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CASE LAW	
1.	Ram Lallan v. State of U.P, 2011 SCC OnLine All 2102 [If a law has been laid down by the high court, in the State, it is binding an ought to be complied by all the authorities concerned whether executive or judicial]
2.	Rajesh Kohli v. High Court of J&K, (2010) 12 SCC 783 [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]
3.	V.K Jain v. High Court of Delhi, (2008) 17 SCC 538 [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]
4.	T.N Godavarman Thirumulpad v. Union of India, (2006) 10 SCC 486 [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 Article 144]
5.	Jasbir Singh v. State of Punjab, (2006) 8 SCC 294 [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]
6.	K.H. Siraj v. High Court of Kerala, (2006) 6 SCC 395 [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]
7.	Daroga Singh v. B.K. Pandey, (2004) 5 SCC 26 [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]
8.	Palitana Sugar Mills P Ltd v. State of Gujarat, (2004) 12 SCC 645 [Any attempt to belittle the order or direction of the court will amount to contempt of court]
9.	Tirupathi Balaji Developers (P) Ltd v. State of Bihar, (2004) 5 SCC 1 [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]
10.	All India Judges' Assn. (3) v. Union of India, (2002) 4 SCC 247 [Subordinate Judiciary is the foundation of the edifice of the judicial system and should be as strong as possible. 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. The members of other services are not at par with members of judiciary, either constitutionally or functionally]
11.	Delhi Bar Assn. v. Union of India, (2002) 10 SCC 159 [For a judicial officer the attributes to be seen are namely, integrity, honesty, basic knowledge of law and robust common sense]

12.	State of Bihar v. Bal Mukund Sah, (2000) 4 SCC 640 [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. 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. The legislature cannot bypass the High Court and provide reservation in judicial appointments]
13.	Yoginath D. Bagde v. State of Maharashtra, (1999) 7 SCC 739 [The high court under Chapter VI provisions has a duty to protect subordinate judiciary from unscrupulous litigants and lawyers]
14.	Baradakanta Mishra v. High Court of Orissa, (1976) 3 SCC 327 [‘Control’ under Article 235 includes general superintendence of the working of the subordinate courts and disciplinary control over the presiding judges]
15.	State of Assam v. S.N. Sen, (1971) 2 SCC 889 [The power to confirm and promote judicial officers other than District Judges is vested exclusively in the High Court as under Article 235 and any rule vesting it in Governor shall be void]
16.	Chandra Mohan v. State of U.P (1967) 1 SCR 77 [The appointment of a judge would become invalid where High Court is not consulted at all. 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]
17.	Ram Saran Tewari v. Raj Bahadur Varma, 1961 SCC OnLine All 227 [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]
18.	Public Vigilance by Bharadwaja v. The Chief Secretary Govt of A.P, 1992 SCC OnLine AP 368 [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]
19.	Kranth Sangram Parishath v. Sri N Janardhan Reddy Chief, 1992 SCC OnLine AP 372 [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]
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1.	Justice S.U. Khan, “Jurisdiction of Civil Court and its Bar” JTRI, Lucknow (2016)
2.	Pradeep Kumar Mani, “Jurisdiction of Civil Court” Uttarakhand Judicial and Legal Review 26-38
3.	Prof. Dr. S. Ambika Kumari, “Exclusion of Jurisdiction of Civil Courts” 8(4) International Journal of Creative Research Thoughts 1993-1996 (2020)
CASE LAW	
Scope and Limit of Section 9, CPC	
1.	Sau Rajani v. Sau Smita, 2022 SCC OnLine SC 1016 [A civil suit claiming reliefs beyond the scope of the Act which bars its jurisdiction will be maintainable. Even in cases where the jurisdiction of the civil court is barred by a statute, the test is to determine if the authority or tribunal constituted under the statute has the power to grant reliefs that the civil courts would normally grant in suits filed before them]

2.	South Delhi Municipal Corporation v. M/s Today Homes and Infrastructure Pvt. Ltd., (2020) 12 SCC 680 [It is settled law that jurisdiction of the civil courts cannot be completely taken away in spite of either an express or implied bar. The civil courts shall have jurisdiction to examine a matter in which there is an allegation of non-compliance of the provisions of the statute or any of the fundamental principles of judicial procedure]
3.	M. Hariharsudhan v. R. Karmegam, (2019) 10 SCC 94 [Exclusion of the jurisdiction of the Civil Court is not readily to be inferred. The tests to be adopted while considering a question as to ouster of civil court jurisdiction as summarized in by a Constitution bench of the Supreme Court <i>in Dhulabhai vs The State Of Madhya Pradesh</i> must be followed]
4.	Chief Engineer Hydel Project v. Ravinder Nath, AIR 2008 SC 1315 [Once the original decree itself has been held to be without jurisdiction and hit by the doctrine of coram non judge, there would be no question of upholding the same merely on the ground that the objection to the jurisdiction was not taken at the initial, First Appellate or the Second Appellate stage]
5.	Hasham Abbas Sayyad v. Usman Abbas Sayyad, (2007) 2 SCC 355 [An order passed by a person lacking inherent jurisdiction would be a nullity. It will be so. The principles of estoppel, waiver and acquiescence or even res judicata which are procedural in nature would have no application in a case where an order has been passed by the Tribunal/Court which has no authority in that behalf. Any order passed by a court without jurisdiction would be coram non judge being a nullity, the same ordinarily should not be given effect to]
6.	State of A.P. v. Manjeti Laxmi Kantha Rao, (2000) 3 SCC 689 [The normal rule of law is that civil courts have jurisdiction to try all suits of civil nature except those of which cognizance by them is either expressly or impliedly excluded as provided under Section 9 of the Code of Civil Procedure but such exclusion is not readily inferred and the presumption to be drawn must be in favour of the existence rather than exclusion of jurisdiction of the civil courts to try civil suit. The test adopted in examining such a question is (i) whether the legislative intent to exclude arises explicitly or by necessary implication, and (ii) whether the statute in question provides for adequate and satisfactory alternative remedy to a party aggrieved by an order made under it]
7.	Sankaranarayanan Potti v. K. Sreedevi, (1998) 3 SCC 751 [Generally, civil courts have inherent jurisdiction as per Section 9 of the Code of Civil Procedure to try all kinds of civil disputes unless barred expressly, or by necessary implication]
8.	State of Rajasthan v. Kalyan Sundaram Cement Industries Ltd., (1996) 3 SCC 87 [The pendency of the matter in the criminal court will not bar the civil court to try the matter in the civil suit by exercising its jurisdiction]
9.	Most Rev. P.M.A. Metropolitan v. Moran Mar Marthoma, 1995 Supp (4) SCC 286 [Every civil suit is cognizable unless it is barred, 'there is an inherent right in every person to bring a suit of a civil nature and unless the suit is barred by statute one may, at one's peril, bring a suit of one's choice. Though, civil court has no jurisdiction to adjudicate dispute relating to religious faith or rites it has jurisdiction to decide validity of exercise of right in respect of such faith. The expansive nature of the Section 9 is demonstrated by use of phraseology both positive and negative. The two explanations bring out clearly the legislative intention of extending operation of the Section to such religious matters where right to property or office is involved]
10.	Raja Ram Kumar Bhargava v. Union of India, (1988) 1 SCC 681 [The broad guiding considerations are that wherever a right, not pre-existing in common law, is created by a statute and that statute itself provided a machinery for the enforcement of the right, both the right and the remedy having been created <i>uno-flatu</i> and a finality is intended to the result of the statutory proceedings, then, even in the absence of an exclusionary provision the civil courts' jurisdiction is impliedly barred. If, however, a right pre-existing in common-law is recognised by the statute and a new statutory remedy for its enforcement provided, without expressly excluding the civil courts' jurisdiction, then both the common-law and the statutory remedies might become concurrent remedies]
11.	Premier Automobiles Ltd. v. Kamlekar Shantaram Wadke, (1976) 1 SCC 496 [The supreme court laid down the following principles as applicable to the jurisdiction of a civil court in relation to industrial disputes: a. If a dispute is not an industrial dispute, nor does it relate to enforcement of any other right under the act, the remedy lies only in a civil court; b. If a dispute is an industrial dispute arising out of a right or liability under the general or common law and not under the act, the jurisdiction of a civil court is alternative, leaving it to the election of a suitor or person concerned to choose his remedy for the relief which is competent to be granted in a particular remedy; c. If an industrial dispute relates to the enforcement of a right or an obligation]

	created under the act, then the only remedy available to suitor is to get adjudication under the act; d. If the right which is sought to be enforced is a right created under the act such as chapter V- A, then the remedy for its enforcement is either section 33-C or the raising of an industrial dispute, as the case may be]
12.	Official Trustee v. Sachindra Nath Chatterjee, (1969) 3 SCR 92 [Before a court can be held to have the jurisdiction to decide a particular matter, it must not only have jurisdiction to try the suit brought before it, but must also have the authority to pass the order sought for. Its jurisdiction must include the power to hear and decide the questions at issue, the authority to hear and decide the particular controversy that has a relation between the parties]
13.	Dhulabhai v. State of M.P., (1968) 3 SCR 662 [Hidayatullah, C.J. summarized the following principles relating to the exclusion of jurisdiction of civil courts: a. Where a statute gives finality to orders of special tribunals, the civil courts jurisdiction must be held to be excluded if there is adequate remedy to do what the civil courts would normally do in a suit. Such a provision, however, does not exclude those cases where the provisions of a particular act have not been complied with or the statutory tribunal has not acted in conformity with fundamental principles of judicial procedure; b. Where there is an express bar of jurisdiction of a court, an examination of the scheme of a particular act to find the adequate or sufficiency of the remedies provided may be relevant but this is not decisive for sustaining the jurisdiction of a civil court; c. Challenge to the provisions of a particular act as ultra vires cannot be brought before tribunals constituted under that act. Even the high court cannot go into that question on a revision or reference from decisions of tribunals; d. When a provision is already declared unconstitutional or the constitutionality of any provisions is to be challenged, a suit is open. A writ of certiorari may include a direction for refund if the claim is clearly within the time prescribed by the limitation act but it is not a compulsory remedy to replace a suit; e. Questions of the correctness of an assessment, apart from its constitutionality, are for the decision of the authorized and a civil suit does not lie if the orders of the authorities are declared to be final or there is an express prohibition in a particular act. In either case, the scheme of a particular act must be examined because it is a relevant enquiry; f. An exclusion of jurisdiction of a civil court is not readily to be inferred unless the conditions above set down apply]
14.	Firm Seth Radha Kishan v. Administrator, Municipal Committee, (1964) 2 SCR 273 [Under section 9 of the civil procedure code the court shall have jurisdiction to try all suits of civil nature excepting suits of which cognizance is either expressly or impliedly barred. A statute, therefore, expressly or by necessary implication can bar the jurisdiction of civil courts in respect of a particular matter. The mere conferment of special jurisdiction on a tribunal in respect of the said matter does not in itself exclude the jurisdiction of civil courts. The statute may specifically provide for ousting the jurisdiction of civil courts; even if there was no such specific exclusion, if it creates liability not existing before and gives a special and particular remedy for the aggrieved party, the remedy provided by it must be followed. The same principle would apply if the statute had provided for the particular forum in which the remedy could be had. Even in such cases, the civil court's jurisdiction is not completely ousted. A suit in a civil court will always lie to question the order of a tribunal created by statute, even if its order is, expressly or by necessary implication, made final, if the said tribunal abuses its power or does not act under the act but in violation of its provisions]
15.	Secretary of State v. Mask & Co., 1940 SCC OnLine PC 10 [It is settled law that the exclusion of the jurisdiction of the civil court is not to be readily inferred, but that such exclusion must either be explicitly expressed or clearly implied. It is also well established that even if jurisdiction is so excluded the civil courts have jurisdiction to examine into cases where the provisions of the act have not been complied with, or the statutory tribunal has not acted in conformity with the fundamental principles of judicial procedure]
Reference under Section 113 and Order XXVII-A of CPC	
16.	Central Bank of India v. Vrajlal Kapurchand Gandhi, (2003) 6 SCC 573 [It was held that the proviso to Section 113, CPC operates in the following circumstances: (a) The Court is satisfied that in a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation, or of any provision contained therein; (b) Determination of the aforesaid question is necessary for disposal of the case; (c) The Court is of the opinion that such Act, Ordinance or Regulation or a provision contained in an Act, Ordinance or Regulation or inoperative; (d) But the concerned Act, Ordinance or Regulation or provision has not been declared invalid or inoperative by the High Court to which the Court where the case is pending is subordinate or by the Supreme Court]
17.	A Sreenivasa Rao and Ors v. Govt of Andra Pradesh, 2002 (4) ALD 881 [The subordinate court is not empowered and entitled to decide the validity of any Act, Ordinance or Regulation and Section 113 makes it mandatory for the subordinate court to refer the pending case to the High Court for

	determining the question relating to the validity of an Act, Ordinance or Regulation which is necessary for the case to be disposed of by stating its reasons and opinions for referring the case to the High Court for its opinion]
18.	Ramakant Bindal v. State of U.P., AIR 1973 All 23 [The court of civil judicature can refer the case to the High Court either on an application made by a party or suo moto. No reference can be made by a tribunal]
19.	Banarsi Yadav v. Krishna Chandra Dass, AIR 1972 Pat 49 [A subordinate court may refer a case to the High Court when there is reasonable doubt regarding the constitutional validity of an Act. The question of law about which the subordinate court is doubtful, must have actually been called upon in the case for adjudication and it shouldn't be a hypothetical question]
20.	Ranadeb Choudhuri v. Land Acquisition Judge, AIR 1971 Cal 368 [Section 113 of the Civil Procedure Code is a statutory provision whereas Article 228 is a constitutional provision. Section 113 does not relate to the interpretation of the constitutional provisions but to the question of the validity of an Act. Both Section 113 and Article 228 may relate to a common case but are not coextensive]
21.	L.S. Sherlekar v. D.L. Agarwal, AIR 1968 Bom 439 [If any consequences from want of jurisdiction flow from some such illegal direction, a party may as well raise the point at the appellate stage or in any other proper proceeding before the Courts. A reference is to be made only when an important issue of law arises in the suits. This is something which has to do with the merits of the suit. It is wrong for any Judge to take up a contentious attitude and adopt the role of a litigant.]
22.	Rama Sundari Devi v. Indu Bhusan Bose, AIR 1967 Cal 355 [Under Section 113 the court, subject to certain conditions, may state and refer the case to the High Court for its opinion and the proviso to this section specifically mentions the case relating to the validity of an Act. Whereas under Article 228, if the High Court is satisfied that a case is pending in a subordinate court that involves the determination of the substantial question of law for the interpretation of the Constitution. The High Court shall withdraw the case and either dispose of the case itself or determine the question of law and return the case to the court from which the case has been withdrawn]
23.	S.K. Roy v. Addl. Member, Board Of Revenue, AIR 1967 Cal 338 [When reference is sought from the High Court it is bound to decide only the question of law in doubt. The High Court can consider the new aspects of law also if any new aspect arises]
SESSION 3 DOCTRINE OF PRECEDENT	
1.	Justice R.V. Raveendran, " <i>Precedents – Boon or Bane?</i> " (2015) 8 SCC J-1
2.	Mohan Parasaran, " <i>How to Comprehend Precedents</i> " (2016) 2 SCC J-28
3.	BRYAN A. GARNER ET. AL, Nonbinding Decisions as Persuasive Authority in THE LAW OF JUDICIAL PRECEDENTS , (Thomas Reuters, 2016)
4.	Santiago Legarre & Christopher R. Handy, " <i>Overruling Louisiana: Horizontal Stare Decisis and the Concept of Precedent</i> " 82 Louisiana Law Review 41-79 (2021)
5.	PROF. DR. A. LAKSHMINATH, JUDICIAL PROCESS – PRECEDENT IN INDIAN LAW 13-58 (Eastern Book Company, 2009)
6.	Chintan Chandrachud, " <i>The Precedential Value of Solitary High Court Rulings in India: Carving an Exception to the Principle of Vertical Stare Decisis</i> " Lawasia Journal 25-37 (2011)
7.	BENJAMIN N. CARDOZO, THE NATURE OF THE JUDICIAL PROCESS 142-180 (Oxford University Press, 1928)
CASE LAW	
1.	Trimurthi Fragrances (P) Ltd. v. Government of N.C.T. of Delhi, 2022 SCC OnLine SC 1247

	[A decision delivered by a Bench of largest strength is binding on any subsequent Bench of lesser or coequal strength. It is the strength of the Bench and not number of Judges who have taken a particular view which is said to be relevant - A Bench of lesser quorum cannot disagree or dissent from the view of law taken by a Bench of larger quorum. Quorum means the bench strength which was hearing the matter - The numerical strength of the Judges taking a particular view is not relevant, but the Bench strength is determinative of the binding nature of the Judgment]
2.	Gregory Patrao v. Mangalore Refinery & Petrochemicals Ltd., 2022 SCC OnLine SC 830 [Subsequent Supreme Court Decisions which have considered & distinguished earlier judgments are binding on High Courts]
3.	Shah Faesal v. Union of India, (2020) 4 SCC 1 [Per incuriam rule is strictly and correctly applicable to the ratio decidendi and not to obiter dicta. Earlier precedent can be overruled by a larger Bench if - (i) it is manifestly wrong, or (ii) injurious to public interest, or (iii) there is a social, constitutional, or economic change necessitating it. A coordinate Bench of the same strength cannot take a contrary view and cannot overrule the decision of earlier coordinate bench. No doubt it can distinguish the judgment of such earlier Bench or refer the matter to a larger Bench for reconsideration in case of disagreement with the view of such earlier Bench.]
4.	S.E. Graphites (P) Ltd. v. State of Telangana, (2020) 14 SCC 521 [Even brief judgments of Supreme Court passed after grant of Special Leave are binding precedents]
5.	Union of India v. R. Thiyagarajan, (2020) 5 SCC 201 [Judgment of High Court applicable only to the State(s) within its jurisdiction. Pan-India application of the order of the High Court would tantamount to usurpation of the jurisdiction of the other High Courts]
6.	Kaikhosrou (Chick) Kavasji Framji v. Union of India, (2019) 20 SCC 705 [Views in Lead Judgment are binding precedents if concurring judgments did not express any contrary opinion on it]
7.	Court on its Own Motion v. Jayant Kashmiri, 2017 SCC OnLine Del 7387 [The judgments of the High Court would bind the trial courts. If an unnecessary reference to a judicial precedent or erroneous submission in law is made, the Judge considering the matter would reject the reliance thereon or the submission made. However, certainly reference to a judicial precedent cannot be termed a contumacious act]
8.	Union of India v. P. Shyamala, 2017 SCC OnLine Mad 6715 [Exposition of law and ratio decidendi, to be accepted as a binding precedent, should be based on issues raised and argued by both sides. A mere observation without reasons is distinguishable, from a ratio decidendi]
9.	Hyder Consulting (UK) Ltd. v. State of Orissa, (2015) 2 SCC 189 [A prior decision of this Court on identical facts and law binds the Court on the same points of law in a later case. In exceptional circumstances, where owing to obvious inadvertence or oversight, a judgment fails to notice a plain statutory provision or obligatory authority running counter to the reasoning and result reached, the principle of per incuriam may apply]
10.	Raj Kumar Mehra and Ors. v. Surinder Mohan, AIR 2015 HP 58 [If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process"]
11.	Namit Sharma v. Union of India, (2013) 1 SCC 745 [It is not only the higher court's judgments that are binding precedents for the Information Commission, but even those of the larger Benches of the Commission should be given due acceptance and enforcement by the smaller Benches of the Commission. The rule of precedence is equally applicable to intra appeals or references in the hierarchy of the Commission]
12.	Pradip J. Mehta v. CIT, (2008) 14 SCC 283 [The judgment of the other High Courts, though not binding, have persuasive value which should be taken note of and dissented from by recording its own reasons]
13.	Union of India v. Major Bahadur Singh, (2006) 1 SCC 368 [Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid's

	<p>theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for Judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes]</p>
14.	<p>State of Haryana v. AGM Management Services Ltd., (2006) 5 SCC 520 [Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper]</p>
15.	<p>ICICI Bank v. Municipal Corpn. of Greater Bombay, (2005) 6 SCC 404 [It was held that the decision given by the Apex Court must be read following the context of the statutory provisions which have been interpreted by the competent court. It was also stated that no judgement can be read if it is a statute. Since the law cannot always be static, based on the relevant principles and rules, the Judges must cautiously make use of the precedents in deciding cases]</p>
16.	<p>Megh Singh v. State of Punjab, (2003) 8 SCC 666 [Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases or between two accused in the same case. Each case depends on its own facts and a close similarity between one case and another is not enough because a single significant detail may alter the entire aspect]</p>
17.	<p>Director of Settlements, A.P. v. M.R. Apparao, (2002) 4 SCC 638 [It is necessary to follow the law declared by the Supreme Court and a judgment of the Court has to be read in context of questions which arose for consideration in the case in which the judgment was delivered. An “obiter dictum” as distinguished from a “ratio decidendi” is an observation by the Court on a legal question suggested in a case before it but not arising in such manner as to require a decision. Such an obiter may not have an effect of a binding precedent but it cannot be denied that it is of considerable weight]</p>
18.	<p>Suganthi Suresh Kumar v. Jagdeeshan, (2002) 2 SCC 420 [It is impermissible for the High Court to overrule the decision of the Apex Court on the ground that the Supreme Court laid down the legal position without considering any other point. It is not only a matter of discipline for the High Courts in India, it is the mandate of the Constitution as provided in Article 141 that the law declared by the Supreme Court shall be binding on all courts within the territory of India]</p>
19.	<p>Vishnu Traders v. State of Haryana, 1995 Supp (1) SCC 461 [In the matters of interlocutory orders, principle of binding precedent will not apply. However, the need for consistency of approach and uniformity in the exercise of judicial discretion respecting similar causes and the desirability to eliminate occasions for grievances of discriminatory treatment requires that all similar matters should receive similar treatment except where factual differences require a different treatment so that there is assurance of consistency, uniformity, predictability and certainty of judicial approach]</p>
20.	<p>Hari Singh v. State of Haryana, (1993) 3 SCC 114 [It was held that in a judicial system that is administered by courts, one of the primary principles to keep note of is that the courts under the same jurisdiction must have similar opinions regarding similar legal questions, issues and circumstances. If opinions given on similar legal issues are inconsistent then instead of achieving harmony in the judicial systems, it will result in judicial chaos. The decision regarding a particular case that has been held for a long time cannot be disturbed merely because of the possibility of the existence of another view]</p>
21.	<p>State of Punjab v. Surinder Kumar, (1992) 1 SCC 489 [The High Courts have no power, like the power available to the Supreme Court under Article 142 of the Constitution of India, and merely because the Supreme Court granted certain reliefs in exercise of its power under Article 142 of the Constitution of India, similar orders could not be issued by the High Court]</p>
23.	<p>CIT v. Sun Engineering Works (P) Ltd., (1992) 4 SCC 363 [While applying the decision to a latter cases, the court must carefully try to ascertain the true principle laid down by the decision of Supreme Court and not to pick out words or sentences from the judgments divorced from the context of question under consideration by the court to support their reasoning]</p>
24.	<p>Blue Star Ltd. v. Commissioner of Income-Tax, 1994 SCC OnLine Bom 756 [The Bombay High Court quoted the following observations of Earl of Halsbury in the case of Qumin v. Leathem (1901) AC 495 (HL) “Every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which may be found there, are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are found and a case is only an authority for what it actually decides]</p>

25.	Empire Industries Ltd. v. Union of India, (1985) 3 SCC 314 [Different courts sometimes pass different interim orders as the courts deem fit. It is a matter of common knowledge that the interim orders passed by particular courts on certain considerations are not precedents for other cases which may be on similar facts]
26.	Regional Manager v. Pawan Kumar Dubey, (1976) 3 SCC 334 [It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts]
27.	CIT v. Balkrishna Malhotra, (1971) 2 SCC 547 [Interpretation of a provision in a taxing statute rendered years back and accepted and acted upon by the department should not be easily departed from]
28.	State of Orissa v. Sudhansu Sekhar Misra, (1968) 2 SCR 154 [A decision is only an authority for what it actually decides. The essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in it. It is not a profitable task to extract a sentence, here and there from a judgment and to build upon it]
29.	K.T.M.T.M. Abdul Kayoom v. CIT, 1962 Supp (1) SCR 518 [Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect. In deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo) by matching the colour of one case against the colour of another. To decide, therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive]
30.	East India Commercial Co. Ltd. v. Collector of Customs, AIR 1962 SC 1893 [The decision of a High Court on a point of law is binding on all inferior Tribunals within its territorial jurisdiction. Thus, the High Court which has the jurisdictional authority has control over all courts in the jurisdiction. Other High Courts' judgments are only persuasive in nature]

SESSION 4

PRINCIPLES OF NATURAL JUSTICE FOR PROCEDURAL FAIRNESS

1.	P. Leelakrishnan & Mini S., " Procedural Fairness in Administrative Decision-Making " 59(4) Journal of the Indian Law Institute 335-355 (2017)
2.	Kevin M. Stack, " An Administrative Jurisprudence: The Rule of Law in the Administrative State " 115(7) Columbia Law Review 1985-2018 (2015)
3.	A.H. Hawaldar, " Evolution of Due Process in India " Bharati Law Review 107-118 (2014)
4.	Justice T.S. Sivagnanam, " Principles of Natural Justice " Lecture delivered on 01.06.2009 at Tamil Nadu State Judicial Academy
5.	Kevin Burke, " Understanding the International Rule of Law as a Commitment to Procedural Fairness " 18(2) Minnesota Journal of International Law 357-370 (2009)
6.	William Nelson, " The Very Idea of Pure Procedural Justice " 90(4) Ethics 502-511 (1980)

CASE LAW

1.	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.]
2.	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]
3.	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]
4.	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]
5.	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]
6.	R v Tower Hamlets London Borough Council, ex p Chetnik Developments Ltd [1988]1All ER961 [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]
7.	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]
8.	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]
9.	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]
10.	State of U.P v. 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]
11.	P. Ramachandra Rao v. State of Karnataka, (2012) 9 SCC 430 [The Apex Court laid down certain factors to identify whether an accused has been deprived of his Right to Speedy Trial, which includes 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]
12.	Rameshwari Devi and Ors. v. Nirmala Devi and Ors., (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]
13.	Manu Sharma v. State (NCT of Delhi), (2010) 6 SCC 1 [Basic concept behind a fair trial is succinctly explained]
14.	Zahira Habibullah Sheikh and ors v. State of Gujarat, (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]
15.	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]
16.	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]
17.	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]
18.	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]
19.	Sheela Barse v. Union of India, (1986) 3 SCC 596 [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]
20.	State of Maharashtra v. Champalal Punjaji Shah, (1981) 3 SCC 610 [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]
21.	Hussainara Khatoon (I) v. Home Secy., State of Bihar, (1980) 1 SCC 81 [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. 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]
22.	Maneka Gandhi v. Union of India, (1978) 1 SCC 248 [Recognized speedy trial as an integral and essential part of the fundamental right to life and liberty guaranteed under Article 21 of the Constitution]
SESSION 5	
APPLICATION OF THE PRINCIPLES OF ADMINISTRATIVE LAW IN COURT MANAGEMENT	
1.	Atul Kaushik, " Bringing the 'E' to Judicial Efficiency: Implementing the e-Courts System in India " State of the Indian Judiciary: A report by DAKSH (2016)
2.	Dr. Justice G.C. Bharuka, " Technology and Timely Justice: Intelligent Use of ICT can revamp the Indian Justice Delivery System " XXXV(1) Common Cause 5-12 (2016)
3.	Ivor Richardson, " The Courts and Access to Justice " 31(1) Victoria University of Wellington Law Review 163-174 (2000)
4.	Jayanth K. Krishnan, Shirish N. Kavadi, Azima Girach & Dhanaji Khupkar, " Grappling at the Grassroots: Access to Justice in India's Lower Tier " 27 Harvard Human Rights Journal 151-190 (2014)
5.	Justice Roshan Dalvi, " The Business of Court Management " 16(3) Nyaya Deep 13-36 (2015)
6.	Justice M. Thanikachalam, " Administration of District Courts - Inspection, Disciplinary Proceedings, Annual Confidential Reports - Staff Recruitment " Lecture delivered on 27th March 2011 at Tamil Nadu State Judicial Academy Available at: http://www.tnsja.tn.gov.in/article/Admn%20of%20Dt%20Crts%20MTJ.pdf

7.	Sanjay Rambhau Salkute, <i>“The Role of Judicial Officer in the Court Management & E-Court Maintenance (Suggested Method in District Court)”</i> 3(4) International Journal of Advanced Research in Management and Social Sciences 52-69 (2014)	
8.	Stephen Colbran, <i>“The Limits of Judicial Accountability: The Role of Judicial Performance Evaluation”</i> 6(1) Legal Ethics 55-72 (2003)	
9.	<i>Study on Court Management Techniques for Improving the Efficiency of Subordinate Courts by NALSAR University of Law (2016)</i> Available at: https://doj.gov.in/sites/default/files/Final%20DOJ%20Report_Revised%20%281%29.pdf	
CASE LAW		
1.	CEC v. Mr. Vijayabhaskar, (2021) 9 SCC 770 [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]	
2.	Ram Murti Yadav v. State of U.P., (2020) 1 SCC 801 [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]	
3.	Swapnil Tripathi and Others v. Supreme Court of India and Another, (2018) 10 SCC 639 [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. 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 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]	
4.	Pradyum 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]	
5.	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]	
6.	Imtiyaz Ahmed v. State of Uttar Pradesh, (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]	
7.	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]	
8.	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]	

9.	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]
10.	'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]
11.	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]
12.	High Court of Judicature of Bombay v. Shirishkumar Rangrao Patil, (1997) 6 SCC 339 [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]
13.	Hari Datt Kainthla v. State of H.P., (1980) 3 SCC 189 [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 ultra vires]

**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.*