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2.	Prof. (Dr.) Arup Poddar, <i>Indian Supreme Court on Precautionary Principle</i> , The World Journal on Juristic Policy, 2017
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CASE LAW	
1.	Centre for Environmental Law WWF 1 v. Union of India, Writ Petition(s)(Civil) No(s).337/1995; Order Dated: 28.01.2020 (Supreme Court) [The Supreme Court held that it is not desirable that the introduction of the the African Cheetahs into India be left to the sole discretion of the National Tiger Conservation Authority (NTCA). NTCA be guided and directed by the Committee of Experts in the field who would carry out the survey for the best location for introducing the African Cheetahs in India and take a careful decision about the viability of introducing this animal on a larger scale]
2.	Municipal Corporation of Greater Mumbai v. Worli Koliwada Nakhwa Matsya Vyavasay Sahakari Society Ltd and Others Petition(s) for Special Leave to Appeal (C) No(s).17471-17476/2019; Order Dated: 30-09-2022 (Supreme Court) [The Supreme Court observed that it is wrong to ask developing countries to halt projects citing climate change]
3.	Pahwa Plastics Pvt. Ltd. v. Dastak NGO, 2022 SCC OnLine SC 362 [The 1986 Act does not prohibit <i>Ex post facto</i> Environmental Clearance (EC), however, it should not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of <i>Ex post facto</i> approval outweigh the consequences of regularization of operations by grant of <i>Ex post facto</i> approval, and the establishment concerned otherwise conforms to the requisite pollution norms, <i>Ex post facto</i> approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it. An establishment contributing to the economy of the country and providing livelihood ought not to be closed down only on the ground of the technical irregularity of not obtaining prior Environmental Clearance irrespective of whether or not the unit actually causes pollution]
4.	In Re : TN Godavarman Thirumalpad v. Union of India, 2022 LiveLaw (SC) 540 [Guidelines issued by the Union Ministry for Ecologically Sensitive Zones (ESZ) near protected forests held to be reasonable. Further directions issued in relation to ESZ -No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ. Mining within the national parks and wildlife sanctuaries shall not be permitted. The court further held that Public Trust Doctrine is part of the law of land. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large]

5.	T.N. Godavarman Thirumulpad v. Union of India, 2022 LiveLaw (SC) 467 [Adherence to the principle of sustainable development is a constitutional requirement and the Precautionary Principle is an essential feature of the principle of 'Sustainable Development'. In case of a doubt, protection of environment would have precedence over the economic interest]
6.	Binay Kumar Dalei v. State of Odisha, (2022) 5 SCC 33 [The Supreme Court upheld the decision of NGT directing that mining activity shall not be permitted within and in the vicinity of Simplipal - Hadagarh - Kuldiha - Simplipal elephant corridor]
7.	Samaj Parivarthana Samudaya v. State of Karnataka, 2022 SCC OnLine SC 1104 [The Supreme Court lifted curbs on iron sale and export from mines in Karnataka and relaxes the directions issued in 2011]
8.	Madhya Pradesh High Court Advocates Bar Association v. Union of India, 2022 SCC OnLine SC 639 [The role of the NGT was not simply adjudicatory, but it also had the equally vital role which is preventive, ameliorative, or of the remedial category. The Court further held that NGT under Section 14 & 22 of the NGT Act does not oust the High Court's jurisdiction under Article 226 & 227 as the same is a part of the basic structure of the Constitution]
9.	Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat, 2022 SCC OnLine SC 120 [NGT cannot refuse to hear a challenge to an Environmental Clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an expert committee]
10.	Narinder Singh and Others v. Divesh Bhutani and Others 2022 SCC OnLine SC 899 [The Supreme Court held that prior permission of the Central Government is required to allow any change of user of forest or deemed forest land]
11.	D. Swamy v. Karnataka State Pollution Control Board, 2022 SCC OnLine SC 1278 [The Supreme Court reiterated that the grant of <i>ex post facto</i> environmental clearance in exceptional cases is not impermissible]
12.	Electrosteel Steels Ltd. v. Union of India, 2021 SCC OnLine SC 1247 [The question was whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to the establishment to regularize its operation by obtaining the requisite clearances and permissions, even though the establishment may not otherwise be violating pollution laws, or the pollution, if any, can conveniently and effectively be checked. The answer was held to be in the negative]
13.	Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others, 2021 SCC OnLine SC 897 [NGT is not merely an adjudicatory forum; Inquisitorial functions are also available with it to protect environment]
14.	Hospitality Association of Mudumalai v. In Defence of Environment and Animals and Others, (2020) 10 SCC 589 [It was held that the State Government is empowered to take measures to protect forests and wildlife falling within its territory in light of Entries 17A 'Forest' and 17B 'Protection of wild animals and birds' in the concurrent list and the power of the State Government under the Wildlife Act to notify Sanctuaries and other protected areas. Therefore, State Government was empowered to protect the habitats situated on a private land by notifying an elephant corridor]
15.	Animal Welfare Board of India v. A. Nagaraja and Others, 2014 7 SCC 547 [The Supreme Court held that <i>Jallikattu</i> is not an exception under the Protection of Animals from Cruelty Act on the account of human necessities since the pain, suffering and anxiety inflicted to bulls during <i>Jallikattu</i> events is primarily for the pleasure of humans and can be easily avoided]
16.	Centre For Environmental Law WWF-India v. Union of India, (2013) 8 SCC 234

	[The Court struck down an order of the Ministry of Environment, Forest & Climate Change to introduce the African Cheetahs in Kuno in Madhya Pradesh on the ground that they had not conducted any detailed study before passing the order of introducing 'foreign species' to the territory of India]
17.	Sansar Chand v. State of Rajasthan, (2010) 10 SCC 604 [The Court issued directions to Central and State Governments and their agencies to make all efforts to preserve the wild life of the country and take stringent actions against those who are violating the provisions of the Wildlife (Protection) Act, as this is necessary for maintaining the ecological balance in the country]
18.	Intellectuals Forum, Tirupathi v. State of A.P, (2006) 3 SCC 549 [The Court upheld a ban on the construction of tanks and new wells in an area suffering water shortage. The Court directed the adoption of rainwater harvesting and monitoring its efficacy]
19.	Karnataka Industrial Areas Development Board v. Sri. C. Kenchappa and Others, (2006) 6 SCC 371 [The Supreme Court dealt with the principles of sustainable development, polluter pays, precautionary principle, public trust doctrine, also emphasized on the requirement of carrying on an impact assessment and obtaining necessary clearance from the State Pollution Control Board and the Department of Ecology and Environment before execution of an industrial activity]
20.	Indian Handicrafts Emporium v. Union of India, (2003) 7 SCC 589 [The Supreme Court held that trade in ivory is totally prohibited under Chapter II-A of the Wildlife Protection Act, 1972 and any person who has obtained a certificate from the Chief Wild life Warden (CWW) may keep possession of such product but cannot sell it further. Such restriction was held to be 'reasonable' under Article 19(1)(g)]
21.	M. C. Mehta v. Union of India, (2002) 4 SCC 356 (Vehicular Pollution Case) [A four member committee, comprising of a retired supreme court judge was formed to recommend measures to control vehicular pollution nationwide. Orders were passed for the supply of lead-free petrol and use of natural gas and other fuels as substitutes for conventional fuels and also carried out]
22.	Andhra Pradesh Pollution Control Board II v. M.V. Nayudu, (2001) 2 SCC 62 [The Court held that in the environmental field, where the uncertainty of scientific opinions have created serious problems for the courts. Uncertainty becomes a problem when scientific knowledge is institutionalized in policy-making by agencies and courts]
23.	Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496 [The Supreme Court held that the government and other authorities had noticed that a pond was falling in disuse and, therefore, should have bestowed their attention to develop the same. Such an effort would, on one hand, have prevented ecological disaster and on the other, provided better environment for the benefit of the public at large]
24.	State of Karnataka v. K. Krishnan, (2000) 7 SCC 80 [Chapter VI of the Wildlife Protection Act, 1972 makes provision for control of timber and other forest produce in transit. The authorised officer has the power to seize any forest produce together with all tools, boats, vehicles or cattle or any other property used in connection with the commission of an offence in respect of any forest produce. As authorised officer has also the power to release the property seized under Section 62, all timber or forest produce, which is not the property of the Government and in respect of which a forest offence has been committed and all tools, boats, vehicles and cattle used in committing any forest offence are liable to forfeiture by the State Government subject to the provisions of Section 71-G of the Act]
25.	Narmada Bachao Andolan v. Union of India, (2000) 10 SCC 664 [The Court held that when there is a state of uncertainty due to lack of data or material about the extent of damage or pollution likely to be caused, then, in order to maintain the ecological balance, the burden of proof.....must necessarily be on the industry or unit which is likely to cause pollution. On the other hand where the effect on ecology or environment of setting up an industry is known, what has to be seen is that if the environment is likely to suffer, then what mitigating steps can be taken to offset the same. Merely because there will be a change is no reason to presume that there will be ecological disaster. It is when the effect of the project is known that the principle of sustainable development would come into play, which will ensure that mitigating steps are and can be taken to preserve the ecological balance]

26.	M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu, (1999) 6 SCC 464 [The Supreme Court applied the doctrine of Public Trust when it found that the Lucknow mahapalika entered into a contract with the petitioners for constructing an underground shopping complex beneath a park. The court held that the contract was without tender and also against the public trust doctrine, as the mahapalika had deprived themselves of their obligatory duties as a trustee to maintain parks.]
27.	Centre For Environmental Law WWF-I v. Union of India, (1998) 6 SCC 483 [The Court suo motu gave the directions to 17 States to comply with the provisions under Sec 33-A and Sec 34 of WPA, 1972]
28.	T.N. Godavarman Thirumulpad v. Union of India and Others, (1997) 2 SCC 267 [A petition to protect the deforestation of the forest by illegal timber operations in a forest was expanded by the Supreme Court to create its own monitoring and implementation system at regional and state levels to regulate the felling, use and movement of timber across the country, to preserve India's forest cover]
29.	S Jagannath v. Union of India, (1997) 2 SCC 87 [The Court held that Aquaculture industries functioning within 1km radius of the Chilika Lake must compensate the affected persons; Aquaculture functioning outside the CRZ should obtain prior permission and clearance from the authority within the prescribed time limit failing which they must stop their operations]
30.	M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388 [The apex court applied the doctrine of "Public Trust" for the first time. The government sanction to the deviation of the natural flow of the river for the sake of increasing the facilities of a motel was held to be violating the trust conferred on the state to protect the natural resources]
31.	M.C. Mehta (Taj Trapezium Matter) v. Union of India, (1997) 2 SCC 353 [The Court recognised the need for the protection of the Taj Mahal. The Court relied on the precautionary principle and held that environmental measures must "anticipate, prevent and attack the causes of environmental degradation". It also placed the onus of proof on an industry to show that it operates in a manner that is environmentally benign. This case thus broadened the definition of the right to live and was able to limit industrial practices that were harmful so as to protect people's right to live in a safe environment]
32.	Animal and Environmental Legal Defence Fund v. Union of India, (1997) 3 SCC 549 [The court issued additional conditions for granting fishing licenses which included: Each permit holder shall hold photo ID along with his photograph; these permits are neither transferable nor heritable; each permit holder shall have the right to enter the National Park and reach the reservoir using the highway only; daily record of entry and exit of such permit holders has to be maintained in a register; the fishermen shall be prohibited from lighting fires in the forests for cooking purpose, etc.]
33.	Ivory Traders and Manufacturers Association v. Union of India, AIR 1997 DEL 267 [The court declared that trade and businesses at the costs of disrupting life forms cannot be permitted even once. Further, it was held that Art 19 (1) (g) are not absolute and restrictions can be imposed on them in Public interest]
34.	Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647 [The court delivering directed all the Tanneries to deposit a sum of Rs. 10,000 as fine. The Court further held that though Tanneries are the major source of foreign exchange and also provides employment to several thousands of people, however, at the same time, it destroys the environment and poses a health hazard to everyone]
35.	Indian Council for Enviro-Legal Action and Others v. Union of India, (1996) 3 SCC 212 [The Court imposed a penalty upon the polluting industries, which was to be paid with compound interest since the industries had intentionally failed to comply with the court's directions, which had seriously impacted the lives of a significant number of residents in the vicinity of the plants. The "polluter pays" principle, entails that if an activity of harmful nature is carried out, then the individuals conducting these activities will be required to compensate those affected to make up for the damage that is caused, irrespective of the fact that precautionary measures were taken in carrying out the activity]
36.	Pradeep Krishen v. Union of India, 1996 (8) SCC 599 [The court held that for the tribal to acquire any rights over the forest land in the sanctuaries and national parks proper procedures have to be followed under the WPA, 1972. Till such procedure is complete, the State

	government cannot bar entry of the villagers or tribal into the Forest until such entry is likely to result in the destruction or damage to the environment of the area]
37.	Union Carbide Commission v. Union of India, (1991) 4 SCC 584 [The Supreme Court directed the UCC to pay sum of 470 Million U.S. Dollars i.e. Rs. 750 crore towards compensation to the victims for the full and final settlement in satisfaction of all past, present and future claims and the same was accepted by both the parties]
38.	Rural Litigation Entitlement Kendra (RLEK) v. Union of India AIR 1988 SC 2187 [The doctrine of sustainable development envisions a balance between development and ecology, so that the socio-economic needs of the country are served while reducing the adverse impact on the environment, and administrative and legislative measures for harmonizing environmental and developmental values should be formulated]
39.	M.C. Mehta v. Union of India & Ors., (1987) 4 SCC 463 (Kanpur Tanneries Case) [The Court held that the financial capacity of a tannery should be considered irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist, the tanneries which cannot set up a primary treatment plant cannot be permitted to continue]
40.	Sachidanand Pandey v. State of West Bengal, (1987) 2 SCC 295 [The Court held that whenever the matter of ecology is brought before the Court, the Court are not to shrug its shoulders saying that it is a matter for policy making authority]
41.	Municipal Council, Ratlam v. Shri Vardhichand & Others, (1980) 4 SCC 162 [The court upheld public nuisance as a challenge to the component of social justice and rule of law and that decency and dignity are the non-negotiable facets of human rights]
SESSION 2 BAIL JURISPRUDENCE: NUANCES AND INTRICACIES	
1.	Lokendra Malik and Shailendra Kumar, Personal Liberty Versus Societal Interest: The State of Bail Jurisprudence in India in TAKING BAIL SERIOUSLY THE STATE OF BAIL JURISPRUDENCE IN INDIA 405-26 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Lexis Nexis ed., 2020).
2.	Dipa Dube, Judicial Discretion in Grant of Bail in TAKING BAIL SERIOUSLY THE STATE OF BAIL JURISPRUDENCE IN INDIA 97-112 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Lexis Nexis ed., 2020)
3.	Sidharth Luthra and Aayushi Sharma Khazanchi, Seeking Consistency in Bail Jurisprudence in TAKING BAIL SERIOUSLY THE STATE OF BAIL JURISPRUDENCE IN INDIA 215-224 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Lexis Nexis ed., 2020)
CASE LAW	
1.	Satender Kumar Antil v. C.B.I., 2022 SCC Online SC 825 [Guidelines with respect to Arrest and Bail while striking a balance between the rights of the accused and the interest of a criminal investigation]
2.	Gopisetty Harikrishna v. State of Andhra Pradesh, 2022 SCC Online SC 654 [The Supreme Court granted interim bail as the trial had not commenced for 9 years. However, the applicant could not be released as he was not produced by the jail authorities before the Magistrate and due to COVID-19 situation, and the Supreme Court again passed the order to release him on bail as he had already served 11 years]
3.	Jagjeet Singh v. Ashish Mishra, 2022 SCC Online SC 453 [High Court order for grant of bail set aside while upholding victim's legal right to be heard at the bail stage]
4.	Ravikant Srivastava @ Ravi Kant Shrivastava v. The State Of Jharkhand and Another, Criminal Appeal No. 1803/2022 arising out of SLP (Criminal) No. 1771/2022

	[The Supreme Court sets aside a decision of the Jharkhand High Court to impose a precondition for anticipatory bail that the accused would have to deposit a Demand Draft of Rs. 10 lakhs as <i>ad interim</i> victim compensation in favour of his wife]
5.	Deepak Yadav v. State of U.P. and Another, 2022 SCC OnLine SC 672 [Court has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances - Illustrative circumstances where the bail can be cancelled cited]
6.	Meena Devi v. State of U.P. and Another, 2022 SCC OnLine SC 676 [Cancellation of Bail on account of lack of reason, mechanical recording of submissions and non- reflection of judicial mind by the Court while enlarging the accused on bail]
7.	P. v. State of Madhya Pradesh and Another, 2022 SCC OnLine SC 552 [Where an order for grant of bail passed by the court below is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the Appellate Court. Absence of cogent reasons and failure to refer to the relevant factors that weighed with the Court to grant bail is also an important factor that can persuade the Appellate Court to interfere with the order passed]
8.	Abhay Jain v. High Court of Judicature for Rajasthan and Another, 2022 SCC OnLine SC 319 [Held right of the accused to file bail application at any stage when undergoing imprisonment as an under-trial prisoner, and the fact that the two other co-accused had already been enlarged on bail was a valid reason for granting bail to accused]
9.	Y. v. State of Rajasthan and Another, 2022 SCC OnLine SC 458 [Reasoning is the life blood of the judicial system. That every order must be reasoned is one of the fundamental tenets of our system. An unreasoned order suffers the vice of arbitrariness. Parameters which must be considered while granting bail also discussed]
10.	Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497 [While considering bail applications, courts must exercise discretion in judicious manner and consider crime alleged to be committed by the accused on one hand and ensure purity of trial of the case on the other. While elaborating reasons may not be assigned for grant of bail, at the same time an order de hors reasoning or bereft of the relevant reasons cannot result in grant of bail and the same would entitle the prosecution or the informant to assail it before a higher forum]
11.	Kamla Devi v. State of Rajasthan, (2022) 6 SCC 725 [The Court deciding a bail application cannot completely divorce its decision from material aspects of the case such as the allegations made against the accused; severity of the punishment if the allegations are proved beyond reasonable doubt which would result in a conviction; reasonable apprehension of the witnesses being influenced by the accused; tampering of the evidence; the frivolity in the case of the prosecution; criminal antecedents of the accused; and a prima facie satisfaction of the Court in support of the charge against the accused]
12.	Manoj Kumar Khokhar v. State of Rajasthan, (2022) 3 SCC 501 [An order granting bail to an accused, if passed in a casual and cryptic manner, de hors reasoning which would validate the grant of bail, is liable to be set aside by this Court while exercising jurisdiction under Article 136 of the Constitution of India]
13.	Sunil Kumar v. State of Bihar, (2022) 3 SCC 245 [Considerations to be balanced while deciding to grant bail – Bail order passed in a mechanical and perfunctory manner set aside]
14.	Jaibunisha v. Meharban, (2022) 5 SCC 465 [Requirement of giving reasons in a bail order is the essence and is virtually a part of due process – Period of custody has to be weighed simultaneously with the totality of the circumstances and the criminal antecedents of the accused]
15.	Jayaben v. Tejas Kanubhai Zala (2022) 3 SCC 230 [Once order passed by High Court releasing accused on bail is found unsustainable, necessary consequences shall have to follow and bail has to be cancelled]

16.	Mohammad Azam Khan v. State of Uttar Pradesh, 2022 SCC OnLine SC 653 [Nature of offence and delay in registering FIR valid grounds for granting interim bail]
17.	Vijay Madanlal Choudhary v. Union of India, 2022 SCC OnLine SC 929 [The provision in the form of Section 45 of the 2002 Act, as applicable post amendment of 2018, is reasonable and has direct nexus with the purposes and objects sought to be achieved by the 2002 Act and does not suffer from the vice of arbitrariness or unreasonableness. The Court further held that for grant of bail, irrespective of the nature of proceedings, including those under Section 438 of CrPC or even upon invoking the jurisdiction of Constitutional Courts, the underlying principles and rigours of Section 45 may apply.]
18.	Sonu v. Sonu Yadav and Others, 2021 SCC OnLine SC 286 [Quality of reasoning more important than length of the reasoning while granting bail]
19.	Aparna Bhat v. State of M.P., 2021 SCC OnLine SC 230 [The judgment delved into the issue of gender stereotyping in judicial writing and prescribed the judges to be highly sensitive in their use of language as this is crucial for ensuring a fair trial – Guidelines for granting bail in sexual assault cases laid down]
20.	Dharmesh v. State of Gujarat, (2021) 7 SCC 198 [Can't impose compensation to victims as a bail condition]
21.	Nathu Singh v. State of U.P., (2021) 6 SCC 64 [The Court must balance the concerns of the investigative agency, complainant, and society at large with the applicant's concerns/interests, taking into consideration the legislative system under Section 438 of the Cr.P.C. notably the proviso to Section 438(1)]
22.	M. Ravindran v. Intelligence Officer Directorate of Revenue Intelligence, (2021) 2 SCC 485 [Courts cannot adopt a rigid or formalistic approach while interpreting Section 167(2) of Cr.P.C. – Default bail is an indefeasible right of the accused]
23.	Siddharth v. State of Uttar Pradesh, 2021 SCC OnLine SC 615 [The word “custody” in Section 170 doesn't imply Police or Judicial custody but, merely means presenting the accused before the court at the time when the charge sheet is filed – Not mandatory to arrest during filing of charge sheet – Anticipatory bail granted]
24.	Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana, (2021) 6 SCC 230 [Whether an order granting bail is a precedent on grounds of parity is a matter for future adjudication if and when an application for bail is moved on the grounds of parity on behalf of another accused...it is for that court before whom parity is claimed to determine whether a case for the grant of bail on reasons of parity is made out - The consent of parties cannot obviate the duty of the High Court to indicate its reasons why it has either granted or refused bail]
25.	Arnab Manoranjan Goswami v State of Maharashtra, (2021) 2 SCC 427 [Basic principle of criminal justice system is 'bail' not 'jail' – High Court must exercise its power under Article 226 to grant interim bail with caution and circumspection, cognizant of the fact that this jurisdiction is not a ready substitute for recourse to the remedy of bail under Section 439, Cr.P.C.- Factors for grant of bail/interim bail under Article 226 – Expeditious disposal of bail applications by resort to technology]
26.	Union of India v. K.A. Najeeb, (2021) 3 SCC 713 [Presence of statutory restrictions like Section 43-D(5) of the UAPA per se does not oust the ability of the constitutional courts to grant bail on grounds of violation of Part III of the Constitution.]
27.	Sarvanan v. State, (2020) 9 SCC 101 [Court cannot impose condition of deposit of money while granting Default/Statutory Bail under Section 167(2), Cr.P.C.]
28.	Sushila Aggarwal v State (NCT of Delhi), (2020) 5 SCC 1 [Grant of Anticipatory Bail under S. 438 of Cr.P.C. is ordinarily not limited to a fixed time period and should inure in favour of the accused till the conclusion of the Trial - Normal conditions under S. 437 (3) read with S. 438 (2) should be imposed while granting Anticipatory Bail however, it is open for the Courts to impose any appropriate condition or introduce any peculiar features depending upon the necessity]

29.	<p>Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 [Merely recording “having perused the record” and “on the facts and circumstances of the case” does not subserve the purpose of a reasoned judicial order. It is a fundamental premise of open justice, to which our judicial system is committed, that factors which have weighed in the mind of the Judge in the rejection or the grant of bail are recorded in the order passed. Questions of the grant of bail concern both liberty of individuals undergoing criminal prosecution as well as the interests of the criminal justice system in ensuring that those who commit crimes are not afforded the opportunity to obstruct justice. Judges are duty bound to explain the basis on which they have arrived at a conclusion]</p>
30.	<p>NIA v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1 [In view of the bar under proviso to Section 43D(5) of UA(P) Act, bail granted to the accused in terror funding case was set aside.]</p>
31.	<p>Dataram Singh v State of Uttar Pradesh, (2018) 3 SCC 22 [The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory]</p>
32.	<p>Sumit Mehta v. State (NCT of Delhi), (2013) 15 SCC 570 [While exercising power under Section 438 of the Code, the Court is duty-bound to strike a balance between the individual’s right to personal freedom and the right of investigation of the police – Conditions to be imposed with utmost restraint and it must have nexus with the object of granting bail]</p>
33.	<p>Gulabrao Baburao Deokar v. State of Maharashtra and Others, (2013) 16 SCC 190 [High Court has power under Section 439(2) to set aside unjustified, illegal or perverse order granting bail which is an independent ground for cancellation of bail as against the misconduct of the accused himself]</p>
34.	<p>Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 [In the absence of any time constraint within Section 438, the life of an order granting anticipatory bail ought not to be curtailed]</p>
35.	<p>Ram Govind Upadhyay v. Sudarshan Singh and Others, (2002) 3 SCC 598 [Need to indicate in the order, reasons for prima facie considering why bail is being granted and to take note of events subsequent after application for bail once being refused]</p>
36.	<p>Shaheen Welfare Association v. Union of India, (1996) 2 SCC 616 [Gross delay in disposal of cases would justify the invocation of Article 21 and the consequential necessity to release the under trial on bail.]</p>
37.	<p>Sanjay Dutt v. State, (1994) 5 SCC 402 [The Supreme Court held that right of default bail is available to the person only if the accused files an application before filing of the chargesheet. In case the chargesheet has been filed beyond the limitation provided under Section 167 Cr.PC., application for bail would be considered on merits.]</p>
38.	<p>Shri Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 [Section 438(1) should be interpreted in the light of Article 21 - Grant of anticipatory Bail as a matter of right should not be limited by time - Court could impose appropriate restrictions on a case-by-case basis - the term “reason to believe” means the apprehension must be founded upon reasonable grounds and not just a mere ‘belief’ or ‘fear’]</p>
39.	<p>Gudikanti Narsimhulu v. Public Prosecutor, (1978) 1 SCC 240 [The provision of bail preserves and maintains the ideal of liberty and freedom inherent in Article 21 and has a clear link to it - Questions like "bail or jail?" and "at the pre-trial stage or post-conviction stage?" belonged to the blurred area of the criminal justice system and largely hinges on the hunch of the bench, otherwise called judicial discretion – Principles for granting or refusing bail considered]</p>
40.	<p>Moti Ram v. State of Madhya Pradesh, (1978) 4 SCC 47 [Bail covers both release on one’s own bond, with or without sureties and when sureties should be demanded and what sum should be insisted on are dependent on variables]</p>

SESSION 3
DEVELOPING EFFICIENT JUDICIAL SYSTEM: COURT AND CASE MANAGEMENT

1.	Justice R.V. Reaveendran, <i>Justice Delivery – Some Challenges and Solutions</i> , 2022 8 SCC (J-1)
2.	JUSTICE R. BANUMATHI, JUDICIARY, JUDGES AND THE ADMINISTRATION OF JUDGES 181-192 (Thompson Reuters 2020)
3.	Abhishek Singhvi, Beating the Backlog - Reforms in Administration of Justice in India in JUDICIAL REVIEW PROCESS, POWERS AND PROBLEMS 46-59 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Cambridge University Press ed., 2020)
4.	Richard Susskind, <i>The Future of Courts</i> , 6(5) Remote Courts 1-16 (2020)
5.	Dory Reiling and Francesco Contini, <i>E-Justice Platforms: Challenges for Judicial Governance</i> , 13(1) International Journal for Court Administration 1-18 (2022)
6.	Jyoti Rattan and Vijay Rattan, <i>The COVID-19 Crisis – the New Challenges Before the Indian Justice and Court Administration System</i> , 12(2) International Journal for Court Administration 11 (2021)
7.	Mitu Gulati & Richard A. Posner, <i>The Management of Staff by Federal Court of Appeals Judges</i> , 69(2) Vanderbilt Law Review 479-498 (2016)
8.	Supreme Court E-Committee Documents: - The Milestones Of e-Committee, Supreme Court Of India (2021) - Various initiatives of e-committee, Supreme Court of India: A Compilation - Digital Courts Vision & Roadmap

CASE LAW

1.	Criminal Trials Guidelines regarding Inadequacies and Deficiencies, In Re v. The State Of Andhra Pradesh & Ors., (2021) 10 SCC 598 [All High Courts shall take expeditious steps to incorporate Draft Rules, 2021 as part of the rules governing criminal trials, and ensure that the existing rules, notifications, orders and practice directions are suitably modified, and promulgated (wherever necessary through the Official Gazette) within 6 months. If the state government's co-operation is necessary in this regard, the approval of the concerned department or departments, and the formal notification of the said Draft Rules, shall be made within the said period of six months]
2.	All India Judges' Association v. Union of India, (2018) 17 SCC 555 [The Supreme Court held that without robust judiciary will not be able to function at its optimum level. Strengthening judicial infrastructure requires immediate attention in terms of planning, budgeting and execution]
3.	Krishnakant Tamrakar v. State of Madhya Pradesh, (2018) 17 SCC 27 [The Court observed that there is a need to revisit decongestion of constitutional courts possibility of five year old cases pending in the High Courts particularly the criminal appeals within the existing system]
4.	Hussain and Another v. Union of India, (2017) 5 SCC 702 [The Court held that speedy trial is a part of reasonable, fair and just procedure guaranteed under Article 21. This constitutional right cannot be denied even on the plea of non-availability of financial resources. The court is entitled to issue directions to augment and strengthen investigating machinery, setting-up of new courts, building new court houses, providing more staff and equipment to the courts, appointment of additional judges and other measures as are necessary for speedy trial]
5.	Imtiyaz Ahmed v. State of Uttar Pradesh, (2017) 3 SCC 658 [The Supreme Court endorsed view of the Law Commission in its 120th Report and directed that ratio of 50 Judges per million be achieved within a period of five years and not later than 10 years. The Court further issued directions for revision of unit method]

6.	Ramrameshwari Devi v. Nirmala Devi, (2011) 8 SCC 249 [The Court provided steps to trial courts in order to curb delay in civil litigation through which the existing system can be drastically changed or improved]
7.	In Re. Guidelines for Court Functioning Through Video Conferencing During Covid19 Pandemic, (2021) 5 SCC 454 [The video conferencing in every High Court and within the jurisdiction of every High Court shall be conducted according to the rules for that purpose framed by the High Court]
8.	In Re. Guidelines for Court Functioning Through Video Conferencing During Covid19 Pandemic, (2020) 6 SCC 686 [The Court issued guidelines for functioning of courts through video conferencing. It was observed that Courts at all levels respond to the call of social distancing and ensure that court premises do not contribute to the spread of virus]
9.	Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639 [The Court observed that technology can be used for expeditious disposal of cases and enhance transparency. The court also explored the feasibility of live streaming of court proceedings]
10.	Pradyuman Bisht v. Union of India, (2018) 15 SCC 433 [The Court directed for installation of CCTV cameras inside courts and at such important location of court complexes as may be considered with monitor thereof in the chamber of District Judge]
SESSION 4 LAW OF CONTEMPT	
1.	SAMARADITYA PAL, THE LAW OF CONTEMPT 43-309 (Lexis Nexis Butterworths Wadhwa Nagpur 2013)
2.	GAUTAM BHATIA, OFFEND, SHOCK, OR DISTURB - FREE SPEECH UNDER THE INDIAN CONSTITUTION 238-254 (Oxford University Press 2016)
3.	K.K. VENUGOPAL & GOPAL SUBRAMANIAM, RESTATEMENT OF INDIAN LAW: CONTEMPT OF COURT 68-75 (CCH 2011)
4.	The King against Almon (1765) in NOTES OF OPINIONS AND JUDGMENTS DELIVERED IN DIFFERENT COURTS BY THE RIGHT HONOURABLE SIR JOHN EARDLEY WILMOT 243-271 (L. Hansard, 1802) [Undelivered judgment of Justice Wilmot which coined the term “scandalizing judiciary/court/judge”]
CASE LAW	
1.	In Re: Perry Kansagra, 2022 SCC OnLine SC 1516 [Supreme Court sentenced Kenyan citizen of Indian origin to one year imprisonment for Contempt of Court on furnishing false statement/false affidavit/false undertaking to deceive the court.]
2.	P.R. Adikesavan v. The Registrar General, High Court of Madras and Another, 2022 SCC OnLine SC 700 [The Supreme Court dismissed an appeal filed by the appellant-advocate against the judgment of the Madras High Court sentencing him to two weeks of simple imprisonment and debaring him from practicing for a period of one year as the appellant obstructed the process of justice when the non-bailable warrant was sought to be served on him]
3.	Urban Infrastructure Real Estate Fund v. Dharmesh S. Jain and Another, (2022) 6 SCC 662 [Having taken advantage of the extended time period, the respondent contemnor cannot take the plea cannot take the plea that non-compliance with the condition of deposit would only render the arbitrator’s award enforceable and that such failure to comply would have no consequences under the Contempt of Court Act]
4.	High Court of Judicature at Bombay v. Mathew J. Nedumpara, Advocate, 2022 SCC

	<p>OnLine Bom 3214 [Everyone has bad days. Counsel - and possibly even judges - are no exceptions. The question is how such a momentary lapse should be approached. Courts are, after all, institutions of a great formality. The administration of justice, and more particularly public faith in the administration of justice, depends not just upon how it is administered, but also on how it is seen to be administered. Where there is an apology that meets the requirements of the statute itself, and is to the satisfaction of the Court, surely no further action is required.]</p>
5.	<p>M/s Daiichi Sankyo Company Ltd. v. Oscar Investments Limited and Others, 2022 SCC OnLine SC 1281 [The Supreme Court held that the former promoters of Fortis Healthcare have “failed to purge themselves of contempt” by not making a genuine attempt to pay Rs 1170.95 crore each towards honouring an arbitral award against them, and handed down six months jail term to them.]</p>
6.	<p>Suraz India Trust v. Union of India, (2021) SCC OnLine SC 833 [The power to punish for contempt is a constitutional power vested in this court which cannot be abridged or taken away even by legislative enactment]</p>
7.	<p>Committee of Creditors of AMTEK Auto Ltd. v. Dinkar Venkatasubramanian (2021) 4 SCC 457 [Even though the conduct of DVI was lacking in bona fides, it would not be appropriate to exercise contempt jurisdiction of the court as setting up an untenable plea should not in and by itself invite penal consequences which emanate from contempt.]</p>
8.	<p>In re Prashant Bhushan (2021) 3 SCC 160 [No doubt, free speech is essential to democracy, but it cannot denigrate one of the institutions of democracy. Rights under Article 19(1) (a) are subject to reasonable restrictions under Art. 19(2) and rights of others cannot be infringed in the process. Hostile criticism of the Judges or judiciary amounting to scandalising the court is not protected under Art. 19(1) (a) of the Constitution. Though a fair criticism of judgment is permissible in law, a person cannot exceed the right under Article 19(1) (a) of the Constitution to scandalise the institution.]</p>
9.	<p>In re Prashant Bhushan, (2021) 1 SCC 745 [If the vilification is directly scandalising the administration of justice, thereby, dwindling the trust and confidence of the public at large, that forms the foundation of justice, towards the judiciary, then such act should mandatorily be punished through contempt proceedings]</p>
10.	<p>National Lawyers’ Campaign for Transparency and Reforms v. Union of India, (2020) 16 SCC 687 [The main purpose of the Court is to administer justice in accordance with the law. As a result, it is generally accepted that Court hearings must always be conducted with dignity and order. The Court’s lawyer is supposed to be a responsible officer of the Court. According to the court, lawyer’s actions amount to a flagrant contempt of the court, and it is essential to take legal action in accordance with the Contempt of Court Act of 1971.]</p>
11.	<p>SEBI v. Subrata Roy Sahara, (2019) 13 SCC 333 [The Apex Court has clearly laid down that apology tendered is not to be accepted as a matter of course. The Court can reject the apology and impose punishment recording reasons for the same, particularly where the words are calculated and clearly intended to cause insult, an apology tendered lacks penitence, regret or contrition may not be accepted. An apology should not be paper apology and it should come from heart as “contrition is the essence of the purging of contempt.”]</p>
12.	<p>Ashok Kumar v. Dipendar Singh., (2019) 8 SCC 280 [Contempt against a non-party may be permissible in a case of aiding or abetting for contempt.]</p>
13.	<p>K. Arumugam v. V. Balakrishnan and Others, (2019) 18 SCC 150 [While exercising contempt jurisdiction, court has to confine itself to the four corners of the order alleged to have been disobeyed and it cannot travel beyond such order.]</p>

14.	Rakesh Tiwari v. Alok Pandey CJM, (2019) 6 SCC 465 [In cases of criminal contempt of court by advocates, sentence/sanctions of debarment from making appearances in court/debarment from entering court premises in addition to, or in substitution of, imprisonment and fine may be imposed.]
15.	Pharmacy Council of India v. Atmaram Dariyani, (2018) 11 SCC 341 [In a case where interpretation of rules is involved, or where the Order itself is not clear and capable of different interpretations, the contempt is not willful.]
16.	H.N. Jagannath v. State of Karnataka, AIR 2017 SC 5805 [It is a clear case of contempt committed by repeatedly approaching the courts of law for almost the same relief which was negated by the courts.]
17.	In re: Hon'ble Justice C. S. Karnan, (2017) 7 SCC 1 [The 7-Judge bench of the Supreme Court dealt with a contempt committed by a High Court judge by open denouncement in public, by making unsubstantiated/baseless obligations, disparaging letters to the Constitutional functionaries and passing illegal orders against 33 former and sitting Judges (named) of the Supreme Court and High Courts to ridicule the judiciary and particularly the Supreme Court. He initiated criminal cases against sitting Judges, restrained them from travelling abroad and sentenced them to 5 years rigorous imprisonment without following any procedure known in law despite knowing the fact that the Supreme Court had withdrawn all his judicial and administrative powers. The contemnor was punished and sentenced to 6 months imprisonment.]
18.	Mahipal Singh Rana v. State of UP, (2016) 8 SCC 335 [Regulation of right of appearance in courts is within jurisdiction of courts and not Bar Councils. Thus, court can bar convicted advocate from appearing/pleading before any court for an appropriate period of time, till convicted advocate purges himself of the contempt, even in absence of suspension or termination of enrolment/right to practise/licence to practice.]
19.	M. V. Jayarajan v. High Court of Kerala, (2015) 4 SCC 81 [The Court observed that any foul language used against the court or disrupting the administration of justice should be combated and prevented. Any encumbrance faced by the judiciary in tendering any judgment is said to obstruct the dispensing of justice and must be repulsed. The Court stated that no person can use abusive language against the judges and threaten them to step down from their offices. Further, the Court observed that the appellant showed no remorse or guilt and was not apologetic for his remarks against the judges. Therefore, the Court upheld the decision of the Kerala High Court except it reduced the sentence from six months to four months.]
20.	E. Bapanaiah v. K S Raju, (2015) 1 SCC 451 [Powers of the High Courts to punish for contempt including the powers to punish for contempt of itself flow from Article 215 of the Constitution of India. Section 10 of the Contempt of Courts Act, 1971 empowers the High Courts to punish contempt of its subordinate courts. The Company Law Board is judicially subordinate to the High Court and, even if its administrative control is held not to vest in the High Court under Section 10 of the 1971 Act.]
21.	Union of India v. Ashok Kumar Aggarwal, AIR 2014 SC 1020 [Refusal to obey final order and attempt to overreach the same was held, tantamount to contempt of court, legal malice and arbitrariness as it is not permissible for executive to scrutinize order of court.]
22.	Bal Kishan Giri v. State of Uttar Pradesh, (2014) 7 SCC 280 [An advocate alleged that a Judge would grant bail to the accused, prior to consideration of the bail Application, was convicted by the High Court and Supreme Court in spite of the fact that the procedure prescribed in Chapter 35E of the Allahabad High Court Rules had not been followed and charges had not been framed for the reason that the contemnor had admitted in his Affidavit that he had written the letter containing scandalous allegation against such a Judge. In such a case, application of principles of natural justice becomes a futile exercise on the face of admission of the charge.]
23.	Subramanian Swamy v. Arun Shourie, (2014) 12 SCC 344

	[The Court may permit the contemnor to defend himself justifying by truth as a valid defense, if the defense is bona fide.]
24.	Sahara India Real Estate Corporation Ltd., v. SEBI, (2012) 10 SCC 603 [Fair and accurate report of judicial proceedings is not contempt as open justice permits fair and accurate reporting of Court proceedings.]
25.	Kanwar Singh Saini v. High Court of Delhi, (2012) 4 SCC 307 [Remedy for disobedience of the interim Order of a civil court/ undertaking given to the Court would be moving an Application under Order XXXIX Rule 2A. After decreeing the Suit, such Application is not maintainable and execution proceedings have to be filed under Order XXI, CPC for enforcement of such Decree or undertaking but contempt proceedings would not lie.]
26.	Muthu Karuppan v. Parithi Ilamvazhuthi, AIR 2011 SC 1645 [When the matter has a greater impact on the administration of justice and on the justice delivery system, the Court is competent to take cognizance of contempt even without the consent of the Advocate General.]
27.	R.S. Sujatha v. State of Karnataka, (2011) 5 SCC 689 [“ <i>Affirmanti Non Neganti Incumbit Probatio</i> ” meaning thereby “the burden of proof lies on the one who asserts and not the one who denies” has its due application in the matter of proof of allegation, said to constitute the contempt. The standard of proof is that of a criminal case i.e., beyond reasonable doubt and where two views are possible the contemnor becomes entitled to benefit of doubt.]
28.	Sadhna Upadhyaya v. State of UP, 2009 SCC OnLine All 367 [The right of appeal under Section 19 of the Act, cannot be restricted only against an order of punishment. Assumption of contempt jurisdiction in the absence of competency or the same being without jurisdiction, the contemnor cannot be compelled to wait for conviction. The contemnor can challenge the lack of competence/jurisdiction in an appeal under sub-section 3 of Section 19 of the Act.]
29.	Sahdeo @ Sahdeo Singh v. State of Uttar Pradesh, (2010) 3 SCC 705 [Supreme Court set aside the conviction of the Contemnor, awarded by the High Court, on the ground that the Court did not follow the procedure prescribed under Chapter 35E of Allahabad High Court Rules, 1952, which requires supplying of documents, to be relied upon by the Court and framing of charges.]
30.	Leila David v. State of Maharashtra, AIR 2010 SC 862 [Section 14 of the Contempt of Courts Act no doubt contemplates issuance of notice and an opportunity to the contemnors to answer the charges in the notice to satisfy the principles of natural justice. However, where an incident of the instant nature takes place within the presence and sight of the learned Judges, the same amounts to contempt in the face of the Court and is required to be dealt with at the time of the incident itself. This is necessary for the dignity and majesty of the courts to be maintained. When an object, such as a footwear, is thrown at the Presiding Officer in a court proceeding, the object is not to merely scandalise or humiliate the Judge, but to scandalise the institution itself and thereby lower its dignity in the eyes of the public.]
31.	Hari Singh Nagra v. Kapil Sibal, (2010) 7 SCC 502 The concept of fair and reasonable criticism was established with respect to contempt proceedings. The Court observed that any ridicule brought towards the judges and the courts, that hampers the confidence and belief of the public thereby deteriorating the foundation of justice must be prevented at all times. But any criticism which is reasonable, rational and sober, not coloured by any tactics must be welcomed. In accordance with Article 19(1)(a) of the Constitution, freedom of speech and expression when used by the Press and the people to fairly criticize any judgment of the court, then no criminal contempt is said to be committed in such cases. Rather it is treated as a necessary right of the people. Therefore, fair and reasonable criticism on the working of the judges and the courts can be made without condemning it as contempt of court.
32.	Bal Thackrey v. Harish Pimpalkhute, AIR 2005 SC 396 [In addition to power to take cognizance of its own motion, the High Court can also take cognizance if the motion is made by the Advocate General or any person with the consent, in writing, from the Advocate General, or on a reference made by the subordinate Court to the High Court. The consent so required is to avoid frivolous trial.]

33.	<p>Harish Uppal (Ex-Capt.) v. Union of India, (2003) 2 SCC 45 [If a lawyer refuses to attend the court, it is not only unprofessional but also unbecoming of a lawyer dis-entitling him to continue to appear in Court.]</p>
34.	<p>In Re: Arundanti Roy, AIR 2002 SC 1375 [Fair criticism of the conduct of a judge, or judiciary made in good faith and in public interest may not amount to contempt. However, citizens cannot be permitted to comment upon the conduct of the Court in the name of fair criticism which, if not checked, would destroy the Institution itself.]</p>
35.	<p>Supreme Court Bar Association v. Union of India, AIR 1998 SC 1895 [When a lawyer is convicted for contempt, the Court cannot restrain him from appearance in court as it is the exclusive prerogative of the Bar Council to pass such order in disciplinary proceedings.]</p>
36.	<p>DDA v. Skipper Construction, (1996) 4 SCC 622 [Contemnor cannot enjoy the fruits of the contempt.]</p>
37.	<p>Pritam Pal v. High Court of Madhya Pradesh, Jabalpur, AIR 1992 SC 904 [The jurisdiction vested is a special one not derived from any other statute but derived only from Articles 129 and 215. The constitutionally vested right cannot be either abridged, abrogated or cut down by legislation including the Contempt of Courts Act.]</p>
38.	<p>Delhi Judicial Service Assn. v. State of Gujarat, AIR 1991 SC 2176 [A contemner is not in the position of an accused, it is open to the court to cross-examine the contemner and even if the contemner is found to be guilty of contempt, the court may accept apology and discharge the notice of contempt, whereas tendering of apology is no defence to the trial of a criminal offence.]</p>
39.	<p>Sheela Barse v. Union of India and Others, AIR 1988 SC 2211 [Any fair criticism of any Judicial Act, on merits, which has been finally decided, is not contempt.]</p>
40.	<p>P.N. Duda v. P. Shivshanker, (1988) 3 SCC 167 [Judgment can be criticised but motives cannot be attributed to the Judges as it affects the faith in administration of justice.]</p>
41.	<p>Amrit Nahata v. Union of India, AIR 1986 SC 791 [The petitioner who has moved for taking action in contempt is not entitled as a matter of right to withdraw the petition whenever it suits his purpose. The matter is primarily between the Court and the contemner and it is for the Court to decide whether the contempt has been committed or not or whether it is appropriate to take action or at a later date whether to drop the proceedings.]</p>
42.	<p>S.K. Sarkar v. Vinay Chandra Sharma, AIR 1981 SC 723 [High Court can initiate the proceedings for any criminal contempt of a subordinate court, suo moto or on a reference by the subordinate court or on a motion made by the Advocate General. The provisions of Sections 10 and 15 have to be read harmoniously as the High Court and the Supreme Court can exercise the suo moto power under Article 129 and 215 of the Constitution.]</p>
43.	<p>Purushotam Dass Goel v. Hon'ble Mr. Justice B.S. Dhillon, AIR 1978 SC 1014 [No appeal can lie as a matter of right from any kind of order made by the High Court in the proceeding for contempt. The proceeding is initiated under section 17 by issuance of a notice. Thereafter, there may be many interlocutory orders passed in the said proceeding by the High Court. It could not be the intention of the legislature to provide for an appeal to the Court as a matter of right from each and every such order made by the High Court. The order or the decision must be such that it decides some bone of contention raised before the High Court affecting the right of the party aggrieved. Mere initiation of a proceeding for contempt by the issuance of the notice on the prima facie view that the case is a fit one for drawing up the proceeding, does not decide any question.]</p>
44.	<p>In Re. S. Mulgaokar, 1978 (3) SCC 339 [The power to punish for contempt is a rare species of judicial power, which by the very nature, calls for exercise with great care and caution. Such power ought to be exercised only where "Silence is no longer an option".]</p>

45.	Baradakanta Mishra v. Justice Gatikrushna Misra, C.J. of the Orissa H.C, AIR 1974 SC 2255 [The motion or reference is only for the purpose of drawing the attention of the Court to the contempt alleged to have been committed and it is for the Court, on a consideration of such motion or reference, to decide, in exercise of its discretion, whether or not to initiate a proceeding for contempt. The Court may decline to take cognizance and to initiate a proceeding for contempt either because in its opinion no contempt prima facie appears to have been committed or because, even if there is prima facie contempt, it is not a fit case in which action should be taken against the alleged contemner.]
46.	R.L. Kapur v. State of Madras, AIR 1972 SC 858 [The Contempt powers of all courts of record are inherent being necessary and incidental to maintain the dignity of the Court and enforce its order. Power to punish for contempt is to secure public respect and confidence in judicial process.]
47.	E. M. Sankaran Namboodiripad v. T. Narayanan Nambiar, AIR 1970 SC 2015 [Articles 19(1) (a) and 19(2) have to be read with Articles 129 and 215 – Freedom cannot prevail if contempt is manifest, mischievous or substantial. Scandalising the judiciary of India, as a whole was held to be contempt.]
48.	Mulraj v. Murti Raghunathji Maharaj, AIR 1967 SC 1386 [The Supreme Court considered the case were the subordinate court proceeded with the case in spite of interim stay granted by the High Court. The court held that as the interim order passed by the High Court had not been communicated to the subordinate court, the question of wilful defiance did not arise and therefore the question of contempt did not arise.]
49.	In re, Powers, Privileges and Immunities of State Legislatures, AIR 1965 SC 745 [A Judge of a High Court who entertains or deals with a petition challenging any order/decision or resolution of a Legislature imposing any penalty or issuing any process against any person for its contempt, or for infringement of its privileges and immunities does not commit contempt of the said Legislature; and the said Legislature is not competent to take proceedings against such a Judge in the exercise and enforcement of its power, privileges and immunities.]

SESSION 5
DIMENSIONS OF LAW GOVERNING MEDICAL PRACTITIONERS VIS-À-VIS MORALITY AND ETHICS

1.	K. KANNAN, MEDICINE AND LAW 56- 171 (Oxford University Press 2014)	
2.	SHAUN D. PATTINSON, MEDICAL LAW AND ETHICS 1-28 (Sweet and Maxwell 2014)	
3.	JOSÉ MIOLA, MEDICAL ETHICS AND MEDICAL LAW 33-54 (Hart Publishing 2007)	
4.	Lady Justice Arden, Law of Medicine and the Individual: Current Issues – What Does Patient Autonomy Mean for the Courts? in DIMENSIONS OF JUSTICE 281-313 (Sujata V. Manohar, Eastern Book Company ed., 2018)	
5.	Global Health Ethics – Key Issues , World Health Organization 1-24 (2015)	
6.	K. KANNAN, MEDICINE AND LAW 454-490 (Oxford University Press 2014)	
7.	Vivek Kute et al, <i>Deceased-Donor Organ Transplantation in India: Current Status, Challenges, and Solutions</i> , 2 Experimental and Clinical Transplantation 31-42 (2020)	

CASE LAW

1.	In Re: Distribution of Essential Supplies and Services during Pandemic, (2021) 7 SCC 772 [Vaccine production, procurement and distribution model.]
2.	Moideenkuty and Others v. The District Level Authorisation Committee For Transplantation Of Human Organs, GMC Kozhikode, 2021 SCC OnLine Ker 4315

	[When Section 9(3) permits transplant of organs to persons not being a near relative, with the prior approval of the Authorisation Committee, there is no logic or rationale to say that swap transaction will not be allowed when members of each pair are not near relatives, even if the Authorisation Committee approves such transaction.]
3.	Radhakrishna Pillai v. The District Level Authorisation Committee For Transplantation Of Human Organs, Ernakulam 2021 SCC OnLine Ker 3499 [The Kerala High Court set aside an order of the Ernakulam District Level Authorisation Committee for Transplantation of Human Organs that turned down a request for organ transplantation saying that the donor is involved in multiple criminal cases.]
4.	Saurav Suman Through his Mother Mrs. Baby Devi v. Government of NCT of Delhi and Another, 2021 SCC OnLine Del 4517 [Minors shall be permitted to donate living organ or tissue on exceptional medical grounds.]
5.	Shashank Deo Sudhi v. Union of India, (2020) 5 SCC 132 [Directed that testing for Covid 19 whether by government or approved private labs shall be free of cost; and only NABL accredited labs or any agencies approved by WHO.]
6.	Jerryl Banait v. Union of India, (2020) 20 SCC 686 [Elaborate guidelines issued concerning making available PPE kits to doctors and other medical staff and providing security and protection to them while performing their duties.]
7.	In Re: The Proper Treatment Of Covid 19 Patients and Dignified Handling Of Dead Bodies In The Hospitals Etc., Suo Motu Writ Petition (Civil) No(s). 7/2020, Order Dated 19.06.2020) [The Court issued multiple directions to both State and Centre regarding hospital management, testing, treatment of patients, etc. The Ministry of Health and Family Welfare was also directed to form a Committee for inspection and issuance of further directions to the hospitals in NCT of Delhi.]
8.	Maharaja Agrasen Hospital v. Rishabh Sharma, (2020) 6 SCC 501 [A doctor has a legal duty to exercise 'due care' and that it includes within it a 'duty to inform' the patient (and the family) of the risks involved in the proposed treatment. If the breach of these two duties leads to injury or damage to a patient, an actionable claim for compensation arises.]
9.	Anshita Bansal v. Secretary Ministry of Health and Family Welfare and Others, 2020 SCC OnLine Del 494 [There is no complete prohibition in a minor donating an organ or tissue prior to attaining majority. Donation is permissible but in exceptional circumstances and in accordance with the rules.]
10.	Vinod Jain v. Santokba Durlabhji Memorial Hospital and Another, (2019) 12 SCC 229 [Wrong diagnosis is not medical negligence]
11.	Pattu Rajan v. State of Tamil Nadu, (2019) 4 SCC 771 [The probative value accorded to DNA evidence, like all other opinion evidence, also varies from case to case, depending on facts and circumstances and the weight accorded to other evidence on record, whether contrary or corroborative. Thus, it cannot be said that the absence of DNA evidence would lead to an adverse inference against a party, especially in the presence of other cogent and reliable evidence on record in favour of such party.]
12.	Common Cause (A Regd. Society) v. Union of India, (2018) 5 SCC 1 [The right to die with dignity is a fundamental right. An individual's right to execute advance medical directives is an assertion of the right to bodily integrity and self-determination and does not depend on any recognition or legislation by a State. Thus, the judgment has paved the way for the terminally ill patients to seek death through the passive euthanasia under a "living will".]
13.	National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680 [Guidelines on compensation in Motor Accident Claims]

14.	<p>Montgomery v. Lanarkshire Health Board [2015] UKSC 11 [Drastic shift from the “Bolam Test’ on the issue of informed consent - There is a legal duty of the Doctor to ensure that the patient is aware of any material risks as determine by what a reasonable person would wish to know in the circumstances and any reasonable alternative treatments.]</p>
15.	<p>V. Krishnakumar v. State of Tamil Nadu and Others, (2015) 9 SCC 388 [Two pediatrics doctors were held negligent and Government of Tamil Nadu and Director General of Health Services were also held liable for compensation by applying the doctrine of apportionment of liability and vicarious liability. This case highlighted and applied various doctrines like vicarious liability, importance of proper and relevant record keeping, timely referral and standard precautions and method of calculation of amount of compensation and factors relevant for computation of compensation.]</p>
16.	<p>Balram Prasad v. Kunal Saha, (2014) 1 SCC 384 [The Supreme Court enhanced the compensation amount from Rs 1.73 crore to Rs 5.96 crore and asked AMRI and the doctors to pay the amount and also asked to pay interest at the rate of 6 per cent from the date of filing of the complaint in 1999 till the actual date of payment to claimant. Noting an increasing number of medical negligence cases coming before the consumer forums, the court said it hopes this verdict “acts as a deterrent and a reminder to those doctors, hospitals, the nursing homes and other connected establishments who do not take their responsibility seriously”.]</p>
17.	<p>V. Kishan Rao v. Nikhil Super Speciality Hospital and Another, (2010) 5 SCC 513 [There cannot be a mechanical or straitjacket approach that each and every medical negligence case must be referred to experts for evidence - declared that the judgment rendered in Martin F.D’Souza v. Mohd. Ishfaq is <i>per incuriam</i>.]</p>
18.	<p>Kusum Sharma and Others v. Batra Hospital and Others, (2010) 3 SCC 480 [Guiding principles to be followed in deciding whether the medical professional is guilty of medical negligence.]</p>
19.	<p>Martin F. D’ Souza v. Mohd. Ishfaq, (2009) 3 SCC 1 [Treatment in extremely serious situation successfully saving life although resulting in side effects (hearing impairment) does not amount to medical negligence.]</p>
20.	<p>Malay Kumar Ganguly v. Dr. Sukumar Mukherjee, (2009) 9 SCC 221 [Negligence on part of medical professionals and the vicarious liability of the AMRI Hospital was upheld. Since there was no intention of causing harm, the respondents were acquitted of the criminal charges. Compensation under various heads such as cost of litigation, legal expenses, travelling expenses was awarded by the court.]</p>
21.	<p>Samira Kohli v. Dr. Prabha Manchanda, (2008) 2 SCC 1 [Howsoever beneficial to the patient in saving time, expenses, pain, and suffering, additional surgery is no ground for defence. The judgment further differentiated between Informed consent and real or valid consent. Moreover, different aspects of the treatment were elaborated, including poor patient, long waiting period, lack of infrastructure, and commercialization of medical practice.]</p>
22.	<p>Jacob Mathew v. State of Punjab and Another, (2005) 6 SCC 1 [<i>Bolam Test</i> approved - Harm resulting from mischance or misadventure or through an error of judgment would not necessarily attract liability – Mere existence of a body of competent professional opinion considering the decision of a medical practitioner to be wrong would not be decisive if there exists an equally competent body of professional opinion supporting his decision as reasonable in the circumstances of the case – Rules to protect doctors against frivolous complaints laid down.]</p>
23.	<p>Indian Medical Association v. V.P. Shantha and Others, AIR 1996 SC 550 [Service rendered to a patient by a medical practitioner (except where the doctor renders service free of charge to every patient or under a contract of personal service), by way of consultation, diagnosis, and treatment, both medicinal and surgical, would fall within the ambit of ‘service’ as defined in Section 2(1) (o) of the Consumer Protection Act. Patients’ rights were recognized through the conferring of consumer status, allowing them to file complaints in cases of deficiency in rendering medical services.]</p>

24.	<p>Paschim Banga Khet Mazdoor Samity v. State of West Bengal, (1996) 4 SCC 37</p> <p>[The Court declared that the right to life enshrined in the Indian Constitution (Article 21) imposes an obligation on the State to safeguard the right to life of every person and that preservation of human life is of paramount importance. This obligation on the State stands irrespective of constraints in financial resources. The Court stated that denial of timely medical treatment necessary to preserve human life in government-owned hospitals is a violation of this right. It also directed the Government to formulate a blue print for primary health care with particular reference to treatment of patients during an emergency.]</p>
25.	<p>Rakesh Chandra v. State of Bihar, AIR 1989 SC 348</p> <p>[The Court was appalled at the complete lack of an efficient administrative system while relying upon the report submitted by the Chief Judicial Magistrate that highlighted the lack of medical personnel, medicines, food, water and electricity, among other problems. The Court accepted the recommendations of the Dayal Report and held that construction and renovation of the Hospital, with respect to functioning toilets, an uninterrupted supply of electricity and “additional construction for occupational and rehabilitation activities,” were to be carried out immediately. The Court also directed the budget for food for the indoor patients to be increased.]</p>
26.	<p>Parmanand Katara v. Union of India, (1989) 4 SCC 286</p> <p>[Interpretation of emergency medical assistance under Article 21.]</p>

***Judgments mentioned in the Table of Contents include citations and short notes for reference and discussion during the course of the workshop. Please refer to the full judgment for conclusive opinion.**