched through this database by various search options such as Petitioner/ Respondent, Judge Name, Case No., Act, Date of Judgment. Two new search options namely "Constitutional Bench Decision" and "Free Text Search" have been introduced in

the JUDIS recently. "Constitutional Bench Decision" helps in finding out all the Constitutional Bench Decision of the Court since 1950. "Free Text Search" facilitates advance legal research for finding the case law. Any subject wise search can be limited to a specific range of period and can be narrowed down by using two more search terms with the help of search box given at the bottom of the screen.



### (ii) SUPLIS (Database of Case Laws)

SUPLIS is an indexing database of case laws decided by the Supreme Court. This database consists of more than 45,000 case laws since 1950. This database is very useful in finding out the desired case laws. As soon as a cyclostyled copy of a judgment is received in the library, it is immediately entered in this database after assigning subject headings and a famous case name (if any). This database is unique, as it contains some important features that are not available in other legal databases developed by commercial vendors. Besides retrieval of case laws by subject and case title, it also provides search capability by a "famous case name" (if any) assigned at the time of the entry – for example: "Bhopal Gas Case", "Rajiv Gandhi assassination case," "Mandal Commission Case," etc. SUPLIS

*"Judicial interference is the command of the Constitution for upholding its values"* <sup>32</sup>

also provides “equivalent citations” of case laws so that, in the event that a particular journal is unavailable, that case law could be made available from another journal with the help of this facility.

Supreme Court Judges Library

### Supreme Court Judges Library



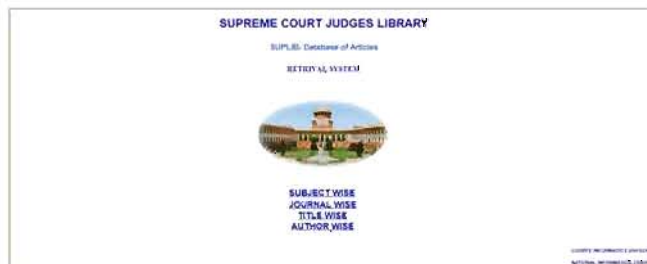
SUPLIB-Database of Articles

DATE OF JUDGEMENT  
 PARTY NAME  
 CITATION  
 JUDGE NAME  
 PETITION NUMBER  
 PARAGRAPH NUMBER  
 SUBJECT WISE  
 ACT WISE

Developed by NIC  
 National Informatics Centre

### (iii) SUPLIB (Database of Legal Articles)

Research articles published in various law reports and academic journals contain valuable information as they are written after comprehensive research on the aspect they deal with. SUPLIB is a database of legal articles published in about 200 foreign and Indian law journals subscribed by the library. Presently, this database consists of bibliographic references of more than 14,000 articles. Immediately after receipt of a journal in the library, important articles are identified, indexed, and entered in this database under all possible subject headings. This database is very useful for the library staff for identifying the articles needed by the Hon'ble judges on a particular aspect and is one of the most used databases in the Supreme Court Judges Library.



### (iv) LEGIS (Database of Acts, Rules & all Statutory Materials)

Statutory materials such as Bills, Acts, Joint Committee Reports, Select Committee Reports, Law Commission Reports, Parliamentary and Assembly Debates, Rules, By-laws, Schemes, etc, are among the most important and sought after library materials in any law library. The Legislative Database is a database for Central Government Acts including Amendments, Rules, Bills, and all subordinate legislations relating to Central Acts. This database is very useful for tracing the complete legislative history of any particular Central Act. All the amendments in Acts, Rules, Schemes and By-laws framed under any particular enactment could be readily identified and retrieved with the help of their citations / source given in this database. If the text of any particular central act is desired, a link for “India Code,” which is a database of the Ministry of Law, is also provided to access the full text of the desired Central Act.

SUPREME COURT JUDGE'S LIBRARY

LEGIS-Database Of Acts

ACT SEARCH  
 ACT NUMBER WISE  
 ACT TITLE WISE  
 SUBJECT WISE  
 SUBORDINATE LEGISLATION WISE  
 DEPT SEARCH  
 COMPANY SEARCH



Developed By NIC National Informatics Centre, Supreme Court of India

*“The fundamental right to move the Supreme Court can be appropriately described as the cornerstone of the democratic edifice raised by the Constitution”<sup>33</sup>*

#### (v) Equivalent Citation Tables

"Equivalent Citation Table" is a useful tool to know the "Parallel Citations" of cases published in different journals. Presently, no up-to-date equivalent citation table is available which may provide equivalent citation of the cases published in different journals. If a person has a citation of a law report not accessible to him, he may require the parallel citation of that case in any other journals, so that he may find the required case. Supreme Court Judges Library has developed an "Equivalent Citation Table" through which one can find the parallel citation of the cases reported in five major journals reporting the supreme court cases namely Supreme Court Reports (SCR), Supreme Court Cases (SCC), All India Reporter, Supreme Court Part [AIR (SC)], Judgments Today (JT) and Supreme Court Almanac (SCALE). This database is updated from time to time and contains the equivalent citations of Supreme Court judgments from 1950 till date. All the citations have been arranged in chronological sequence in descending order.

#### (vi) Union Catalogue of Current Legal Journals

This database contains a complete catalogue of current journals subscribed in Supreme Court Library and all the High Court Libraries in the country. This Catalogue serves as a "Location Tool" for finding out the availability of any Law Journal. If any journal cited by the Advocate is not available in the Supreme Court Library, through this catalogue availability of that journal in different High Court libraries is ascertained and immediate telephonic request is made to the respective High Court for sending a copy of the required judgment immediately

through "FAX" so that the cited judgment may be provided to the courts.

#### (vii) Related Links

The Home Page of the Judges Library provides some "Related links" which are frequently used in Judges Library for catering to the information requirements of the Courts and the Hon'ble Judges. It provides links for different Tribunals - to access the judgments of the respective Tribunals, links for frequently used Websites by Legal fraternity, links for Open Source Databases of foreign countries and links for 66 "Free On-line Law Journals" for the benefit of legal fraternity.

#### (viii) Digital Law Library

A Digital Library has also been developed by the Supreme Court Judges Library which presently contains more than 2500 full text documents/ articles available as open source in different websites. This Digital Library is developed by creating a "Metadata" of the documents scattered in different websites. More than one Keyword is assigned to search a document through this Digital Library. Presently, this Digital Library is available on intranet only but very soon, it will be made available on this website for the benefit of the legal fraternity in India and abroad.

## X. BUDGET

Under Article 146(3) of the Constitution of India, the administrative expenses of the Supreme Court, including all salaries, allowances and Pensions payable to or in respect of the officers and servants of the Courts, are charged upon the Consolidated Fund of India, and any fees or other moneys taken by

*"Stare decisis is the fundamental principle of judicial decision-making which requires certainty too in law so that in a given set of facts the course of action which law shall take is discernible and predictable"*<sup>34</sup>

the Court form part of that fund. The Budgetary Grants for the financial year 2013-14 was Rs. 135.84 crores and for the financial year 2014-15 is Rs. 150 crores and for the financial year 2015-16 is Rs. 155 Crores.

## XI. WELFARE MEASURES

**Training programmes:** In order to improve the work efficiency of the officers and staff of the registry, a series of Training programmes were organized by the registry during 2014. Details of training programmes conducted for different categories of officers/officials are as under:

- An interactive training session to bring further improvement in the day to day working of Branch Officers of Judicial section was conducted on 29-03-2014.
- An interactive training session for preparation of office report with a view to bring further improvement in the day to day working of Branch Officers, Assistant Registrars of Judicial side was conducted on 05-04-2014 & 03-05-2014 respectively.
- Interactive training sessions for newly appointed Junior Court Assistants were conducted on 03-05-2014, 15-05-2014, 19-07-2014, 06-09-2014, 13-09-2014 and 20-09-2014.
- A team of Officials was constituted to interact with the concerned officials of Judicial sections and to carry out data audit during the period from 12-05-2014 to 23-05-2014 for taking care of data and user related issues requiring changes in software for launching of new Case Information System from 22-05-2014.
- A training programme to improve the efficiency/professional competence of officers was held on 26-06-2014 & 27-06-2014 exclusively for AR-Cum-PS by ISTM.
- A training programme to improve the efficiency/professional competence of PS to Additional Registrar, Senior Personal Assistants and Personal Assistants working in the Registry was conducted on 23-06-2014 to 27-06-2014 for sharpening their stenographic skills, capacity building, communication skills and behaviour skills.
- A joint meeting of all Registrars and Additional Registrars/Deputy Registrars for the purpose of strict implementation of the provisions of Supreme Court Rules, 2013 w.e.f. 19-08-2014 and for understanding the changes introduced under the said Rules by preparing presentation in regard to section under their respective charge was conducted on 02-08-2014 & 09-08-2014.
- A training programme to improve the efficiency/professional competence of Personal Assistants working in the Registry was conducted on 30-08-2014 for sharpening their stenographic skills, capacity building, communication skills and behavior skills.
- A training programme for AR-cum-PS working in the Registry was conducted on 30.08.2014 to improve the efficiency/professional competency of officers in day to day working and to impress upon the need to have better and effective coordination with the registry for avoiding any inconvenience to Hon'ble Judges and for sharpening their stenographic skills, capacity building, communication skills and behaviour skills.
- A training programme to improve the efficiency/professional competence of Senior Personal Assistants and PS to Registrars working in the Registry was conducted on 06-09-2014 for sharpening their stenographic skills, capacity building, communication skills and behaviour skills.

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*"The Supreme Court is duty-bound to interfere whenever the Government acts in a manner, which is unreasonable and contrary to public interest" <sup>35</sup>*



## XII MEDICAL FACILITIES

- In the year 2012 the Non-CGHS beneficiary, serving employees of Supreme Court, have been allowed to get the medicines from the CGHS First Aid Post, Supreme Court for a maximum period of ten days.
- In the year 2012 the retired Officers and employees of Supreme Court were allowed to avail the CGHS facilities at FAP-CGHS, Supreme Court in case of emergency.
- In the year 2013 retired Judges of Supreme Court and their family members were allowed to avail the CGHS facilities at FAP-CGHS, Supreme Court including supply of medicines who are CGHS beneficiaries.
- In the year 2014, Supreme Court CGHS First Aid Post has started to issue medicines as prescribed for the treatment period to all the officials of the Registry and to their family members.
- The space near Green House of the Horticulture Department, adjacent to Gate-'B' and inside the High Security Zone, has been made available for establishing a Dispensary for the use of the Members of the SCBA i.e. Advocates/Litigants. The construction work will start after receipt of sanction from Delhi Government.



*“There is no doubt that the Supreme Court has an extensive power to correct an error or to review its decision, but that cannot be done at the cost of doctrine of finality”<sup>36</sup>*

# 7

## COURT ADMINISTRATION

*H*on'ble the Chief Justice of India is the Supreme Administrative Head. All the administrative powers for determining the work structure of the Court and the Registry of the Apex Court and also for setting up the ministerial side of the Court exclusively vest in Hon'ble the Chief Justice of India. Administrative powers are exercised by Hon'ble the Chief Justice of India under Article 146 of the Constitution read with the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961 either directly or through some other Hon'ble Judge or a Committee of the Hon'ble Judges or Officer(s) of the Court subordinate to him authorized for the purpose.

The Secretary General who is of the rank of Secretary to the Government of India is the highest Administrative Officer of the Supreme Court. The post of the Secretary General is exclusively meant for a judicial officer of the rank and status of a District and Sessions Judge. Mostly, for positions of Registrars, judicial officers of the rank of Additional District and Sessions Judge are drawn on deputation. Since 1987, 11 officers (excluding the present Secretary General) belonging to Higher Judicial Service of different States have adorned the post of Secretary General (earlier called as Court Administrator-

cum-Registrar General). 52 officers have held the Office of Registrar of the Supreme Court. The Secretary General is assisted by 8 Registrars and 25 Additional Registrars who are assigned work of specific branches in which they, in turn, are assisted by Deputy Registrars, officers of other lower ranks and subordinate staff. There are 2242 posts on the establishment of the Supreme Court Registry, which includes 1743 permanent posts. The break-up of sanctioned staff strength is 288 Gazetted Officers, 574 Non-Gazetted officials and 1380 non-clerical staff.

The administrative wing of the Supreme Court is known as the Registry. For systematic functioning and efficient disposal of work, the Registry is divided into two main Wings, viz. Administration and Judicial, which are further divided into various Divisions, Branches, Sections and Cells. The subject matters dealt with by each and every Section/Unit have been well defined.

The Supreme Court Registry has been divided into 52 Sections/Units. The total matters on the judicial side, i.e. SLPs, Writ Petitions, Original Cases, References and other appeals etc. are mainly handled in 20 Sections on the judicial side and the division of work between them is

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*"A child who is denied right to access education is not only deprived of his right to live with dignity, he is also deprived of his right to freedom of speech and expression enshrined in Article 19(1)(a)."*<sup>37</sup>

based either on its nature, i.e. Special Subject Category or on geographical area, i.e. State/High Court wise. Further, there are other Sections dealing with judicial matters, which are called ancillary judicial Sections such as Filing Counter (Section I-B), Paper Books Sections [Sections preparing Paper Books (I, I-A & I-A Annexe)], Sections relating to Computerization (DEU-I, DEU-II, DEU-III), Sections dealing with maintenance of Original Record and Translation work (Sections V&VI), Record Room and Scanning Cell, Decree Sections (XIII & XIII-B), Copying, Editorial, PIL (English), Receipt & Issue and Information and Statistics Secretariat for dealing with applications under RTI Act, 2005 and Compilation and processing of Statistical information. There are two supporting wings, i.e. Library Wing and Court Masters Wing. Two Courts of Registrars have also been functional, one since 3rd April, 2006 and the other from 1st September, 2006 for dealing with matters referred to in the Supreme Court Rules.

There are 12 Sections dealing with the matters pertaining to the establishment, which includes Admn.I, Admn.II, Admn.III, Admn.Materials, Admn.General, Cash and Accounts-I & II, Admn.J, Protocol, Medical, Transport and Caretaking. Admn.I Section deals with recruitment, promotions etc., Admn.II Section deals with leave, pay and pension of officers and staff, Admn.III Section deals with all types of advances admissible to officers and staff. Admn. Materials (Purchase & Stores) Section deals with purchases and store, Admn. General Section deals with maintenance of Supreme Court Building and allotment of Lawyers' Chambers etc. Admn.(J) Section looks after the provision of necessary amenities to the Hon'ble Judges and overall house-keeping job, including the work connected with maintenance of the Judges' Chambers in the Supreme Court and their official



residences. Protocol Section renders protocol services to the Hon'ble Judges and the Transport Section provides transport facilities to the Hon'ble Judges and the Registry. There also exists a Medical Section for arranging medical facilities for the Hon'ble Judges. Cash and Accounts Section deals with preparation of pay bills and budget estimates etc. Reception Office and the Reception Counters provide necessary assistance and hassle-free services to the visitors, litigant public and the Advocates.

While the practice and procedure of working of the judicial side of the Registry are regulated by the Supreme Court Rules, 2013 and Manual of Office Procedure on Judicial Side, the practice and procedure of working on the Administrative side have been mentioned in the Supreme Court Officers and Servants (Conditions of Service and Conduct) Rules, 1961 and Manual of Office Procedure. The minimum educational qualifications and other eligibility conditions prescribed for each and every post have been specified in the Schedule to the 1961 Rules. The Manuals also contain the nature of duties and responsibilities of the officers and employees.

*"A Judge has to reason out truth from falsehood, good from evil which enables him to deduce inferences from facts or propositions."*<sup>38</sup>

# Secretary General



**V. S. R. Avadhani**

# Registrars



**M. K. Hanjura**  
Registrar (Admin-I & Vigilance)



**Rachna Gupta**  
Registrar (J-II)

# Registrars



**K. Arul**  
Registrar (Admin-J)



**Chirag Bhanu Singh**  
Registrar (J-I)



**Surajit Dey**  
Registrar (J-II)

# Registrars



**M. V. Ramesh**  
Registrar (Admin-M.)



**Subhash C. Malik**  
Registrar (Misc.)



**Raj Pal Arora**  
Registrar (Admin-G)

## Former Registrar Generals/Secretary Generals-Supreme Court of India

S.No	Name of the Officer	From	To
1.	Shri Sankatha Rai	01.06.1987	03.11.1992
2.	Shri MSA Siddiqui	09.11.1992	26.09.1994
3.	Shri Chandresh Bhushan	27.09.1994	27.04.1998
4.	Shri Bhanwar Singh	27.04.1998	26.03.1999
5.	Shri Lal Chand Bhadoo	27.03.1999	19.01.2003
6.	Shri J.C.S. Rawat	20.01.2003	28.06.2004
7.	Shri B.M. Gupta	29.06.2004	24.11.2005
8.	Shri V.K. Jain	01.12.2005	13.05.2009
9.	Shri M.P. Bhadran	13.05.2009	12.05.2010
10.	Shri A.I.S. Cheema	13.05.2010	12.05.2013
11.	Shri Ravindra Maithani	12.05.2013	15.11.2014

*"A 'reasonably' expeditious trial is an integral and essential part of the fundamental rights to life and liberty enshrined in Article 21 of the Constitution of India."*<sup>39</sup>

## Former Registrars - Supreme Court of India

S.No	Name of the Officer	From	To
1.	Shri P.N. Murthy	26.01.1950	04.01.1956
2.	Shri K.Krishnaswami Aiyar	05.01.1956	01.04.1956
3.	Shri Arindam Dutt	02.04.1956	14.06.1962
4.	Shri S.N. Sharma	01.07.1962	15.03.1964
5.	Shri Y.D. Desai	13.08.1963	19.04.1969
6.	Shri C.V. Rane	09.06.1969	19. 10.1971
7.	Shri M.P. Saxena	20.10.1971	30.04.1979
8.	Shri S.K. Gupta	16.07.1973	01.01.1978
9.	Shri R.Narasimhan	16.01.1978	31.03.1984
10.	Shri R.Subba Rao	01.05.1979	31.03.1986
11.	Shri A.N. Oberai	01.04.1986	29.02.1988
12.	Shri H.S. Munjral	02.04.1987	31.08.1988
13.	Shri R.R. Kumar	01.09.1988	30.04.1993
14.	Ms. S.V. Kashyap	01.09.1988	30.11.1988
15.	Shri R.N. Joshi	01.12.1988	28.02.1989
16.	Shri Yoginder Lal	01.03.1989	30.06.1989
17.	Shri S. Vardarajan	01.07.1989	31.08.1989
18.	Shri Ved Prakash Sharma	16.12.1989	14.02.1995
19.	Shri Susanta Ghosh	01.02.1990	25.10.1996
20.	Shri P.N. Likhyani	15.02.1991	28.02.1994
21.	Shri L.C. Bhadoo	01.03.1993	26.02.1999
22.	Ms. Manju Goel	30.09.1994	31.03.1997
23.	Shri H.S. Kapoor	12.02.1997	30.11.2002
24.	Shri R.C. Gandhi	04.04.1997	31.07.2007
25.	Shri B.M. Gupta	05.04.1999	23.06.2004




26.	Shri Ashok I. Cheema	26.11.1999	01.04.2007
27.	Shri Suresh Chandra	18.12.2002	31.01.2004
28.	Shri J.K. Sharma	03.02.2004	3 1.07.2006
29.	Shri V.K. Jain	08.07.2004	30.11.2005
30.	Shri Hemant Sampat	08.12.2005	07.02.2007
31.	Shri B. Sudheendra Kumar	20.03.2006	01.09.2007
32.	Shri S.G. Shah	11.05.2006	30.04.2009
33.	Shri R.K. Gauba	11.05.2006	12.01.2007
34.	Shri T.N. Sansi	01.08.2006	30.06.2008
35.	Shri T. Sivadasan	07.02.2007(AN)	31.10.2010
36.	Shri Sunil Thomas	12.03.2007	11.03.2014
37.	Shri M.P. Bhadrn	27.09.2007	13.05.2009
38.	Shri Ashok Kumar	16.10.2008(AN)	31.12.2010
39.	Shri Ashok Menon	01.05.2009	31.05.2010
40.	Shri M.K.Gupta	14.05.2009	01.05.2010
41.	Shri S.G. Shah	03.05.2010	11.11.2012
42.	Shri Mohammad Akram Sayeed	12.05.2010	10.05.2014
43.	Shri Maharaj Krishan Hanjura	28.06.2010(AN)	24.06.2011
44.	Shri Ravindra Maithani	21.09.2010	12.05.2013
45.	Shri P.R. Bora	22.11.2010	01.10.2012
46.	Shri H.B. Prabhakara Sastry	11.07.2011	10.10.2011
47.	Shri Nizamuddin Jahiroddin Jamadar	01.05.2012	30.04.2014
48.	Shri Sheo Kumar Singh	29.08.2013	06.09.2013
49.	Shri Sanjiv Jain	05.02.2014	01.11.2014
50.	Shri V.S.R Avadhani	02.04.2014	25.10.2014
51.	Shri Pankaj Bhandari	30.04.2014	15.11.2014
52.	Shri Govind K. Rathod	25.08.2014	29.11.2014

# 8

## ROLE IN TRAINING AND EDUCATION

### I. NATIONAL JUDICIAL ACADEMY, BHOPAL

 A major initiative of the Supreme Court in the closing years of the last century has been the establishment of an All India Institution for Judicial Education, Research and Training at Bhopal. On September 5, 2002, the President of India formally dedicated the National Judicial Academy (NJA) to the Nation and propounded a Second Vision for the Republic in which His Excellency envisaged a new, dynamic role for the judiciary for making India a developed country by the year 2020.

National Judicial Academy was established as a Registered Society, fully funded by the Government of India and commenced its activities immediately. Hon'ble the Chief Justice of India is *Ex-officio* Chairman of the Society, *inter alia*, has two puisne judges of the Supreme Court as Members.

In October 2006, the Academic Council of the National Judicial Academy, chaired by the Hon'ble Chief Justice of India, adopted the National Judicial Education Strategy, which establishes, for the first time, a clear framework for national judicial

education as enhancing timely justice by reducing delay and arrears and enhancing the quality and responsiveness of justice. The strategy aims to scale up national judicial education so as to provide every Judge an opportunity to participate in judicial education- at the state or national level, for at least one week each year.

- **Annual Calendar Meeting- April 12, 2014**

To formulate the Calendar for the year 2014-15 annual calendar meeting chaired by the Chief Justice of India, as chairperson of the NJA along with the Senior Puisne Judge of the Supreme Court of India was held on April 12, 2014. It was attended by 27 participants, mostly High Court judges and SJA representatives. The deliberations ensured that the calendar formulated is demand driven and need-based.

- **Conferences/Training Programme**

The National Judicial Academy (NJA) functioning since the year 2002 with mission to strengthen the administration of justice through the medium of judicial education has organized

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*"Every law-abiding citizen should respect the law and must stand in conformity with the rule, be as high an individual may be."*<sup>40</sup>

so far 916 judicial training programmes. These training programmes have succeeded in developing acceptance for various reforms via the medium of discussion and consensus. Moving from issues of raising gender sensitivity and attacking judicial corruption, the trainings took to popularize the use of constitutional philosophy in trial court adjudication process, and later shifted focus to the utility of ICT tools and management methods to address issues of delay, pendency, arrears, inconsistency and the quality of justice. In short period of its existence, the NJA has caused paradigm shift in the judicial system. Continuous emphasis on delay, pendency, arrear led to setting up of timelines for decision making, creation of the positions of court managers, computerization of courts at various levels.

From January 2014 to December 2014, the NJA confined itself mostly to organizing orientation programmes to provide techniques and tool for judges to overcome various challenge faced at different levels and bring to the notice of the concerned stakeholders - the areas for reform. Programmes were repeated after two months interval so as to cover maximum number of

judges at various levels and at different jurisdictions.

The brief description of these programmes is given below:

**i. National Conference for Principal District Judges (PDJs) on Court Administration & Management**

These conferences allowed PDJs to exchange ideas on - the responsibility to effectively manage the courts to ensure optimal levels of performance, equitable distribution of the workload amongst different subordinate courts, development of a judicial culture to make courts litigant friendly, application of leadership concept to manage human resource, budget and ICT tools for better administration of justice. Speakers mostly included internal NJA faculty, sitting and former judges from the Supreme Court of India, different High Courts, technical experts to address issues related to ICT and management methods and academia. Conferences held in this series are as under.

Programme Series	Date	Attended by Principal District Judges (PDJs)
P-754	January 04-05, 2014	28
P-787	March 22-23, 2014	26
P-849	October 11-12, 2014	30
P-865	November 08-09, 2014	33

**ii. Programme for developing Model Judicial Districts [PMJD]**

PMJD receives nominations from 10 districts of 10 different states. From each selected district, one PDJ or DJ or ADJ, one CJSD, one CJJD, one member of LSA and one member of ministerial staff attached to that district court come to the NJA. The objective is to develop harmony and better co-ordination between judicial officers and ministerial staff, common approach to commitment to the cause of justice, preparation of a road map for better co-ordination between the courts inter se and the courts and legal

*“Interpretation given by the courts to any provision of the Constitution gets inbuilt in the provisions interpreted.”<sup>41</sup>*

service institutions, preparation of a vision plan to create a litigant friendly environment in the courts. The duty holders from one district interact with other districts and share challenges faced by them in their day-to-day work. They look for solutions together and prepare a vision statement for their particular district. The group discussion on the Role of Duty Holders for Better Administration of Justice receive avid participation and provide space to introspect on the drawbacks of the system. The open discussions on bribery and corruption allow participants to search solution for curbing malpractices. Speakers mostly judges from the High Courts advise on strategy to implement the vision statement. The series of programmes are as follows:

Programme Series	Date	Attended by Model Judicial Districts [PMJD]
P-755-764	January 04-05, 2014	10
P-737-746	February 8-9, 2014	10
P-777-786	March 08-09, 2014	10
P-793-802	April 05-06, 2014	06
P 809-818	May 03-04, 2014	10
P-829-838	September 6-7, 2014	10
P-852-861	October 18-19, 2014	10
P-876-885	December 13-14, 2014	10

### iii. National Orientation Programme for Additional District Judges (ADJs)

Orientation programmes for ADJs provide tools and techniques to improve the performance of courts in terms of time taken for disposal of a case and the quality of justice delivered. The subjects dealt are - application of the philosophy and values of the Constitution in adjudication process, role of judiciary in protecting the rights of victims of industrial disaster, ensuring fair investigation and prosecution, issues related to fair disclosure of evidence, application of principles of sentencing, ensuring proper access to justice for poor litigants, issues regarding significance of interlocutory orders in civil litigation, rights of women and concept of gender justice and ensuring efficient use of ADR mechanism. Speakers comprised of sitting and former judges from the Supreme Court of India, different High Courts, academia, technical experts and the internal NJA faculty. The orientation programme are as follows:

Programme Series	Date	Attended by Additional District Judges (ADJs)
P-765	January 10-12, 2014	30
P-776	March 07-09, 2014	34
P-822	July 25-27 2014	37

*"It is well recognised and established that the Supreme Court has always been a lawmaker and its role travels beyond merely dispute-settling."*<sup>42</sup>



**National Judicial Academy, Bhopal**

Programme Series	Date	Attended by Additional District Judges (ADJs)
P-850	October 17-19, 2014	35
P-866	November 14-16, 2014	38

**iv. National Conference for Judges of District Judiciary**

For the district judges (DJ) cadre, the NJA organized three-day interactive sessions on specific issues. The Conference on various topics are given below :-

Programme Series	Date	Topic	Attended by Judges of District Judiciary
P-766	January 10-12, 2014	Law and Social Transformation: Role of District Judiciary	27
P-770	February 07-09, 2014	Cases relating to Sessions Trial	28
P-772	February 14 -16, 2014	Just Sentencing: Policy and Practice	28
P-851	October 17-19, 2014	Just Sentencing: Policy and Practice	25
P-775	March 07-09, 2014	Criminal Law and Human Rights	27

*“Judicial enthusiasm should not obliterate the profound responsibility that is expected from Judges.”<sup>43</sup>*

Programme Series	Date	Topic	Attended by Judges of District Judiciary
P-788	March 21-23, 2014	Enhancing Judicial Qualities, Attitude and Skills	26
P-791	April 04-06, 2014	Role of District Judiciary in Protection of Human Rights	23
P-843	September 12-14, 2014	Adjudication of Issues relating to women and children	26
P-847	October 10-12, 2014	Access to Justice	26

v. **National Conference for High Court Judges**

The national conferences for High Court judges were organized to discuss the development of law in specific areas. Former and sitting judges of the Supreme Court of India, experts and senior academia provided their view points on the specific issues. The conferences attended by the High Courts Judges were on various aspects in the year 2014. The details are given below :-

Programme Series	Date	Topic	Attended by Judges of District Judiciary
P-767	January 18-19, 2014	Commercial and Economic Matters	16
P-773	February 22-23, 2014	Constitutional Law and Administrative Law	22
P-789	March 22-23, 2014	Criminal Law and Human Rights	17
P-840	September 06-07, 2014	Public Law	27
P-848	October 11-12, 2014	Role of Courts in Protection of Social and Economic Rights	17
P-864	November 08-09, 2014	International Law and Environmental Law	25
P-804	April 12-13, 2014	Problems relating to Pendency and Arrears	21
P-827	August 23-24, 2014	Newly Elevated High Court Judges	32

vi. **National Orientation Programme for Newly Appointed Civil Judges (Junior Division)**

One week long orientation programmes for newly appointed civil judges junior division (CJJD) were organized to acquaint them with the national level challenges and expectation placed on them to administer timely justice. The individual sessions covered various aspects relating to judging with a special focus on the role of judges in a constitutional democracy. Employing different methods such as group discussions, simulation exercises, interactive session and movie screening, these programmes highlighted issues that CJJD are likely to encounter in regular course of their judicial work. Speakers

*"Legislative surgery is not a judicial option, nor a compulsion, whilst interpreting an Act or a provision in the Act."*<sup>44</sup>

were mostly retired and sitting High Court judges, professors of law, technical experts and internal NJA faculty. The details of the orientation programmes are given below :-

Programme Series	Date	Attended by Newly Appointed Civil Judges
P-771	February 14- 20, 2014	50
P-792	April 04- 10, 2014	51
P-824	August 01-07, 2014	57
P-841	September 12-18, 2014	56
P-867	November 14-20, 2014	57

vii. **National Orientation Programme for CJMS/Civil Judges (Senior Division)**

P-825: August 01-03, 2014 was attended by 39 Civil Judges (Senior Division). Speakers -sitting and former judges of the Supreme Court of India, High Courts elaborated on the underlying theme of orientation - the state of justice delivery system in India. Inputs on the Bangalore Principles of Judicial Conduct, problems ailing the Criminal Justice System, judicial response to offences against women, reasons for diminishing civil litigation in India, problems related to Interlocutory orders and Execution of Decrees were discussed with participating judges.

viii. **National Conference of the Presiding Officers of Special Courts**

This series of programmes were organized to discuss the objective of setting up of special court and whether these special courts are meeting those objectives. Sitting and retired judges from the Supreme Court of India, various High Courts, academia, technical experts and the NJA internal faculty addressed and exchanged ideas with participating judges. The series of programmes are as follows:

Programme Series	Date	Attended by Presiding Officers of Special Courts
P-803	April 11-13, 2014	23
P-821	July 25-27, 2014	26
P-805	April 18-20, 2014	25
P-844	September 19-21, 2014	24
P-820	July 25- 27, 2014	29
P-768	January 17-19, 2014	20
P-842	September 12-14, 2014	25
P-807	May 02-04, 2014	28

*"The Constitution and the body of laws are not frozen in time. They comprise an organic structure developing and growing like a living organism."*<sup>45</sup>

Programme Series	Date	Attended by Presiding Officers of Special Courts
P-823	August 01-03, 2014	30
P-870	November 21-23, 2014	28
P-826	August 22-24, 2014	31
P-869	November 21-23, 2014	29
P-845	September 19 -21, 2014	28
P-863	November 07-09, 2014	27

**ix. National Conference for the Members of the CAT (P-774) February 22 -23, 2014**

The NJA received 21 members of the Central Administrative Tribunal (CAT) from across the country for programmes specifically developed to allow members to share their experiences and exchange views on functioning of administrative tribunals, development of service jurisprudence, issues and constraints in dealing with the service matters, principles of natural justice in disciplinary inquiry, administrative discretion and its judicious exercise. Speakers guided them on possible methods to effectively dispose off complex cases. Judge from P&H High Court and AP High Court and an advocate came as speakers.

**x. National Conference of Registrar Generals on "Court Administration and Management"**

A one day conference was organized for 18 Registrar Generals of 18 High Courts on November 15, 2014 (P-868). The speakers - The Chief Justice of Tripura High Court and former Judges of Bombay High Court dealt with the subject of Role and responsibilities of Registrar General, challenges faced by the Registrar Generals in effective administration of Courts, use of ICT in Justice Delivery System, and Registrar Generals as Chief Executive Officers in the Judicial System.

**xi. Regional Judicial Conference on "Role of Courts in upholding Rule of Law"**

The Regional Conferences on the role of courts in upholding the rule of law were designed to disseminate NJA programmes to a larger audience. One conference was held in each zone to discuss common challenges faced in the region in a given academic year in collaboration with the High Court and the State Judicial Academy. The judges of the Supreme Court of India, the Chief Justices and other judges of the High Courts from the region initiated discussions and allowed exchange of ideas between participants. Mainly the theme of classical origins and Constitutional understanding of the rule of law, human rights, access to justice were discussed. The details of regional conferences attended by the Judges:

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*"The heart of judicial independence is judicial individualism. The judiciary is not a disembodied abstraction. It is composed of men and women who work primarily on their own."*<sup>46</sup>



Programme Series	Date	Attended by Judges
P-769	January 31- February 02, 2014	116
P-790	March 28-30, 2014	87
P-806	April 25- 27, 2014	90
P-819	May 09- 11, 2014	82
P-747	May 30- June 01, 2014	99

xii. **Regional Judicial Conference on "Strengthening Justice Delivery System: Tools & Techniques"**

Keeping in mind the pressure on judiciary to deliver timely justice, efforts are made by the NJA to help higher judiciary to understand the challenges faced by subordinate judicial officers in a particular region and to develop consensus on how to overcome those challenges. Interactions encourage the use of court management and case management techniques. Peer group discussions present opportunity to participating judges to learn from each other how to tackle the complex issues. The details of first such regional conference attended by the judges are given below:

Programme Series	Date	Attended by Judges
P-828	August 29-31, 2014	110
P-862	October 31-November 02, 2014	
P-871	November 28-30, 2014	

xiii. **National Conference for State Judicial Academies (SJA)**

In order to develop national framework on judicial education, the NJA conducts meetings with SJA representatives after every four months. The programme details are given below

Programme Series	Date	Attended by State Judicial Academies (SJA)
P-808	May 03-04, 2014	17
P- 839	September 6-7, 2014	25

*"The inspiring Preamble to our Constitution shows that one of the cherished objects of our Constitution is to assure all its citizens the liberty of thought, expression, belief, faith and worship." <sup>47</sup>*

## II. INDIAN LAW INSTITUTE, NEW DELHI

**Indian Law Institute (ILI)** was founded in 1956 primarily with the objective of promoting and conducting legal research. It has made notable contribution in the legal arena. Besides performing important advisory role in fostering the empirical research and making law as an instrument of social engineering, it also undertakes research on current legal issues. The Institute is an autonomous body registered under the Societies Registration Act, 1860 and has the requisite independence and academic freedom to carry out its objectives. The Indian Law Institute has been granted Deemed University Status in 2004.

Hon'ble Chief Justice of India is the *ex-officio* President of the Institute. The Law Minister of Government of India and the Attorney General for India are its *ex-officio* Vice Presidents. Third Vice-President is elected by the members of the Governing Council, from among themselves. Hon'ble Judges of the Supreme Court of India and High Courts, prominent lawyers, Government officials and Professors of Law are represented in the Governing Council of the Institute. Affairs of the Institute are controlled by the Governing Council through Executive Committee.

Presently Hon'ble Mr. Justice T.S. Thakur is the Chairman of the 'Administrative Committee' and 'Research and Monitoring Committee'. 'Finance Committee' and 'Fund Utilisation Committee' of the Institute is presently headed by Hon'ble Mr. Justice Anil R. Dave as Chairman. Hon'ble Mr. Justice Dipak Misra is the Chairman of the Building Committee and Hon'ble Mr. Justice Jasti Chelameswar is heading the Membership Committee as its Chairman. Hon'ble Mr. Justice Kurian Joseph is presently the Chairman of the Library Committee. Academic Council of the Institute is presently chaired by Hon'ble Dr. Justice Arijit Pasayat.



*Indian Law Institute, New Delhi*

For promoting the activities of the Institute 16 Regional Offices are constituted at convenient centres in India located at High Court complexes of the respective States.

### • Objectives of the Institute

- to cultivate the science of law, and to promote advanced studies and research in law and its administration;
- to promote the improvement of legal education, and to impart instruction in law and allied fields;
- to publish studies, treatises, books, periodicals, reports and other literature relating to law and allied fields.
- to undertake documentation of important legal and allied materials;
- to co-operate with other societies, institutions and organizations, national and international, in the pursuit of all or any of the above objectives;

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*"The right to be defended by a counsel is a principal part of the right to fair trial. If these minimum safeguards are not provided to an accused; that itself is "prejudice" to an accused."*<sup>48</sup>

- **Academic Programmes**

After the declaration of the Indian Law Institute, a Deemed University in the year 2004, the Institute launched research oriented LL.M. – 2 Year course (Full Time). In the year 2009-2010, the institute introduced LL.M. – 3 year course (Evening) programme. The Institute has introduced its flagship LL.M - 1- year course (Full- Time) programme for the academic session 2013-14. The scheme for conducting of LL.M. – 1 year programme has been adopted as per the UGC guidelines. The admission in LL.M. programme is strictly on merit in Common Admission Test (CAT) conducted every year and Interview. The All India Test for admission to the LL.M. Programmes was conducted on 14.6.2014 at Delhi.

The Institute conducts Post Graduate Diploma Courses in vital areas like Corporate Law and Management, Cyber Law, Intellectual Property Rights Law, Alternative Dispute Resolution (ADRs) and Tax Law.

The Institute has a Ph.D. programme. As of now, there are 14 scholars enrolled for Ph.D programme. The Ph. D Regulation is structured in such a manner that only a person with outstanding ability acquires the degree of Ph.D. from the Indian Law Institute.

The Institute also conducts online e- learning certificate courses on IPR and Cyber Law of three months duration.

- **Library**

The library of the Institute established in 1956, is one of the leading law libraries in the India and contains 78000 volumes. Every year the Judiciary, Central and State Government Officers, Law researchers and various Embassies and High Commissions are using the library for reference purposes for legal research.

The Library has computerized all catalogue available on website to access information on availability of books, journals etc.

The Legal Information Resource Centre (LIRC) in the library has 12 computers and 2 heavy duty printers with Wi-Fi technology. The computers are equipped with important databases and websites to facilitate legal research.

- **ILI Publications**

- (i) ***Journal of the Indian Law Institute (JILI)***

The Indian Law Institute has been publishing a quarterly journal namely the Journal of the Indian Law Institute (JILI). It contains research articles on topics of current importance. It is a referred journal of international repute.

- (ii) ***Annual Survey of India Law (ASIL)***

ASIL is an annual compilation of analysis of latest judgments on various areas of law published every year annually.

- (iii) ***Newsletter***

The Indian Law Institute has been publishing quarterly 'ILI Newsletter'. The newsletter contains details of the activities undertaken by the Institute during the quarter and the forthcoming activities

- (iv) ***Index to Legal Periodicals***

The Index to Indian Legal Periodicals, published yearly by the Indian Law Institute contains, indexes to periodicals (including year books and other annual publications) pertaining to law and related fields that are received by the ILI Library. Articles, case comments, notes and other materials are included irrespective of the

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*“Beauty of democracy depends on the proper exercise of duty by those who work it”<sup>49</sup>*

length of the material.

(v) **Restatement of Indian Law**

Hon'ble Chief Justice of India who is the President of ILI has constituted the "Restatement of Indian Law Committees" on Direct-Indirect Taxes, Constitutional law and allied subjects and Criminal law.

The digitized versions of the ILI publication and rare documents are available in DVD form in publication section of the ILI. Simultaneously the digital versions of JILI, ASIL, Committee and Commission reports are also available at the Institute website.

• **Activities at the Institute in the year 2014**

(i) **Seminar/ conference/ training/ workshop/ visits**

- On the occasion of the 150th birth anniversary of Shri Motilal Nehru, the Indian Law Institute in collaboration with Ministry of Culture, Government of India organised a Conference for highlighting the Contribution of Shri Motilal Nehru to the legal Profession on January 25, 2014.
- One day workshop on "Effective Prosecution under PMLA" was conducted jointly by Enforcement Directorate and the Institute on March 29, 2014.
- Training Programme for the executives of Tehri Hydro Development Corporation Ltd. (THDCIL) was organised in three modules from January-March 2014.
- Students of Erasmus School of Law, Erasmus University of Rotterdam,

Netherlands visited Institute on April 3, 2014 during their Corporate Law Tour in India for a Corporate Research Project.

- Delegation from Nepal led by Hon'ble Mr. Justice Kalyan Shrestha, Judge, Supreme Court of Nepal visited the Indian Law Institute on May 29, 2014.
- Seminar on Need for Restraint in Expressing Views in Sub judice Matters was organized at Cuttack on June 21, 2014.
- Prof. (Dr.) S. Sivakumar visited the Supreme Court of Bhutan on June 26, 2014 to discuss about the Restatement of Indian Law Project with the Hon'ble Chief Justice of Bhutan Mr. Lyonpo Sonam Tobdye.
- As approved by the Academic Council, admission test for Ph.D. was conducted on August 10, 2014. Five candidates have been selected on merit for admission to Ph. D programme 2014 and got enrolled.
- Training Programme for the Officers of National Human Rights Commission (NHRC) was organised on 19th-20th September and 17th October, 2014.
- The Institute organized its First Annual Law Conference on the theme "Human Rights: Contemporary Issues and Challenges" on December 10, 2014.
- The Institute has organized a conference in association with NHRC on December 20th -21st, 2014.
- The Institute has signed MoU with International Universities and NHRC for the mutual benefit of students and faculty.

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*"Criminalisation of politics is an anathema to the sacredness of democracy"<sup>50</sup>*

## (ii) Research Projects

- The National Investigation Agency (NIA) Ministry of Home Affairs, Government of India has entrusted a project to prepare a "compendium of Terrorism Related cases and to draft a model investigation and procedural manual". The work is under progress.
- The project on "Meaning and status of pendency in Allahabad High Court and Calcutta High Court" entrusted by Department of Justice, Ministry of Law and Justice is under process.
- The CBI Academy Ghaziabad has entrusted a project for the Development of a module on "Primacy of Rule of Law" to be introduced in the training modules for the officers of the CBI and other law enforcement agencies.

## III. LEGAL EDUCATION

Supreme Court is taking an effective though limited role in legal education. Hon'ble The Chief Justice of India is the Chancellor, or Visitor, of several reputed institutions like National Law University-Jodhpur, the West Bengal National University of Juridical Sciences-Kolkata, University of Delhi-Delhi, National Law School of India University-Bangalore, National Law Institute University-Bhopal, Hidayatullah National Law University-Raipur, the Gujarat National Law University-Gandhi Nagar, Dr. Ram Manohar Lohia Rashtriya Vidhi Sansthan-Lucknow and National University of Advanced Legal Studies-Kochi.

### • Law Clerk-cum-Research Assistants and Law Trainees

- (i) In order to attract young law students into judicial process and to provide assistance

in legal research to Hon'ble Judges of the Supreme Court of India, Law Clerk-cum-Research Assistants are engaged for short term contractual assignment by the Supreme Court. Fresh Law Graduates are drawn from National Law Schools/Universities and other Law School/Colleges/Universities for contractual assignment as Law Clerk-cum-Research Assistants. They are given assignment on a fixed stipend of Rs.30,000/- per month. Each Hon'ble Judge is entitled to have two Law Clerk-cum-Research Assistants. Out of the two Law Clerks, if the Hon'ble Judge so desires, the second Law Clerk can be a person of His Lordship's choice.

- (ii) Law students are considered for being placed as Law Trainees with the Hon'ble Judges, as per requirement, for a period not exceeding one month from time to time, without any monetary incentive.
- (iii) The existing scheme/guidelines for selection of Law Clerks are being reviewed in order to make the selection process more transparent so that eligible Law students/Law Graduates from Law Schools/Colleges/Universities all over the country recognized by the Bar Council of India could participate in the process of selection.
- (iv) During the last five years, i.e. 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14, a total of 207 Law Graduates have been engaged as Law Clerk-cum-Research Assistants and 488 Law students have been placed as Law Trainees.

*"The truth should be the guiding star in the entire judicial process. Truth alone has to be the foundation of justice. The entire judicial system has been created only to discern and find out the real truth."*<sup>51</sup>

# 9

## LEGAL SERVICES

### I. NATIONAL LEGAL SERVICES AUTHORITY

 Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In 1987, the Legal Services Authorities Act was enacted by the Parliament which came into force on 9th November, 1995 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programmes and to lay down policies and principles for making legal services available under the Act.

Hon'ble the Chief Justice of India is the Patron-in-Chief and Hon'ble Mr. Justice T.S.Thakur, Judge, Supreme Court of India is the Executive Chairman of NALSA.

In every State, a State Legal Services Authority and in every High Court, a High Court Legal Services Committee has been constituted, 622 District Legal Services Authorities and 2234 Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.

Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.

#### Functioning of NALSA

NALSA issues guidelines for the State Legal Services Authorities to implement the Legal Aid Programmes and schemes throughout the country. Primarily, the State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, etc. have been asked to discharge the functions as prescribed under Section 7, 10 & 11-B of the Legal Services Authorities, 1987. They not only

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*"A society is well governed when the people who are in the helm of affairs obey the command of the law."*<sup>52</sup>



provide free legal services to the eligible persons, but the State Legal Services Authorities can also undertake preventive and strategic legal aid programmes. The NALSA is empowered under Section 4(d) of Legal Services Authorities Act, 1987 to file social justice litigation. NALSA has taken 4 matters under Section 4(d) of the Legal Services Authorities Act, 1987 and has filed Social Justice Litigation before the Hon'ble Supreme Court of India viz. (1) for protection of fundamental rights of the abandoned and destitute women/widows in the Vrindavan (2) Protection of rights of the transgender community (3) Environmental issues – illegal sand mining and (4) For issuance of guidelines for disposal of remission applications of convicts who are serving sentences in prisons including life sentences.

Recently, far-reaching directions were issued in the case filed by NALSA for protection of the rights of the transgenders.

- **Regulation and Schemes formulated by NALSA**

NALSA has promulgated and formulated various Regulations and Schemes for effectively discharging the obligations under the Act.

- (i) **National Legal Services Authority (Lok Adalat) Regulations, 2009.**

National Legal Services Authority (Lok Adalat) Regulations, 2009 were notified in the Gazette of India on 20th October, 2009. This has brought a uniform pattern for organising and conducting of Lok Adalats in the country. Organising Lok Adalats is an important function of the legal services institutions like the Supreme Court Legal Services Committee, State Legal Services Authorities, High Court Legal Services Committees, District Legal Services Authorities and Taluk Legal Services Committees, as per the provisions of S.19 of the Legal Services Authorities Act, 1987.

- **Lok Adalats**

Lok Adalat is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. The Lok Adalat has been given statutory status under the Legal Services Authorities Act, 1987. Under this Act, an award made by a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against thereto before any court. There are two kinds of Lok Adalats:

- (a) One is organised by the Legal Services Institutions u/s 19 of the Legal Services Authorities Act, 1987 and are constituted for a particular day or at regular intervals such as daily, weekly or monthly. Under this Section, a Lok Adalat has jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of

*"A valid classification is truly a valid discrimination." <sup>53</sup>*

- (i) any case pending before; or
- (ii) any matter which is falling within the jurisdiction of, and is not brought before, any Court for which the Lok Adalat is organised:

Thus, disputes at pre-litigation stage can also be referred to the Lok Adalat. The awards are binding and final.

- (b) The other Lok Adalat, namely, Permanent Lok Adalat is organised under Section 22-B of the Legal Services Authorities Act, 1987. Permanent Lok Adalats have been set up as permanent bodies with a Chairman and two Members for providing compulsory pre-litigative mechanism for conciliation and settlement of cases relating to public utility services like Transport, Postal, Telegraph etc. Here even if the parties fail to reach at settlement agreement, the Permanent Lok Adalat gets jurisdiction to decide the dispute, if the dispute does not relate to any offence. Further, the Award of the Permanent Lok Adalat is final and binding on all the parties.

#### • Success of Lok Adalats

As on 30.09.2014, more than 13.27 lacs Lok Adalats have been organized in the country since inception. More than 5.56 crore cases have been settled in these Lok Adalats. Out of these settled cases, more than 22.69 lacs cases relate to motor accident compensation and an amount to the tune of around Rs.15433.48 crore has been awarded in the motor accident claim cases. Since there is no appeal against the award of the Lok Adalat, these many cases have been permanently removed from the formal court system.

- **1st National Lok Adalat:** A Lok Adalat for settlement of cases in all the courts from the Supreme Court of India to the Taluk Courts was held on 23.11.2013 throughout the country. The National Lok Adalat was organised by Supreme

Court/High Court Legal Services Committees, State/District Legal Services Authorities and Taluk Legal Services Committees under the aegis of NALSA. The Lok Adalat benches from the Supreme Court to the Taluk Courts had successful sittings and 72.10 lacs cases have been disposed of.

- **State Mega Lok Adalats:** 2nd National Lok Adalat was decided to be organized on 12th April, 2014 right from the Supreme Court to the Taluk Courts throughout the country. However, due to Lok Sabha elections, some States expressed difficulties in organizing the National Lok Adalat on 12/4/2014. Consequently, Mega Lok Adalats were held in 23 States, where more than 27.80 lakh cases were disposed of or settled amicably and out of which 3.81 lakh cases were settled at pre-litigation stage.
- **2nd National Lok Adalat:** The 2nd National Lok Adalat for settlement of cases in all the courts right from the Supreme Court of India to the Taluk Courts was held on 06.12.2014 throughout the country, under the aegis of NALSA. The Lok Adalat benches from the Supreme Court to the Taluk Courts had successful sittings and a large number of pending cases were disposed of bringing pendency down by about 9 % on an average throughout the country.

#### (ii) National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010.

NALSA (Free and Competent Legal Services) Regulations, 2010 have been framed to make available free and competent legal services to the persons entitled under Section 12 of the Act. As per the provision under Section 12 of the Act, the following persons are eligible for getting free legal services: -

- (1) Women and children; (2) Members of SC/ST;

*"Anyone who sleeps over his right is bound to suffer." 54*



(3) Industrial Workmen; (4) Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster; (5) Disabled persons; (6) Persons in custody; (7) Persons whose annual income does not exceed Rs.1,00,000/-; and (8) Victims of Trafficking in Human beings or beggar as referred to in Article 23 of the Constitution of India.

There are various modes in which legal service is provided when it is court related. These are:-

- Exemption from payment of court fee, process fees and all other charges payable or incurred in connection with any legal proceedings;
- Providing the assistance of an Advocate in legal proceedings;
- Obtaining and supply of certified copies of orders and other documents in legal proceedings;
- Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

The Regulations envisage empanelment of legal practitioners as 'Panel Lawyers' and 'Retainer Lawyers' at Taluk, District, High Court and Supreme Court level and a monitoring system to keep an eye on the progress right from the time of receipt of applications for legal aid till disposal of the case.

Under the Regulations, the legal services institutions at various levels are required to have 'Panel Lawyers' & 'Retainer Lawyers' who are to be available to conduct cases in the court and be available at the Front Offices, respectively.

Under the aforesaid Regulations, Front Offices are to be set up in the Legal Services Institutions, where legal services are made available, through

a Panel of Lawyer and one or more Para-Legal Volunteers, available during court hours.

During the period 2014-15 (up to September, 2014), 2375 Front Offices have been established in Legal Services Institutions wherein 2,08,404 applications have been received.

#### Persons Benefited

Since inception till 30.9.2014 around 1.77 crores persons were benefited through legal aid and advice throughout the country out of which about 16.11 lacs people belong to Schedule Castes and 06.19 lacs belong to Schedule Tribes. As many as 13.34 lacs women have been benefited through the legal services rendered by various Legal Services Authorities. Around 4.59 lacs (in custody) prisoners were also given legal services.

#### (iii) National Legal Services Authority (Legal Aid Clinics) Regulations, 2011

'Legal Aid Clinic' is the facility established by the District Legal Services Authority to provide basic legal services to the villagers with the assistance of Para-Legal Volunteers or Lawyers, on the lines of a primary health centre providing basic health services to the people in the locality and includes the legal aid clinic run by the law colleges and law universities.

Under this Scheme, National Legal Services Authority launched a Programme for setting up of Village Care and Support Centres in one village in each Taluk/Sub-division throughout the country on 24th January, 2014. About 2648 village legal services clinics were set up on 24.01.2014 throughout the country. The main aim of opening village legal services clinics is to provide easily accessible legal services to the large population living in villages. 19025 'Legal Aid Clinics' have been established up to September, 2014 and 1,77,09,289 number of persons have been benefited.

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*"Good governance is only in the hands of good men."* <sup>55</sup>

**(iv) National Legal Services Authority (Legal Services in Universities, Law Colleges and other Institutions) Scheme, 2013**

The legal services clinics envisaged in Section 4(k) of the Legal Services Authorities Act, 1987 aims at two objects. One is to improve the clinical legal skills of the students and the second is to inculcate an attitude amongst the students to provide effective legal services to the poor and marginalized people. In furtherance of these objectives, this Scheme has been formulated. It sets out in detail that the objectives of the Scheme are to set up a nationwide collegiate legal services clinics to familiarize students with the problems faced by the masses who are, ignorant about their rights and remedies under the law; to familiarize the students with socio-economic impediments faced by the down torodden to access to justice; to expose students to community service and to encourage them to attain the ideas of social, economic and political justice as enshrined in the Constitution in the backdrop of poverty and inequality. 845 Legal Services Clinics at Colleges/Universities have been established and 26791 number of persons were provided assistance up to September, 2014.

**(v) Scheme for Para-Legal Volunteers (Revised) & Module for the Orientation – Induction – Refresher Courses for PLV Training**

The concept of “Para Legals” under the NALSA Scheme is very different from the Western concept of “Para Legals”. Under our Scheme, Para-Legal Volunteers (PLVs) are persons chosen from the community who are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in accessing.

PLVs are trained by the Legal Services



**National Legal Service Day Function**

Authorities to equip them to deal with the legal system at the grass-root level and in day-to-day affairs. They not only spread awareness on legal rights, but also counsel people in communities and settle simple disputes between the parties amicably. They act as a bridge between the community and the Legal Services Institutions. They render help to people in not only legal issues, but also in accessing various Government Welfare Schemes.

In order to strengthen the services rendered by the PLVs, this Scheme envisages that the DLSA and TLSA also maintain a panel of Mentors/Guides whom the PLVs could contact in case of any clarification or assistance in connection with the discharge of their duties as PLVs.

The Scheme also provides for a training module and advises the DLSA to conduct regular refresher courses and workshops so that there is continuous upgrading of skills. To encourage PLVs to do their best, the Scheme recommends that the Best PLVs at the District and State levels be commended at the Districts and State level respectively. The NALSA is to commend the National Best at the National level. Such commendation ceremonies have been conducted in 2013 as well as in 2014.

*“Binding judgements should be the Bible of a Judge and there should not be any deviation.”<sup>56</sup>*

87464 Para Legal Volunteers have been trained upto September, 2014

**(vi) Scheme for Legal Services to Disaster Victims through Legal Services Authorities.**

Victims of disasters are eligible to avail free legal services under Section 12(e) of the Legal Services Authorities Act, 1987. Under the aforesaid Scheme of NALSA, the Legal Services Authorities provide assistance to the victims of disaster- both manmade and natural – such as victims of mass disaster, ethnic violence, caste atrocities, flood, drought, earth-quake or industrial disasters. The Legal Services Authorities coordinate with the Government departments and NGOs for providing assistance to the affected people and also provide free legal services to them. It provides for setting up of core groups comprising of judicial officers, lawyers, medical doctors and NGOs. The core groups are to coordinate the relief operations with the Disaster Management Authorities and render legal assistance in reconstruction of documents where they have been lost due to the disaster and in seeking other kinds of reliefs such as compensation and rehabilitation.

The Legal Services Institutions have extended full cooperation/assistance to the affected people under the aforesaid scheme in the following disasters in India:

- Major Cloudburst and flash floods in Leh District in August, 2010.
- High Flood 2011 in Odisha.
- Heavy rainfall, landslide and flash flood in 2013 in Uttarakhand.
- Cyclone 'Phailin' in 2013 in Odisha
- Landslide in 2014 in Maharashtra
- Flood in 2014 in Jammu & Kashmir

**(vii) National Legal Services Authority (Legal Services to Mentally Ill Persons and Persons with Mental Disabilities) Scheme, 2010**

Persons with disabilities and those in psychiatric homes are persons eligible for legal services under the Act. People with mental disabilities or illness are people who do not get adequate attention from the authorities in the matter of access to justice. It is States obligation under the UNCRPD 2008 to ensure that the human rights and fundamental freedom of persons with disability is protected. NALSA has formulated this Scheme to help the Legal Services Institutions on the kind of legal services that can be provided to the mentally ill and persons with mental disabilities.

Under this scheme, the Legal Services Authorities provide legal assistance to the mentally ill and mentally disabled persons for obtaining treatment and health care under the Mental Health Act 1984, for the enforcement of their rights, particularly, rights to property and making them aware of their rights.

**(viii) National Legal Services Authority (Legal Services to the Workers in the Unorganised Sector) Scheme, 2010**

NALSA's aforesaid scheme makes it obligatory on the part of the State Legal Services Authority, District Legal Services Authority and Taluk Legal Services Committee to reach out to the workers in the unorganised sector for making available the benefits of various schemes and to provide the protection of law and to create awareness amongst the workers in unorganized sector, particularly, the construction workers about their rights and to give assistance to them for securing the benefits under various schemes provided under the Unorganised Workers' Social Security Act, 2008.

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*"Disclosure and transparency are the two pillars on which market integrity rests."*<sup>57</sup>

# NATIONAL LEGAL SERVICES AUTHORITY

Statement Showing the Number of Persons Benefitted through Legal Aid and Advice Held By State Legal Services Authorities Under Legal Services Authorities Act, 1987, Since Inception (as On 30.11.2014)

S. No.	State	SC	ST	BC	Women	Children	In custody	General	Total
1	Andhra Pradesh	7,075	5,676	9,876	12,511	1,298	10,193	30,596	77,225
2	Arunachal Pradesh	164	1,404	78	342	4	54	1,522	3,568
3	Assam	38,159	28,414	8,188	25,187	1,389	544	123,385	225,266
4	Bihar	4,902	1,410	8,548	6,942	1,148	1,649	18,154	42,753
5	Chhattisgarh	43,038	51,583	40,875	33,326	6,586	31,566	30,597	237,571
6	Goa	73	21	315	2,057	72	3,493	1,579	7,610
7	Gujarat	15,181	8,448	1,160	30,006	555	12,181	42,849	110,380
8	Haryana	39,448	102	1,143	9,872	531	36,544	13,865	101,505
9	Himachal Pradesh	1,106	164	65	6,108	135	220	5,157	12,955
10	Jammu & Kashmir	987	364	836	16,928	758	365	9,108	29,346
11	Jharkhand	1,276	1,872	1,982	3,051	395	3,871	3,056	15,503
12	Karnataka	8,791	2,064	19,938	13,798	178	239	86,596	131,604
13	Kerala	1,941	496	2,465	13,690	778	19,590	156,236	195,196
14	Madhya Pradesh	313,519	267,895	223,819	84,088	9,468	55,940	677,114	1,631,843
15	Maharashtra	49,444	36,132	23,319	98,599	2,289	26,382	3,699,803	3,935,968
16	Manipur	2	22	14	115	15	6	2,361	2,535
17	Meghalaya	308	932	65	137	396	922	144	2,904
18	Mizoram	233	30,416	2,487	4,534	499	4,176	6,175	48,520
19	Nagaland	940	3,738	1,344	1,650	577	2,047	391	10,687
20	Odisha	32,290	21,779	1,536	36,172	529	4,324	38,925	135,555
21	Punjab	10,173	562	4,884	13,907	868	38,479	28,287	97,160
22	Rajasthan	19,294	27,532	8,298	17,261	754	21,607	24,288	119,034
23	Sikkim	120	473	29	2,139	244	3,189	683	6,877
24	Tamil Nadu	196,289	24,082	223,226	418,951	3,283	32,320	4,574,162	5,472,313
25	Telangana	49	27	29	376	133	354	298	1,266
26	Tripura	601	462	131	5,348	268	1,481	3,908	12,199
27	Uttar Pradesh	793,284	101,920	629,883	376,731	140,672	16,596	2,544,918	4,604,004
28	Uttarakhand	3,043	1,615	396	3,485	1,829	1,474	18,754	30,596
29	West Bengal	6,210	2,770	2,765	24,022	1,365	14,480	19,518	71,130
30	Andaman and Nicobar Islands	-	-	-	207	-	1,183	403	1,793
31	U.T. Chandigarh	559	10	55	1,278	179	5,738	543	8,362
32	Dadra and Nagar Haveli	-	4	-	161	90	19	246	520
33	Daman & Diu	1	2	4	72	120	40	214	453
34	Delhi	5,963	329	364	55,200	8,349	110,075	97,749	278,029
35	Lakshadweep	-	2	-	-	-	1	2	5
36	Puduchery	22,201	36	15,947	21,793	4,464	861	6,408	71,710
37	Supreme Court Legal Services Committee	1,256	252	1,795	2,644	23	6,430	10,156	22,556
	<b>TOTAL :</b>	<b>1,617,920</b>	<b>623,010</b>	<b>1,235,859</b>	<b>1,342,688</b>	<b>190,241</b>	<b>468,633</b>	<b>12,278,150</b>	<b>17,756,501</b>

# NATIONAL LEGAL SERVICES AUTHORITY

Statement Showing the Number Of Lok Adalats Held By State Legal Services Authorities Under Legal Services Authorities Act 1987 and Cases Settled Since Inception (as On 30.11.2014)

S. No.	State	No. of Lok Adalats held	No. of MACT Cases Settled	Post Litigation Cases Settled	Total No. of Cases Settled (including MACT Cases)	Compensation Awarded in MACT Cases (in Rs.)
1	Andhra Pradesh	201,850	134,557	786,884	1,941,966	14,691,716,516
2	Arunachal Pradesh	617	948	1,033	5,675	36,876,176
3	Assam	4,127	27,927	85,771	342,964	1,908,808,220
4	Bihar	26,380	135,710	219,013	1,085,998	1,088,268,237
5	Chhattisgarh	15,669	10,940	679,493	921,072	1,433,826,346
6	Goa	951	5,208	4,631	12,105	354,536,281
7	Gujarat	145,103	207,026	3,743,915	7,431,815	13,938,260,313
8	Haryana	70,733	38,659	1,085,742	1,608,135	3,995,238,677
9	Himachal Pradesh	8,929	6,056	83,639	155,283	894,953,999
10	Jammu & Kashmir	4,937	10,305	154,253	203,755	2,141,214,607
11	Jharkhand	25,607	4,968	177,527	375,144	751,002,706
12	Karnataka	133,021	150,608	898,185	1,808,352	8,701,682,198
13	Kerala	37,465	150,412	166,528	408,892	7,289,165,874
14	Madhya Pradesh	38,544	197,656	5,387,726	9,282,110	14,802,925,734
15	Maharashtra	39,974	100,388	1,488,645	2,454,115	14,576,207,360
16	Manipur	93	1,416	957	3,185	166,620,000
17	Meghalaya	162	926	1,863	7,825	114,515,906
18	Mizoram	1,392	240	347	1,987	6,094,080
19	Nagaland	253	1,433	2,483	3,599	183,082,023
20	Odisha	15,095	52,937	1,815,243	4,754,808	4,568,076,474
21	Punjab	28,879	18,133	1,183,010	1,627,218	1,848,084,696
22	Rajasthan	181,243	616,252	1,303,924	3,167,736	8,096,550,392
23	Sikkim	1,830	160	3,724	6,786	9,101,000
24	Tamil Nadu	260,915	216,933	1,707,138	3,680,680	35,465,553,192
25	Telangana	2,898	2,174	10,124	18,135	546,329,702
26	Tripura	1,014	4,564	66,234	78,670	133,311,648
27	Uttar Pradesh	47,857	83,714	5,926,029	11,304,538	8,134,719,996
28	Uttarakhand	1,752	5,008	291,721	354,787	649,442,326
29	West Bengal	22,504	39,399	1,211,773	1,416,896	3,446,238,380
30	Andaman and Nicobar Islands	266	32	4,819	6,496	7,848,468
31	U.T. Chandigarh	8,498	19,935	302,038	514,957	1,624,310,624
32	Dadra and Nagar Haveli	19	119	775	2,143	12,007,699
33	Daman & Diu	25	61	315	1,940	3,099,000
34	Delhi	14,593	22,760	393,502	1,294,704	3,766,737,012
35	Lakshadweep	319	11	7	172	435,000
36	Puducherry	1,164	9,124	30,040	56,796	447,822,729
37	SCLSC	8	44	-	281	-
	<b>TOTAL :</b>	<b>1,344,686</b>	<b>2,276,743</b>	<b>29,219,051</b>	<b>56,341,720</b>	<b>155,834,663,591</b>

# NATIONAL LEGAL SERVICES AUTHORITY

Statement Showing the Number of Legal Literacy Camps held (as on 30.11.2014)

S. No.	Name of the State Legal Service Authority	Legal Literacy Camps
1	Andhra Pradesh	47,365
2	Arunachal Pradesh	438
3	Assam	1,163
4	Bihar	14,572
5	Chhattisgarh	30,077
6	Goa	1,887
7	Gujarat	204,310
8	Haryana	24,788
9	Himachal Pradesh	3,367
10	Jammu & Kashmir	1,715
11	Jharkhand	10,594
12	Karnataka	48,844
13	Kerala	16,422
14	Madhya Pradesh	30,289
15	Maharashtra	46,986
16	Manipur	306
17	Meghalaya	350
18	Mizoram	837
19	Nagaland	587
20	Odisha	10,163
21	Punjab	16,213
22	Rajasthan	86,753
23	Sikkim	777
24	Tamil Nadu	43,202
25	Telangana	1,309
26	Tripura	5,328
27	Uttar Pradesh	52,974
28	Uttarakhand	1,509
29	West Bengal	6,002
30	Andaman and Nicobar Islands	141
31	U.T. Chandigarh	1,176
32	Dadra and Nagar Haveli	91
33	Daman and Diu	100
34	Delhi	5,252
35	Lakshadweep	34
36	Puducherry	1,350
	<b>Total</b>	<b>717,271</b>

# NATIONAL LEGAL SERVICES AUTHORITY

Statement Showing the No. of Front Offices Established and no. of Applications Received in Front Offices(as On 30.09.2014)

S. No.	Name of the State Authority	No. of Front Office Established	No. of Applications received
1.	Andhra Pradesh	121	7309
2.	Arunachal Pradesh	5 (4 are functional)	61
3.	Assam	20	1571
4.	Bihar	18	553 *
5.	Chhattisgarh	64	2039
6.	Goa	15	3363
7.	Gujarat	176	14348
8.	Haryana	43	19670
9.	Himachal Pradesh	42	2422
10.	Jammu & Kashmir	10	45 **
11.	Jharkhand	23	10115
12.	Karnataka	541	-
13.	Kerala	14	15013
14.	Madhya Pradesh	54	17153
15.	Maharashtra	337	10594
16.	Manipur	-	-
17.	Meghalaya	6	687
18.	Mizoram	8	4359
19.	Nagaland	11	3598
20.	Odisha	99	6039 *
21.	Punjab	64	14678
22.	Rajasthan	163	7043
23.	Sikkim	02	06
24.	Tamil Nadu	29	5295 *
25.	Tripura	11	1488
26.	Uttar Pradesh	367	7614
27.	Uttrakhand	14	940
28.	West Bengal	37	7549
29.	Andaman & Nicobar Island	-	-
30.	U.T. Chandigarh	01	295
31.	Dadra & Nagar Haveilli	Nil	Nil
32.	Daman & Diu	07	Nil
33.	Delhi	12	39,973
34.	Lakhshadweep	-	-
35.	Puducherry	-	-
36.	Telangana	69	3664

\* As on 30.09.2013. \*\* As on 15.05.2014

### (ix) NALSA's other Activities

- **National Legal Services Day** – Since, the Legal Services Authorities Act, 1987 came into force on 9th November, 1995, therefore, 9th November is observed as the National Legal Services Day every year. On this occasion, various programmes are organised. An informative advertisement is also inserted in the newspapers in local languages on 9th November to make people aware about the availability of the free legal services. NALSA organized the Commendation Ceremonies in the year 2013 and also in the year 2014 to commend the work of the National Best and Zonal Best PLVs and DLSAs.
- **National Toll-Free Help Line** – NALSA has launched National Toll Free Help Line No.15100. If a call is made on 15100 in a particular State, then that call is transferred to the SLSA of that particular State, so that legal assistance is rendered to them in their language effectively.
- **Tableaux for Republic Day Parade** - On the advice of the Government of India (Ministry of Law & Justice), NALSA sent a proposal for inclusion of a Tableaux on the activities being performed by NALSA for participation in the Republic Day Parade-2015. NALSA's Tableaux has been selected by the Expert Committee for inclusion in the Republic Day Parade-2015.

## II. SUPREME COURT LEGAL SERVICES COMMITTEE

With a view to provide easy and inexpensive access to justice in the Supreme Court and to give legal advice, Supreme Court Legal Services Committee



(SCLSC) has been constituted under Section 3A of the Legal Services Authority Act, 1987. It came into existence w.e.f. 01.01.1996, on which date a notification in this regard was issued by the Government of India. The functions of the Committee are regulated by the Supreme Court Legal Services Committee Regulations, 1996, Supreme Court Legal Services Committee Rules, 2000 and National Legal Services Authority (Free and Competent Legal Services) Regulations, 2010. It is headed by a sitting Hon'ble Judge of the Supreme Court as its Chairman and has nine other distinguished members in its Executive Body.

- (i) **Eligibility:** It provides free legal aid to litigants whose annual income does not exceed Rs.1, 25,000/- per annum. It also provides free legal assistance to persons belonging to Scheduled Castes/ Scheduled Tribes, women, children, disabled persons, victims of trafficking in human beings, mass disaster, ethnic violence, caste, atrocities, flood, drought, earthquake or industrial disaster etc., persons in custody and industrial workmen, irrespective of their financial means. However, no legal aid is given in proceedings wholly or partly in respect of defamation, malicious prosecution, persons charged with Contempt of Court proceedings, perjury, elections, economic offences and offences against social laws such as Protection

*"Equality has to be claimed at the right juncture and not after expiry of two decades."*<sup>58</sup>





**Judges lounge**

of Civil Rights Act, 1955 and Immoral Traffic (Prevention) Act, 1956 unless in such cases the aid is sought by the victim.

(ii) **Procedure** : A person seeking free legal aid through the Committee has to apply to its Secretary at 108, Lawyers' Chambers, Supreme Court Compound, New Delhi in the prescribed form, available free of cost in its office, or can be downloaded from its website namely [www.sclsc.nic.in](http://www.sclsc.nic.in). He /She is required to enclose the following documents along-with the application form.

1. Certified copy of the High Court's judgement and order
2. Complete copy of the High Court's paper book;
3. Order/judgment of the Lower Court;
4. Other connected documents such as Evidence, FIR etc.
5. Certificate of imprisonment
6. Reason for delay, if any.

For obtaining legal advice one can call on in the office from 10.30 A.M. to 5.00 P.M. on a working day and from 10.30 A.M. to 12.30 P.M. on any working Saturday.

Presently, Supreme Court Legal Services Committee is working on the following projects:

- **Separate Database /Programme**

The SCLSC has taken the initiative to have its

*"Every law has to pass through the test of constitutionality, which is stated to be nothing but a formal test of rationality."*<sup>59</sup>

own separate data base programme for the cases received by the SCLSC through e-Committee of the Supreme Court. For that purpose, the SCLSC hired two Developers through NICS I who are working under the technical guidance of e-Committee.

- **Redesigning of Scslc Website**

It is stated that presently the SCLSC website is linked with the website of the Supreme Court of India. For the purpose of separate website, the SCLSC has requested the e-Committee for redesigning the website for SCLSC on user friendly content management system, Drupal.

- **Video Conferencing Facility**

SCLSC is setting up Video Conferencing Facility in its front office to facilitate face to face interaction between the inmates lodged in the jail and panel Advocates of the SCLSC to keep them abreast about the progress of the case.

- **Panel of Senior Advocates**

The SCLSC has finalized a panel of 46 Senior Advocates for providing necessary legal aid to the litigants. The SCLSC provides services of Senior Advocates in the matters relating to Section 302, 376, 390, 391, 396 IPC, NDPS, Curative Petition (Cri.) and other serious offences where sentence awarded to the accused is more than ten years.

- **Panel of Non-Advocate-on-Record**

After the amendment in Section 5 (c) of Legal Services Authorities Act, 1987, the Committee has formulated a panel of Non-Advocates-on-Record. The empanelled non-Advocate-on-Record shall file their cases through Advocate-on-Record on the panel of Supreme Court Legal

Services Committee or through Legal Service Counsel-cum-Consultant of SCLSC, on the pattern of Central Agency.

- **Jail Visiting Panel**

SCLSC has a panel of 8 Advocates for visiting jails located in Delhi for providing necessary legal aid to the inmates/convicts for the cases to be filed before the Hon'ble Supreme Court. The SCLSC has also finalized the guidelines for jail visiting Advocates.

- **Continuing Education for the Panel Advocates**

Supreme Court Legal Services Committee in exercise of the powers conferred upon it by the Legal Services Authorities Act, 1987 made 'SCLSC Panel Advocates Continuing Legal Education Scheme' with an object to upgrade the professional knowledge and skill of the panel advocates in order to improve the quality of legal services offered to weaker sections of Society and to ensure that panel advocates are able to effectively assist the Supreme Court.

The SCLSC organized 1st continuing Education Programme for its panel Advocates on 8th May, 2014 in the Plenary Hall, Indian Law Institute, Bhagwan Das Road, New Delhi. Shri Ram Jethmalani, Senior Advocate was the guest speaker and the programme was chaired by Hon'ble Mr. Justice A.K. Patnaik, the then Chairman, SCLSC.

- **Legal Aid to Litigants Approaching Supreme Court**

From 2005 to 31.12.2014, the SCLSC has provided legal aid to 10531 litigants. Reminders in 1133 old matters have also been issued by the SCLSC.

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*"Every life has an equal inherent value which is recognised by Article 21 of the Constitution and the court is duty-bound to save that life." 60*

- **National Lok Adalat**

The Supreme Court Legal Services Committee organized 2nd National Lok Adalat on Saturday, the 6th December, 2014 in the Supreme Court wherein 54 matters pertaining to Workmen Compensation Act, Industrial Disputes Act, 1947, Motor Accident Claim involving permanent disability/death of person, Motor Accident Claim relating to other injuries, insurer /owner liability, Railway Accident including other railways compensation, challenging prosecution under Negotiable Instrument Act, Restitution of Conjugal right, other family law matters, transfer petition, other ordinary civil matters were listed in the said National Lok Adalat. Three Benches consisting of (1) Hon'ble Mr. Justice Anil R. Dave, Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla and Hon'ble Mrs. Justice R. Banumathi (2) Hon'ble Mr. Justice Madan B. Lokur and Hon'ble Mr. Justice Prafulla C. Pant and (3) Hon'ble Mr. Justice Dipak Misra, Hon'ble Mr. Justice Kurian Joseph and Hon'ble Mr. Justice Shiva Kirti Singh were constituted. Out of 54 matters 28 were settled in the National Lok Adalat.

### III. SUPREME COURT MEDIATION CENTRE

Mediation is a voluntary, structured and party centred negotiation process where a neutral third party assists the disputing parties in resolving their conflict by using specialized communication and negotiation techniques. In Supreme Court, a Mediation Centre has been functioning since 06.08.2009 at 109-110, Lawyers Chambers, R.K. Jain Chamber Block. It has a panel of 39 trained mediators to settle cases referred to the Centre by the Hon'ble Supreme Court. For further details, interested parties can approach:

The Coordinator,  
Supreme Court Mediation Centre,  
109-110, Lawyers Chambers (R.K. Jain  
Chambers Block)  
Tilak Marg, New Delhi.

The details of the cases referred by the Hon'ble Supreme Court to the Supreme Court Mediation Centre from 06.08.2009 to 22.11.2014 are given hereunder:

Total No. of cases referred during the period	No. of cases settled	No. of cases unsettled	No. of cases pending	Non-Starters (PNP)
1619	425	875	83	236


- **Part-time Counsellors for The Supreme Court Mediation Centre and Providing Travelling and Accommodation Facility to the Litigants Approaching The Supreme Court Mediation Centre**

The SCLSC has a panel of Professional Counsellors, such as Child Custody Counsellor,

Marriage Counsellor for counselling the parties referred for mediation to the Supreme Court Mediation Centre. In deserving cases, the SCLSC also provides accommodation facility to women at Indian Law Institute, who are approaching the Supreme Court Mediation Centre.

# 10

## ADR & MEDIATION

 The Supreme Court of India constituted **Mediation and Conciliation Project Committee [MCPC]** to oversee the effective implementation of Mediation and Conciliation in the country. Hon'ble Mr. Justice R.C. Lahoti, the then Chief Justice of India set up the Mediation and Conciliation Project Committee on 9th April, 2005, under the Chairmanship of Hon'ble Mr. Justice N. Santosh Hegde, for encouraging amicable resolution of disputes pending in the courts in accordance with Section 89 of the Code of Civil Procedure. After the retirement of Hon'ble Mr. Justice Hegde, the MCPC was reconstituted with Hon'ble Mr. Justice S.B. Sinha as Chairman.

At present, the constitution of the Committee is as follows:

- (i) **Hon'ble Mr. Justice Jagdish Singh Khehar**  
Chairman
- (ii) **Hon'ble Mr. Justice Madan B. Lokur**  
Member
- (iii) **Shri P. P. Rao (Senior Advocate)**  
Member

(iv) (Member Secretary, NALSA)  
Member, *ex-officio*

(v) Member Secretary, *ex-officio*

The MCPC has taken the lead in evolving policy matters relating to mediation in the country. The Committee was sanctioned a grant in aid to the tune of Rs. one crore by the Department of Legal Affairs, Ministry of Law and Justice through NALSA for implementation of the activities of the MCPC in various States in the Financial Year 2013-14. The amount unutilized at present is Rs.1,70,80,000/- (approx.) including the carry forward amount of previous financial years.

The MCPC is presently conducting the following programmes all over the country:

- (a) Awareness, Refresher, Critiquing and Mentoring (ARCM) Programme, which includes awareness programmes for the Advocates; Coaching/ Mentoring of the mediators; Critiquing programme for the advocate mediators and Referral Judges' training programme for judicial officers with a purpose to increase the number of referrals.

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*"Exposition of law without first identifying the relevant "facts in issue" does not promote the cause of justice."*<sup>61</sup>

- (b) 40 hours Mediation Training Programme for judicial officers, lawyers, etc.
- (c) Refresher Course/Advanced Training Programme for Mediators.
- (d) Training of Trainers (ToT) Programme.

### • Training/ Awareness Programmes

- To give a boost to the mediation and to ensure that the development of mediation is not lopsided, MCPC selected a few Districts as its Pilot Project. The First Pilot Project was started at Ernakulam and Thrissur in Kerala; at Jamshedpur and Ranchi in Jharkhand and at Puri and Berahampur in Orissa. The pilot Project in Jharkhand was culminated with a Training of Trainers Programme from 13th June to 15 June, 2014 for their 14 Mediators who have good presentation skills and have completed more than 50 successful mediations.
- In Kerala, the Pilot Project was concluded with a ToT Programme for the Mediators of Ernakulam and Thrissur Districts from 27th to 29th October, 2014 at Kochi. The Pilot Project in Orissa was stopped as it did not fetch the desired results.
- In the month of January, 2014, second Pilot Project was started at Aurangabad and Nagpur in Maharashtra, which was followed with the Advanced Training Programme at Nagpur, Maharashtra and now the same has been concluded with ToT Programme for the Mediators of Nagpur from 10th to 12th October, 2014 at Nagpur.
- In the Second Pilot Project at Punjab & Haryana, intensive programmes were conducted in the District Patiala, Gurgaon and District Court U.T. Chandigarh. This project has also been concluded with the ToT programme for the mediators of Punjab, Haryana and U.T. Chandigarh from 4th to 6th October, 2014 at

Chandigarh Judicial Academy. The Pilot Project at Guwahati, Kamrup in Assam is also at the fag end with the Advanced Training Programme in Guwahati, Kamrup.

- MCPC has also started 3rd Pilot Project from April, 2014 at Jammu & Srinagar in J&K, Dehradun and Haridwar in Utrakhand and Udaipur and Jodhpur in Rajasthan. The idea of the Pilot Project is to make these Districts as Model Districts in respect of Mediation and to provide them home grown trainers so that they can stand on their own feet and conduct their own programmes for dissemination of the concept of the mediation.

The Mediation and Conciliation Project Committee has conducted following programmes since its inception in different States till October, 2014:-

(i) Mediation Training Programme 40 hours	295
(ii) Awareness Referral Coaching and Mentoring (ARCM)	58
(iii) Advanced Training Programme	07
(iv) Training of Trainers	05
(v) Awareness Programme /Referral Judges Training Programme	350

Draft Mediation Authorities Rules, 2012 has also been forwarded to Ministry of Law & Justice, Department of Legal Affairs for its notification. However, the same is pending consideration with the said Ministry.

The endeavour of the Committee is to make mediation the most effective mode of dispute resolution. Supreme Court Mediation Centre works under the aegis of Supreme Court Legal Aid Committee.

*"Female foeticide is the worst type of dehumanisation of the human race."* <sup>62</sup>

# 11

## E-COMMITTEE

The principal challenge facing the Indian justice delivery system is the absence of effective court management practices. The reason for the absence is the lack of clear and precise data on the basis of which the management of courts and cases can be taken forward. This has led to delays in disposal of a large number of cases and an increase in the number of pending cases. To meet the challenge, information and communication technology is being utilized by the Indian judiciary for collecting relevant data of pending cases thereby laying the ground for developing court management practices and sharing and making available relevant information to litigants and lawyers who are important stakeholders in the justice delivery system. The task is gigantic since the number of courts in the various districts across the country has crossed 18,000 in more than 3,000 court complexes.

In order to devise a National Policy and Action Plan with appropriate spread and phasing to implement Information and Communication Technology (ICT) in courts across the country and their web-based interlinking, the e-Committee was constituted by a decision of the Union Cabinet. The mandate of the

e-Committee was, *inter alia*, to formulate a National Policy on computerization of the justice delivery system and to draw up an action plan with appropriate phasing; for technological, communication and management related changes and time-bound implementation. This Committee is also required to design an IT network along with NIC and other knowledge and service providers and create an IT grid, linking the Supreme Court to all the courts in the country.

The e-Committee framed the National Policy and Action Plan for implementation of ICT in the Indian judiciary, which was approved by Hon'ble Chief Justice of India on 04.08.2005. It is proposed to implement ICT in Indian Judiciary in three phases over a period of five years. Keeping in view the importance of the project, in 2006, the Union Cabinet declared the project to be one of the Mission Mode Projects under the National E-Governance Plan and thereafter accorded sanction to the budgetary requirements and allotted Rs.441.80 crores for implementation of the 1st phase.

In the year 2010, through Revised Cost Estimates approved by the Union Cabinet, budget of Phase I of the e-Courts Project was revised by the enhancing it to

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*"Honesty and integrity are inbuilt requirements of the police force."*<sup>63</sup>

Rs. 935 Crores. The financial allocation on each activity of the Project was increased so that an increased number of courts could be computerized the target number of courts having increased from 12,000 to 14,249 for Phase I of the Project.

Phase II of the e-Courts Project is contained in a detailed document called "Policy Action Plan Document Phase II" which is available on the website of the Supreme Court of India i.e. [www.sci.nic.in](http://www.sci.nic.in). This document was approved in a meeting of the e-Committee chaired by Hon'ble the Chief Justice of India on 8th January, 2014. Phase II of the Project is awaiting the approval of the Union Cabinet both in terms of its scope and content as well as in the terms of the financial requirements for implementation.

In Phase II of the e-Courts Project it is proposed to cover all the courts in the various districts across the country as on 31st March, 2016. It is proposed to use the latest technology including mobile phone technology to reach out to millions of litigants and lawyers across the country.

## I. PHASE I OF THE E-COURTS PROJECT – ACHIEVEMENTS IN NUTSHELL

- (a) Phase I of the e-Courts Project is ending on 31st March 2015. About 95% of the target set in Phase I has been achieved. During Phase I of the e-Courts Project, in 2700 Court Complexes in the country, Computer Server Rooms and Judicial Service Centres have been readied. About 13000 District and Taluka Courts as covered in Phase I of these Court Complexes have already been computerized, with installation of hardware, LAN etc. and Case Information Software (CIS). Consequently, these Courts are now providing basic case-related services to litigants and lawyers.
- (b) The e-Courts National portal ([eCourts.gov.in](http://eCourts.gov.in)) was launched by Hon'ble the Chief Justice of India on 7th August, 2013. This provides cause-list, case status information and

order/judgments in respect of more than 4 crore cases (pending and decided) and has sometimes reached daily 'hits' in excess of 5 lakhs. This is a part of the National Judicial Data Grid that has been made operational and will be further improved in a phased manner.

- (c) The e-Courts National portal also provides training material for judicial officers and staff, links to District Court websites and statistical reports that can be used as a judicial management information system. This portal is expected to play a key role in bringing about judicial reforms.
  - (d) About 500 District Courts have launched their websites for the convenience of litigants and others have been provided with a template for easy launch of a website. All these websites are integrated with e-Courts Project National Portal i.e. [eCourts.gov.in](http://eCourts.gov.in).
  - (e) As part of Phase I of the e-Courts Project, 500 Courts and corresponding Jails are being covered for providing Video Conferencing equipments to be used for judicial remand and trial purposes. Courts and corresponding jails have been identified in consultation with the High Courts. Software based Video Conferencing solution and equipments with large size display monitors are being procured by NIC and Purchase Orders for the same have already been issued.
  - (f) All High Courts have taken up Process Re-engineering exercise, thereby having a fresh look at processes, procedures, systems and Court Rules. The said Process Reengineering reports are being studied by the Law Commission of India and a consolidated best practices documents will be prepared soon.
- **Change Management Exercise**
    - (a) Change Management exercise has been

*"Immoral acquisition of wealth destroys the energy of the people believing in honesty, and history records with agony how they have suffered."* <sup>64</sup>

successfully implemented. All judicial officers in the country have been trained in the use of Ubuntu Linux Operating System through 238 judicial officers who had been trained as Master Trainers for continuing training programmes. Ubuntu Linux OS has been specially customized by the e-Committee for the use in the laptops of the Judicial Officers and the Court Computers, which has been widely appreciated by one and all.

- (b) 237 CIS Master Trainers (District System Administrators) have been trained from amongst the court staff in the use of the Case Information Software. These CIS Master Trainers have trained more than 4000 System Administrators in the effective use of computers and CIS.
- (c) Recently, National 22 CIS Master Trainers for conducting training in CIS ver 2.0 have been given further training for creating CIS Trainers for all the Courts of the country. Refresher cum advanced training for Judicial Officers and Court Officials has been planned for February and March 2015 so as to almost double the strength of trained Master Trainers of Ubuntu Operating System and new version of Case Information Software in the country.

- **Case Information Software – Core & Periphery Model**

The Case Information Software (CIS), in order to cater to varying regional requirements, has been conceptualized and developed based on Core & Periphery Model. The details of the same are as under:

- (a) **The National Core of CIS:** The Case Information Software (CIS) has been finalized as having two functional components of Core & Periphery. The core of the software has all the features and functionalities, with some configurable

variances, as required by the Supreme Court, Parliament, the High Courts, the Central Government or any national agency. The core of the software shall not be open for customization. The core shall also not be distributed in source code form. Any modification relating to any feature of core of the software shall have to be sent to the e-Committee so as to maintain unified core of the software across the country.

- (b) **CIS Periphery:** - Likewise, any case related information applicable at the State level as sought by the High Court, State Assembly, State Government etc. shall form part of the periphery. The features and functionalities requiring customization and development like various report generation etc. shall also be a part of periphery which shall be open for local NIC/High Court units for customization as per the guidelines of the High Courts and ensuring its compatibility with the Core CIS. Periphery part of CIS also will have to be Cloud Model compatible like the Core CIS. All development/customization of Periphery part of CIS will be so carried out so as to be compliant with the Core part of the CIS. Since software management is being decentralized, each High Court must make special efforts to engage programmers as per the requirement of each High Court. Software development for National Core CIS and its integration with CIS Periphery is being taken care of by Software Development Unit of NIC Pune.

- **National Judicial Data Grid:**

- (a) As a part of the e-Courts Project, Hon'ble the Chief Justice of India launched/inaugurated on 7th August, 2013 the following: (i) The National Judicial Data Grid (NJDG); (ii) A national portal i.e. eCourts.gov.in.
- (b) The NJDG provides case information based

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*“Legal predictability, which simply stated, is an essential.”<sup>65</sup>*



services to the litigants, lawyers and the public. Presently this grid has data of over 13,000 district level courts under the jurisdiction of 21 High Courts. Migration of data of district level courts under the jurisdiction of the High Court of Madhya Pradesh, Gujarat and Delhi will be taken up from the beginning of 2015 since the software used in these States was locally modified. By March, 2015 district level courts in these States will also be a part of NJDG.

- (c) Presently, data of more than 4 crore cases (disposed and pending) is stored in NJDG out of which district level courts have uploaded the data of about 1.65 crore pending cases. It has repeatedly been impressed upon the High Courts and the District Courts to enter correct, accurate and complete data of all pending cases and daily upload the proceedings, including disposal. Despite repeated requests many district level courts have not entered and uploaded the required data.
- (d) The NJDG is a very powerful and useful tool which enables the High Court and the District Judge to effectively monitor cases, including pendency and arrears. More importantly, through this process, it is a very useful tool for case management and court management.
- (e) The data in the NJDG is today available to all High Courts and District Judges and anyone using NIC intranet connectivity i.e. NICNet. The data on the NJDG will be made available for public viewing as soon as the website audit formalities are completed.
- (f) The e-Courts.gov.in portal gives access to the websites of all District Courts to every litigant. Information about case status, cause list and daily orders are available on the e-Courts.gov.in portal. The National e-Transaction Portal maintained by the Department of Electronics

and Information Technology (Government of India) shows very clearly that the number of visitors to the e-Courts.gov.in portal is the 2nd highest in the country, after 'agriculture'. The popularity and reach of the eCourts.gov.in portal is quite phenomenal and efforts for its timely and correct updation are being emphasized with High Courts and District Courts.

- (g) The available data maintained on the etaal.gov.in portal of the Government of India shows that lakhs of people visit the e-Courts portal every day. As of now more than 13 crore transactions have been recorded on the etaal.gov.in portal. It has therefore been emphasized with all High Courts that data entry at all stages must be done on a daily basis, it should be accurate and complete in all respects. All High Courts have been requested to use the NJDG for case management and court management purposes.

#### ▪ SMS based Case Information Services

- (a) Through the National Core Case Information Software (NC CIS 1.1), SMS services have been launched at majority of the Court Complexes having leased line connectivity given in the e-Courts Project. SMS is sent to the lawyer/litigant whose mobile number is fed into the system on filing, registration, listing and disposal of the case. Lakhs of SMS have been sent to lawyers/litigants.
- (b) More and more Court Complexes in SMS transmission are being covered with the intention to cover all the District/Taluka Courts of the country with this most accessible service for public at large.

## II. PHASE II OF THE E-COURTS PROJECT

- (a) A Policy and Action Plan Document for Phase II of the e-Courts Project was prepared and

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*"Liberty cannot last long unless the State is able to eradicate corruption from public life." <sup>66</sup>*

approved in a meeting of the e-Committee chaired by Hon'ble the Chief Justice of India on 8th January, 2014. Copy of this document is available on e-committee page of the Supreme Court of India website. Based on the said document, the Department of Justice, Government of India has prepared and got approved the financial proposal of the same from the Expenditure Finance Committee (EFC) of the Ministry of Finance, Government of India.

- (b) The process of implementation of the Project has shown that many new courts have come up in the last several years and many more will come up. Provision has been made in the next Phase of the Project for newly established courts and courts that will come up in the near future. Similarly, the strength of judicial officers has also increased for which provision has been made in the next Phase.
- (c) A large number of activities including scanning or digitizing case records, judicial and administrative automation etc. Is proposed to be taken up in the next phase of the Project subject to the approval of the Project by the Government of India.
- (d) The phase II of the e-Courts Project, as per the Policy and Action Plan Document of the e-Committee and EFC Proposal of the Department of Justice will provide more hardware and other ICT infrastructure to the Courts, will cover newly created Courts and yet to be created Courts upto 20,000 and will automate judicial as well as administrative processes of the Courts. Cloud computing model will also be implemented in the second phase of the Project for which Wide Area Network connectivity needs immediate and effective attention by the Government to enable availability of information to litigants.
- (e) Remaining Court Complexes after implementation of Video Conferencing

component of Phase I of the Project and corresponding Jails would be covered in Phase II of the e-Courts Project as Video Conferencing for every court complex and all jails has been provisioned therein.

- (f) In order to ensure effective implementation with optimum ownership, High Courts will be the implementing agencies of the Project for the computerisation of the Courts under their jurisdiction in the Phase II of the e-Courts Project.
- (g) Approval of the Central Government is awaited to the Policy and Action Plan Document for Phase II of the e-Courts Project, for which the process is underway by the Department of Justice, Government of India.

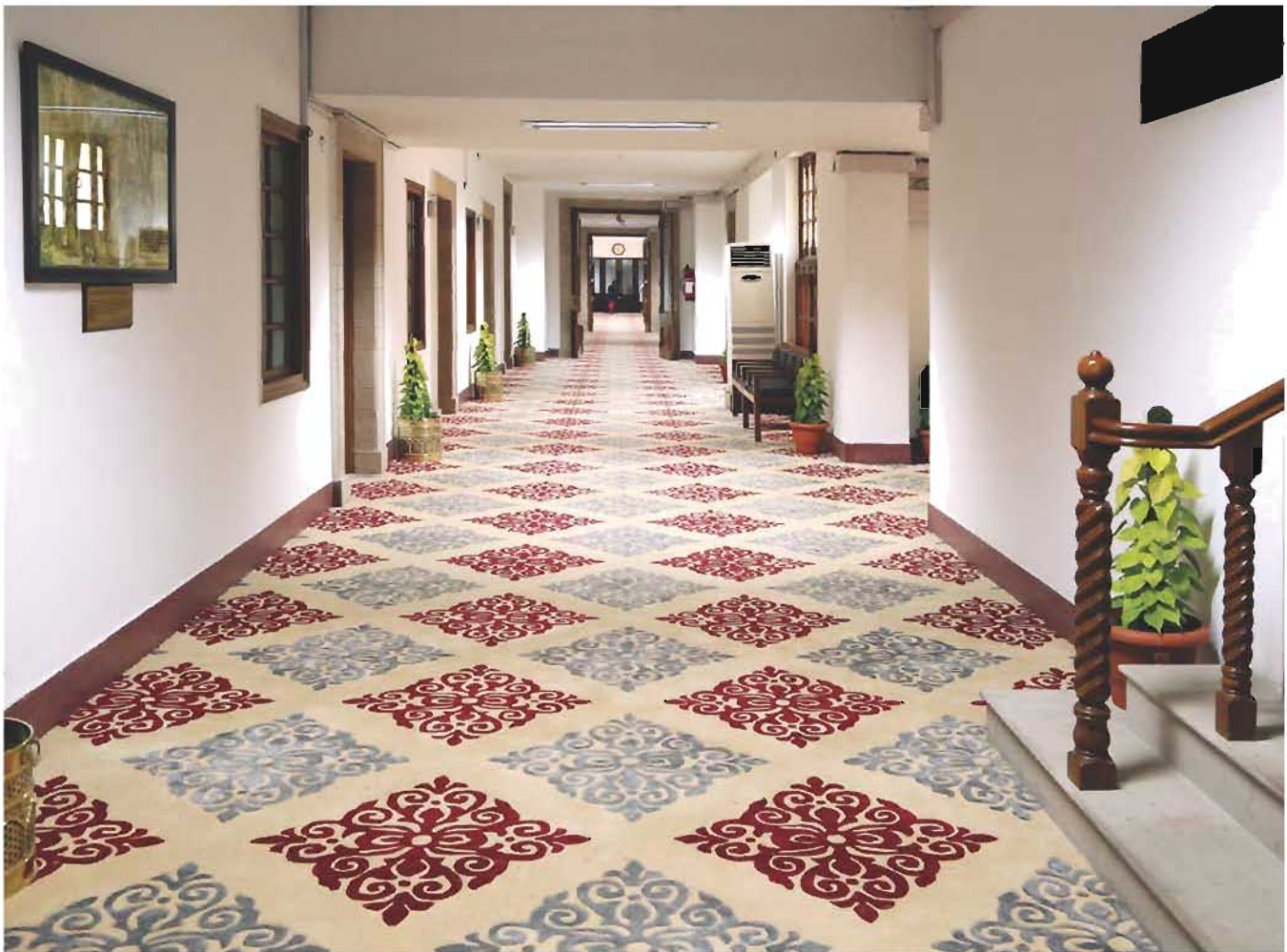
- **e-Filing:** As this component for District Judiciary was not a part of the approved activities in Phase I of the e-Courts Project, the same has been included and approved for Phase II of the e-Courts Project. During the implementation of Phase II of the Project, an e-Filing Portal for the Courts will be developed and deployed at all levels and jurisdictions.
- **Digitization of Judicial Records:** As this component for District Judiciary was not a part of the approved activities in Phase I of the e-Courts Project, the same has been included and principally approved by the e-Committee for Phase II of the e-Courts Project. However, financial approval of the same is yet to be received from the Government and process for the same is on at Department of Justice level.
- The Supreme Court of India has already started the digitization process. Efforts for Digital Preservation of the case records as per the standards notified by the Government of India have also been initiated at Supreme Court of India. Some High Courts are also digitizing their case records from their own resources.

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*"Morality and depravity cannot be pigeon-holed by degrees depending upon the classes of the audience."* <sup>67</sup>

- **Free and Open Source Software (FOSS):** One of the most important features of the e-Courts Project is that only Free and Open Source Software (FOSS) is being utilized. FOSS does not involve any licensing cost and is used for all the activities of the Project. This has helped the public exchequer in savings of enormously huge costs on software licenses. It is noteworthy that, in the financial proposal for Phase II of the e-Courts Project of about 2764 crores, no funds have been proposed for any software licenses. FOSS software, being virtually virus free, recurring cost on anti-virus software is also avoided thereby saving considerable amounts of the Courts.

The e-Committee, Supreme Court of India under the inspiring patronage of the Hon'ble the Chief Justice of India and able leadership and guidance of Hon'ble Mr. Justice Madan B. Lokur, Judge Incharge, e-Committee has persevering for optimum implementation of Information and Communication Technology in Indian Judiciary and thereby for achieving instant, economical and transparent mechanism of access to justice for all.



*Judges Gallery*

# 12

## CONFERENCE AND MEETS

During the period under report, Hon'ble the Chief Justice of India and Hon'ble Judge attended various National & International Conference & Meets. Attending meeting organized by various Legal Forums and visits of various foreign delegations to the Supreme Court were significant events. They offered a platform for interaction between the legal luminaries of varied jurisdictions, and paving the way for exchange of ideas.

### I. LEGAL FORUM MEETS

- **Indo-British Legal Forums**

Hon'ble Shri R.M. Lodha, the then Chief Justice of India visited London on an Official visit to have discussions/meetings with the British on issues of common interest and to put in place a mechanism to ensure that periodic meetings under the Indo-British Legal Forum are held between India and the United Kingdom. While at London, His Lordship had meetings with (1) The Rt. Hon'ble Lord Neuberger, President of the Supreme Court of United Kingdom, (2) Lord Chief Justice of England and Wales and Lady Justice Arden, Head of International Judicial

Relations in the Lord Chief Justice's Office, (3) Mr. Chris Stephens, Chairman of the Judicial Appointments Commission and Lord Toulson, Judge of the Supreme Court of United Kingdom, and (4) Lord Justice Gross, the Senior Presiding Judge in the Office of Lord Chief Justice of England and Wales during the period from 8th to 11th June, 2014.

- **St. Petersburg International Legal Forum**

His lordship, on an Official Visit to Russia, participated in the IVth St. Petersburg International Legal Forum organized by the Ministry of Justice of the Russian Federation during the period from 18th to 21st June, 2014.

### II. OTHER INTERNATIONAL CONFERENCES

- **Hon'ble Mr. Justice R.M. Lodha, the then Chief Justice of India visited:**

Johannesburg (South Africa) to participate in the International Conference on Access to Legal Aid in Criminal Justice Systems organized by the Government of the Republic of South Africa

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*"No one can be presumed or deemed to be intending something, which is contrary to law." <sup>68</sup>*



**Judges Conference Hall**

and Legal Aid South Africa during the period from 24th to 26th June, 2014.

**On 24th June, 2014**, His Lordship had a meeting with the Chief Justice of the Constitutional Court of South Africa, Mr. Justice Mogoeng Mogoeng and was one of the Speakers at the Plenary Session of the Conference held on the same day on "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems".

- **Hon'ble Mr. Justice H.L. Dattu (as a Judge) visited:**

Colombo to participate in 3rd South Asian Chief Justices' Roundtable on Environmental Justice during the period from 8th to 9th August, 2014.

- **Hon'ble Mr. Justice T.S. Thakur visited:**

Colombo to participate in 3rd South Asian Chief Justices' Roundtable on Environmental Justice during the period from 8th to 9th August, 2014.

- **Hon'ble Mr. Justice Ranjan Gogoi visited:**

Thimpu, Bhutan to attend the religious consecration ceremony of the new Supreme Court Complex of Bhutan at Thimpu on 14th March, 2014

- **Hon'ble Mr. Justice Madan B. Lokur visited:**

Bermuda to attend the meeting of the CJEI Board of Directors on 11th May, 2014 and to participate as a Teacher on the CJEI Biennial Meeting of Commonwealth Judicial Educators

*"Progress is achieved when there is good governance and good governance depends on how law is implemented."*<sup>69</sup>

during the period from 12th to 14th May, 2014.

• **Hon'ble Mr. Justice Vikramajit Sen visited:**

The Hague (Netherlands) to attend the meeting of the Working Party on Mediation under the auspices of The Hague Conference on Private International Law on 7th April, 2014.

• **Hon'ble Mr. Justice A.K. Sikri visited:**

Hong Kong (i) to attend the "First Asia Pacific Judicial Round Table on Insolvency" on 24th March, 2014; and (ii) to attend INSOL Hong Kong Conference on 25th March, 2014. (iii) Brussels, Belgium to participate in the "Academic and Professional Seminars relating to National and International Arbitration" hosted by the Faculty of Law, Department Economic Law, Tiensestraat, Belgium during the period from 8th to 14th June, 2014.

• **Mr. Ravindra Maithani, the then Ld. Secretary General, accompanying Hon'ble the Chief Justice of India, visited:**

London for official meetings with his counterparts, to study and discuss various aspects of case and court management during the period from 8th to 12th June, 2014.

**III. DETAILS OF VISIT OF FOREIGN DELEGATIONS TO SUPREME COURT DURING THE PERIOD FROM 1.1.2014 TO 15.12.2014**

- Meeting of Hon'ble the Chief Justice of India with two members Japanese Delegation led by Justice Ms. Ryuko Sakurai, Judge, Supreme Court of Japan on 10-2-2014 in the Chamber of Hon'ble the Chief Justice of India.
- Meeting of Hon'ble the Chief Justice of India with Dr. Ricardo L. Lorenzetti, Chief Justice of Supreme Court of Argentina on 13-3-2014 in the Chamber of Hon'ble the Chief Justice of India.

- Meeting of Hon'ble Dr. Justice Balbir Singh Chauhan, Mr. Ravindra Maithani, Ld. Secretary General, Mr. Sanjiv Jain, Registrar (Judl.), Mr. Pankaj Bhandari, Registrar (Admn.J) and Mr. Raj Pal Arora, Registrar (Admn.G) with 6 Members Nepalese Delegation led by Hon'ble Mr. Justice Kalyan Shrestha, Judge, Supreme Court of Nepal on 29.5.2014 at Judges Conference hall, Supreme Court Premises.

- Meeting of Hon'ble Mr. Justice Anil R. Dave, Hon'ble Mr. Justice Uday Umesh Lalit, Mr. Ravindra Maithani, Ld. Secretary General and Mr. Pankaj Bhandari, Registrar (Admn.J) with 8 members delegation led by H.E. Mr. Nguyen Van Hien, Member of Parliament and Member of the Standing Committee of the National Assembly of Vietnam, Chairman of Justice Committee on 19.8.2014 at Committee Room, Supreme Court Premises.

Meeting of Hon'ble the Chief Justice of India with 6 members U.K. Delegation led by Mr. Shailesh Vara, MP for North West Cambridgeshire and Parliamentary Under-Secretary of State for the Ministry of Justice, U.K. on 1.9.2014 in the Chamber of His Lordship.

**IV. CHIEF JUSTICE CONFERENCE 2015 : PRE-CONFERENCE MEETING**

Hon'ble the Chief Justice of India convened Pre-Conference Meeting with Chief Justice/acting Chief Justices of the High Courts in three batches from 24th to 26th December, 2014 to review the progress made on the resolutions adopted in the previous conferences and to set an agenda for the forthcoming Chief Justices' Conference-2015.

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*"Terrorism is a plague for a nation or society that should be eradicated."*<sup>70</sup>



# 13

## THE BAR

*The* Advocates Act, 1961 was enacted by the Parliament of India to integrate the bar into a single class of legal practitioner known as Advocate. Provisions for the establishment of an All India Bar Council and a common roll of advocates, having a right to practice in any part of the country and in any court including the Supreme Court, have been made in this Act. The division of Advocate into Senior Advocate and other advocates based on merit has also been made in the Advocates Act, 1961

There are three categories of Advocates who are entitled to practice law before the Supreme Court as per the provision of Supreme Court Rules, 2013

### I. SENIOR ADVOCATES

- Order IV Rule 2 of the Supreme Court Rules, 2013, deals with the designation of Senior Advocates. Rule 2(a) provides that the Chief Justice and the Judges may, with the consent of the advocate, designate that advocate as Senior Advocate, if in their opinion, by virtue of his ability, standing at the Bar or special knowledge or experience in law, the said advocate is deserving of such distinction.

- Apart from the designation of Advocates as Senior Advocate, retired Hon'ble Chief Justices/Judges of the High Courts are also considered for designation as Senior Advocate in the Supreme Court.

### II. ADVOCATES-ON-RECORD

- The Supreme Court of India at the time of its inception in 1950 inherited the jurisdiction of the Federal Court and the Privy Council. The Rules enforced in the Federal Court were continued in the beginning. The Practice and Procedure of the Supreme Court has undergone the sea changes ever since. The Rules of the Supreme Court as then adopted recognized the system of "Agents".
- The Practice and Procedure were substantially modified in the year 1954 and "Advocate-on-Record" replaced the system of "Agents". Originally when introduced in the 1954, apart from the then registered "Agents", an Advocate of 7 years standing was entitled to get himself registered as an 'Advocate-on-Record',

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*"Terrorism is abhorred and condemned by all the religions of the world."*<sup>71</sup>





provided he fulfilled the conditions prescribed. In 1959, the Rules were amended, introducing the 'Advocate-on-Record' examination conducted by the Supreme Court.

- Order IV Rule 5 of the Supreme Court Rules, 2013, deals with the registration of an advocate as an Advocate-on-Record. No Advocate other than an Advocate-on-Record shall be entitled to file an appearance or act for a party in the Court.
- The Registry of the Supreme Court conducts Advocates-on-Record Examination periodically with approval of the Examination Committee and under the supervision of Secretary, Board of Examiners, appointed by the Hon'ble the Chief Justice of India. The examination maintains high standards to ensure that best of the talents come in as Advocates-on-Record. 488 candidates have submitted their applications for Advocates-on-Record Examination, 2013, out of which 106 candidates have passed the said examination. List of Advocates-on-Record is available on the Supreme Court of India website [www.supremecourtindia.nic.in](http://www.supremecourtindia.nic.in).

Under Regulation regarding Advocate-on-Record Examination, Regulation 6 (i) states that no advocate shall be eligible to appear at the examination unless he has received training from an advocate-on-record of not less than ten years standing for a continuous period of one year commencing from the end of the fourth year of date of his enrollment ending with the 30th April or 30th November, of the year of the examination, as the case may be. This will however not prevent the concerned advocate from receiving training for the entire period of five years commencing from the date of his enrollment.


### III. ADVOCATES

The persons, whose names are entered on the roll of any State Bar Council maintained under the Advocates Act, 1961, are entitled to practice as an 'Advocate' in Court of Law. They cannot appear and plead in any matter on behalf of a party in the Supreme Court unless instructed by an Advocate-on-Record (Order IV Rule 1(b) of Supreme Court Rules, 2013).

*"The doctrine of equality is the soul of our Constitution."*<sup>74</sup>

# 14

## LANDMARK JUDGMENTS

1.  An important decision relating to the issue as to whether the surcharge levied on undisclosed income by way of insertion of the proviso to Section 113 of the Income Tax Act by the Finance Act 2002 can be retrospective in nature was given by the Constitution Bench in the matter of **"CIT (Central)-I, New Delhi v. Vatika Township Pvt. Ltd."**. While upholding the judgments of the High Court that the proviso to Section 113 of the Act was prospective in nature and the surcharge leviable under the aforesaid provision could not be made applicable to an earlier period, the Constitution Bench by majority held that of the various rules guiding how a legislation has to be interpreted, one established rule is that unless a contrary intention appears, legislation is presumed not to be intended to have a retrospective operation. The idea behind the rule is that a current law should govern current activities. This principle of law is known as *lex prospicit non respicit*, law looks forward not backward. A retrospective legislation is contrary to the general principle that legislation

by which the conduct of mankind is to be regulated when introduced for the first time to deal with future acts, ought not to change the character of past transactions carried on upon the faith of the then existing law.

[2015 (1) SCC 1]
2. In **"U.P. Hindi Sahitya Sammelan v. State of U.P."**, Constitution Bench, by majority has given an important decision on the interpretation of Article 345 and 347 of the Constitution relating to official language or languages of a State. The Bench held that the impugned amendment and notification by the Government of U.P. declaring Urdu as a second official language, after declaration of Hindi as first Official language, in the State of U.P. is valid. While dismissing the appeal, the Court further held that, Part XVII of the Constitution titled "Official Language" is a self-contained part of the Constitution akin to a complete code. The provisions in Part XVII constitute a complete scheme with respect to official language. Hindi language has a special status and particularly in

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*"The ends of justice are higher than the ends of mere law though justice must be administered according to laws made by the legislature."*<sup>78</sup>

Part XVII and Articles 343(1), 344(2)(a), 345, 346 proviso, 348(2) and 351. The said provisions prescribe larger Constitutional charter for Hindi but this position in no way leads to the conclusion that where the legislature of a State by law adopts Hindi as the official language, the state Legislature is precluded from adopting any other official language.

[2014 (9) SCC 716]

3. Dealing with the issue relating to hearing of review petition in death sentence cases in open court, the Constitutional Bench in "**Mohd. Arif Alias Ashfaq v. Registrar, Supreme Court of India and Ors.**" by majority has given an important decision when it held that the Fundamental Right to Life under Article 21 of the Constitution viewed in the light of irreversibility of death sentence mandates that review of death sentence should be in open court and not by circulation. But considering the objective behind 1978 amendment in Supreme Court Rules, 1966, i.e. to lessen the burden of court's over crowded docket, the time-limit for oral hearing in review of death cases should be limited to 30 minutes.

[2014 (9) SCC 737]

4. In "**State of U.P. and Ors. v. Pradeep Kumar Divedi and Ors.**", the Constitutional Bench dealt with the issue as to whether teachers of privately managed primary schools and primary sections of privately managed high schools are eligible to receive their salaries from the State Government in view of Constitutional Right to Free Basic or Primary Education, as per Article 21-A of the Constitution of India. The Court held that the U.P. Junior High Schools (Payment of Salaries of Teachers & Other Employees) Act, 1978 makes the State Government liable for the payment of

salaries of teachers & the employees of every recognized Junior High School receiving maintenance Grant after the appointed day. The Court further held that the Junior High School necessarily includes Class I to V when they are opened in Senior Basic Schools (Class VI to VIII) after obtaining separate recognition and for which there may not be separate Grant-in-aid. Class I to VIII taught in institutes are one unit, teachers work under one management, and one Head Master and therefore, teachers of Primary Classes cannot be deprived of 1978 Act. It is in accord and conformity with the Fundamental Right to Free Education of Children upto Fourteen years.

[2014 (9) SCC 692]

5. The Constitutional Bench in the matter of "**Manoj Narula v. Union of India**", has given an important judgment on the issue of choice of persons as ministers by PM/ CM. The Court in this case by majority view held that "Advice" under Article 75(1) and 164(1) of the Constitution means formation of opinion by PM/CM and it is in their wisdom to choose any person for appointment as minister of Council of Ministers. The Court further held that the formation of opinion by PM/CM is expressed by use of word "Advice" under Article 75(1) & 164(1) because of immense trust reposed in PM/CM under the Constitution. However, at the same time, it is a legitimate Constitutional expectation from PM/CM that they would give apposite advice to President/ Governor and would not choose persons as Ministers, who have criminal antecedents, especially those facing charges in respect of serious and heinous criminal offences or offences pertaining to corruption. In democracy, people never intend to be governed by persons who have criminal antecedents.

[2014 (9) SCC 1]

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*"The freedom of speech is the lifeblood of democracy. The free flow of information and ideas informs political growth. It is a safety valve. It checks abuse of power by public officials."*<sup>74</sup>

6. On the issue as to whether the Mother tongue or the regional language can be imposed by the State as the medium of instruction at the primary education stage, the Constitution Bench in “**State of Karnataka and Anr. v. Associated Management of Govt. Recg. Unaided English Medium) Primary and Sec. Schools and Ors.**”, held that the “Mother tongue” in the scheme of our Constitution does not mean language in which the child is comfortable with. In case of a linguistic minority “Mother Tongue” under Article 350-A of the Constitution would mean the language of that particular linguistic minority group. It is the parent or the guardian of the child who will decide his mother tongue. A mere reading of Article 350-A of the Constitution would show that it casts a duty on every State and every local authority within the State to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. Hence, the expression “Mother Tongue” in Article 350-A means the mother tongue of the linguistic minority group in a particular State and this would obviously mean the language of that particular linguistic minority group. Hence, the court cannot either expand the power of the State or restrict a fundamental right by saying that mother tongue is the language which the child is comfortable with. The Court further held that Article 350A cannot be interpreted to empower the State to compel a linguistic minority to choose its mother tongue only as a medium of instruction in a primary school established by it in violation of this fundamental right under Article 30(1). The State has no power under Article 350A of the Constitution to compel the linguistic minorities to choose their mother tongue only as a medium of instruction in primary schools.

[2014 (9) SCC 485]



*Goddess of Justice*

*“The law is not an escape route for law-breakers.”<sup>75</sup>*

7. The Constitution Bench in **"Subramaniam Swamy (DR.) v. Director CBI and Ors."** dealt with the issue of the validity of Section 6-A of the "Delhi Special Police Establishment Act, 1946" requiring approval of Central Government for initiating enquiry against Central Government employee of the rank of Joint Secretary and above, accused of commission of offence under Prevention of Corruption Act, 1988. The Court held that if the object of classification itself is discriminatory, then an explanation that the classification is reasonable having a rational relation to the object sought to be achieved is immaterial. The court further held that the classification to be made in Section 6-A "DSPE Act 1946" on the basis of status in Government service is not permissible under Article 14 as it defeats the purpose of finding *prima facie* truth into the allegations of graft, which amount to an offence under the PC Act, 1988. The Court further observed that the corrupt public servants whether high or low, are birds of the same feather and must be confronted with the process of Inquiry equally. The object of Section 6-A "DSPE Act 1946" itself is discriminatory and thus invalid.

[2014 (8) SCC 682]

8. In **"National Legal Services Authority v. Union of India and Ors."**, the Court has given an important decision on the issue of Transgender Community seeking a legal declaration of their gender identity, than the one assigned to them, Male or Female, at the time of birth on the ground that non-recognition of their gender identity violates Article 14 and 21 of the Constitution of India. Transgenders along with Hijaras/Eunuchs, who also fall in that group, claimed legal status as a third gender with all legal and constitutional protection. The Court held that gender identity is one of the most fundamental aspects of life which

refers to a person's intrinsic sense of being Male, Female, Transgender or Transsexual person. Hijaras/ Transgender persons have been facing discrimination in all the spheres of the society despite Constitutional guarantee of equality. Non-recognition of Hijaras/Transgender person denies them equal protection of law, thereby leaving them extremely vulnerable to harassment, violence and sexual assault in public place, at home and in jail, also by the police. The Court further held that Article 21 protects one's right of self determination of the gender to which a person belongs. Determination of the gender to which a person belongs is to be decided by the person concerned. In other words, gender identity is integral to the dignity of an individual and is at the core of "Personal autonomy" and "Self determination". Hence, Hijaras/Eunuchs, therefore, have to be considered as third gender, over and above binary genders for the purpose of safeguarding their rights under Part III of our Constitution and the laws made by the Parliament and the State legislatures. Transgender person's right to decide their self-identified gender is upheld and the Central and State Governments are directed to grant legal recognition of their gender identity such as male, female or as third gender. The Court gave various directions to safeguard the constitutional rights of the members of the Transgender Community.

[2014 (5) SCC 438]

9. An important judgment of public importance on the issue of validity of allocation of Coal Blocks by Central Government from 1993 to 2011 through Screening Committee Route and Government Dispensation Route was given by the Court in **"Manohar Lal Sharma v. Principal Secretary and Others"**. The Court held that the entire exercise of allocation through the Screening Committee route

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*"... the law prescribes for the future, based upon its knowledge of the past and is being forced to deal with tomorrow's problems with yesterday's tools."*<sup>76</sup>

suffers from the vice of arbitrariness and not following of any objective criteria in determining as to who is to be selected or who is not to be selected. There is no evaluation of merit and no inter se comparison of the applicants. No chart of evaluation was prepared. The determination of the Screening Committee is apparently subjective as the minutes of the Screening Committee meetings do not show that selection was made after proper assessment. The project, preparedness, track record, etc. of the applicant company were not objectively kept in view. The Court further held that the allocation of coal blocks through Government Dispensation Route, however laudable the object may be, is also illegal since it is impermissible as per the scheme of the Coal Mines (Nationalization) Act 1973. No State Government or public sector undertakings of the State Governments are eligible for mining coal for commercial use. Thus, the allocations made, both under the Screening Committee route and the Government Dispensation Route, are arbitrary and illegal.

[2014 (9) SCC 516]

10. In "**State of Tamil Nadu v. State of Kerala and Anr.**", the Constitutional Bench dealt with the issue, as to whether nullifying the judgment of the Supreme Court by way of amending act is constitutionally permissible. The Court has given an important judgment on this issue wherein it held that legislature by applying "Public Trust Doctrine" or "Precautionary Measures" cannot through legislation do an act in conflict with judgment of the highest Court which has attained finality. The superior judiciary (High Courts and Supreme Court) is empowered by the Constitution to declare a law made by the legislature (Parliament and State Legislatures) void, if it is found to have transgressed the Constitutional

limitations or if it infringed the rights enshrined in Part III of the Constitution. The doctrine of separation of powers applies to the final judgments of the courts. The legislature cannot declare any decision of a court of law to be void or of no effect. It can, however, pass an amending Act to remedy the defects pointed out by a court of law or on coming to know of it aliunde. In other words, a court's decision must always bind unless the conditions on which it is based are so fundamentally altered that the decision could not have been given in the altered circumstances. The law enacted by the legislature may apparently seem to be within its competence but yet in substance if it is shown as an attempt to interfere with the judicial process, such law may be invalidated being in breach of doctrine of separation of powers.

[2014 (12) SCC 696]

11. The Court in "**Subrata Chatteraj v. Union of India and Ors.**" has given an important decision on the issue as to whether the Federal Structure and the Principles of Separation of Powers, made it impermissible for the Superior Courts to direct transfer of investigation from the State Police to CBI. The Court held that the power of judicial review itself being a basic feature of the Constitution, the writ courts could issue appropriate writ, directions and orders to protect the fundamental rights of the citizens. The Court specified the situation in which the CBI investigation can be directed: (a) where it is necessary to discover the truth or to meet the ends of justice or to examine complex issues [like in present case role and involvement, if any, of regulatory authorities like SEBI, Registrar of Companies (RoC) and RBI were required to be found out and State investigation having failed to explain the huge gap between the amount

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*"The right to development includes the whole spectrum of civil, cultural, economic, political and social process, for the improvement of people's well-being and realisation of their full potential."*<sup>77</sup>

collected and investments made], (b) where the case involves national or international ramifications (like in present case international money laundering dimensions were required to be investigated), or (c) where people holding high positions of power and influence or political clout are involved (like in the present case larger conspiracy angle was required to be unearthed and also the alleged involvement of political/influential persons like MPs etc.). The Court further observed that what is important is that the power to transfer must be exercised sparingly and with utmost care and circumspection.

[2014 (8) SCC 768]

12. In "**Pramati Educational & Cultural Trust and Ors. v. Union of India and Anr.**", the Constitution Bench dealt with the constitutionality of Article 15(5) in relation to admission in private unaided educational institutions. The Constitution Bench in this case has given an important decision that exclusion of minority aided and unaided institutions referred to in Article 30(1) from the purview of Article 15(5) is neither discriminatory nor destroy the secular character of India. The word "State" in Article 21-A can only mean the State which can make the law. Hence, the constitutional obligation under Article 21-A of the Constitution is on the State to provide free and compulsory education to all children of the age of 6 to 14 years and not on private unaided educational institutions. Article 21-A, however, states that the State shall by law determine the "manner" in which it will discharge its constitutional obligation under Article 21-A. Thus, a new power was vested in the State to enable the State to discharge this constitutional obligation by making a law. However, Article 21-A has to be harmoniously construed with Article 19(1)(g) and Article 30(1) of the Constitution. There is nothing

in Article 21-A which conflicts with either the right of private unaided schools under Article 19(1)(g) or the right of minority schools under Article 30(1) of the Constitution, but the law made under Article 21-A may affect these rights under Articles 19(1)(g) and 30(1). The law so made by the State should not, therefore, be such as to abrogate the right of unaided private educational schools under Article 19(1)(g) of the Constitution or the right of the minority schools, aided or unaided, under Article 30(1) of the Constitution. The Constitution (Ninety-third Amendment) Act, 2005 inserting clause (5) of Article 15 of the Constitution and the Constitution (Eighty-Sixth Amendment) Act, 2002 inserting Article 21-A of the Constitution do not alter the basic structure or framework of the Constitution and are constitutionally valid. The Right of Children to Free and Compulsory Education Act, 2009 is not *ultra vires* Article 19(1)(g) of the Constitution. However, the 2009 Act insofar as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is *ultra vires* the Constitution.

[2014 (8) SCC 1]

13. The Court in "**V.Sriharan @ Murugan v. U.O.I. and Ors.**" has given an important decision on the issue of violation of fundamental rights of death row convicts ensuing from inordinate delay caused at the hands of executive in deciding the mercy petitions filed under Article 72/ 161 of Constitution of India. The petitioners prayed for a writ of declaration declaring the execution of the sentence of death as unconstitutional and sought for commutation of the sentence of death to imprisonment for life. The Court held that at the outset, it is again clarified that the relief sought for under these kind of petitions is not *per se* review of the order passed under Article 72/ 161 of the

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*"To constitute justice, the picture should appear to be the same, irrespective of the angle from which it is viewed."*<sup>78</sup>

Constitution on merits but on the ground of violation of fundamental rights guaranteed under the Constitution to all the citizens including the death row convicts.

The clemency procedure under Article 72/161 provides a ray of hope to the condemned prisoners and his family members for commutation of death sentence into life imprisonment and, therefore, the executive should step up and exercise its time-honored tradition of clemency power guaranteed in the Constitution one-way or the other within a reasonable time. The Court also observed that the mercy petitions filed under Article 72/161 can be disposed of at a much faster pace than what is adopted now, if the due procedure prescribed by law is followed in verbatim. The fact that no time limit is prescribed to the President/ Governor for disposal of the mercy petition should compel the government to work in a more systematized manner to repose the confidence of the people in the institution of democracy. The death sentence of petitioners was commuted into imprisonment for life, i.e. end of one's life, subject to any remission granted by the appropriate government under Section 432 of the Code of Criminal Procedure, 1973.

[2014 (1) SCR 1093]

14. The Court in "**Vishwa Lochan Madan v. Union of India and Ors.**" has given a very important decision on the issue as to whether institution like Dar-ul-Qaza or for that matter anybody or institution by any name shall give verdict or issue fatwa touching upon rights, status and obligations of individuals. The Court held that, it is well settled, that adjudication by a legal authority sanctioned by law is enforceable and binding and meant to be obeyed unless upset by an authority provided by law itself. The power to adjudicate must flow from a validly made law. A person deriving benefit from the adjudication must have the right to enforce it and the person required to make provision in

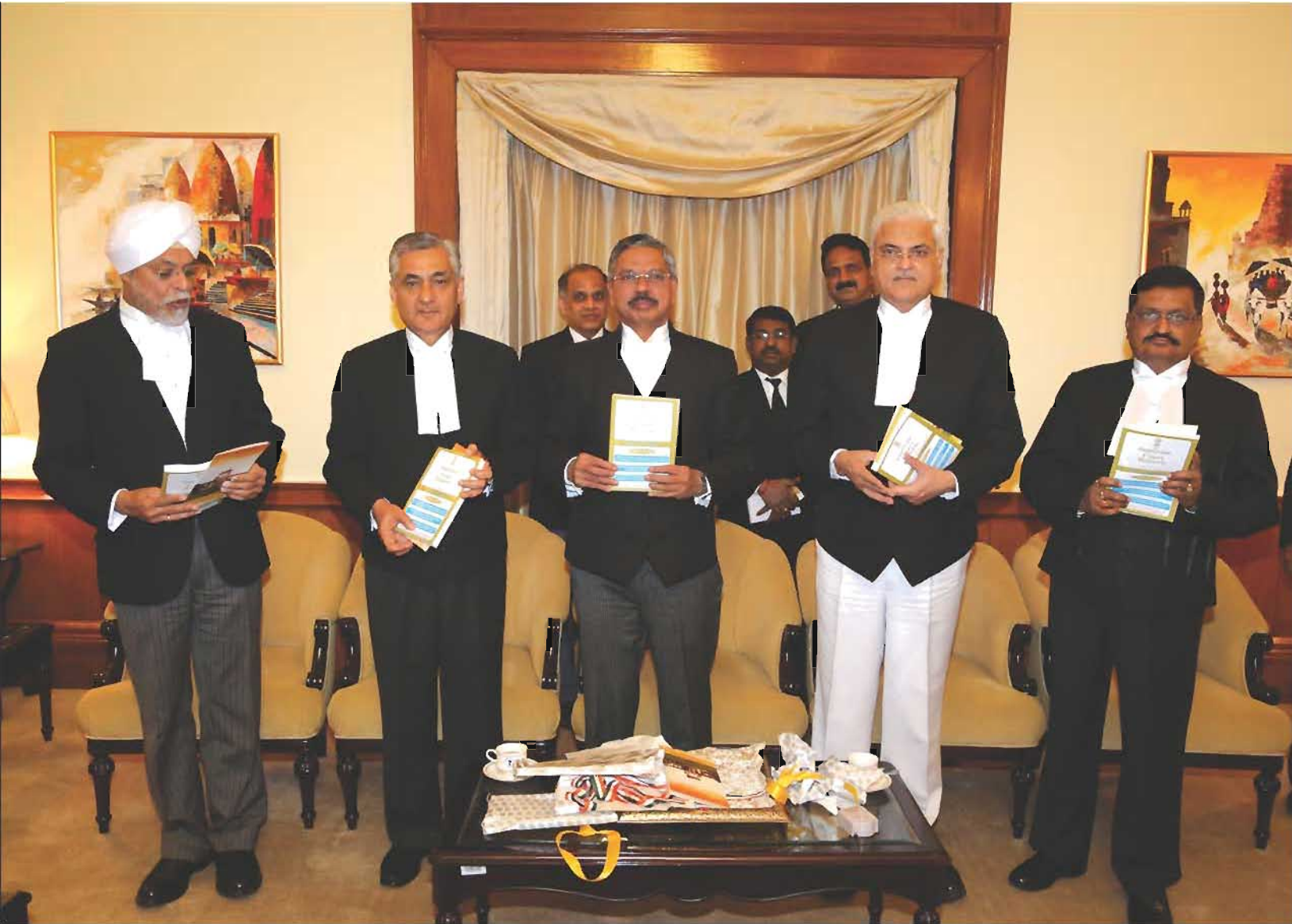
terms of adjudication has to comply that and on its failure consequences as provided in law are to ensue. These are the fundamentals of any legal judicial system. The decisions of Dar-ul-Qaza or the fatwa do not satisfy any of these requirements. Dar-ul-Qaza is neither created nor sanctioned by any law made by the competent legislature. Therefore, the opinion or the fatwa issued by Dar-ul-Qaza or for that matter anybody is not adjudication of dispute by an authority under a judicial system sanctioned by law. A Qazi or Mufti has no authority or powers to impose his opinion and enforce his fatwa on anyone by any coercive method. The Court further held, fatwas have no legal sanction and cannot be used to punish the innocent.

[2014 (7) SCC 707]

15. The Court has given an important judgment in "**Public Interest Foundation and Ors. v. Union of India and Anr.**" on the issue relating to the sitting MP's & MLA's who have charges framed against them. The court while giving an important verdict on this issue held that in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of the Representation of the People Act, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s). If the Court fails to do so, it will have to give an explanation to the Chief Justice of the Corresponding High Court. In such cases, as far as possible, the trial shall be conducted on a day-to-day basis.

[2014 (3) SCALE 563]






**SCR 2015 Issue Release Function**

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*"While the court gives immense weightage to the legislative judgment, still it cannot deviate from its own duties to determine the constitutionality of an impugned statute." <sup>79</sup>*



*Exhibits in the Museum*

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