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CASE LAW		
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1.	Ravinder Singh Alias Kaku v. State of Punjab (2022) 7 SCC 581 [Indian Evidence Act, 1872; Section 65B (4) - Certificate under Section 65B (4) is a mandatory requirement for production of electronic evidence - Oral evidence in the place of such certificate cannot possibly suffice. Criminal Trial - Circumstantial Evidence - Where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused. The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances.]	
2.	Virendra Khanna v. State of Karnataka , 2021 SCC OnLine Kar 5032 [Polygraph Test - Whether Petitioner's application to recall order of Polygraph test is not tenable in Law as it amounts to testimonial compulsion hit by Article 20(3) of Constitution is rightly rejected by court below? - Held, trial court has directed Petitioner accused to co-operate with Investigating agency and provide password, pass code for smart phone, as also for e-mail account of Petitioner, this court is of opinion that examination of a smart phone or an e-mail account is in nature of a search being carried out, such a search cannot be so carried out without a search warrant - Trial Court by merely directing Petitioner to co-operate with Investigating agency, Petitioner cannot be forced or constrained to provide such a password, passcode, biometrics etc, for purpose of opening of smartphone and or an e-mail account, much less without recording reasons for same - Process and procedure as discussed above would have to be followed - For all above reasons, order passed by trial directing Petitioner to co-operate with investigating agency and provide a password to open smart phone and email account is not proper or legal and is therefore set aside - Liberty is, however, reserved to prosecution to file necessary applications, which would be considered by trial court in	

accordance with applicable law - Whether order passed by Trial Court directing Petitioner to undergo a polygraph test violates rights of Petitioner under Article 20 of Constitution? - Trial Court, by its order 29.03.2020, had directed administration of polygraph test on Petitioner - This order was passed on an oral request without there being an application filed by prosecution and no opportunity having been provided to either Petitioner or his counsel - Petitioner was also not heard on same nor was his consent obtained by trial Court before order of relevant date was passed - Though it is contended by Spl. P.P. that order of relevant date only directed administration of a polygraph test and that no polygraph test would have been administered without consent of Petitioner; no such order could have been passed without having obtained consent of an accused like Petitioner - Petitioner having not consented to administration of a polygraph test and in fact having challenged same, refusing administration thereof, had categorically indicated that he does not wish to be subjected to a polygraph test, this court is of opinion that no polygraph test could be administered on Petitioner - Mere silence of person would not amount to consent on behalf of such person - If a person were to refuse administration of polygraph test, no such polygraph test could be administered and even if administered, result of said test would be void and cannot be considered by a Court of Law - Order passed by trial Court, directing petitioner to furnish password, pass code or Biometrics of his mobile phone and e-mail account is set aside - Order passed by trial Court, directing petitioner to undergo a polygraph test is set aside - Order impugned passed on recalling application does not survive for consideration

3. **Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal & Ors**, (2020) 7 SCC 1 [Held that the certificate required under Section 65B(4) is a condition precedent to the admissibility of evidence by way of electronic record, as correctly held in by the 3-judge bench in **Anvar P.V. v. P.K. Basheer**, (2014) 10 SCC 473, and incorrectly "clarified" by a division bench in **Shafhi Mohammad v. State of Himachal Pradesh**, (2018) 2 SCC 801. The Court further clarified that the required certificate under Section 65B (4) is unnecessary if the original document itself is produced. The Court was hearing the reference from the July 26, 2019 order where, after quoting **Anvar P.V. v. P.K. Basheer**, (2014) 10 SCC 473 (a three Judge Bench decision of this Court), it was found that a Division Bench judgment in **Shafhi Mohammad v. State of Himachal Pradesh**, (2018) 2 SCC 801 may need reconsideration by a Bench of a larger strength. The Division bench, in the **Shafhi Mohammad judgment**, had "clarified" that the requirement of a certificate under Section 64B(4), being procedural, can be relaxed by the Court wherever the interest of justice so justifies, and one circumstance in which the interest of justice so justifies would be where the electronic device is produced by a party who is not in possession of such device, as a result of which such party would not be in a position to secure the requisite certificate.
4. **Rakesh Shetty v. State of Karnataka**, 2020 SCC OnLine Kar 4638 [Whether the investigating agency can retain the user name and password of social media/digital platform like Facebook and YouTube pending investigation?]
5. **P. Gopalkrishnan v. State of Kerala and Anr.**, (2020) 9 SCC 161 [The contents of the memory card/pen drive being electronic record must be regarded as a document. If the prosecution was relying on the same, ordinarily, the Accused must be given a cloned copy thereof to enable him/her to present an effective defence during the trial. However, in cases involving issues such as of privacy of the complainant/witness or his/her identity, the Court may be justified in providing only inspection thereof to the Accused and his/her lawyer or expert for presenting effective defence during the trial. The court may issue suitable directions to balance the interests of both sides.]
6. **State by Karnataka Lokayukta, Police Station, Bengaluru v. M.R. Hiremath**, (2019) 7 SCC 515 [Requirement of producing a certificate arises, when the electronic record is sought to be used as evidence]

7. **Shamsher Singh Verma v. State of Haryana**, (2016) 15 SCC 485 [*The object of Section 294 Code of Criminal Procedure is to accelerate pace of trial by avoiding the time being wasted by the parties in recording the unnecessary evidence. Where genuineness of any document is admitted, or its formal proof is dispensed with, the same may be read in evidence. In view of the definition of 'document' in Evidence Act, and the law laid down by this Court, the Court held that the compact disc is also a document. It is not necessary for the court to obtain admission or denial on a document Under Sub-section (1) to Section 294 Code of Criminal Procedure personally from the accused or complainant or the witness. The endorsement of admission or denial made by the counsel for defence, on the document filed by the prosecution or on the application/report with which same is filed, is sufficient compliance of Section 294 Code of Criminal Procedure. Similarly on a document filed by the defence, endorsement of admission or denial by the public prosecutor is sufficient and defence will have to prove the document if not admitted by the prosecution. In case it is admitted, it need not be formally proved, and can be read in evidence. In a complaint case such an endorsement can be made by the counsel for the complainant in respect of document filed by the defence.*
8. **Anvar PV v. P.K. Basheer and Ors.**, (2014) 10 SCC 473 [The Court held that for any electronic evidence to be admissible in its secondary form, it is necessary to meet the mandatory requirements of Section 65-B, which includes giving a certificate as per terms of Section 65-B (4), at the time of proving the record and not anytime later, failing which the electronic record will be considered inadmissible.]
9. **Gajraj v. State (NCT of Delhi)**, (2011) 10 SCC 675 [The court observed that the IEMI number of mobile phone (sim) registered in the name of a person being evidence of a conclusive nature, it cannot be discarded on the basis of minor discrepancies especially when there is serious discrepancy in oral evidence.]

SESSION 9

Forensic Evidence in Civil and Criminal Trials

1.	Goswami, G.K., <i>Forensic Law</i> , 51 Annual Survey of Indian Law 597-630 (2015)	123
2.	Ligertwood, Andrew, <i>Can DNA Evidence Alone Convict an Accused</i> , 33 Sydney L. Rev. 487 (2011)	143
3.	Subhash Chandra Singh, <i>DNA Profiling and the Forensic use of DNA Evidence in Criminal Proceedings</i> , 53(2) Journal of the Indian Law Institute (APRIL-JUNE 2011)	172
4.	Dr. Nirpat Patel, Vidhwansh K Gautaman & Shyam Sundar Jangir, <i>The Role of DNA in Criminal Investigation - Admissibility in Indian Legal System and Future Perspectives</i> , 2(7) International Journal of Humanities and Social Science Invention 15-21 (2013)	204
5.	Kirubakar Radhakrishnan, <i>DNA Fingerprinting Current Perspectives and Challenges in India - An Analysis</i> , 2(2) International Journal of Law, Management and Humanities 1-16 (2019)	211

Suggested Reading:

- ✓ **Conclusions and Recommendation**, 271st Law Commission of India Report on Human DNA Profiling – A Draft Bill for the Use and Regulation of DNA Based Technology 40-44 Law Commission of India (2017)

CASE LAW

(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. **Ashok Kumar v. Raj Gupta**, (2022) 1 SCC 20 [When the plaintiff is unwilling to subject himself to the DNA test, forcing him to undergo one would impinge on his personal liberty and his right to privacy.]
2. **Ashok Kumar Chandel v. State of UP**, 2022 SCC OnLine SC 1525 [Where there are credible injured eye witness testimonies, certain minor variations, such as non-recovery of blood stained clothes, certain other weapons etc. will not be fatal to the case of the prosecution.] [Sec. 293 CrPC - SC observed that a ballistic report forwarded by Director/deputy Director/Assistant Director of a lab under the seal to be in compliance with the statutory requirement under Sec. 293 CrPC]
3. **Veerendra v. State of Madhya Pradesh**, 2022 SCC OnLine SC 622 [The lapse or omission (purposeful or otherwise) to carry out DNA profiling, by itself, cannot be permitted to decide the fate of a trial for the offence of rape especially, when it is combined with the commission of the offence of murder - Even if such a flaw had occurred in the investigation in a given case, the Court has still a duty to consider whether the materials and evidence available on record before it, is enough and cogent to prove the case of the Prosecution.]
4. **Hari Om alias Hero v. State of Uttar Pradesh**, (2021) 4 SCC 345 [In absence of any other reliable incriminatory materials, the evidence of child witness could not be made the basis to convict appellant. Further, opinion of fingerprint expert is not substantive evidence and such opinion can only be used to corroborate some items of substantive evidence which are otherwise on record.]
5. **Inayath Ali & Anr v. State of Telangana & Anr**, SLP (Crl) No. 4946/2017 [DNA Test for Paternity – Right to Privacy Test could be prejudicial to the privacy rights of persons subjected to it – Sec. 112 of Indian Evidence Act, 1872, (Para 7)]
6. **Pattu Rajan v. State of Tamil Nadu**, (2019) 4 SCC 771 [Reliability of The Novel “Superimposition Technology” for Investigation & its Comparative Preference to DNA Test]
7. **Chennadi Japapathi Reddy v. Baddam Pratapa Reddy**, (2019) 14 SCC 220 [A court must be cautious while evaluating expert evidence, which is a weak type of evidence and not substantive in nature it may not be safe to solely rely upon such evidence, and the Court may seek independent and reliable corroboration in the facts of a given case. Generally, mere expert evidence as to a fact is not regarded as conclusive proof of it.]
8. **Rajendra Pralhadrao Wasnik v. State of Maharashtra**, (2019) 12 SCC 460 [DNA profiling is an extremely accurate way to compare a suspect’s DNA with crime scene specimens, victim’s DNA on the blood-stained clothes of the accused or other articles recovered, DNA testing can make a virtually positive identification when the two samples match. A DNA finger print is identical for every part of the body, whether it is the blood, saliva, brain, kidney or foot on any part of the body. It cannot be changed; it will be identical no matter what is done to a body. Even relatively minute quantities of blood, saliva or semen at a crime scene or on clothes can yield sufficient material for analysis. The Experts opine that the identification is almost hundred per cent precise. Using this i.e. chemical structure of genetic information by generating DNA profile of the individual, identification of an individual is done like in the traditional method of identifying finger prints of offenders.]
9. **Ritesh Sinha v. State of UP**, 2019 SCC OnLine SC 956 [The Supreme Court has conceded to judicial magistrate the power to order a person to give sample of his voice for the purpose of investigation of crime “until explicit provisions are grafted in the Code of Procedure by Parliament”.]
10. **Mukesh v. State (NCT of Delhi)**, 2017 (6) SCC 1 (Nirbhaya Case) [The DNA profiling, which was done after taking due care for quality, proved to the hilt the presence of the Accused in the bus and their involvement in the

crime. The submission that certain samples were later on taken from the Accused and planted on the deceased to prove the DNA aspect was noted only to be rejected because it had no legs to stand upon. The argument that the transfusion of blood had the potentiality to give rise to two categories of DNA or two DNAs was farthest from truth and there was no evidence on that score. On the contrary, the evidence in exclusivity points to the matching of the DNA of the deceased with that of the Accused on many aspects. The evidence brought on record with regard to finger prints was absolutely impeccable and the Trial court and the High Court correctly placed reliance on the same and that there was no reason to disbelieve the same. The scientific evidence relating to odontology showed how far the Accused proceeded and where the bites were found and it was extremely impossible to accept the submission that it had been a manipulation by the investigating agency to rope in the Accused persons. The evidence brought on record as regards criminal conspiracy stands established. The brutal, barbaric and diabolic nature of the crime was evincible from the acts committed by the Accused persons. The aggravating circumstances outweigh the mitigating circumstances now brought on record. Therefore, the High Court correctly confirmed the death penalty.]

11. **S.P.S. Rathore v. Central Bureau of Investigation & Another**, (2017) 5 SCC 817 [It is not essential that the handwriting expert must be examined in a case to prove or disprove the disputed writing. It is opinion evidence and it can rarely, if ever, take the place of substantive evidence. It is thus clear, that uncorroborated evidence of a handwriting expert is an extremely weak type of evidence and the same should not be relied upon either for the conviction or for acquittal.]
12. **Machindra v. Sajjan Gafla Rankhamb & other**, (2017) 13 SCC 491 [Where medical evidence is such that it does not give any clear opinion with respect to injuries inflicted on body of victim or deceased, as the case may be, possibilities that injuries might have been caused by accused are also ruled out. such medical evidence is very important to assess the testimonies of eyewitness and whether they can be accepted or not.]
13. **Nandlal Wasudeo Badwaik v. Lata Nandlal Badwaik & Anr** (2014) 2 SCC 576 [Section 112 of the Evidence Act does not create a legal fiction but provides for presumption.]
14. **Sushil Sharma v. State (NCT of Delhi)**, (2014) 4 SCC 317 (Tandoor Murder Case) [Medical evidence establishing that death was caused by bullet injury in head and neck of deceased and that burns were post-mortem-CFSL report establishing that bullets recovered from flat and skull of deceased were fired from A-1's revolver] [Court held that the chain of circumstances is complete and unerringly points to the guilt with the help of medical evidence including port-mortem and DNA report.]
15. **Anil v. State of Maharashtra**, (2014) 4 SCC 69 [Regarding Variance in Results of DNA Tests & its Impact on Reliability]
16. **Dharam Deo Yadav vs State Of U.P.**, (2014) 5 SCC 509 [Crime Scene Management - Judiciary should also be equipped to understand and deal with such scientific materials. Constant interaction of Judges with scientists, engineers would promote and widen their knowledge to deal with such scientific evidence and to effectively deal with criminal cases based on scientific evidence.]
17. **Nupur Talvar v. CBI And Others**, (2012) 11 SCC 465 [In the stage of issuance of process, the Magistrate is not required to weigh the evidence meticulously as if it was the trial court nor is it required to be scrutinize the evidence by same standard by which the trial court scrutinizes the evidence at the time of framing of charge]

18. **Dayal Singh & Others v. State of Uttaranchal**, (2012) 8 SCC 263 [Expert report should be well authored and convincing. Report, duly proved has evidentiary value but it is not binding on the court.]
19. **Surendra Koli v. State of Uttar Pradesh & others**, (2011) 4 SCC 80 [Under medical jurisprudence, the matching of DNA of deceased with that of her parents and brother is considered as an established identity of the dead body.]
20. **Santosh Kumar Singh v. State**, (2010) 9 SCC 747 [Priyadarshini Matoo Case][DNA report is “scientifically accurate and an exact science”, & court cannot substitute its own opinion for that of an expert]
21. **Selvi vs. State of Karnataka**, AIR 2010 SC 1974 [The Supreme Court in this case considered the constitutionality of various evidence gathering techniques including narco analysis, BEAP (Brain Electrical Activation Profile) or ‘brain mapping’, and polygraph tests.]
22. **Bhabani Prasad Jena v. Convener Secretary Orissa State Commission for Women and Another** (2010) 8 SCC 633 [The Court noted the sensitivities involved with the issue of ordering a DNA test, and therefore held that the court should use its discretion only after balancing the interests of the parties. It ruled that a court should consider the ‘eminent need’ and weigh the pros and cons of ordering a DNA test, especially when there is a conflict between the right to privacy of a person who is being compelled to take the test and the duty of the court to reach the truth.]
23. **Premjibhai Bachubhai Khasiya v. State of Gujarat**, 2009 SCC OnLine Guj 12076, [Whether the DNA report can be the sole basis and conclusive evidence of the paternity of the child (foetus) or guilt of the accused for rape, in absence of any other evidence]
24. **Pantangi Balarama Venkata Ganesh vs State Of A.P**, 2009 Cri. L.J. 4144 [“there cannot be any doubt whatsoever that there is a need of quality control. Precautions are required to be taken to ensure preparation of high molecular weight DNA complete digestion of the samples with appropriate enzymes, and perfect transfer and hybridization of the blot to obtain distinct bands with appropriate control.]
25. **Ghurey Lal v. State of UP**, (2008) 10 SCC 450, [According to the trial court, the medical evidence coupled with the Ballistic Expert report revealed the existence of two fires from two weapons and as such was inconsistent with the prosecution story. In our administration of criminal justice an accused is presumed to be innocent unless such a presumption is rebutted by the prosecution by producing the evidence to show him to be guilty of the offence with which he is charged. Further if two views are possible on the evidence produced in the case, one indicating to the guilt of the accused and the other to his innocence, the view favourable to the accused is to be accepted.]
26. **Banarsi Dass v. Teeku Dutta**, (2005) 4 SCC 449 [The verdict of displacement of the presumption shall not be rendered on the basis of slender materials. If a husband and wife were living together during the time of conception but the DNA test revealed that the child was not born to the husband, the conclusiveness in law would remain irrebuttable.]
27. **Goutum Kundu v. State of West Bengal** (1993) 3 SCC 418 [It was held that even without the consent of the guardian ad litem, the court had power to order an infant be subjected to a blood group test. There is no justification for the court below to refuse the same on the ground that Section 112 of the Evidence Act would be an obstacle in seeking relief of blood group test.]

28. *State of Bombay v. Kathi Kalu Oghad* AIR 1961 SC 1808 [the use of material samples such as fingerprints for the purpose of comparison and identification does not amount to a testimonial act for the purpose of Article 20(3).]

SESSION 10
CRIMINAL JUSTICE ADMINISTRATION AND HUMAN RIGHTS

1.	Prof. B. B. Pande, <i>Rationalising the Pre-Trial Processes in India, Chapter-X</i> , Criminal Law and Criminal Justice: Advanced Legal Writings, EBC First Ed. 2022	230
2.	Bhagwati, P.N., <i>Human Rights in the Criminal Justice System</i> , 27(1) Journal of the Indian Law Institute 1-22 (1985)	250
3.	S.B. Sinha, <i>Human Rights vis-à-vis the Criminal Justice System</i>	272

Suggested Reading:

- ✓ Harsh Bora, *Handbook of landmark Judgments on Human Rights and Policing in India*, CHRI 2020
- ✓ *What is Fair Trial? A Basic Guide to Legal Standards and Practice*, Lawyers Committee for Human Rights. Lawyers Committee for Human Rights (March 2000)

CASE LAW

(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. *State v. T. Gangi Reddy*, 2023 SCC OnLine SC 25 [The Supreme Court held that release of an accused person on default bail will not act as an absolute bar to consider a plea for cancellation of bail on merits after presentation of chargesheet.]
2. *Mohammed Zubair v. State of NCT of Delhi*, 2022 SCC OnLine SC 897 [The 6 FIRs filed in Ghaziabad, Chandauli, Lakhimpur, Sitapur, Hathras have also been transferred from the Uttar Pradesh Police to the Special Cell of the Delhi Police, thereby disbanding the SIT formed by the Director General of Police, Uttar Pradesh on 10 July 2022. If any other related FIR is filed against Zubair then the same will also be transferred to the Special Cell of the Delhi Police and Zubair shall be entitled to the order of interim bail.]
3. *Kanchan Kumari v. State of Bihar and Another*, 2022 SCC OnLine SC 981 [Section 138 - Anticipatory Bail - Adverse order against third party by High Court in an anticipatory bail proceedings - It is a peremptory direction affecting a third party. The adverse impact of the direction goes to the very livelihood of the appellant. It has also civil consequences for the appellant. Such a peremptory direction and that too, without even issuing any notice to the appellant was clearly unjustified.]
4. *Jameel Ahmad v. Mohammed Umair Mohammad Haroon & Anr.*, Criminal Appeal No. 230 of 2022 [Grant of bail, though a discretionary order, requires such discretion to be exercised in a judicious manner and on the application of certain settled parameters. The more heinous the crime, the greater the chance of rejection of bail, though the exercise also depends on the factual matrix of the matter]
5. *Rajesh Seth v. The State of Chhattisgarh*, Special Leave to Appeal (Crl.) No(s).1247/2022; 21-02-2022 [Indefinite adjournment in a matter relating to anticipatory bail, that too after admitting it, is detrimental to the valuable right of a person - When a person is before the Court and that too in a matter involving personal liberty, least what is expected is for such a person to be given the result one way or the other, based on the merit of his case and not push him to a position of uncertainty or be condemned without being heard, when it matters.]

6. **Satender Kumar Antil v. C.B.I**, 2022 SCC Online SC 825 [*'India needs a Bail Act': Supreme Court asks Centre to consider the suggestion; Grant of bail – Exercise of discretion by court – Guidelines issued therefore based on categorisation of offences made herein: Offences have been categorised and the guidelines have been issued for grant of bail, but without fettering the discretion of the courts concerned and keeping in mind the statutory provisions. Further held, where the accused have not cooperated in the investigation nor appeared before the investigating officers, nor answered summons when the court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the benefit of the above guidelines cannot be given to such accused. Lastly, held, it is not as if economic offences not covered by Special Acts, are completely taken out of the aforesaid guidelines but do form a different nature of offences. Thus the seriousness of the charge has to be taken into account but simultaneously, the severity of the punishment imposed by the statute would also be a factor.*]
7. **Manoj Kumar Khokhar v. State of Rajasthan**, (2022) 3 SCC 501 [*Cryptic and casual bail orders without relevant reasons liable to be set aside; "cessante razione legis cessat ipsa lex" invoked to hold that "reason is the soul of the law, and when the reason of any particular law ceases, so does the law itself"*]
8. **Sunil Kumar v. State of Bihar**, (2022) 3 SCC 245 [**Bail**: Principles summarized regarding considerations to be balanced while deciding to grant bail.]
9. **Deepak Yadav v. State of U.P. and Another**, 2022 SCC OnLine SC 672 [*It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled :- a) Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record. b) Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim. c) Where the past criminal record and conduct of the accused is completely ignored while granting bail. d) Where bail has been granted on untenable grounds. e) Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice. f) Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified. g) When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.*]
10. **Devendra Kumar Saxena v. Central Bureau of Investigation and Ors.**, AIR 2021 SC 2006 [*Criminal - Transfer Petition - Transfer sought on health grounds - Petition opposed on the ground of trial already under way - Whether transfer can be granted?*]
11. **Manjeet Singh v. State of Haryana and Ors.**, AIR 2021 SC 4274 [*The court has held that to summon the person who is not charge sheeted, the effort is that the real perpetrator of the offence is punished which is part and parcel of the principle of fair trial and this empowerment of the court is essential to ensure the proper working of the criminal administration of justice.*]
12. **Sartaj Singh v. State of Haryana and Ors.**, (2021) 5 SCC 337 [*Object and purpose of S. 319: Principles reiterated regarding scope and ambit of powers of Magistrate under S. 319 and when additional accused may be added and "evidence" on basis of which may be added.*]
13. **Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari and Ors.**, AIR 2021 SC 5368 [*the Apex Court has taken a clear stand that criminal proceedings under SC-ST (Prevention of Atrocities) Act is not vitiated*]

merely because the Magistrate had taken cognizance and committed the case to Special Court.]

14. **Ajay Kumar Pandey. v. State of U.P. & Ors.,** 2021 SCC OnLine All 77 [A fair trial includes fair investigation as reflected from Articles 20 and 21 of the Constitution of India. If the investigation is neither effective nor purposeful nor objective nor fair, the courts may if considered necessary, may order a fair investigation, further investigation or reinvestigation as the case may be to discover the truth so as to prevent miscarriage of justice.]
15. **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra,** 2021 SCC OnLine SC 315 [blanket direction by the High Court restraining the IO from taking coercive measures against respondent-accused, directed to be stayed, because the respondents found protected by an interim stay of arrest by the Sessions Court.]
16. **Gangadhar v. State of M.P.,** (2020) 9 SCC 202 [The court acquitted the man accused in possession of 48Kgs 200gms of ganja(Cannabis) and held that Right to fair Investigation is a Right to Fair Trial guaranteed to accused under Article 21 of the Constitution of India.
17. **M. Subramaniam v. S. Janaki,** (2020) 16 SCC 728 [held that the High Court could not have directed the registration of an FIR with a direction to the police to investigate and file the final report while exercising jurisdiction under Art 226 in view of the judgment in *Sakiri Vasu v. State Of Uttar Pradesh And Others* {(2008) 2 SCC 409}.]
18. **Mahender Chawla and Others v. Union of India,** (2019) 14 SCC 615 [The Court held that one of the main reasons for witnesses changing their stance can be the lack of proper protection given by the state, hence a threat to life. Such witnesses are known as hostile witnesses.]
19. **Vinubhai Haribhai Malaviya & Ors. v. State of Gujarat & Anr.,** 2019 SCC OnLine SC 1346 [It held that courts had the power to order a further investigation if the circumstances so arose, up till the time charges were framed in a case. The legal basis for this power was located in Sections 156(3) and Section 173(8) of the Cr.P.C. Thus, accused persons have a right to file applications under Section 156(3) read with Section 173(8) of the Cr.P.C., for orders directing police to investigate certain aspects of a case to ensure that no material remains hidden from a court and justice can be done.]
20. **Dinubhai Boghabhai Solanki v. State of Gujarat and Ors.,** (2018) 11 SCC 129 [De novo retrial - Validity thereof - Sections 302 and 114 of Indian Penal Code, 1860 (IPC); Section 25(1) of Arms Act, 1959 - Present appeal filed challenging order whereby High Court directed de novo trial of case - Whether High Court justified passing de novo trial of case]
21. **Mohan Lal v. State of Punjab,** AIR 2018 SC 3853 [The Supreme Court held that the possibility of real likelihood of bias existing on part of that police officer could not be excluded, and the right to fair investigations demanded that these be conducted in an impartial and unbiased manner.]
22. **Social Action Forum for Manav Adhikar v. Union of India,** (2018) 10 SCC 443 [Directions Regarding The Registration Of Fir, Arrest And Bail In Cases Under Section 498-A IPC Reiterated And Modified]
23. **Mahender Chawla & Ors. v. Union of India & Ors.,** 2018 SCC Online SC 2678 [The Court directed the Union of India, as well as States and Union Territories, shall enforce the Witness Protection Scheme, 2018. The Court directed that it shall be the 'law' under Article 141/142 of the Constitution until a suitable legislation is

enacted on the subject. In line with the aforesaid provisions contained in the Scheme, in all the district courts in India, vulnerable witness deposition complexes shall be set up by the States and Union Territories.]

24. **Asha Ranjan and another v. State of Bihar and others**, AIR 2017 SC 1079 [*that an individual's choice is very complicatedly linked to dignity because dignity cannot be thought of in the absence of choice. The concept of 'class honour' or 'group thinking' is unlikely to surrender to such a right of choice.*]
25. **Balakram v. State of Uttarakhand and others** (2017) 7 SCC 668 [*Right of accused to cross-examine police officer with reference to entries in police diary*]
26. **Naresh Kumar alias Nitu v. State of Himachal Pradesh**, 2017 Indlaw SC 508 [*The presumptive provision with reverse burden of proof, does not sanction conviction on basis of preponderance of probability. Section 35(2) provides that a fact can be said to have been proved if it is established beyond reasonable doubt and not on preponderance of probability.*"]
27. **Ajay Singh v. State of Chhattisgarh**, 2017 SCC OnLine SC 24 [*The CrPC does not define the term "judgment", yet it has clearly laid down how the judgment is to be pronounced. The provisions clearly spell out that it is imperative on the part of the learned trial judge to pronounce the judgment in open court by delivering the whole of the judgment or by reading out the whole of the judgment or by reading out the operative part of the judgment and explaining the substance of the judgment in a language which is understood by the accused or his pleader. Further, the trial judge may not read the whole of the judgment and may read operative part of the judgment but it does not in any way suggest that the result of the case will be announced and the judgment would not be available on record.*]
28. **State of Bihar v. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh Yadav**, (2017) 2 SCC 178 [*Respondent preferred another bail petition before High Court - High Court directed release of Respondent on bail - Certain conditions were also imposed while granting bail - Hence, present appeal by State - Whether High Court should not have granted bail to Respondent*]
29. **Amrutbhai Shambhubhai Patel vs. Sumanbhai Kantibhai Patel and others**, AIR 2017 SC 774 [*It was held that after a report is submitted by the police on completion of the investigation, the Magistrate, in both the contingencies, namely; when he takes cognizance of the offence or discharges the accused, would be committed to a course, whereafter though the investigating agency may for good reasons inform him and seek his permission to conduct further investigation, he suo motu cannot embark upon such a step or take that initiative on the request or prayer made by the complainant/informant.*]
30. **Pooja Pal v. Union of India and others**, (2016) 3 SCC 135 [*Court observed that in a criminal case, fate of the proceedings cannot be left in the hands of the parties, crimes being public wrongs in breach and violation of public rights and duties, which affect the whole community and are harmful to the society.*]
31. **State of Haryana v. Ram Mehar and others**, (2016) 8 SCC 762 [*Arithmetical approach in allowing recall of witness can be dangerous*]
32. **State (NCT of Delhi) v. Shiv Kumar Yadav**, (2016) 2 SCC 402 [*Mere observation that recall was necessary "for ensuring fair of trial" is not enough unless there are tangible reasons to show how fairness of trial suffered without recall.*]
33. **Youth Bar Association of India v. Union of India**, (2016) 9 SCC 473 [*The Supreme Court held that an accused is entitled to a copy of the FIR before the stage of disclosure arises under Section 207 of the Cr.P.C.*]

Towards this, the person can make an application seeking a copy before the concerned police station or court, and she must be supplied with a copy of the FIR within 24 hours (if from police) and within 2 working days (if from court). The Court also directed all state police agencies to upload FIRs online. At the same time, it recognised exceptions if an officer of the level of a Deputy Superintendent of Police decided that a specific FIR was “sensitive” (as it is illustratively explained in the judgment). For such cases, disclosure of the FIR becomes an issue of official discretion, and the police were directed to constitute a committee to handle requests for sharing the FIR which had been initially deemed “sensitive”.]

34. **Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage**, (2016) 6 SCC 277 [Criminal Procedure Code, 1973 – Ss. 154, 156(1) & (3) and 36 – Non-registration of FIR or improper investigation by police – Remedy in matters of: Remedy in such matters does not lie before High Court under Art. 226 of Constitution but before Magistrate concerned under S. 156(3) CrPC. If on an application under S. 156(3) CrPC, Magistrate is prima facie satisfied, he can: (i) direct registration of FIR, (ii) if FIR has already been registered, issue a direction for proper investigation to be made, which includes, if he deems it necessary, recommending change of investigating officer, and can also (iii) monitor the investigation.]
35. **Bablu Kumar v. State of Bihar**, (2015) 8 SCC 787 [For fair proceedings, the courts have to be proactive and see that no one It is the duty of the court to see that one party does not make the case ridiculous, that the summons issued to the witnesses of the prosecution are actually served to them.]
36. **Vinod Kumar v. State of Punjab**, (2015) 3 SCC 220 [Held, trap witness was interested witness and his testimony, to be accepted and relied upon required corroboration and corroboration would depend upon facts and circumstances, nature of crime and character of trap witness - Nothing had been put to Prosecution Witness, who was member of raiding party, to elicit that he was anyway personally interested to get Appellant convicted - It was not case that there was no other evidence barring evidence of Complainant - On contrary there were adequate circumstances which established ingredients of offences in respect of which Appellant was charged - Further, evidence of Prosecution Witnesses got corroboration from each other - No infirmity in impugned order - Appeal dismissed.]
37. **State of Himachal Pradesh v. Raj Kumar** (2014) 14 SCC 39 [Chain of circumstances was not so complete as not to leave any reasonable ground for conclusion consistent with innocence of Respondent - High Court had, therefore, rightly set aside conviction and acquitted Respondent - Appeal dismissed.]
38. **State of Gujarat v. Kishanbhai** (2014) 5 SCC 108 [Lapses committed by investigating and prosecuting agencies, stringently deprecated and directions issued for purposeful and decisive investigation and prosecution in the matter.]
39. **Ashok Debbarma @ Achak Debbarma v. State of Tripura** (2014) 4 SCC 747 [the concept of residual doubt was considered]
40. **Hardeep Singh v. State of Punjab** (2014) 3 SCC 92 [Power under Section 319 Cr.P.C. is a discretionary and an extraordinary power. It is to be exercised sparingly and only in those cases where the circumstances of the case so warrant. It is not to be exercised because the Magistrate or the Sessions Judge is of the opinion that some other person may also be guilty of committing that offence. Only where strong and cogent evidence occurs against a person from the evidence led before the court that such power should be exercised and not in a casual and cavalier manner]

41. **Sarah Mathew v. Institute of Cardio Vascular Diseases** (2014) 2 SCC 62 [It was held that “Magistrate takes cognizance when he applies his mind or takes judicial notice of an offence with a view to initiating proceeding. Further, the petition to condone the delay should be filed at the time of giving the complaint itself”, thus, observed that the date of filing the complaint is material for filing a petition under Section 473 CrPC.]
42. **Dharam Pal v. State of Haryana** (2014) 3 SCC 306 [The Magistrate has to apply his mind to a final report/charge-sheet or challan and proceed with the matter as per the provisions stipulated in the Code.]
43. **Lalita Kumari v. Govt. of U.P.**, (2014) 2 SCC 1 [Cognizable offence - Receipt of information - Police officer - Foremost duty - Present reference moved seeking to direct Police Officers to register FIR as their foremost duty on receiving complaint about cognizable offence - Whether a police officer is bound to register First Information Report (FIR) upon receiving any information relating to commission of a cognizable offence under Section 154 of Code of Criminal Procedure, 1973 - Whether a police officer has power to conduct a "preliminary inquiry" in order to test veracity of such information before registering FIR]
44. **Arnesh Kumar v. State of Bihar**, (2014) 8 SCC 273 [while discussing the apprehensions about the arrests falling under Section 498-A of IPC, the Court ordered that no arrests will be made automatically in cases under Section 498-A. The Supreme Court also mentioned the data by the National Crime Records Bureau (NCRB) which showed that 1,97,762 persons all over India were arrested under 498-A of the IPC in 2012 showing a rise of about 9.4 % compared to the previous year among which 47,951 are women which depicts the sisters and mother of the husband are casually included in the arresting net. Thus, the court concluded that there is a need for caution in the exercise of the power of arrest vested in the police.]
45. **K. V. Rajendra v. Superintendent of Police, Chennai & Ors**, (2013) 12 SCC 480 [Where the investigation is complete & charge-sheet filed, ordinarily superior courts should not reopen the investigation and it be left open to the court to proceed with the matter in accordance with law.]
46. **Mohammed Ajmal Mohammad Amir Kasab v. State of Maharashtra** AIR 2012 SC 3565 [This Fundamental Right is implicit in the requirement of reasonable, fair and just procedure prescribed by Article 21. The magistrate is duty bound to inform the accused of his right to consult a lawyer of choice and in case the accused is unable to afford the services of such a lawyer, to provide him/her a legal practitioner at State expense. The Supreme Court has directed all magistrates in the country to faithfully discharge the aforesaid obligation and opined that any failure to fully discharge this duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings. The guiding principle is that no accused must go unrepresented and he/she must be allowed access to a lawyer or provided with a lawyer from the time he/she comes into contact with the criminal justice system. The failure to provide a lawyer to the accused at the pretrial stage may not have the consequence of vitiating the trial. It may have other consequences like making the delinquent magistrate liable to disciplinary proceedings, or giving the accused a right to claim compensation against the State for failing to provide him/her with legal aid. But it would not vitiate the trial unless it is shown that failure to provide legal assistance at the pretrial stage had resulted in some material prejudice to the accused in the course of the trial.]
47. **State of U.P. v. Naresh and Ors** (2011) 4 SCC 324 [The Supreme Court observed “every accused is assumed to be innocent unless his guilt is proved. The presumption of innocence is a human right subject to the statutory exceptions.]

48. **Babubhai v. State of Gujarat**, (2010) 12 SCC 254 [The Supreme Court stated as follows: “Not only fair trial but fair investigation is also part of constitutional rights guaranteed under Articles 20 and 21 of the Constitution of India. Therefore, investigation must be fair, transparent and judicious as it is the minimum requirement of rule of law. The investigating agency cannot be permitted to conduct an investigation in a tainted and biased manner. Where non-interference of the court would ultimately result in failure of justice, the court must interfere. In such a situation, it may be in the interest of justice that independent agency chosen by the High Court makes a fresh investigation”]
49. **Nirmal Singh Kehlon vs. State of Punjab**, (2009) 1 SCC 441 [the Supreme Court said: “An accused is entitled to a fair investigation. Fair investigation and fair trial are concomitant to preservation of fundamental right of an accused under Article 21 of the Constitution of India. But the State has a larger obligation i.e. to maintain law and order, public order and preservation of peace and harmony in the society. A victim of a crime, thus, is equally entitled to a fair investigation.”]
50. **Himanshu Singh Sabharwal v. State of M.P.**, AIR 2008 SC 1943 [If the fair trial envisaged under the Code is not imparted to the parties and court has reasons to believe that prosecuting agency or prosecutor is not acting in the requisite manner the court exercise its power under Section 311 of the Criminal Procedure Code or under Section 165 of the Indian Evidence Act, 1872 to call in for the material witness and procure the relevant documents so sub serve the cause of justice.]
51. **Sakiri Vasu v. State of U.P. & Ors** (2008) 2 SCC 409 [The Supreme Court made important observations regarding the role of the magistrate during an investigation. It was held that a magistrate can pass directions to ensure that a “proper investigation” is made, and that magistrates had “all such powers which are necessary to ensure that a proper investigation is made” which include “monitoring” an investigation.]
52. **Zahira Habibullah Sheikh and Ors. v. State of Gujarat and Ors** (2006) 3 SCC 374 [The Supreme Court of India observed “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. Fair trial means a trial in which bias or prejudice for or against the accused, the witness or the cause which is being tried, is eliminated.]
53. **D.K. Basu v. State of West Bengal** (1997) 1 SCC 416 [The Supreme Court laid down the guidelines which must be followed by every police officer conducting arrest.]
54. **Nilabati Behera v. State of Odisha** (1993) 2 SCC 746 [The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, under trials, or other prisoners in custody, except according to procedure established by law. There is a great responsibility on the police or prison authorities to ensure that the citizen in its custody is not deprived of his right to life. The Supreme Court affirmed that Article 32 empowers courts to grant compensation for deprivation of a fundamental right. The Court explained that without this power to render compensation, the Court’s role as a protector of constitutional rights is merely a mirage, and might even create an incentive to torture in certain circumstances.]
55. **Khatri v. State of Bihar** (1981) 2 SCC 493 [The court held that the accused is entitled to free legal services not only at the stage of trial but also when first produced before the Magistrate and also when remanded.]
56. **Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar**, 1979 AIR 1369 [Gave broader meaning to Article 21 and stated that everyone has the right to a prompt trial. It is the most well-known case involving the human rights of Indian inmates.]

57. *Shyam Singh v. State of Rajasthan* 1973 CrL. LJ 441, 443 (Raj) [For ensuring fair trial, it has to be checked whether there exists a circumstance according to which a litigant could reasonably apprehend that a bias attributable to a judicial officer must have operated against him in the final decision of the case and not that if a bias could have affected the judgment.]

58. *State of Uttar Pradesh vs. Bhagwant Kishore Joshi*, AIR 1964 SC 221 [“Investigation, in substance, means collection of evidence relating to the commission of the offence. The Investigating Officer is, for this purpose, entitled to question persons who, in this opinion, are able to throw light on the offence which has been committed and is likewise entitled to question the suspect and is entitled to reduce the statements of persons questioned by him to writing. He is also entitled to search the place of the offence and to search other places with the object of seizing articles connected with the offence. No doubt, for this purpose he has to proceed to the spot where the offence was committed and do various other things. But the main object of investigation being to bring home the offence to the offender the essential part of the duties of an investigating officer in this connection is, apart from arresting the offender, to collect all material necessary for establishing the accusation against the offender. Merely making some preliminary enquire upon receipt of information from an anonymous source or a source of doubtful reliability for checking up the correctness of the information does not amount to collection of evidence and so cannot be regarded as investigation”]

SESSION 11

JUDGE AS THE MASTER OF THE COURT: COURT & CASE MANAGEMENT

1.	Justice R.V. Reaveendran, <i>Justice Delivery – Some Challenges and Solutions</i> , 2022 8 SCC (J-1)	285
2.	Justice R. Banumathi, <i>Judiciary, Judges And The Administration Of Judges</i> 181-192 (Thompson Reuters 2020)	336
3.	Abhishek Singhvi, <i>Beating the Backlog - Reforms in Administration of Justice in India</i> in Judicial Review Process, Powers and Problems 46-59 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Cambridge University Press ed., 2020)	349
4.	Justice Roshan Dalvi, <i>The Business of Court Management</i> , 16 (3) Nyaya Deep 13-35 (2015)	363
5.	Justice P. Sathasivam, <i>Effective District Administration and Court Management</i> , (2014) 1 SCC J-25	387
6.	R. Arulmozhiselvi, <i>Court and Case Management through National Judicial Data Grid (NJDG)</i> (2021)	400

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(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. *In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies In Criminal Trials v. The State of Andhra Pradesh & Ors.*, (2021) 10 SCC 598 [After noticing common deficiencies which occur in the course of criminal trials and certain practices adopted by trial courts in criminal proceedings as well as in the disposal of criminal cases and causes directed all High Courts to take expeditious steps to incorporate the Draft Rules of Criminal Practice, 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.]

2. **All India Judges' Association v. UoI**, (2018) 17 SCC 555 [Sound infrastructure is vital for strong and stable judicial system. It is imperative for State to provide requisite infrastructure to judiciary- Poor infrastructure causes impediments in access to justice – Democracy cannot afford to undermine core values of Rule of Law. Adequacy of judicial resources/infrastructure- stages in court development, set out- necessary facilities to be part of a court complex, listed- handling of financial; and budgeting matters, enumerated- Further directions in providing court infrastructure, issues.]
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 v. UoI**, (2017) 5 SCC 702 [Bail applications be disposed of normally within one week;] [Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. This Court has held that while a person in custody for a grave offence may not be released if trial is delayed, trial has to be expedited or bail has to be granted in such cases [Supreme Court Legal Aid Committee (Representing Undertrial Prisoners) v. Union of India, (1994) 6 SCC 731, para 15 : 1995 SCC (Cri) 39]Shaheen Welfare Association v. Union of India (1996) 2 SCC 616]
5. **Imtiyaz Ahmed v. State of Uttar Pradesh** (2017) 3 SCC 658 [The Supreme Court took note of the huge pendency of cases and issued certain guidelines regarding the clearing of arrears, timely disposal, pretrial custody issues, trial date certainty, etc. and suggested the application of the “unit system” which allocates different units for disposal of different cases. Such Unit system should be then applied to assess the required judge strength]
6. **Surjit Singh v. Gurwant Kaur**, (2015) 1 SCC 665 [It has been held by the Apex Court that exercise of power under Order 41 Rule 27 C.P.C. is circumscribed by limitation specified in the language of the Rule and it is duty of the Court to come to a definite conclusion that it is really necessary to accept the document as additional evidence to enable it to pronounce the judgment and in case Appellate Authority is able to pronounce the judgment with material before it without taking in to consideration the additional evidence sought to be adduced, the application for additional evidence is liable to be rejected.]
7. **Kishore Samrite v. State of Uttar Pradesh**, (2013) 2 SCC 398 [The Apex Court held that the party not approaching the court with clean hands would be liable to be non-suited and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief specifically under Art. 136 of the Constitution. The person seeking equity must do equity. It is not just the clean hands, but also clean mind, clean heart and clean objective that are the equi-fundamentals of judicious litigation.]
8. **Rameshwari Devi v. Nirmala Devi**, (2011) 8 SCC 249 [The court laid down guidelines which the courts should adopt in preventing prolonged litigation and also cautioning courts on the grant of indiscriminate ex parte orders.]

SESSION 12

RE-ENGINEERING JUDICIAL PROCESSES THROUGH ICT

1.	Supreme Court E-Committee Documents:	
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	- The Milestones Of e-Committee, Supreme Court Of India (2021)	432
	- Various initiatives of e-committee, Supreme Court of India: A Compilation	461
	- Digital Courts Vision & Roadmap	473
2.	Richard Susskind, <i>The Future of Courts</i> , 6(5) Remote Courts 1-16 (2020)	559
3.	Dory Reiling and Francesco Contini, <i>E-Justice Platforms: Challenges for Judicial Governance</i> , 13(1) International Journal for Court Administration 1-18 (2022)	576
4.	G. Mahibha and P. Balasubramanian, <i>A Critical Analysis of the Significance of the e-Courts Information Systems in Indian Courts</i> , 20 Legal Information Management, 47-53 (2020)	595
5.	Justice R. C. Chavan, <i>E-Courts Project: Citizen at the Center of Court Processes</i> , in CRIES IN WILDERNESS (2014) pp. 28- 33	602
6.	Atul Kaushik, (2016), <i>Bringing the 'E' to Judicial Efficiency: Implementing the e-Courts System in India</i> , State of the Indian Judiciary: A report by DAKSH, Section-1, 25-40	608

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(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. ***In Re: Children in Street Situations***, 2022 SCC OnLine SC 189 [*Standard Operating Procedure for recording evidence of children through video conferencing to be followed in all criminal trials where child witnesses, not residing near Court Points, are examined and not physically in the courts where the trial is conducted. Remote Point Coordinators to ensure that child-friendly practices are adopted during the examination of the witnesses.*]
2. ***In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 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 that High Court. High Courts that have not framed such Rules shall do so having regard to the circumstances prevailing in the State. Till such Rules are framed, the High Courts may adopt the model Video Conferencing Rules provided by the eCommittee, Supreme Court of India to all the Chief Justices of the High Court.*]
3. ***Arnab Manoranjan Goswami v. The State of Maharashtra***, (2021) 2 SCC 427 [*The NJDG is a valuable resource for all High Courts to monitor the pendency and disposal of cases, including criminal cases. For Chief Justices of the High Courts, the information which is available is capable of being utilized as a valuable instrument to promote access to justice, particularly in matters concerning liberty. The Chief Justices of every High Court should in their administrative capacities utilize the ICT tools which are placed at their disposal in ensuring that access to justice is democratized and equitably allocated. Administrative judges in charge of districts must also use the facility to engage with the District judiciary and monitor pendency.*]
4. ***In Re: Guidelines For Court Functioning Through Video Conferencing During COVID-19 Pandemic***, (2020) 6 SCC 686 [*The Supreme Court of India and all High Courts are authorized to adopt measures required to ensure the robust functioning of the judicial system through the use of video conferencing technologies. The District Courts in each State shall adopt the mode of Video Conferencing prescribed by the concerned High Court. Courts shall duly notify and make available the facilities for video conferencing for such litigants who do not have the means or access to video conferencing facilities. Video conferencing shall be mainly employed for hearing arguments whether at the trial stage or at the appellate stage. In no case shall evidence be recorded without the mutual consent of both the parties by video conferencing. Virtual Courts in the Covid-19 Pandemic - Held, every*

High Court is authorised to determine the modalities which are suitable to the temporary transition to the use of video conferencing technologies. All measures taken for functioning of courts in xxxvii consonance with social distancing guidelines and best public health practices shall be deemed to be lawful]

5. **Swapnil Tripathi v. Supreme Court of India**, (2018) 10 SCC 639 [Directions regarding Livestreaming of court proceedings - Held, virtual access of live court proceedings will effectuate the right of access to justice or right to open justice and public trial, right to know the developments of law and including the right of justice at the doorstep of the litigants., live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. Sensitive cases, matrimonial matters, matters relating to children not to be livestreamed. Discretion of the judge to disallow live-streaming for specific cases where publicity would prejudice the interests of justice.]
6. **Pradyuman Bisht v. Union of India**, (2018) 15 SCC 433 [Directions for installation of CCTV Cameras in court complexes]
7. **State of Maharashtra and P.C. Singh v. Praful B. Desai**, (2003) 4 SCC 601 [Whether evidence can be recorded by video-conferencing?--Held, "yes"--'Presence' in Section 273 is not actual physical presence--Under Section 3 of Evidence Act, evidence, even in criminal matters, can also be by way of electronic records--This would include video-conferencing--Court can consider issuing commission to record evidence by way of video-conferencing--However, cost of video-conferencing to be borne by State.]

SESSION 13

JUDICIARY AND MEDIA: NEED FOR BALANCE

1.	Justice G. Raghuram. <i>Media as an Instrument of Public Accountability</i> , NALSAR Media Law Review, Vol 3, NMLR 2013	628
2.	Justice G. S. Singhvi. <i>Trial by Media: A Need to Regulate Freedom of Press</i> , Bharati Law Review, Oct.- Dec., 2012	642
3.	K.G. Balakrishnan, <i>Reporting of Court Proceedings by Media and the Administration of Justice?</i> , (2010) 6 SCC J-1	652
4.	Judith Gibson, <i>Social Media and the Electronic "New World" of Judges</i> , Revista Forumul Judecatorilor – Nr. 1/2017	658
5.	Sudhanshu Ranjan, <i>Media And Judiciary: Revitalization Of Democracy</i> , Journal of the Indian Law Institute, 57(3) 415-436 (July September 2015)	673
6.	Lord Woolf, <i>Should the Media and the Judiciary be on Speaking Terms?</i> Irish Jurist , 2003, New Series, Vol. 38 (2003), pp. 25-3	696

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(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. **Kaushal Kishor v. State of U.P.**, 2023 SCC OnLine SC 6 [No grounds outside Article 19(2) can be availed to restrict free speech. The Supreme Court while relying upon the transformative jurisprudence relating to the interpretation of Articles 19 and 21 of the Constitution of India has held that the initial understanding that fundamental rights can only be claimed against the State has changed, and today, rights under Article 19 and 21 of the Constitution can also be enforced against persons other than the State or its instrumentalities. The expansive

interpretation adopted by the Supreme Court ensures the continued relevance of the Fundamental Rights to meet the challenges of today's day and age.]

2. **T.N. Suraj v. State of Kerala and Others**, 2022 SCC OnLine Ker 2710 [*It is the well-accepted thumb rule that the Press shall not indulge in sensationalism; or in speculating upon the guilt or otherwise of any accused or other individual; or to create an opinion about the comportment or character of a person involved in the Trial; and not to embellish, by impelling or sponsoring an opinion they seek. Media can't usurp courts' jurisdiction and cannot be given right to speculate on outcomes of ongoing investigations or criminal trials.]*
3. **Venkatesh alias Chandra and Another v. State of Karnataka**, 2022 SCC OnLine SC 765 [*TV debates on criminal cases pending in courts amount to interference with the administration of justice. Allowing said DVD to go into the hands of a private TV channel so that it could be played and published in a program is nothing but a dereliction of duty and direct interference in the administration of Justice.]*
4. **The Chief Election Commissioner of India vs. M.R Vijayabhaskar & Ors.**, 2021 SCC Online SC 364 [*The apex court included the media reporting of judicial proceedings under the fundamental right of freedom of speech and expression stating that it is part of freedom of the press. Oral remarks are not a part of the official judicial record, and therefore, the question of expunging them does not arise.]*
5. **Vijay Singhal and Ors. v. Govt. of NCT of Delhi and Anr.**, 2013 SCC OnLine Del 1221 [*The trials' objective is to meet the ends of justice, and if, there is a competition in order to meet that end between the right to freedom of expression against the right to a free trial, the right to free trial would trump upon the right to freedom of expression.]*
6. **Vidya Dhar v. Multi Screen Media (P) Ltd**, (2013) 10 SCC 145 [*Whether the broadcasting of dramatised version of events that led to conviction would have any prejudicial effect on the fair trial at the appellate stage. Held, Trial of the petitioners and conviction has been completed, hence there is no possibility of any bias against them at the time of hearing of the appeal. The contents of the trial, the judgment and sentence is in the public domain and available for anyone to see. To safeguard the interests of the petitioners, restrictions imposed on the screening of the episode on television. Media channel directed to ensure that there is no direct similarity of the characters in the serial with the petitioners, and steps be taken to protect their identity.]*
7. **Misreporting of Court Proceedings by Newspapers, In re**, (2012) 13 SCC 580 [*Distorted reporting of the court proceedings has the tendency of lowering the dignity of the institution and brings the entire institution of judiciary to ridicule in the eyes of the public and also shakes the people's confidence in the independence and integrity of the institution.]*
8. **Sahara India Real Estate Corporation Ltd. and Ors. v. Securities and Exchange Board of India and Anr.**, (2012) 10 SCC 603 [*Media has a right to know what is happening in courts and to communicate the information to the public which strengthens the confidence of the public in the transparency of the court proceedings. Sometimes a reporting of trial that is accurate and fair like a murder trial would anyway give rise to a substantial risk of prejudice that might not be related to the pending trials but later in the connected trials. The fairness of the later or connected trials is not only safeguarded by the postponement but it also helps in preventing the possible contempt by the Media.]*
9. **Siddharth Vashishth alias Manu Sharma v. State (NCT of Delhi)**, (2010) 6 SCC 1 [*Every effort should be made by the print and electronic media to ensure that the distinction between trial by media and informative media*

should always be maintained. Trial by media should be avoided particularly, at a stage when the suspect is entitled to the constitutional protections. Invasion of his rights is bound to be held as impermissible.]

10. **Rajendra SAIL v. M.P. High Court Bar Association & Ors**, (2005) 6 SCC 109 [*While the media can, in the public interest, resort to reasonable criticism of a judicial act or the judgment of a Court for public good, it should not cast scurrilous aspersions on, or impute improper motives or personal bias to the judge. Nor should they scandalize the Court or the judiciary as a whole, or make personal allegations of lack of ability or integrity against a judge. The judgments of Courts are public documents and can be commented upon, analyzed and criticized, but it has to be in a dignified manner without attributing motives.]*
11. **State of Maharashtra v. Rajendra Jawanmal Gandhi**, (1997) 8 SCC 386 [*A trial by electronic media, press or by way of public agitation is anti-thesis to the rule of law and can lead to a miscarriage of justice.]*
12. **Sushil Sharma v. State (Delhi Admn.)**, 1996 SCC OnLine Del 345 [*The Delhi High Court held that no conviction will be based upon the media report but upon the facts that have been placed on record. It is supposed that the Judge dealing with the case should be neutral. If the decision is based upon the accepted news items, the petitioner will insist upon denial of a fair trial because it would cause aspiration on the Judge of being not neutral. Even if there is less report or no report available, the charge should be framed on the basis of material available on record.]*
13. **Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India**, (1985) 1 SCC 641 [*The freedom of the press is the heart of social and political intercourse. The press has now assumed the role of public educators and makes education possible at a large scale by imparting formal and non-formal education particularly in the developing world, where all forms of modern communication like television and other kinds are not available to all the sections of the society. The objective of the press is to boost the public interest by publishing opinions and facts without which the responsible judgement cannot be made by a democratic electorate (Government). Newspapers which are purveyors of news and views of the people have a bearing on public administration and frequently carry material which would not be pleasing to Governments and other authorities.]*
14. **In Re: P. C. Sen**, AIR 1970 SC 1821 [*The genuine risk of prejudicial remarks made in newspapers or by any mass media which must be guarded against is the —impression that such comments might have on the Judge's mind or even on the minds of witnesses for a litigant.]*
15. **Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr.**, (1961) 3 SCR 460 [*It would be mischievous for a newspaper to intrude into a crime and execute an independent investigation for which the accused or suspect has been arrested and then to publish the outcomes of that investigation. This is mischievous because when there is an ongoing trial by one of the regular tribunals of the country then trial by newspapers must be prohibited. This is based upon the view that such action by the newspaper of doing an investigation tends to interfere with the course of justice, whether the investigation tends to prejudice the accused or the prosecution.]*
16. **Aswini Kumar Ghose v. Arabinda Bose**, (1952) 2 SCC 237 [*The article published in Times of India not only criticised a judgement of the Court, but went on to imply motives to the Judges. Had the article just been a criticism, it would have been accepted. But because the article targeted the Judges, it lowered the dignity of the Court, which attracted the contempt proceedings against the editor, publisher and printer of Times of India. Contempt of court cannot arise if a particular Judge has alone been criticised or written negatively about. Only if the content so published also affects the public opinion of the judiciary can contempt proceedings be initiated.]*

SESSION 14
LANDMARK JUDGMENTS: CELEBRATING DECADAL MASTERPIECES

1.	B.M. Gandhi, <i>Landmark Decisions</i> , in VD Kulshrestha's LANDMARKS IN INDIAN LEGAL AND CONSTITUTIONAL HISTORY, Wadhwa Company (2011) pp. 494-523	706
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RECENT LANDMARK CASES

(Judgments mentioned below include citations and short notes for reference. Please refer full judgment for conclusive opinion)

1. **Vivek Narayan Sharma vs Union of India**, 2023 SCC OnLine SC 1 [Demonetisation Judgment] [The Supreme Court identified six issues in the challenge to the government's demonetisation decision. Both the majority judgment and the dissent gave their views on each of these issues.]
2. **S. G. Vombatkere v. Union of India**, (2022) 7 SCC 433 [The Court while dealing with the petitions challenging the constitutionality of Section 124-A of the Penal Code, 1860 which deals with offence of "sedition", has directed that all pending trials, appeals and proceedings with respect to the charge framed under the said section be kept in abeyance. The Supreme Court also urged the State and Central Governments to restrain from registering any FIR under Section 124-A IPC till the Court decides the provision's constitutional validity.]
3. **Union of India v. Mohit Minerals (P) Ltd.**, 2022 SCC OnLine SC 657 [Cooperative and Collaborative Federalism]
4. **Janhit Abhiyan v Union of India**, 2022 SCC OnLine SC 1540 [Court upheld the constitutional validity the Constitution (One Hundred and Third Amendment) Act, 2019, which provides for 10 percent reservation in appointments to posts under the State and in admissions to educational institutions to economically weaker sections ('EWS') of citizens.]
5. **Aishat Shifa vs The State of Karnataka**, 2022 SCC OnLine SC 1394 [Hijab Case] [A two-judge bench of the Supreme Court delivered a split opinion on an appeal against a Karnataka High Court decision upholding a state order that mandated a uniform for educational institutions, consequently banning the hijab. Writing for the Court, Justice Gupta affirmed the High Court's decision, while Justice Dhulia decided in favor of the appellants.]
6. **Mohd. Firoz v. State of MP**, (2022) 7 SCC 443, [The maximum punishment prescribed may not always be the determinative factor for repairing the crippled psyche of the offender. Hence while balancing the scales of retributive justice and restorative justice, we deem it appropriate to impose upon the appellant-accused the sentence of imprisonment for a period of twenty years instead of imprisonment for the remainder of his natural life for the offence under Section 376A, IPC.]
7. **Budhadev Karmaskar v. State of West Bengal** [Supreme Court recognised sex work as a "profession" and held that consenting practitioners of sex work were entitled to dignity and equal protection under law. The Court also directed UIDAI to issue Adhar Cards to the Sex Workers based on a proforma certificate and using its inherent powers under Article 142 of the Constitution, issued a few directions for the rehabilitation measures in respect of sex workers]

8. **State of Jharkhand v. Shailendra Kumar Rai**, 2022 SCC OnLine SC 1494 [*The court held that the “two-finger test” or pre vaginum test must not be conducted as it has no scientific basis and neither proves nor disproves allegations of rape. It instead re-victimizes and re-traumatizes women who may have been sexually assaulted, and is an affront to their dignity.*]
9. **X v. Health and Family Welfare Department**, 2022 SCC Online SC 1321 [*The court held that a woman cannot be denied the right to a safe abortion only on the ground of her being unmarried. It observed that after the 2021 amendment to the Medical Termination of Pregnancy Act, 1971 (MTP Act), the phrase ‘married woman’ has been replaced by ‘any woman’ and the word ‘husband’ has been replaced by ‘partner. Which goes on to show that the legislature did not intend to leave out unmarried women from the scope of the Act. Hence, Rule 3B (c) which provides for “change of marital status during the ongoing pregnancy” should be given purposive interpretation to include an unmarried woman who’s partner has abandoned her. The Court said that there is no basis to deny unmarried women the right to medically terminate the pregnancy, when the same choice is available to other categories of women, especially when live-in relationships have already been recognized by the Court.*]
10. **Jacob Puliye v. Union of India**, 2022 SCC OnLine SC 533, [*The court held that bodily integrity is protected under Article 21 of the Constitution of India and no individual can be forced to be vaccinated. The Court, however, cautioned that, “This judgment is not to be construed as impeding, in any manner, the lawful exercise of power by the executive to take suitable measures for prevention of infection and transmission of the virus in public interest, which may also take the form of restrictions on unvaccinated people in the future, if the situation so warrants. Such restrictions will be subject to constitutional scrutiny to examine if they meet the threefold requirement for intrusion into rights of individuals.”*]
11. **Satender Kumar Antil v. CBI**, 2022 SCC OnLine SC 825 [*‘India needs a Bail Act’: Supreme Court asks Centre to consider the suggestion; Grant of bail – Exercise of discretion by court – Guidelines issued therefor based on categorisation of offences made herein: Offences have been categorised and the guidelines have been issued for grant of bail, but without fettering the discretion of the courts concerned and keeping in mind the statutory provisions. Further held, where the accused have not cooperated in the investigation nor appeared before the investigating officers, nor answered summons when the court feels that judicial custody of the accused is necessary for the completion of the trial, where further investigation including a possible recovery is needed, the benefit of the above guidelines cannot be given to such accused. Lastly, held, it is not as if economic offences not covered by Special Acts, are completely taken out of the aforesaid guidelines but do form a different nature of offences. Thus the seriousness of the charge has to be taken into account but simultaneously, the severity of the punishment imposed by the statute would also be a factor.*]
12. **Arunachala Gounder v. Ponnusamy**, 2022 SCC OnLine SC 72 [*Held that if a female Hindu dies intestate without leaving any issue, then the property inherited by her from her father or mother would go to the heirs of her father whereas the property inherited from her husband or father-in-law would go to the heirs of the husband. However, if she dies leaving behind her husband or any issue, then Section 15(1)(a) of the Hindu Succession Act, 1956 comes into operation and the properties left behind including the properties which she inherited from her parents would devolve simultaneously upon her husband and her issues as provided in Section 15(1)(a) of the Act.*]

13. **Vijay Madanlal Choudhary v. Union of India**, 2022 SCC OnLine SC 929 [*The court dealt with various aspects of the Prevention of Money Laundering Act, 2002 and has upheld the validity of certain impugned provisions by holding that the same have reasonable nexus with the object sought to be achieved i.e. combatting the menace of money laundering.*]
14. **Aparna Bhat v. State of MP**, 2021 SCC OnLine SC 230 [*Directions to be considered while granting bail in sexual offences*]
15. **Amish Devgan v. Union of India**, (2021) 1 SCC 1 [*Fraternity, diversity and pluralism assuring dignity of the individual have fundamental relationship with unity and integrity of the Nation. Speech or expression causing or likely to cause disturbance of or threats to public order, or, divisiveness and alienation amongst different groups of people, or, demeaning dignity of targeted groups, held, is against Preambular precepts, and violates dignity, liberty and freedom of others, particularly of the targeted groups, and poses threat to fraternity, and unity and integrity of the Nation, and must be dealt with as per law.*]
16. **Firoz Iqbal Khan v. Union of India & Ors.**, (2021) 2 SCC 596 [*There should be a balance between fundamental right to free speech and expression and the fundamental right to equality and fair treatment for every segment of citizens.*]
17. **Chief Election Commissioner of India v M. R. Vijayabhaskar and Ors.** (2021) 9 SCC 770 [*Freedom of press relating to Court proceedings*]
18. **Vinod Dua v. Union of India**, 2021 SCC OnLine SC 414 [*Upheld right of the citizen to criticize the government*]
19. **K. Lakshminarayanan v. Union of India**, (2020) 14 SCC 664 [*Puducherry Assembly Concurrence of CM not required for Center to nominate member to Legislative Assembly of UTs*]
20. **Anuradha Bhasin v. Union of India**, (2020) 3 SCC 637 [*Access to Internet as a Fundamental Right*]
21. **Gopalakrishnan v. State of Kerala**, (2020) 9 SCC 161 [*Balancing of Interest between privacy of individual and the right of state to gather information in Criminal Trials*]
22. **Shrimanth Balasaheb Patil v. Karnataka Legislative Assembly**, (2020) 2 SCC 595 [*The court noted and reiterated that the Speaker, in deciding the issue of disqualification, acts as a quasi-judicial authority and his orders are amenable to judicial review.*]
23. **Roger Mathew v. South Indian Bank Ltd.**, (2020) 6 SCC 1 [*The Tribunal, Appellate Tribunal and Other Authorities (Qualifications, Experience and Other Conditions of Service of Members) Rules, 2017 formulated by the Central Government under Section 184, Finance Act, 2017 were struck down in entirety as being contrary to the parent Act and the principles envisaged in the Constitution. Directions were issued to reformulate the rules in accordance with the court's directions in earlier cases. It was held that there is a need based requirement to conduct "judicial impact assessment" of all the tribunals and such reports must be submitted to the competent legislative authority.*]
24. **Ashwani Kumar v. Union of India**, (2019) 2 SCC 636 [*Right to health of senior citizen and for allocation of old age homes*]

25. **Indian Young Lawyers Association & Ors. v. The State of Kerala**, (2019) 11 SCC 1 [Sabrimala Case- The Supreme Court declared unconstitutional the Sabarimala Temple's custom of prohibiting women in their 'menstruating years' from entering.]
26. **K. S. Puttaswamy v. Union of India**, (2019) 1 SCC 1 (Aadhaar) [The mandatory linking of mobile number and Aadhar was held to be invalid. The majority upheld the provisions of the Aadhar Act holding that the law meets the test of proportionality and the requirement to furnish demographic and biometric information of individuals and the collection and storage of such data does not infringe the fundamental right to privacy. The Act was passed as a Money Bill: that was upheld. It was held that the main object of the law was to provide for various subsidies/benefits which involves expenditure, other provisions are incidental and hence covered by Art 110(1)(g)-any matter incidental to any of the matters specified in (a) to (f).]
27. **Swaraj Abhiyan v. Union of India & Ors.** (2018) 12 SCC 170 [Principles of Cooperative Federalism- Sovereignty divided in form of Centre and State- Centre and States often meet and interact at various levels to achieve goal of cooperative federalism – Centre is not powerless (Art.256) and it is improper on States to ignore implementation of welfare legislations enacted by Centre]
28. **Joseph Shine v. Union of India**, (2018) 2 SCC 189 [Decriminalization of Adultery- The Court decriminalised adultery, striking down Section 497 of the Indian Penal Code, 1860 (IPC)]
29. **Common Cause v. Union of India and Another**, (2018) 5 SCC 1 [Euthanasia- A Constitution Bench decided that the right to life with dignity under Article 21 includes a right to die with dignity.]
30. **Navtej Singh Johar v. Union of India**, (2018) 10 SCC 1 [A five-judge Bench unanimously struck down Section 377 of the Indian Penal Code, to the extent that it criminalised same-sex relations between consenting adults.]
31. **Kalpana Mehta v. Union of India**, (2018) 7 SCC 1 [A 5-Judge Constitution Bench decision on vital issues relating primarily to the permissibility of the Court looking into, referring to and relying on reports of Parliamentary Committees in a litigation before the Court and whether doing so would amount to breach of any privilege of Parliament. The concept of constitutional sovereignty or constitutional supremacy and all wings being governed by and functioning under the Constitution and the existence of constitutional limitations on the exercise of all power were emphasised. The Court spoke of the complementarity of institutions and their work. Separation of powers, as a principle, constitutes the cornerstone of our democratic Constitution. But its application in the actual governance of the polity is nuanced and the significant precept is that no institution is entrusted with absolute power or is above the Constitution. It was concluded that Parliamentary Standing Committee report or any Parliamentary Committee report can be taken judicial notice of and regarded as admissible in evidence, but it cannot be challenged or its validity called in question.]
32. **S. Nambi Narayanan v. Siby Mathews**, (2018) 10 SCC 804 [The arrest was made without evidence on record regarding espionage against ISRO scientist by State Police. CBI filed a closure report and the court discharged the appellant. It was held that the appellant is entitled to compensation, even if there is no allegation of physical torture.]
33. **Independent Thought v. Union of India**, AIR 2017 SC 4904 [In this case, the principle of constitutional morality was applied to counter the prevailing societal norms, which consider women the property of men with

no sexual and bodily autonomy. Constitutional morality forbids us from giving an interpretation to Exception 2 to Section 375 IPC that sanctifies a tradition or custom that is no longer sustainable.]

34. **Justice K. S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 SCC 1 [*The nine Judge Bench in this case unanimously reaffirmed the right to privacy as a fundamental right under the Constitution of India. The Court held that the right to privacy was integral to freedoms **guaranteed across fundamental rights, and was an intrinsic aspect of dignity, autonomy and liberty.**]*
35. **Shayara Bano v. Union of India**, (2017) 9 SCC 1 [*The practice of talaq-e-biddat or instantaneous triple talaq is unconstitutional.*]
36. **Abhiram Singh vs C.D. Commachen**, (2017) 2 SCC 629 [*A 7-Judge Bench decided the implication of 'his' in Sec. 123(3) of the Representation of the People Act, 1951-ie, appeal for vote on the basis of 'his' religion, race, caste, community or language. The leading judgment and the two separate concurring judgments held that 'his' is not confined to the candidate but takes within its sweep appeal by a candidate, his agent or any other person with the consent of the candidate, his agent or the elector. The minority view very convincingly expressed that 'his' refers only to the candidate or the rival candidate in whose favour an appeal to cast a vote is made or of another against whom an appeal to refrain from voting is made.]*
37. **Subramanian Swamy v. Union of India (UOI), Ministry of Law**, (2016) 7 SCC 221 [*The Court upheld the constitutionality of the criminal offence of defamation under Sections 499 and 500 of the Indian Penal Code.*]
38. **Nabam Rebia v. Deputy Speaker**, (2016) 8 SCC 1 [*The Supreme Court settled the question of governor's discretion and the 'scope' of judicial review over governor's functions.*]
39. **Supreme Court Advocates on Record Association v. Union of India**, (2016) 5 SCC 1 [*This case is popularly known as the second judges' transfer case where the majority overruled SP Gupta case and held that the in the matter of appointment of judges of the Supreme Court and High Court Chief Justice of India should be given importance. The court also laid down detailed guidelines governing the appointment and transfer of judges and ruled that Chief Justice of India should be appointed based on seniority. The Supreme Court had clearly held that no appointment of any judge to the Supreme Court or any High Court can be made unless it is in conformity with the opinion of Chief Justice of India.]*
40. **Jeeja Ghosh v. Union of India**, (2016) 7 SCC 761 [*Held that the rights that are guaranteed to differently abled persons under the PWD Act are founded on the sound principle of human dignity which is the core value of human right and is treated as a significant facet of right to life and liberty. Such a right now treated as human right of the persons with disability has its roots in Article 21 of the Constitution.*]
41. **National Legal Services Authority v. Union of India and others**, AIR 2014 SC 1863 [*The Supreme Court declared transgender people the 'third gender', affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to them, and gave them the right to self-identification of their gender as male, female or third gender.*]
42. **Aruna Ramchandra Shanbaug v. Union of India**, (2011) 4 SCC 524 [*The Court while delivering the judgment distinguished between active and passive euthanasia. It observed that causing the death of a person who is in 'persistent vegetative state' with no chance of recovery, by withdrawing artificial life support is not a" positive*

act of killing” which couldn’t be allowed considering the facts of each case. The withdrawal of life support by doctors is considered as an omission & not a positive step to terminate life.]

43. **Naz Foundation v Government of NCT and Ors.**, 2009 SCC OnLine Del 1762 [*The Court differentiated public morality and constitutional morality - Popular morality, as distinct from a constitutional morality derived from constitutional values, is based on shifting and subjecting notions of right and wrong. If there is any type of "morality" that can pass the test of compelling state interest, it must be "constitutional" morality and not public morality.] [In our scheme of things, constitutional morality must outweigh the argument of public morality, even if it be the majoritarian view.]*
44. **Chandresh Marskole v. The State of Madhya Pradesh**, Criminal Appeal No. 1580/2009 [*The High Court set aside the conviction of a man for murder and further directed the State to pay him compensation worth Rs 42 lakhs, observing that his conviction was a result of a botch and maliciously motivated investigation by an 'outrightly partisan' police.]*

***Suggested Additional Reading (Landmark Judgments - Citations for Reference)**

1. *Rajbala v. State of Haryana*; (2016) 2 SCC 445
2. *Supreme Court Advocates on Record Association v. Union of India*; 2015 AIR SCW 5457
3. *Shreya Singhal v. Union of India* 2015; Indlaw SC 211
4. *Charu Khurana v. Union of India (UOI)*; (2015)1SC C 192
5. *Pramati Educational and Cultural Trust and Ors. v. Union of India (UOI) and Ors*; (2014)8SC C 1
6. *State of Maharashtra v. Indian Hotel and Restaurants Association*; (2013) 8 SCC 519
7. *Lily Thomas v. Union of India & Ors*; (2013) 7 SCC 653
8. *People’s Union of Civil Liberties v. Union of India*; (2013) 10 SCC 1
9. *Abhay Singh v. State of Uttar Pradesh and Ors*; (2013) 15 SCC 435
10. *Union of India v. R. Gandhi, President, Madras Bar Association*; (2010) 11 SCC 1201
11. *M. Nagaraj and Others v. Union of India & Others*; AIR 2007 SC 71
12. *I.R. Coelho (Dead) By Lrs v. State of Tamil Nadu & Ors*; (2007) 2 SCC 1
13. *P.A. Inamdar and Others v. State of Maharashtra*; (2005) 6 SCC 537
14. *L. Chandra Kumar v. Union of India*; AIR 1997 SC 1125
15. *People's Union of Civil Liberties v. Union of India*; AIR 1997 SC 568
16. *S.R. Bommai v. Union of India*; AIR 1994 SC 1918
17. *A.R. Antulay vs R.S. Nayak & Anr*, 1988 AIR 1531
18. *Bijoe Emmanuel & Ors v. State of Kerala*; AIR 1987 SC 748
19. *Minerva Mills Ltd. & Ors. v. Union of India & Ors*; AIR 1980 SC 1789
20. *Maneka Gandhi v. Union of India*; AIR 1978 SC 597
21. *Indira Nehru Gandhi v. Raj Narain & Another*; AIR 1975 SC 1590
22. *Kesavananda Bharati v. State of Kerala*; AIR 1973 SC 1461
23. *E. M. Sankaran Namboodiripad v. T. Narayanan Nambiar*; AIR 1970 SC 2015
24. *The Chairman Railway Board v. Chandrima Das*, (2002) 2 SCC 465
25. *Visakha v. State of Rajasthan*, (1997) 6 SCC 241
26. *Vadivelu Thevar v. State of Madras*, AIR 1957 SC 61

Suggested Readings (Books)

1. H.M. Seervai, CONSTITUTIONAL LAW OF INDIA: A CRITICAL COMMENTARY, Universal Book Traders, Delhi, Fourth Edition (2002)
2. THE CONSTITUTION OF INDIA CELEBRATING AND CALIBRATING 70 YEARS: COMPENDIUM OF ARTICLES, edited by Dr. Lalit Bhasin, Law & Justice Publishing Co. (2020)
3. Phillip J. Cooper, HARD JUDICIAL CHOICES, FEDERAL DISTRICT COURT JUDGES AND STATE AND LOCAL OFFICIALS, Oxford University Press (1988)
4. Chintan Chandrachud, BALANCED CONSTITUTIONALISM, COURTS AND LEGISLATURES IN INDIA AND THE UNITED KINGDOM, Oxford University Press (2017)
5. Granville Austin, WORKING A DEMOCRATIC CONSTITUTION, A HISTORY OF THE INDIAN EXPERIENCE, Oxford University Press (2004)
6. H.R. Khanna, MAKINGS OF INDIA'S CONSTITUTION, Eastern Book Co., reprint (2009)
7. Laurence H. Tribe, CONSTITUTIONAL CHOICES, Universal Law Publishing Co. Pvt. Ltd. (2000)
8. M.J.C. Vile, CONSTITUTIONALISM AND THE SEPARATION OF POWERS, Liberty Fund Inc. Second Edition (1998)
9. Prof. (Dr) Balram K. Gupta, MY JOURNEY WITH LAW & JUSTICE, Law & Justice Publishing Co. (2022)
10. A.G. Noorani, CONSTITUTIONAL QUESTIONS & CITIZENS' RIGHTS, Oxford University Press (2010)
11. Rohan J. Alva, LIBERTY AFTER FREEDOM: A HISTORY OF ARTICLE 21, DUE PROCESS AND THE CONSTITUTION OF INDIA, HarperCollins India (2022)
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14. C. Herman Pritchett, THE FEDERAL SYSTEM IN CONSTITUTIONAL COURT, Prentice-Hall (1978)
15. C. Herman Pritchett, CONGRESS VERSUS THE SUPREME COURT, 1957-1960, University of Minnesota Press, First Edition (1961)
16. Asuzu, Chinua, JUDICIAL WRITING: A BENCHMARK FOR THE BENCH, Partridge Publishing (2016)
17. Bryana A Garner, NINO AND ME: AN INTIMATE PORTRAIT OF SCALIA'S LAST YEARS, Threshold Publication (2019)
18. Frederick Schauer, THE PROOF: USES OF EVIDENCE IN LAW, POLITICS, AND EVERYTHING ELSE, Harvard University Press (2022)
19. Ruth Bader Ginsburg, MY OWN WORDS, Simon & Schuster, New Delhi (2016)
20. WJ Waluchow, A COMMON LAW THEORY OF JUDICIAL REVIEW: THE LIVING TREE, Cambridge University (2009)
21. Richard A. Posner, HOW JUDGES THINK, Universal Law Publishing Company, (2011)
22. Amartya Sen, THE IDEA OF JUSTICE, Penguin Books (2009)
23. Abhinav Chandrachud, SUPREME WHISPERS – CONVERSATION WITH JUDGES OF THE SUPREME COURT OF INDIA 1980-1989, Penguin Random House (2018)
24. Sir Paul Vinogradoff, COMMON-SENSE IN LAW, Law & Justice Publishing Company