

ITEM NO.32

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.1477/2020

ASHWINI KUMAR UPADHYAY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 13-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s)

Mr. Ashwani Kumar Dubey, AOR

For Respondent(s)

Mr. R Venkataramani, AG  
Mr. Tushar Mehta, SG  
Mr. Suryaprakash V Raju, ASG  
Mr. Neela Kedar Gokhale, Adv.  
Mrs. Swati Ghildiyal, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Mohd Akhil, Adv.  
Mr. Durga Dutt, Adv.  
Mr. Bhuvan Kapoor, Adv.  
Mr. Digvijay Dam, Adv.  
Mrs. Ruchi Kohli, Adv.  
Mrs. Rooh E Hina Dua, Adv.  
Mr. Anandh Venkataramani, Adv.  
Mrs. Vijayalakshmi Venkataramani, Adv.  
Mr. Vinayak Mehrotra, Adv.  
Ms. Mansi Sood, Adv.  
Mr. Chitvan Singhal, Adv.

**Ms. Sonali Jain, Adv.  
Mr. Abhishek Kumar Pandey, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Arvind Kumar Sharma, AOR**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Invoking the jurisdiction under Article 32 of the Constitution, the petitioner has sought a direction to the Union government to (i) take steps to constitute the Twenty Second Law Commission of India; and (ii) make the Law Commission a statutory body.
- 2 We have heard Mr Ashwini Kumar Upadhyay, in-person and Mr R Venkataramani, Attorney General for India.
- 3 The Attorney General states that the Twenty Second Law Commission has been constituted by two notifications dated 9 and 10 November 2022.
- 4 The petitioner, as noted above, also seeks a direction “to make Law Commission of India a statutory body”. Such a direction would necessarily implicate a writ of mandamus being issued to Parliament in its legislative capacity. It is a settled position of law that a writ cannot be issued to Parliament to enact a law. This pertains exclusively to the legislative domain. Hence, we decline to entertain the Petition for the subsequent part of the relief as claimed.
- 5 The final relief which is claimed in the Petition is for the Law Commission to prepare a report in the matter of confiscating black money, benami properties and disproportionate assets.
- 6 Mr Ashwini Kumar Upadhyay states that the relief as sought in prayer (c) is not pressed since the petitioner would independently pursue his request before the Law Commission.

- 7 The Petition shall accordingly stand disposed of.
- 8 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(MATHEW ABRAHAM)**  
**Court Master**