

<b>SESSION 1</b>	
<b>Constitutional Status of Trial Judiciary</b>	
<b>1</b>	M.P. Singh, <i>Situating the Constitution in the District Courts</i> , Journal of Delhi Judicial Academy, Vol.8:2012
<b>2</b>	Justice A.K. Sikri, <i>The Role of Subordinate Judiciary</i> , 2 J.NAT'L JUD.ACAD.2015 at pp:56
<b>3</b>	A.S. Anand, <i>The Indian judiciary in the 21st century</i> , India International Centre Quarterly, MONSOON 1999, Vol. 26, No. 3 (MONSOON 1999), pp. 61-78 Published by: India International Centre
<b>4</b>	Dr.K.Sivananda Kumar, <i>Article 144: Civil and Judicial Authorities to Act in Aid of the Supreme Court</i> , Available at: <a href="https://ssrn.com/abstract=3530335">https://ssrn.com/abstract=3530335</a>
<b>5</b>	Sumanta Banerjee, <i>Judging the Judges</i> , Economic and Political Weekly, Mar. 9-15, 2002, Vol. 37, No. 10 (Mar. 9-15, 2002), pp. 919-921
<b>6</b>	K.G. Balakrishnan, <i>Judiciary In India: Problems And Prospects</i> , Journal of the Indian Law Institute, OCTOBER-DECEMBER 2008, Vol. 50, No. 4 (OCTOBER-DECEMBER 2008), pp. 461-467
<b>7</b>	Vishnu Parshad, <i>Independence of Judiciary in India</i> , The Indian Journal of Political Science, JULY—SEPTEMBER—DECEMBER, 1964, Vol. 25, No. 3/4, CONFERENCE NUMBER FOR XXVI INDIAN POLITICAL SCIENCE CONFERENCE, pp. 307-312
<b>8</b>	<i>No Judges to Judge: How can people get justice when there are so many vacancies in the lower and higher judiciary?</i> Economic and Political Weekly, JANUARY 26, 2013, Vol. 48, No. 4 (JANUARY 26, 2013), p. 9 Published by: Economic and Political Weekly
<b>9</b>	<p style="text-align: center;"><b>Case Law</b></p> <p><b>* (Judgments mentioned below includes citation only for reference. Please refer the full judgment for conclusive opinion)*</b></p> <ul style="list-style-type: none"> <li>✓ <b>Ram Lallan v State of UP, 2012(111) AIC 372 (372,373) (All-DB)</b> If a law has been laid down by the high court, in the State, it is binding and ought to be complied by all the authorities concerned whether executive or judicial</li> <li>✓ <b>Rajesh Kohli v. High Court of J&amp;K, (2010) 12 SCC 783</b> Upright and honest Judicial officer are needed in District judiciary which is the bed rock of the judicial system and so not only his judicial performance but also probity as to how one has considered himself is important.</li> <li>✓ <b>V K Jain v. High Court of Delhi, (2008) 17 SCC 538</b> Duty of Judges of Superior Courts is to ensure that independence of subordinate judiciary is not compromised and every judicial officer has the freedom to give expression to his own opinion.</li> <li>✓ <b>T N Godavarman Thirumulpad v. Union of India, (2006) 10 SCC 486</b> When the matter is pending before the apex court a subordinate authority issuing notice to persons against whom there is already an order of stay of proceedings amounts to violation of Art.144.</li> </ul>

<p>✓ <b><i>Jasbir Singh v. State of Punjab, (2006) 8 SCC 294</i></b> Independence of judiciary has been considered as a part of basic structure of the Constitution as postulated not just from the executive but all other sources of pressure.</p> <p>✓ <b><i>K.H. Siraj v. High Court of Kerala, (2006) 6 SCC 395</i></b> To man subordinate judiciary the High Court is vested with the power to see that the high traditions and standards of judiciary are maintained by selection of proper persons.</p> <p>✓ <b><i>Daroga Singh v B.K. Pandey, (2004) 5 SCC 26</i></b> The courts does not have any agency of its own to enforce its orders. The executive authority of the state has to come to the aid of the party seeking implementation of court orders.</p> <p>✓ <b><i>Palitana Sugar Mills P Ltd v. State of Gujarat (2004) 12 SCC 645.</i></b> Any attempt to belittle the order or direction of the court will amount to contempt of court.</p> <p>✓ <b><i>TirupathiBalaji Developers (P) Ltd vs State of Bihar,(2004) 5 SCC 1</i></b> The very existence of appellate jurisdiction obliges the lower jurisdiction to render all of its assistance to the higher jurisdiction to enable the exercise of appellate jurisdiction fully and effectively.</p> <p>✓ <b><i>All India Judges' Assn. (3) v. Union of India, (2002) 4 SCC 247</i></b></p> <ul style="list-style-type: none"> <li>• Subordinate Judiciary is the foundation of the edifice of the judicial system and should be as strong as possible.</li> <li>• Judicial service is not service in the sense of employment and judges are not employees. They exercise sovereign judicial power of the state at whatever level they may be.</li> <li>• The members of other services are not at par with members of judiciary, either constitutionally or functionally.</li> </ul> <p>✓ <b><i>Delhi Bar Assn. v. Union of India, (2002) 10 SCC 159</i></b> For a judicial officer the attributes to be seen are namely, integrity, honesty, basic knowledge of law and robust common sense.</p> <p>✓ <b><i>State of Bihar v. Bal Mukund Sah, (2000) 4 SCC 640</i></b></p> <ul style="list-style-type: none"> <li>• Article 233 enacts a complete code for the purpose of appointment of District Judges and consultation with High Court is an inevitable feature of Art.233.</li> <li>• Art.234 is not made subject to laws made by the legislature which means that the legislature cannot make any law regulating the appointment of subordinate judiciary</li> <li>• The legislature cannot bypass the High Court and provide reservation in judicial appointments.</li> </ul> <p>✓ <b><i>Yoginath D. Bagde v. State of Maharashtra, (1999) 7 SCC 739</i></b> The high court under Chapter VI provisions has a duty to protect subordinate judiciary from unscrupulous litigants and lawyers.</p> <p>✓ <b><i>SP Gupta V Union of India (1981) Supp SCC 87</i></b> Independence of judiciary is part of the basic structure of the Constitution</p> <p>✓ <b><i>Baradakanta Mishra v. High Court of Orissa, (1976) 3 SCC 327</i></b> 'Control' under Art.235 includes general superintendence of the working of the subordinate courts and disciplinary control over the presiding judges</p> <p>✓ <b><i>State of Assam v. S.N. Sen, (1971) 2 SCC 889</i></b> The power to confirm and promote judicial officers other than District Judges is vested exclusively in the High Court as under Art.235 and any rule vesting it in Governor shall be void.</p>	
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	<ul style="list-style-type: none"> <li>✓ <b><i>Chandra Mohan V. State of UP (1967) 1 SCR 77</i></b> <ul style="list-style-type: none"> <li>• The appointment of a judge would become invalid where High Court is not consulted at all.</li> <li>• A duty is enjoined on the governor to make the appointment of District Judges in consultation with High Court which is the appropriate authority to give advice to him.</li> </ul> </li> <li>✓ <b><i>Ram Saran Tewari v. Raj Bahadur Varma, 1961 SCC OnLine All 227</i></b> All courts are independent and no court can claim jurisdiction or authority of any kind over another without statutory authority. No court can claim appellate or revisional jurisdiction without statutory authority. Similarly, no Court can claim that another is subservient to it without statutory authority. Subordination in the sense of inferiority does not require any statutory authority as it is left to be judged on a comparison of powers and jurisdictions of the respective courts.</li> <li>✓ <b><i>Public Vigilance by Bharadwaja vs The Chief Secretary Govt Of A P</i></b> The decree granted by a higher Court must be obeyed by the lower court. Any attempt, either directly or indirectly, to enquire into the validity or otherwise of the decree granted by the higher court would be subversive of judicial discipline, and negation of the Rule of Law.</li> <li>✓ <b><i>Kranth Sangram Parishath vs Sri N Janardhan Reddy Chief</i></b> Judicial discipline requires a decorum known to law warrants that appellate directions should be taken as binding and followed. A judge of a lower court cannot disregard the decision of a higher court and that the judicial system works only -"if someone is allowed to have the last word and if that last word, once spoken, is loyally accepted.</li> </ul>	
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<p><b>SESSION 2</b></p> <p><b>Constitutional Provisions for Observance by the District Judiciary</b></p>
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<p><b>Case Law</b></p>
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	<p><b>* (Judgments mentioned below includes citation only for reference. Please refer the full judgment for conclusive opinion)*</b></p> <ul style="list-style-type: none"> <li>✓ <b><i>Prithvi Raj v. State Election Commission 2007 SCC OnLine P&amp;H 738</i></b> Right to judicial review is a basic feature of the constitution and therefore, an election to Panchayat or Municipality can be challenged under Art.226/227.</li> <li>✓ <b><i>Guttakonda Kanaka Durga v. State Election Commissioner Government of A.P., 2001 SCC OnLine AP 581</i></b> A bar has been created in matter of interference by courts in electoral matters and that such bar may not, in true sense, apply to constitutional remedies.</li> <li>✓ <b><i>Lal Chand v. State of Haryana, 1998 SCC OnLine P&amp;H 731</i></b> The scope and restrains of power of High Court to review a challenge to an election were laid out and it as held that Article 243-ZG (b) cannot be read down or held to be ultra vires the provision of the Constitution.</li> <li>✓ <b><i>S.M. Thakkar v. M.A. Baqui, 1967 SCC OnLine Guj 54</i></b> So long as moneys remain due from a court or deposited with it, they must remain in public account. But, if parties wants it to be invested in some other way, the court is not entirely helpless provided thereon, the money ceases to have its character of receipt by or deposit with the court.</li> </ul>	
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	<p>✓ <b>Raja Ram Pal v. Hon'ble Speaker, Lok Sabha, (2007) 3 SCC 184</b> Constitution makers clearly intended that the Legislature would not be answerable to a court in the matter of its proceedings on the ground of validity of procedure but such prohibition on touchstone of irregularity of procedure does not make taboo judicial review on findings of illegality or unconstitutionality.</p> <p>✓ <b>Powers, Privileges and Immunities of State Legislatures, In re, (1965) 1 SCR 413</b> If the impugned procedure is illegal and unconstitutional, it would be open to be scrutinized in a court of Law, though such scrutiny is prohibited if the complaint against the procedure is that of a mere irregularity.</p> <p>✓ <b>A.K. Subbiah v. Chairman, Karnataka Legislative Council, Bangalore, 1978 SCC OnLine Kar 237</b> The question whether a member has contravened Art.211 while speaking in the house is one for determination by the Presiding Officer of the house and not Courts.</p> <p>✓ <b>Pandit M.S.M. Sharma v. Sri Krishna Sinha, 1959 Supp (1) SCR 806</b></p> <ul style="list-style-type: none"> <li>• A notice issued by Speaker for breach of its privilege cannot be quashed by any court on the ground that the Rules of Procedure have not been followed by the Legislature.</li> <li>• The immunity from judicial interference is confined to matters of irregularity of procedure. There would be no immunity if the proceedings are held without jurisdiction.</li> </ul> <p>✓ <b>Anand Bihari Mishra v. Ram Sahay, 1951 SCC OnLine MP 142</b> There would be no immunity if the proceedings are held without jurisdiction like defiance of the mandatory provisions of the Constitution or by exercising powers which the Legislature under the Constitution does not possess.</p>	
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<p><b>SESSION 3</b></p> <p><b>Application of the Principles of Administrative Law in court management</b></p>
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<b>1</b>	Atul Kaushik, <b>Bringing the 'E' to Judicial Efficiency: Implementing the e-Courts System in India</b> , State of the Indian Judiciary: A report by DAKSH, (2016)	
<b>2</b>	Dr. Justice G.C. Bharuka, <b>Technology and Timely Justice: Intelligent Use of ICT can revamp the Indian Justice Delivery System</b> , Common Cause (2016) Vol. XXXV No. 1 January –March, 2016.	
<b>3</b>	Ivor Richardson, <b>The Courts and Access to Justice</b> , 31 VICTORIA U. WELLINGTON L. REV.163 (2000).	
<b>4</b>	Jayanth K. Krishnan, Shirish N. Kavadi, Azima Girach & Dhanaji Khupkar, <b>Grappling at the Grassroots: Access to Justice in India's Lower Tier</b> , 27 HARV. HUM. Rts. J. 151 (2014).	
<b>5</b>	Joe McIntyre, <b>Evaluating Judicial Performance Evaluation: A Conceptual Analysis</b> , Oñati Socio-legal Series, v. 4, n. 5 (2014), p. 898-926	
<b>6</b>	Justice Madan B. Lokur, <b>Case Management And Court Administration</b> , Available at : <a href="https://nja.gov.in/Concluded_Programes_2015-16/P-939%20TOC.pdf">https://nja.gov.in/Concluded_Programes_2015-16/P-939%20TOC.pdf</a>	
<b>7</b>	Justice R. Banumathi, <b>Effective District Administration, 'Effective District Administration'</b> published by Tamil Nadu State Judicial Academy 2013, p. 1-13	

8	Justice Roshan Dalvi, <i>The Business of Court Management</i> , 16(3) Nyay Deep 13, 35 (Jul 2015)	
9	Justice R. B. Mehrotra, <i>Court Management</i> , Published in J.T.R.I. JOURNAL, First Year, Issue – 3 - Year – July – September, 1995]	
10	Justice M. Thanikachalam, <i>Administration of District Courts – Inspection, Disciplinary Proceedings, Annual Confidential Reports – Staff Recruitment</i> , Lecture delivered on 27th March 2011 at Tamil Nadu State Judicial Academy, Available at: <a href="http://www.tnsja.tn.gov.in/article/Admn%20of%20Dt%20Crts%20MTJ.pdf">http://www.tnsja.tn.gov.in/article/Admn%20of%20Dt%20Crts%20MTJ.pdf</a>	
11	Sanjay Rambhau Salkute, <i>The Role of Judicial Officer in the Court Management &amp; E-Court Maintenance</i> (suggested method in district court), Vol. 3 No. 4 April (2014), IJARMSS	
12	Stephen Colbran, <i>The Limits of Judicial Accountability: The Role of Judicial Performance Evaluation</i> , 6 LEGAL Ethics 55 (2003).	
13	<i>Study on Court Management Techniques for Improving the Efficiency of Subordinate Courts</i> , (Ch.-1 excerpt) by NALSAR University of Law, 2016 Available at : <a href="https://doj.gov.in/sites/default/files/Final%20DOJ%20Report_Revised%20%281%29.pdf">https://doj.gov.in/sites/default/files/Final%20DOJ%20Report_Revised%20%281%29.pdf</a>	
14	Surya Prakash, <i>Open courts provide assurance of justice</i> , Available at: <a href="https://indiatgether.org/articles/open-court-laws/print">https://indiatgether.org/articles/open-court-laws/print</a>	
15	<b>Case Law</b>	
	<p><b>* (Judgments mentioned below includes citation only for reference. Please refer the full judgment for conclusive opinion)*</b></p> <ul style="list-style-type: none"> <li>✓ <b><i>CEC v. Mr. Vijayabhaskar (2021) 9 SCC 770</i></b> The Supreme Court held that the concept of an Open Court requires that information relating to a Court proceeding, including oral remarks by the bench, must be available in the public domain.</li> <li>✓ <b><i>Ram Murti Yadav v. State of U.P., (2020) 1 SCC 801</i></b> It has to be kept in mind that a person seeking justice, has the first exposure to the justice delivery system at the level of subordinate judiciary, and thus a sense of injustice can have serious repercussions not only on that individual but can have its fall out in the society as well. It is therefore absolutely necessary that the ordinary litigant must have complete faith at this level and no impression can be afforded to be given to a litigant which may even create a perception to the contrary as the consequences can be very damaging.</li> <li>✓ <b><i>Swapnil Tripathi and Others v. Supreme Court of India and Another (2018) 10 SCC 639 279</i></b> <ul style="list-style-type: none"> <li>• The Court held that the ability to view live broadcasts of the Supreme Court proceedings flowed from the right of access to justice in the Constitution. The Court said that this right should not be absolute. It provided a set of Model Guidelines which should govern the courts' discretion on when such broadcast should be used.</li> <li>• The Court noted that the right of access to justice as set out in Article 21 of the Constitution, which protects the right to life and liberty, would be</li> </ul> </li> </ul>	

meaningful only when the public gets access to the proceedings. In addition, the Court commented that the State has an obligation to spread awareness about the law to enable individuals to understand the law. The Court also remarked, that it was now well settled that Article 19(1) (a) of the Constitution confers the right to know and receive information. So the public is entitled to witness Court proceedings.

- ✓ ***Pradyum Bisht vs. Union of India., (2018) 15 SCC 433***  
Installation of CCTV Cameras inside the court.
- ✓ ***Renu v. District & Sessions Judge, (2014) 14 SCC 50***  
Administrative control over the Subordinate Courts extends to all functionaries attached to the Subordinate Courts including the ministerial staff and servants in the establishment of the Subordinate Courts and such control is exclusive in nature, comprehensive in extent and effective in operation.
- ✓ ***Imtiyaz Ahmed vs. State of Uttar Pradesh & ors (2012) 2 SCC 688***  
Supreme Court directs the Law Secretaries of all State Governments to file affidavits relating to budget allocation and utilization. S, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “Judicial Hours” required for disposing of the case load of each court. In the interim, the Committee has proposed a “weighted” disposal approach i.e. disposal weighted by the nature and complexity of cases in local conditions.
- ✓ ***Khanapuram Gandaiah v. Administrative Officer, (2010) 2 SCC 1***  
Unwarranted inquiry or malicious litigation would affect the independence of subordinate judiciary. An appellate court can correct an error in judgement of a subordinate court but must refrain from commenting on the judges.
- ✓ ***Nawal Singh v. State of U.P., (2003) 8 SCC 117***  
Judiciary cannot afford service of persons of doubtful integrity or who have lost their utility. It was also reiterated that for keeping the stream of justice unpolluted, repeated scrutiny of service records of judicial officers after a specified age/completion of specified years of service provided under the Rules is a must by each and every High Court as the lower judiciary is the foundation of the judicial system.
- ✓ ***Chandra Singh v. State of Rajasthan, (2003) 6 SCC 545***  
Article 235 of the Constitution of India enables the High Court to assess the performance of any judicial officer at any time with a view to discipline the black sheep or weed out the deadwood. This constitutional power of the High Court cannot be circumscribed by any rule or order... The nature of judicial service is such that it cannot afford to suffer continuance in service of persons of doubtful integrity or who have lost their utility.
- ✓ ***‘K’, A Judicial Officer, In re, (2001) 3 SCC 54***  
Under Article 235, the emphasis should not be on punishment, but on discouraging the repetition of errors or failures.
- ✓ ***Madan Mohan Choudhary v. State of Bihar, (1999) 3 SCC 396***  
Though the officers of subordinate judiciary are public servants their whole service is placed under the control of the High Court and the Governor cannot make any appointment or take any disciplinary action including action for removal or compulsory retirement unless the High Court is consulted.

	<p>✓ <b><i>High Court of Judicature of Bombay v. Shirishkumar Rangrao Patil, (1997) 6 SCC 339</i></b> The mandate of Article 235 of the Constitution is that the High Court has to maintain constant vigil on its subordinate judiciary. Thus, Article 235 of the Constitution of India enables the High Court to assess the performance of any judicial officer at any time with a view to discipline the black sheep or weed out the deadwood, and this constitutional power of the High Court cannot be circumscribed by any rule or order.</p> <p>✓ <b><i>Hari Datt Kainthla v. State of H.P., (1980) 3 SCC 189</i></b> If any new rules are formulated under Art.309 for regulating recruitment and conditions of services of District Judges they will have to be in conformity with Art.233's Constitutional mandate or else will be <i>ultra vires</i>.</p>	
<b>SESSION 4</b>		
<b>Principles of Natural Justice for Procedural Fairness</b>		
<b>1</b>	P. Leelakrishnan and Mini S., <b><i>Procedural Fairness in Administrative Decision-Making</i></b> , Journal of the Indian Law Institute ,Vol. 59, No. 4 (OCTOBER - DECEMBER 2017), pp. 335-355	
<b>2</b>	Kevin M. Stack , <b><i>An Administrative Jurisprudence: The Rule of Law in the Administrative State</i></b> , COLUMBIA LAW REVIEW, [Vol. 115:1985] 2015	
<b>3</b>	Mr. A.H. Hawaldar, <b><i>Evolution of Due Process in India</i></b> , Bharati Law Review, Oct. – Dec., 2014 pp 107	
<b>4</b>	Lecture delivered by Justice T.S.Sivagnanam , <b><i>Principles of Natural Justice</i></b> at Tamil Nadu State Judicial Academy on 01.06.2009	
<b>5</b>	Kevin Burke, <b><i>Understanding the International Rule of Law as a Commitment to Procedural Fairness</i></b> , 18 MINN. J. INT'L L. 357 (2009).	
<b>6</b>	Justice Brijesh Kumar, <b><i>Principles Of Natural Justice</i></b> [J.T.R.I. JOURNAL – First Year, Issue – 3 - Year – July – September, 1995]	
<b>7</b>	William Nelson , <b><i>The Very Idea of Pure Procedural Justice</i></b> , Ethics , Jul., 1980, Vol. 90, No. 4 (Jul., 1980), pp. 502-511 ,The University of Chicago Press	
<b>8</b>	Gerard W. Hogan, <b><i>Procedural Rights under Natural Justice</i></b> , 14 Irish Jurist (N.S.) 106 (1979)	
<b>9</b>	DAVID RESNICK, <b><i>Due Process And Procedural Justice</i></b> , Nomos , 1977, Vol. 18, pp. 206-228, American Society for Political and Legal Philosophy	
<b>10</b>	D.J. Mullan, <b><i>Fairness: The New Natural Justice</i></b> , 25 U. TORONTO L.J. 281 (1975).	
<b>11</b>	John Thibaut, Laurens Walker, Stephen LaTour & Pauline Houlden, <b><i>Procedural Justice as Fairness</i></b> , 26 Stan. L. REV. 1271 (1974).	
<b>12</b>	Vasant V. Vaze , <b><i>Natural Justice—Unsavoury Procedure</i></b> , Journal of the Indian Law Institute , April-June 1974, Vol. 16, No. 2 (pp. 276-281) Indian Law Institute	



\* (Judgments mentioned below includes citation only for reference. Please refer the full judgment for conclusive opinion)\*

- ✓ ***R.C. Chandel v. High Court of M.P., (2012) 8 SCC 58***  
There can be no manner of doubt that a Judge must decide the case only on the basis of the facts on record and the law applicable to the case. If a Judge decides a case for any extraneous reasons then he is not performing his duty in accordance with law. 10. In our view the word “gratification” does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc.
- ✓ ***Ashoka Smokeless Coal India (P) Ltd. v. Union of India, (2007) 2 SCC 640***  
Principles of natural justice are attracted where there is some right which is likely to be affected by any act of the administration including a legitimate expectation.
- ✓ ***LIC v. Consumer Education & Research Centre, (1995) 5 SCC 482***  
Every activity of a public authority or those under public duty or obligation must be informed by reason and guided by public interest.
- ✓ ***D.K. Yadav v. J.M.A. Industries Ltd., (1993) 3 SCC 259***  
Without hearing the termination of services would be violative of Article 21 of the Constitution as such a procedure established by law which deprives a person of his livelihood cannot be said to be just, fair and reasonable under Article 21 of the Constitution.
- ✓ ***H.L. Trehan v. Union of India, (1989) 1 SCC 764***  
Even when the authority has statutory power to take action without hearing, it would be arbitrary to take action without hearing and thus violative of Article 14 of the Constitution.
- ✓ ***R v Tower Hamlets London Borough Council, ex p Chetnik Developments Ltd [1988] AC 858, 873***  
Once that question is answered in favour of the local authority, it may still be possible to say that although the local authority had kept within the four corners of the matters which they ought to consider, they have nevertheless come to a conclusion so unreasonable that no reasonable authority could ever have come to it. In such a case, again, I think the court can interfere.
- ✓ ***Council of Civil Service Unions v. Minister for Civil Service, [1985] 1 AC 374***  
Irrationality applies [for interfering with] a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.
- ✓ ***Maneka Gandhi v. Union of India, (1978) 1 SCC 248***  
Procedural fairness is implied even in situations where the statute does not provide for it
- ✓ ***Union of India v. Tulsiram Patel, (1985) 3 SCC 398***  
Article 14 did not create the principles of natural justice, but rather that Article 14 is only their constitutional guardian
- ✓ ***State of UP vs. Vijay Kumar Tripathi, 27 1955 Supp (I) SCC 552***



	The court held that Principles of Natural Justice must be read into the provisions of a law. Such a course is fundamental where the standard rejects, either explicitly by vital ramifications, the application of principles of natural justice	
<b>Additional Reading Material</b>		
Ombudsman Western Australia GUIDELINES Procedural fairness (natural justice) Revised April 2019		
<b>SESSION 5</b>		
<b>Speedy Justice &amp; Fairness in Trials</b>		
1	Vandana Ajay Kumar, <i>Judicial Delays in India: Causes &amp; Remedies</i> , 4 J.L. POL'y & GLOBALIZATION 16 (2012).	
2	Chandra T. G. Jagadeesh, <i>Delays in Subordinate Judiciary as an Impediment in Materializing the Right to Speedy Justice - A Review</i> , 7 GNLU J.L. DEV. & POL. 53 (2017).	
3	Y.Srinivasa Rao , <i>Right To Fair Trial</i> , Available at : <a href="https://districts.ecourts.gov.in/sites/default/files/Excise%20material.pdf">https://districts.ecourts.gov.in/sites/default/files/Excise%20material.pdf</a>	
4	Jyoti Swarup Gupta, <i>The Law's Delays in the Civil Trial Courts</i> , 22 ALLAHABAD L.J. 25 (1924).	
5	Justice Y.K.Sabharwal “ <i>My Dream of an Ideal Justice Dispensation System</i> ”, Available at: <a href="http://ijtr.nic.in/articles/art55.pdf">http://ijtr.nic.in/articles/art55.pdf</a>	
6	Justice RN. Raveendran , <i>P-862 Public Law Lecture</i> , J.NAT'L JUD.ACAD.2015 Journal of National Judicial Academy pp-892	
7	Robert Moog, <i>Delays in the Indian Courts: Why the Judges Don't Take Control</i> , The Justice System Journal , Taylor & Francis, Ltd. 1992, Vol. 16, No. 1 (1992), pp. 19-36	
8	K G Balakrishnan, <i>Efficient Functioning of India's Justice Delivery System</i> , (2007) 4 SCC J-13	
9	Sri T. Mallikarjuna Rao , <i>General Principles of Fair Trial</i> , Available at : <a href="https://districts.ecourts.gov.in/sites/default/files/1st%20Topic.pdf">https://districts.ecourts.gov.in/sites/default/files/1st%20Topic.pdf</a>	
10	Dr. Dharminder Kumar, <i>Judicial Pronouncements on Speedy Trial in India: An Analysis</i> , JOURNAL OF LEGAL STUDIES AND RESEARCH , VOL. 2 ISSUE 5 ISSN 2455-2437	
11	Justice V .K. Mehrotra , <i>Justice Delayed - Search For Solutions</i> , J.T.R.I. JOURNAL – Second Year, Issue – 4 & 5 ,Year March, 1996	
12	<b>Case Law</b>	
	* (Judgments mentioned below includes citation only for reference. Please refer the full judgment for conclusive opinion)*	
	✓ <i>Satendra Kumar Antil v. CBI, 2021 SCC OnLine All 789</i> Unexplained, avoidable & prolonged delay in concluding trial, appeal or revision would be a factor for consideration of bail.	

- ✓ ***P. Ramachandra Rao v. State of Karnataka, (2012) 9 SCC 430***  
 In this case, the Apex Court laid down certain factors to identify whether an accused has been deprived of his Right to Speedy Trial. They are:
- length of delay,
  - the justification for the delay,
  - the accused assertion of his Right to Speedy Trial, and
  - prejudice caused to the accused by such delay.
- If nothing is shown and there are no circumstances to raise a presumption that the accused had been prejudiced there will be no justification to quash the conviction on the ground of delayed trial only.
- The court also laid down certain guidelines and held that the powers conferred under Sections 309, 311 and 258 of the Code of Criminal Procedure shall be exercised by the criminal courts to effectuate the Right to Speedy Trial. To seek appropriate relief and directions, the jurisdiction of the High Court under Section 482 of Cr. P.C. and Articles 226 and 227 of the Constitution can be invoked
- ✓ ***Rameshwari Devi and Ors. Vs. Nirmala Devi and Ors. (2011) 8 SCC 249***  
*Unless the courts, by appropriate orders or directions remove the cause for motivation or the incentives, uncalled for litigation will continue to accrue, and there will be expansion and obstruction of the litigation. Court time and resources will be consumed and justice will be both delayed and denied.*
- ✓ ***Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1.***  
 Basic concept behind a fair trial is succinctly explained.
- ✓ ***Zahira Habibullah Sheikh and ors v. State of Gujarat and ors., (2006) 3 SCC 374***  
 Each one has an inbuilt right to be dealt with fairly in a criminal trial. Denial of a fair trial is as much injustice to the accused as it is to the victim and to society.
- ✓ ***Shingara Singh v. State of Haryana, (2003) 12 SCC 758***  
 When the period of deprivation pending trial becomes unduly long, the fairness assured in Article 21 would receive a jolt and also discussed the impact of delay at the appeal stage.
- ✓ ***Durga Datta Sharma v. State, 2003 SCC OnLine Gau 153***  
 The petitioner has been deprived for the constitutional right of getting a speedy trial and that the accused persons had already suffered a lot both mentally and physically during the last 25 years, the Court dropped all charges against the accused.
- ✓ ***Rajiv Gupta v. State of H.P., (2000) 10 SCC 68***  
 If the trial of a case for an offence which is punishable with imprisonment up to three years has been pending for more than three years and if the trial is not commenced, then the criminal court is required to discharge and acquit the accused.
- ✓ ***Abdul Rehman Antulay v. R.S. Nayak, (1992) 1 SCC 225***  
 Right to a speedy trial under Article 21 is available at all stages namely, the stage of investigation, inquiry, trial, appeal, revision and retrial. The Court laid down detailed guidelines for the speedy trial of an accused in a criminal trial but refused to set a time limit for the conclusion of the trial. The Court held that the nature of the offence and the circumstances may be such that quashing of proceedings may not be in the interest of justice. In such a case it may make an order that the trial may be concluded within a fixed time and reduce the sentence.

	<p>✓ <b><i>Sheela Barse v. Union of India, (1986) 3 SCC 596</i></b>          If an accused is not tried speedily and his case remains pending before the Magistrate or the Sessions Court for an unreasonable length of time, it is clear that his fundamental Right to Speedy Trial would be violated unless there is some interim order passed by the superior Court or deliberate delay on the part of the accused. The consequence of such a delay would be that the prosecution would be liable to be quashed.</p> <p>✓ <b><i>State of Maharashtra v. Champalal Punjaji Shah, (1981) 3 SCC 610</i></b>          While deciding the question of whether there has been a denial of the right to a speedy trial, the Court is entitled to take into consideration whether the delay was unintentional, caused by overcrowding of the court's docket or understaffing of the prosecutors and whether the accused contributed a fair part to the time taken.</p> <p>✓ <b><i>Hussainara Khatoon (I) v. Home Secy., State of Bihar, (1980) 1 SCC 81</i></b></p> <ul style="list-style-type: none"> <li>• The "right to a speedy trial" is a fundamental right implicit in the right of life and personal liberty provided under Article 21 of the Indian Constitution. The court-mandated greater access to bail, more humane living standards and a significant reduction in time from arrest to trial.</li> <li>• Speedy trial is of the essence of criminal justice and there can be no doubt that delay in trial by itself constitutes denial of justice. It is interesting to note that in the United States, speedy trial is one of the constitutionally guaranteed rights.</li> </ul> <p>✓ <b><i>Maneka Gandhi v. Union of India [(1978) 2 SCR 621: (1978) 1 SCC 248]</i></b>          Recognized speedy trial as an integral and essential part of the fundamental right to life and liberty guaranteed under Article 21 of the Constitution.</p> <p>✓ <b><i>Katar Singh v. State of Punjab, 1961 AIR 1787, 1962 SCR (2) 395</i></b>          The right to speedy trial begins with the arrest of the accused and consequent incarceration and continues at all the stages of investigation, enquiry, trial, appeal and revision so that prejudice caused by the impermissible and avoidable delay can be averted.</p>	
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