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2.	Nick Robinson. ***Judicial Architecture and Capacity*** in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION. Oxford University Press, 331-348 (2016)	
3.	***Ecosystem of Justice: Court Hierarchies, Administration and the legal Profession,*** Chapter –X, Book Courts of India – Past to Present. Published by The Publications Division Government of India SC 2016	
4.	B.M. Gandhi. ***Establishment of the High Courts,*** in VD KULSHRESTHA'S LANDMARKS IN INDIAN LEGAL AND CONSTITUTIONAL HISTORY. Wadhwa and Company, 189-208 (2011)	
	JUDGMENTS ***(Provided in pen drive. Read for conclusive opinion)***	
1.	***Vivek Narayan Sharma v. Union of India*** [IN THE SUPREME COURT OF INDIA, Writ Petition (Civil) No. 906 of 2016, MANU/SC/0002/2023, Decided On: 02.01.2023 - Concerning judicial review of economic policy, observed that Indian judiciary has consistently exercised restraint with regard to judicial review of policy decisions. The Supreme Court reiterated earlier view taken in Balco Employees' Union (Regd) v. Union of India AIR 2002 SC 350, that in a democracy, it is the prerogative of each elected Government to follow its own policy. This Court observed that often a change in Government may result in the shift in focus or change in economic policies and any such change may result in adversely affecting some vested interests. Unless any illegality is committed in the execution of the policy or the same is contrary to law or malafide, a decision bringing about change cannot per se be interfered with by the court.	
2.	***Mathew Z Pulikunnel v. Chief Justice of India,*** AIR 2022 Ker 65 - Before Kerala High Court, the question for consideration was, whether the 'in-house procedure' adopted by the full Court of the Supreme Court is 'procedural code' to deal with judicial misconduct of judges of the High Court and Supreme Court or is it a mere extension of moral or ethical act? Held - the procedure was adopted for "inquiry to be made by the peers of judges for report to the Chief Justice of India in case of complaint against the Chief Justices or Judges of the High Court in order to find out the truth of the imputation made in the complaint and that in-house inquiry is for the purpose of his own information and satisfaction." Such an inquiry, which is in the nature of a preliminary inquiry designed to provide information to the Chief Justice concerned, cannot be seen as a 'law', for the	

	enforcement of which a litigant can approach the superior courts by invoking its writ jurisdiction, which is a remedy provided under public law. The decision whether or not to initiate the in-house procedure against a judge is a matter that falls within the discretion of the Chief Justice, and the discretion not being one conferred under a 'law', its exercise cannot be compelled citing public interest. In the light of decision in Registrar General, High Court of Madras v. R. Gandhi & Ors. (2014) 11 SCC 547 where, while considering a writ of quo warranto that questioned the competence of persons recommended for elevation as High Court judges, the court opined that while the lack of eligibility of the candidates for appointment as judges or the lack of an effective consultation could be scrutinized in a writ petition, the suitability of the candidates, being a matter of opinion, was not susceptible to judicial review. On the same line of reasoning the decision of the Chief Justice of India cannot be scrutinized through judicial review.
3.	***In Re: Prashant Bhushan and Ors.*** AIR2020SC4074 - while deciding contempt petition for a tweet on private life of the Chief Justice of India by well known advocate, the Supreme Court observed the Indian judiciary is not only one of pillars on which the Indian democracy stands but is the central pillar. The Indian Constitutional democracy stands on the bedrock of Rule of law. The trust, faith and confidence of the citizens of the country in the judicial system is sine qua non for existence of Rule of law.
4.	***Supreme Court Advocates-on-Record-Association and Ors. v. Union of India*** (2016)5SCC1 - Constitution (Ninety-ninth Amendment) Act, 2014 and National Judicial Appointments Commission Act, 2014 enacted by Parliament to set up a National Judicial Appointments Commission (NJAC) for selection, appointment and transfer of Judges to the Higher judiciary so as to replace the prevailing procedure known as the Collegium for selection process were declared unconstitutional on grounds: (i) the last word in such a sensitive subject must belong to the Chief Justice of India, (ii) Consequent to pronouncement of judgments in the Second and Third Judges cases, a Memorandum of Procedure for Appointment of Judges and Chief Justices to the Higher judiciary was drawn by the Ministry of Law, Justice and Company Affairs on 30.6.1999. It provides for a participatory role, to the judiciary as well as the political-executive. While the judicial contribution is responsible for evaluating the individual's professional ability, the political-executive is tasked with the obligation to provide details about the individual's character and antecedents. (iii) In the Collegium system of appointment, it is open to the Executive to return the file to the Chief Justice of India, for a reconsideration of the proposal, by enclosing material which may have escaped the notice of the Chief Justice of India and his collegium of Judges. There is a complete comity of purpose between the judiciary and the political-executive in the matter of selection and appointment of High Court Judges, and there is clear transparency as views and counter-views are exchanged in writing. (v) The sensitivity of selecting Judges is so enormous, and the consequences of making inappropriate appointments so dangerous, that if those involved in the process of selection and appointment of Judges to the higher judiciary, make wrongful selections, it may lead to chaos. The two "eminent persons" would also have the absolute authority to reject all names unanimously approved by the remaining four Members of the NJAC. That would include the power to reject the unanimous recommendation of the entire judicial component of the NJAC. Vesting of such authority on persons who have no nexus to the system of administration of justice is arbitrary. The inclusion

	of "eminent persons", would adversely impact primacy of the judiciary, in the matter of selection and appointment of Judges to the higher judiciary.
5.	***Vijendra Kumar Verma v. Public Service Commission, Uttarakhand and Ors***. (2011)1SCC150 - the requirement and the necessity for having basic knowledge of computer operation as one of the eligibility criteria and conditions for selection as a trial court judge - was upheld with observations that - the Indian judiciary is taking steps to apply e-governance for efficient management of Courts and accordingly, the new Judges who are being appointed are expected to have basic knowledge of the computer operation. The requirement of having basic knowledge of computer operation should not be diluted.
6.	***Rajendra Singh Verma (Dead) Through LRs. v. Lieutenant Governor (NCT of Delhi)***, (2011) 10 SCC 1 - held that in case where the Full Court of the High Court recommends compulsory retirement of an officer, the High Court on the judicial side has to exercise great caution and circumspection in setting aside that order because it is a complement of all the Judges of the High Court who go into the question and it is possible that in all cases evidence would not be forthcoming about integrity doubtful of a judicial officer.
7.	***High Court of Judicature at Rajasthan v. Ramesh Chand Paliwal,*** (1998) 3 SCC 72 - there were certain posts in the establishment of the High Court on which officers of the Rajasthan Higher Judicial Service were being appointed on deputation which was objected to by certain staff of the High Court on the ground that they were competent to man those posts and, therefore, officers belonging to Rajasthan Judicial Service or Higher Judicial Service should not be inducted on those posts specially when their appointment causes dislocation of judicial work in the District Courts and more specially as the High Court staff does not get any promotion beyond the post of Deputy Registrar. Held - (i) Just as Chief Justice of India is the supreme authority in the matter of Supreme Court Establishment including its office staff and officers, so also the Chief Justice of the High Court is the sole authority in these matters and no other Judge or officer can legally usurp those administrative functions or power. (ii) The power to appoint an officer or servant of the High Court also includes the power to dismiss. (iii) Even if the Registrar is to report that the posts on which officers of Higher Judicial Service are appointed on deputation can well be manned by the High Court staff itself or that when the officers are brought from the District Courts to the High Court in registry, some of the sub-ordinate courts become vacant and no one is available to hear and dispose of cases pending in those courts and even if such report is placed before the Full Court, the Full Court cannot give a direction to the Chief Justice not to fill up those posts by bringing Officers on deputation. A Judge of the High Court individually or all Judges sitting collectively, as in the Full Court, cannot either alter the constitutional provisions or the rules made by the Chief Justice. They have no jurisdiction even to suggest any amendment in the rules made by the Chief Justice nor can they create any avenue of promotion for the High Court staff so as to be appointed on posts meant for Officers from Higher Judicial Service. The Chief Justice has been vested with wide powers to run the High Court Administration independently so as not to brook any interference from any quarter, not even from his Brother Judges who, however, can scrutinize his administrative action or order on the judicial side like the action of any other authority. It should not be lost sight that Registrars, under Rules of various High Courts, have also to perform some

	limited judicial functions which cannot be done by an officer other than a Judicial Officer in the High Court establishment.
8.	***C. Ravichandran Iyer v. Justice A.M. Bhattacharjee & Ors***. (1995) 5 SCC 457 - Bombay Bar Association passed a resolution requesting chief justice to demit his office as a Judge in the interest of the institution on grounds that he had negotiated a deal with Mr. S.S. Musafir, Chief Executive of Roebuck Publishing, London and accepted for publication and sale abroad of a book authored by him, viz., "Muslim Law and the Constitution" for two years at a royalty of US $80,000 [Eighty thousand U.S. Dollars] and an inconclusive negotiation for US$75,000 [Seventy five thousand U.S. Dollars] for overseas publishing rights of his book "Hindu Law and the Constitution" [2nd Edn.]. This information was not disclosed to the court but kept confidential. As the amount of royalty appeared to be totally disproportionate to what a publisher abroad would be willing to pay for foreign publication of a book which might be of academic interest within India [since the book was a dissertation of Muslim Law in relation to the Constitution of India], there was a growing suspicion at the Bar that the amount might have been paid for reasons other than the ostensible reason". Held - (i) It is true that the Supreme Court has neither administrative control over the High Court nor power on the judicial side to enquire into the misbehavior of a Chief Justice or Judge of a High Court. But when the Bar of the High Court concerned reasonably and honestly doubts the conduct of the Chief Justice of that court, necessarily the only authority under the Constitution that could be tapped is the Chief Justice of India, who in common parlance is known as the head of the judiciary of the country. (ii) Judicial office is essentially a public trust. Society is, therefore, entitled to except that a Judge must be a man of high integrity, honesty and required to have moral vigour, ethical firmness and impervious to corrupt or venial influences. He is required to keep most exacting standards of propriety in judicial conduct. Any conduct which tends to undermine public confidence in the integrity and impartiality of the court would be deleterious to the efficacy of judicial process. Society, therefore, expects higher standards of conduct and rectitude from a Judge. (iii) Unwritten code of conduct is writ large for judicial officers to emulate and imbibe high moral or ethical standards expected of a higher judicial functionary, as wholesome standard of conduct which would generate public confidence, accord dignity to the judicial office and enhance public image, not only of the Judge but the court itself. It is, therefore, a basic requirement that a Judge's, official and personal conduct be free from impropriety; the same must be in tune with the highest standard of propriety and probity. The standard of conduct is higher than expected of a layman and also higher than expected of an advocate. In fact, even his private life must adhere to high standards of probity and propriety, higher than those deemed acceptable for others. Therefore, the Judge can ill-afford to seek shelter from the fallen standard in the society.
9.	***Supreme Court Advocates-on-Record Association and Ors. v. Union of India*** AIR1994SC268 - The question for consideration was whether opinion of Chief Justice of India (CJI) in regard to appointment of Judges to Supreme Court and High Courts and in regard to transfer of High Court Judges entitled to supremacy. Held - under Article 217 (1) process of consultation by President mandatory and non-consultation with CJI can render Order of appointment/ transfer void or un-constitutional. Further held - vital role to be played by CJI in process of selection of candidate for judgeship for superior judiciary. CJI had to keep vigilant watch in protecting integrity and guarding independence of judiciary and in such capacity CJI evaluates merit of candidate with

	regard to professional attainments, legal ability and offer opinion. Further held - there are innumerable impelling factors which motivate, mobilise and import momentum to concept that opinion of CJI given in process of consultation entitled to have right of primacy.	
10.	***All India Judges' Association v. Union Of India,*** AIR 1992 SC 165 - in application under Article 32 for reliefs through directions for setting up of All India Judicial Service and for bringing about uniform conditions of service for members of subordinate judiciary, the Supreme Court gave direction that All India Judicial Service should be set up and steps be taken to bring about uniformity in designation of officers both in civil and criminal side and retirement age of judicial officers be raised to 60 years. It was observed that the Constitution adopted the same scheme by providing in Entry 3 of List II of the Seventh Schedule the subject of administration of justice, Constitution and organization of all courts excepting the Supreme Court and the High Courts as a State subject. It was only under the 42nd Amendment in 1977 that Entry 3 from List II was deleted and the subject as such was taken as Entry 11-A in the Concurrent List. This had become necessary on account of the recommendation of the Law Commission that an All India Judicial Service should be set up.	
Session 2: Goals, Role and Mission of Courts: Constitutional Vision of Justice		
1.	Justice M N Venkatachaliah, ***Constitutional Ideals & Justice in Plural Societies,*** NIAS Foundation Day Lecture, June 2016, published by National Institute of Advanced Studies.	
2.	K.K. Venugopal, ***Constitutional Morality***, Book - The Constitution of India: Celebrating and Calibrating 70 Years (Compendium of Articles) Edited by Dr. Lalit Bhasin, Law and Justice Publication, 2020	
3.	Prof. M. P. Singh, ***A Theory of Constitutional Rights for India,*** (2014) 8 SCC J-25	
4.	M.P. Singh. ***Mapping the Constitutional Vision of Justice and Its Realization*** Journal of National Law University, Delhi (3), 1-16 (2015-2016)	
5.	Tewari, M., & Saxena, R. (2017). ***The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism*.** In N. Aroney & J. Kincaid (Eds.), COURTS IN FEDERAL COUNTRIES: FEDERALISTS OR UNITARISTS? (pp. 223–255). University of Toronto Press. http://www.jstor.org/stable/10.3138/j.ctt1whm97c.12	
6.	Justice A. K. Sikri, ***Constitutional Democracy: India's Moments (Constitution and Constitutionalism*)** Lalit Bhasin (Ed.), THE CONSTITUTION OF INDIA: CELEBRATING AND CALIBRATING 70 YEARS Law & Justice Publishing Co., 2-34 (2020).	
7.	Posner, R. A. (2006), ***The Role of the Judge in the Twenty-First Century***, Boston University Law Review 86(5), 1049-1068	

	JUDGMENTS ***(Provided in pen drive. Read for conclusive opinion)***
1.	***Kaushal Kishor v. State of Uttar Pradesh and Ors***. (Writ Petition (Criminal) No. 113 of 2016 and Special Leave Petition (Arising out of (Diary) No. 34629 of 2017), Decided On: 03.01.2023) - the questions that arose for consideration of the constitution bench were: (i) Are the grounds specified in Article 19(2) on reasonable restrictions on the right to free speech - exhaustive, or can restrictions be imposed on grounds not found in Article 19(2) by invoking other fundamental rights? (ii) Can a fundamental right under Article 19 or 21 of the Constitution be claimed other than against the 'State' or its instrumentalities? (iii) Whether the State is under a duty to affirmatively protect the rights of a citizen under Article 21 even against a threat to the liberty of a citizen by the acts or omissions of another citizen or private agency? (iv) Can a statement made by a Minister, traceable to any affairs of State or for protecting the Government, be attributed vicariously to the Government itself, especially in view of principle of Collective Responsibility? (v) Whether a statement by a Minister, inconsistent with the rights of a citizen under Part III of the Constitution, constitutes a violation and is actionable as 'Constitutional Tort"?... Held –(i) Every citizen of India must consciously be restrained in speech, and exercise the right to freedom of speech and expression under Article 19(1)(a) only in the sense that it was intended by the framers of the Constitution, to be exercised. However, it is a no brainer that the right to freedom speech and expression, in a human-rights based democracy does not protect statements made by a citizen, which strike at the dignity of a fellow citizen. (ii) The rights in the realm of common law, which may be similar or identical in their content to the Fundamental Rights under Article 19/21, operate horizontally: Fundamental Rights under Articles 19 and 21, may not be justiciable horizontally before the Constitutional Courts except those rights which have been statutorily recognised and in accordance with the applicable law. However, a remedy in the form of writ of Habeas Corpus, if sought against a private person on the basis of Article 21 of the Constitution can be before a Constitutional Court i.e., by way of Article 226 before the High Court or Article 32 read with Article 142 before the Supreme Court. (iii) The duty cast upon the State under Article 21 is a negative duty not to deprive a person of his life and personal liberty except in accordance with law. Such obligations may require interference by the State where acts of a private actor may threaten the life or liberty of another individual. When a citizen is so deprived of his right to life and personal liberties, the State would have breached the negative duty cast upon it Under Article 21. (iv) A statement made by a Minister if traceable to any affairs of the State or for protecting the Government, can be attributed vicariously to the Government by invoking the principle of collective responsibility, so long as such statement represents the view of the Government also. If such a statement is not consistent with the view of the Government, then it is attributable to the Minister personally. (v) A proper legal framework is necessary to define the acts or omissions which would amount to constitutional tort and the manner in which the same would be redressed or remedied on the basis of judicial precedent. This could be through enactment of a Code of Conduct which would prescribe the limits of permissible speech by functionaries and members of the respective political parties. Any citizen, who is prejudiced by any form of attack, as a result of speech/expression through any medium, targeted against her/him or by speech which constitutes 'hate speech' or any species thereof, whether such attack or speech is by a public functionary or otherwise, may approach the Court of Law under Criminal and Civil statutes and seek appropriate

	remedies. Whenever permissible, civil remedies in the nature of declaratory remedies, injunctions as well as pecuniary damages may be awarded as prescribed under the relevant statutes.
2.	***S. G. Vombatkere v. Union of India*** (2022) 7 SCC 433 - The Court while hearing petition challanging constitutionality of Section 124-A IPC which defines and punishes for the offence of "sedition", found that the government agrees with the prima facie opinion expressed by the petitioners that the rigors of Section 124A of IPC is not in tune with the current social milieu, and was intended for a time when this country was under the colonial regime. The court while accepting that there is a requirement to balance both sets of considerations - of security interests and integrity of the State on one hand, and the civil liberties of citizens on the other, which is a difficult exercise - directed all pending trials, appeals and proceedings filed for punishing with this offence to be kept in abeyance till the re-examination of the provision is complete on the part of the government which continues to scrap outdated colonial laws and practices.
3.	***Union of India and Ors. v. Mohit Minerals Pvt. Ltd.*** (2022)10SCC700 - By Entry 9(ii) of Notification 8/2017, an integrated tax of 5 per cent was levied on supply of specified services, including transportation of goods in a vessel from a place outside India up to the customs station of clearance in India. Entry 10 of Notification 10/2017 specified the importer as the recipient of transportation of service when the supplier is location in a non-taxable territory and the service of transportation is supplied by a person in a non-taxable territory. Both notifications, Notification 8/2017 and Notification 10/2017 held as ultra vires the IGST Act. It was observed that merely because a few of the recommendations of the GST Council are binding on the Government under the provisions of the CGST Act and IGST Act, it cannot be argued that all of the GST Council's recommendations are binding. As a matter of first principle, the provisions of the Constitution, which is the grundnorm of the nation, cannot be interpreted based on the provisions of a primary legislation. It is only the provisions of a primary legislation that can be interpreted with reference to the Constitution. The legislature amends the Constitution by exercising its constituent power and legislates by exercising its legislative power. The constituent power of the legislature is of a higher constitutional order as compared to its legislative power. Even if it is Parliament that has enacted laws making the recommendations of the GST Council binding on the Central Government for the purpose of notifying secondary legislations, it would not mean that all the recommendations of the Council made by virtue of its power under Article 279A have a binding force on the legislature. The contention of the Government that the recommendations of the GST Council are binding since Parliament and the State legislatures have agreed to align themselves with the recommendations as is evident from the provisions of the IGST Act and CGST Act - was not accepted relying on one of the important features of Indian federalism, i.e., 'fiscal federalism'. Relying on Statement of Objects and Reasons for introducing Articles 246A and 279A into the constitution (for enhancing cooperative federalism and harmony between the States and the Centre), coupled with the absence of the repugnancy provision in Article 246A - the court held that recommendations of the GST Council cannot be binding. Such an interpretation would

	be contrary to the objective of introducing the GST regime and would also dislodge the fine balance on which Indian federalism rests.
4.	***Aparna Bhat and Ors. v. State of Madhya Pradesh and Ors***. AIR2021SC1492 -High Court of Madhya Pradesh while granting bail to the accused who was charged of sexually harassing his neighbour imposed condition that accused along with his wife shall visit the house of complainant with Rakhi thread/band with box of sweets and request complainant to tie Rakhi band to him with promise to protect her. Before the Supreme Court, public-spirited individuals, concerned about the adverse precedent set by the imposition of such a bail conditions in a case involving a sexual offence against a woman, challenged imposition of such a bail conditions. The Supreme Court of India while setting aside the bail condition, directed the courts to desist from expressing any stereotype opinion, in words spoken during proceedings, or in the course of a judicial order, to the effect that (i) women are physically weak and need protection (ii) women are incapable of or cannot take decisions on their own, (iii) men are the head of the household and should take all the decisions relating to family (iv) women should be submissive and obedient according to our culture; (v) good women are sexually chaste (vi) motherhood is the duty and role of every woman, and assumptions to the effect that she wants to be a mother (vii) women should be the ones in charge of their children, their upbringing and care (viii) being alone at night or wearing certain clothes make women responsible for being attacked (ix) a woman consuming alcohol, smoking, etc. may justify unwelcome advances by men or has asked for it (x) women are emotional and often overreact or dramatize events, hence it is necessary to corroborate their testimony (xi) testimonial evidence provided by women who are sexually active may be suspected when assessing consent in sexual offence cases; and (xii) lack of evidence of physical harm in sexual offence case leads to an inference of consent by the woman.
5.	***Amish Devgan v. Union of India and Ors***.(2021)1SCC1 - The court while rejecting the prayer of the Petitioner for quashing of the FIRs against him for hosting and participating in a debate on religious character of places of worship, observed from the transcript that he was an equal co-participant, rather than a mere host. Giving liberty to the trial court to evaluate the offending portion of the transcript so as to consider the 'context' as well as the 'intent' and the 'harm/impact'- the court searched reasons from literature and precedents for criminalisation of speech and how in absence of such criminalisation, debates informed by prejudices of the public would marginalise vulnerable groups and deny them equal space in the society. The court established the relationship between criminalisation of speech to protection of right to equality enshrined in Article 14. The court distinguished between 'free speech' which includes the right to comment, favour or criticise government policies; and 'hate speech' creating or spreading hatred against a targeted community or group.
6.	***Firoz Iqbal Khan v. Union of India and Ors.*** (2021)2SCC596 - Notice was issued to Union of India, Press Council of India, News Broadcasters Association and tv channel Sudarshan News on petition filed against a programme that was about to broadcast and that contained statements derogatory of the entry of minority in the civil services. The court observed that together with free speech, there are other constitutional values which need to be balanced and preserved including the fundamental right to equality and fair treatment for every segment of citizens.

7.	***The Chief Election Commissioner of India v. M.R. Vijayabhaskar and Ors***. AIR2021SC2238 - Petition by Election Commission (EC) sought restrain on media from reporting oral remarks attributing responsibility to it for surge in the number of cases of COVID-19, for failure to implement appropriate COVID-19 safety measures and protocol during the elections. On question whether the petitioner EC can restrain media from reporting oral remarks made during judicial proceedings, the Supreme Court held that freedom of speech and expression extends to reporting the proceedings of judicial institutions as well. Courts are entrusted to perform crucial functions under the law. Their work has a direct impact, not only on the rights of citizens, but also the extent to which the citizens can exact accountability from the executive whose duty it is to enforce the law. The manner in which judicial proceedings are conducted, especially in superior courts, is unique to each judge and holds great weight in the dispensation of justice. The duty to preserve the independence of the judiciary and to allow freedom of expression of the judges in court is one end of the spectrum. The other end of the spectrum, which is equally important, is that the power of judges must not be unbridled and judicial restraint must be exercised, before using strong and scathing language to criticize any individual or institution. There is a need for judges to exercise caution in off-the-cuff remarks in open court, which may be susceptible to misinterpretation. Language, both on the Bench and in judgments, must comport with judicial propriety. Finding no substance in the prayer of the EC for restraining the media from reporting on court proceedings, the court observed that it stands as a staunch proponent of the freedom of the media to report court proceedings.
8.	***Vinod Dua v. UOI,*** 2021 SCC OnLine SC 414 - In a petition filed by the senior journalist to quash the criminal proceedings instituted against him for criticizing the handling of Covid pandemic by the government, the Supreme Court first dealt with contention of the respondent state that the petitioner journalist should not approach the Supreme Court under Article 32 of the Constitution, but must first approach the lower courts. Negating this contention it upheld the right of the senior journalist to approach the Supreme Court with observations that the practice of directing that the High Court be approached first even in cases of violation of fundamental rights, is more of a self-imposed discipline by this Court; but in glaring cases of deprivation of liberty, this Court has entertained petitions under Article 32 of the Constitution. Thereafter going through every statement made by the petitioner journalist in his talk show, the court found no offence is made out by merely criticizing the government on situation that prevailed. The Court therefore allowed quashing of criminal proceedings against the petitioner journalist and upheld the right to protection of journalist.
9.	***Anuradha Bhasin v. Union of India***, (2020) 3 SCC 637 - The Constitutional Order, applying all provisions of the Constitution of India to the State of Jammu and Kashmir, apprehending breach of peace and tranquillity, imposed restrictions on movement and public gatherings along with restrictions on modes of communication including internet, mobile and fixed line telecommunication services. While disposing of petition praying for direction to the government to immediately restore all modes of communication including mobile, internet and landline services throughout Jammu and Kashmir, the court held the freedom of trade and commerce

	through the medium of the internet is also constitutionally protected under Article 19(1)(g), subject to the restrictions provided under Article 19(6). The court also observed that responsible Governments are required to respect the freedom of the press at all times. Further, the court directed that any order suspending internet issued under the Suspension Rules, must adhere to the principle of proportionality and must not extend beyond necessary duration and an order suspending internet services indefinitely was impermissible under the Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017. Suspension could be utilized for temporary duration only.
10.	***K. S. Puttaswamy (Aadhaar) v. Union of India***, (2019) 1 SCC 1 - Petitions filed challenging constitutional validity of Aadhaar Act, 2016 and executive's Scheme for unique identification number on ground that it violates fundamental rights of innumerable citizens of India, namely, right to privacy under Article 21 of Constitution of India. The bench of A.K. Sikri, J. (For Chief Justice, himself and A.M. Khanwilkar) on going through presentation given by CEO of UIDAI, and the arguments of both the sides, concluded that minimal possible data, demographic and biometric, is obtained from the Aadhaar holders. Further, it empowered marginalised section of the society, particularly those who are illiterate and living in abject poverty or without any shelter etc. by giving identity to such persons also. On contention whether the Aadhaar project and the Aadhaar Act infringes right to privacy- observed that the negative content of privacy restricts the State from committing an intrusion upon the life and personal liberty of a citizen, but the positive content imposes an obligation on the State to take all necessary measures to protect the privacy of the individual. However, Justice Dr. D.Y. Chandrachud, in dissenting judgment held the Aadhaar Act unconstitutional for failing to meet the necessary requirements to have been certified as a Money Bill under Article 110(1). A Bill could be certified as a Money Bill only if it deals with all or any of the matters contained in Clauses (a) to (g) of Article 110(1). Further, concerns regarding privacy protections safeguarding biometric information were also expressed. It was also observed that for an identity theft at the time of enrollment for Aadhaar cards, and possible harms which could result after the identity theft of a person, were not addressed. The Aadhaar Act and Regulations were bereft of the procedure through which an individual can access information related to his or her authentication record. The Aadhaar Act clearly had no defined options that should be made available to the Aadhaar number holders in case they did not wish to submit identity information during authentication, nor do the Regulations specify the procedure to be followed in case the Aadhaar number holder did not provide consent for authentication. Other faults were also highlighted. Further, on possibility of denial of rights due to authentication - it was held that the dignity and the rights of individuals could not be made to depend on algorithms or probabilities. Constitutional guarantees cannot be subject to the vicissitudes of technology. Denial of benefits arising out of any social security scheme which promotes socio-economic rights of citizens was violative of human dignity and impermissible under our constitutional scheme.
11.	***Common Cause v. Union of India and Another***, (2018) 5 SCC 1 - In a petition filed seeking declaration that right to die with dignity be declared fundamental right within right to live with dignity under Article 21 of Constitution, it was held - in the case of a terminally ill patient, where there is no hope of recovery, accelerating the process of death for reducing the period of suffering constitutes a right to live with dignity. The issue of euthanasia, has thrown the challenge of

	exposition, development and obligation of the constitutional morality and exhorts the Court to play its creative role so that a balanced approach to an otherwise thorny and highly debatable subject matter is found. Further, it was observed that dignity of citizens continues to be safeguarded by the Constitution even when life is seemingly lost and questions about our own mortality confront us in the twilight of existence. The sanctity of human life is the arterial vein which animates the values, spirit and cellular structure of the Constitution. The Constitution recognizes the value of life as its indestructible component. The survival of the sanctity principle is founded upon the guarantees of dignity, autonomy and liberty. Constitutional recognition of the dignity of existence as an inseparable element of the right to life necessarily means that dignity attaches throughout the life of the individual. Dignity of life must encompass dignity in the stages of living which lead up to the end of life. Dignity in the process of dying is as much a part of the right to life under Article 21 of the Constitution. To deprive an individual of dignity towards the end of life is to deprive the individual of a meaningful existence. Hence, the Constitution protects the legitimate expectation of every person to lead a life of dignity until death occurs.
12.	***Joseph Shine v. Union of India***, (2018) 2 SCC 189 - In this petition, petitioner has challenged the constitutional validity of Section 497 of the Indian Penal Code and Section 198(2) of the Criminal Procedure Code criminalising offence of adultery. In both sections, wife is treated as a victim even when she is consenting party. The court while asking the court master to refer the matter to a Constitution Bench, observed that the provision really creates a dent on the individual independent identity of a woman when the emphasis is laid on the connivance or the consent of the husband. This tantamounts to subordination of a woman where the Constitution confers equal status.
13.	***Indian Young Lawyers Association & Ors. v. The State of Kerala***, (2019) 11 SCC 1 - Indian Young Lawyers Association filed Writ Petition (Civil) No. 373 of 2006 challenging the validity of Rule 3(b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 (for short, "the 1965 Rules"). A further direction to the Respondents therein to permit female devotees between the ages of 10 to 50 years to enter the Sabarimala temple without any restrictions was sought in the Writ Petition. By an order dated 30th October 2017, a three Judge bench of this Court referred the matter to a larger bench for resolution of the questions raised in the Writ Petition. The Writ Petition was placed before a Constitution Bench consisting of five Judges. By a majority of 4:1, this Court allowed the Writ Petition on 28.09.2018. It was held by this Court that the devotees of Lord Ayyappa do not constitute a separate religious denomination and therefore cannot claim the benefit of Article 26 of the Constitution of India. This Court also concluded that exclusion of women between the ages of 10 to 50 years from entry into the temple is violative of Article 25 of the Constitution of India. Further, Rule 3 (b) of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 was declared as violative of Article 25(1) to the Constitution of India and ultra vires Section 3 of Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965.
14.	***Navtej Singh Johar v. Union of India***, (2018) 10 SCC 1 - Writ Petition was filed for declaring "right to sexuality", "right to sexual autonomy" and "right to choice of a sexual partner" to be part of the right to life guaranteed under Article 21 of the Constitution of India and further to declare

	Section 377 of IPC to be unconstitutional. The Supreme Court declared that insofar as Section 377 criminalises consensual sexual acts of adults (i.e. persons above the age of 18 years who are competent to consent) in private, is violative of Articles 14, 15, 19, and 21 of the Constitution. The right to privacy is not simply the "right to be let alone", and has travelled far beyond that initial concept. It now incorporates the ideas of spatial privacy, and decisional privacy or privacy of choice. It extends to the right to make fundamental personal choices, including those relating to intimate sexual conduct, without unwarranted State interference. Sexual orientation of a person is an essential attribute of privacy. Its protection lies at the core of Fundamental Rights guaranteed by Articles 14, 15, and 21. Section 377 affects the private sphere of the lives of LGBT persons. It takes away the decisional autonomy of LGBT persons to make choices consistent with their sexual orientation, which would further a dignified existence and a meaningful life as a full person. The mis-application of this provision denied them the Fundamental Right to equality guaranteed by Article 14. It infringed the Fundamental Right to non-discrimination Under Article 15, and the Fundamental Right to live a life of dignity and privacy guaranteed by Article 21. It is, however, clarified that, such consent must be free consent, which is completely voluntary in nature, and devoid of any duress or coercion. The declaration of the aforesaid reading down of Section 377 shall not, however, lead to the reopening of any concluded prosecutions, but can certainly be relied upon in all pending matters whether they are at the trial, appellate, or revisional stages. The provisions of Section 377 will continue to govern non-consensual sexual acts against adults, all acts of carnal intercourse against minors, and acts of beastiality.
15.	***Independent Thought v. Union of India***, AIR 2017 SC 4904 - Petitioner Society had filed petition in public interest with view to draw attention to violation of rights of girls who were married between ages of 15 and 18 years. The court was asked to decide on whether sexual intercourse between a man and his wife being a girl between 15 and 18 years of age was rape and whether Exception 2 to Section 375 of Code, (exempting matrimonial rape) in so far as it relates to girls aged 15 to 18 years, was unconstitutional and liable to be struck down. Held, while allowing the petition, Exception 2 to Section 375 of the Code to now be meaningfully read as: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape." It was only through this reading that the intent of social justice to the married girl child and the constitutional vision of the framers of our Constitution could be preserved and protected and perhaps given impetus. When the State on the one hand, has, by legislation, laid down that abetting child marriage was a criminal offence, it could not, on the other hand defend this classification of girls below 18 years on the ground of sanctity of marriage because such classification has no nexus with the object sought to be achieved. Therefore, also Exception 2 in so far as it relates to girls below 18 years was discriminatory and violative of Article 14 of the Constitution.
16.	***Swaraj Abhiyan v. Union of India & Ors.*** (2018) 12 SCC 170 - the court approached as the National Food Security Act, 2013, passed by Parliament which was a welfare legislation for the benefit of the people of country, was not implemented by the state governments. The court asked for a meaningful dialogue between the Center and the State to resolve the issues which had emerged in the spirit of co-operative federalism. A combined effort, both by Center and States, was required for effective implementation of the Act especially in the draught affected areas so as to save people from abject poverty and poor quality of life. Further observed that the principle

	of federalism in our country could not be explained in a sentence or two; rather a detailed study of the each and every provision of the Constitution would inevitably point that our country has divided sovereignty in the form of Center on one hand and States on the other. The constitutional scheme leads to the conclusion that at times these institutions meet and interact at various levels to achieve the cherished constitutional goal of co-operative federalism.
17.	***Justice K. S. Puttaswamy (Retd.) v. Union of India***, (2017) 10 SCC 1 - A Bench of three judges of Supreme Court, while considering the constitutional challenge to the aadhar card scheme of the Union Government noted in its earlier order that the norms for and compilation of demographic biometric data by government was questioned on the ground that it violates the right to privacy. The Bench felt that institutional integrity and judicial discipline would require a reference to a larger Bench to determine whether there was any fundamental right of privacy under the Indian Constitution. As in M.P. Sharma and Ors. v. Satish Chandra, District Magistrate, Delhi and Ors by an eight-Judge Constitution Bench, and also, in Kharak Singh v. The State of U.P. and Ors. by a six-Judge Constitution Bench, it was held that there was no such fundamental right, the matter was placed before the nine-Judge Constitution Bench. The nine-judge constitution bench while unanimously affirming the right to privacy reasoned that (i) privacy with its attendant values assures dignity to the individual and it was only when life can be enjoyed with dignity can liberty be of true substance. Privacy ensures the fulfilment of dignity and was a core value which the protection of life and liberty was intended to achieve; (ii) in earlier judgments observation that privacy is not a right guaranteed by the Indian Constitution is not reflective of the correct position; (iii) Judicial recognition of the existence of a constitutional right of privacy was not an exercise in the nature of amending the Constitution nor was the Court embarking on a constitutional function of that nature which was entrusted to Parliament. Privacy is the constitutional core of human dignity; (iv) The meaning of the Constitution could not be frozen on the perspectives present when it was adopted. Technological change has given rise to concerns which were not present seven decades ago and the rapid growth of technology may render obsolescent many notions of the present. Hence the interpretation of the Constitution must be resilient and flexible to allow future generations to adapt its content bearing in mind its basic or essential features; (v) Informational privacy was a facet of the right to privacy. The dangers to privacy in an age of information can originate not only from the state but from non-state actors as well.
18.	***Shayara Bano v. Union of India***, (2017) 9 SCC 1 - The petitioner wife approached the court for assailing the divorce pronounced by her husband in the presence of witnesses saying that I gave 'talak, talak, talak'. She sought a declaration, that the talaq-e-biddat pronounced by her husband be declared as void ab initio. Bench of justices J.S. Khehar, C.J.I. and S. Abdul Nazeer, in their dissenting view held that the practice of 'talaq-e-biddat', has had the sanction and approval of the religious denomination which practiced it, and as such, was a part of their personal law. Same could not be considered as a State enactment. As the fundamental rights enshrined in Articles 14, 15 and 21 are as against State actions, personal law, being a matter of religious faith, and not being State action, there was no question of its being violative of the provisions of the Constitution, more particularly, Articles 14, 15 and 21 of the Constitution. Under Article 142 of the Constitution, Government was directed to consider appropriate legislation, particularly with reference to 'talaq-e-biddat', keeping in mind advances in Muslim 'personal law'-'Shariat', the world over. Till such time as legislation in the matter is considered,

	Muslim husbands were injuncted from pronouncing 'talaq-e-biddat' as a means for severing their matrimonial relationship. However, Justice Kurian Joseph, held that the freedom of religion under the Constitution is absolute, but did not agree with statement that triple talaq was an integral part of the religious practice. Held therefore there could not be any Constitutional protection to such a practice. Bench of Rohinton Fali Nariman and and U.U. Lalit on the other hand held as Triple Talaq is instant and irrevocable, it was obvious that any attempt at reconciliation between the husband and wife by two arbiters from their families, which was essential to save the marital tie, could not ever take place. This form of Talaq must, therefore, be held to be violative of the fundamental right contained Under Article 14 of the Constitution.
19.	***Subramanian Swamy v. Union of India, Ministry of Law***, (2016) 7 SCC 221 - Questions for consideration of the court were - whether criminal prosecution for defamation under Section 499 and 500 Indian Penal Code acts as a "chilling effect" on the freedom of speech and expression or a potential for harassment, particularly, of the press and media? Whether the word "defamation" includes both civil and criminal defamation? Whether criminalization of defamation in the manner as it has been done under section 499 Indian Penal Code withstands the test of reasonableness? Whether right to freedom of speech and expression can be allowed so much room that even reputation of an individual which is a constituent of Article 21 would have no entry into that area? Whether section 499 of Indian Penal Code either in substantive sense or procedurally violates the concept of reasonable restriction? Whether section 499 is arbitrary, vague or disproportionate? The Supreme Court to upheld the constitutional validity of Sections 499 and 500 of the Indian Penal Code and Section 199 of the Code of Criminal Procedure on grounds observed: Freedom of speech and expression in a spirited democracy is a highly treasured value. Authors, philosophers and thinkers have considered it as a prized asset to the individuality and overall progression of a thinking society, as it permits argument, allows dissent to have a respectable place, and honours contrary stances. Freedom of speech is treated as the thought of the freest who has not mortgaged his ideas, may be wild, to the artificially cultivated social norms; and transgression thereof is not perceived as a folly. The right of freedom of expression in a poem, play or a novel pertaining to fictional characters stand on a different footing than defamation. Dissonant and discordant expressions are to be treated as view-points with objectivity and such expression of views and ideas being necessary for growth of democracy are to be zealously protected. Notwithstanding, the expansive and sweeping ambit of freedom of speech, as all rights, right to freedom of speech and expression is not absolute. It is subject to imposition of reasonable restrictions. The conception of social interest has to be borne in mind while considering reasonableness of the restriction imposed on a right. The social interest principle would include the felt needs of the society. Rhetorics may have its own place when there is disproportionate restriction but acceptable restraint subserves the social interest. To put differently, in the name of freedom of speech and expression, should one be allowed to mar the other's reputation as is understood within the ambit of defamation as defined in criminal law. Reputation is an inextricable aspect of right to life under Article 21 of the Constitution and the State in order to sustain and protect the said reputation of an individual has kept the provision under section 499 Indian Penal Code alive as a part of law.

20.	***Nabam Rebia v. Deputy Speaker***, (2016) 8 SCC 1 - Questions for consideration were - whether message addressed by Governor, could extend to subjects on which message was addressed? Whether Governor could address message to Assembly in his own discretion, without seeking aid and advice of Chief Minister and his Council of Ministers? Whether, after having notified dates of sitting of Legislative Assembly in consultation with Chief Minister and Speaker of House, Governor could cancel those dates in exercise of power and discretion under Articles 174(1) and Article 163 of Constitution respectively? Whether Governor could unilaterally alter and reschedule those notified dates in exercise of power under Article 174(1) of Constitution read with Article 163 of Constitution by issuing fresh notification? Whether generally, in exercise of discretion under Article 163(1) of Constitution read with Article 174(1) of Constitution and notwithstanding relevant Rules framed by Legislative Assembly, Governor could summon Legislative Assembly without consulting Chief Minister and Speaker? Whether message sent by Governor was constitutionally valid message that ought to have been acted upon by Legislative Assembly? Held, while allowing the appeal: (i) any discretion exercised beyond the Governor's jurisdictional authority, would certainly be subject to judicial review; (ii) discretionary power of the Governor, is limited to the scope under Article 163(1); (iii) as Governor under the Constitution, is not an elected representative, he/she cannot have an overriding authority, over the representatives of the people, because the Constitution is founded on the principle of ministerial responsibility; (iv) only when the Government in power has lost the confidence of the House, it is open to the Governor to act at his own, without any aid and advice; (v) the Governor's connectivity to the House in the matter of sending messages, must be deemed to be limited to the extent considered appropriate by the Council of Ministers headed by the Chief Minister; (vi) The messages addressed by the Governor to the Assembly, must abide by the mandate contained in Article 163(1), namely, that the same can only be addressed to the State Legislature, on the aid and advice of the Council of Ministers with the Chief Minister as the head.
21.	***Jeeja Ghosh v. Union of India***, (2016) 7 SCC 761 - Jeeja Ghosh petitioner was deboarded from the plane by captain of the plane because of her disability even though she had a valid ticket. This act of flight crew prevented her from attending an international conference and humiliation that she suffered caused mental trauma. Therefore this petition was filed to prevent such incidents in future with her and other differently abled persons. The Supreme Court found petitioner was not treated fairly and appropriately and her dignity was compromised by airline crew. Further, it was held that dignity over a period of time has found its way through constitutionalism, whether written or unwritten. Human dignity is a constitutional value and a constitutional goal. Petitioner was awarded damages of rupees 1 million to be paid by the airline that violated her dignity by treating her unfairly.
22.	***National Legal Services Authority v. Union of India and others***, (AIR 2014 SC 1863) - This writ petition highlighted issue pertaining to constitutional and other legal rights of transgender community and their gender identity and sexual orientation. It sought for declaration of transgender community as "third gender" for purpose of safeguarding and enforcing appropriating their rights guaranteed under the Constitution. The petition was allowed and directions were issued to safeguard the constitutional rights of the members of transgender community by interpretation of Article 14, 15, 16, 19 and 14 of Constitution to ensure a

	dignified life of transgender people.	
OTHER LANDMARK JUDGMENT CITATIONS for ADDITIONAL READING		
✓ *Rajbala v. State of Haryana; (2016) 2 SCC 445* ✓ *SC Advocates on Record Association v. Union of India; 2015 AIR SCW 5457* ✓ *Shreya Singhal v. Union of India 2015; Indlaw SC 211* ✓ *Charu Khurana v. Union of India (UOI); (2015)1SC C 192* ✓ *Pramati Educational and Cultural Trust and Ors. v. UOI and Ors; (2014)8SC C 1* ✓ *State of Maharashtra v. Indian Hotel and Restaurants Association; (2013) 8 SCC 519* ✓ *Lily Thomas v. Union of India & Ors; (2013) 7 SCC 653* ✓ *People's Union of Civil Liberties v. Union of India; (2013) 10 SCC 1* ✓ *Abhay Singh v. State of Uttar Pradesh and Ors; (2013) 15 SCC 435* ✓ *Union of India v. R. Gandhi, President, Madras Bar Association; (2010) 11 SCC 1201* ✓ *M. Nagaraj and Others v. Union of India & Others; AIR 2007 SC 71* ✓ *I.R. Coelho (Dead) By Lrs v. State of Tamil Nadu & Ors; (2007) 2 SCC 1* ✓ *P.A. Inamdar and Others v. State of Maharashtra; (2005) 6 SCC 537* ✓ *L. Chandra Kumar v. Union of India; AIR 1997 SC 1125* ✓ *People's Union of Civil Liberties v. Union of India; AIR 1997 SC 568* ✓ *S.R. Bommai v. Union of India; AIR 1994 SC 1918* ✓ *Bijoe Emmanuel & Ors v. State of Kerala; AIR 1987 SC 748* ✓ *Minerva Mills Ltd. & Ors. v. Union of India & Ors; AIR 1980 SC 1789* ✓ *Maneka Gandhi v. Union of India; AIR 1978 SC 597* ✓ *Indira Nehru Gandhi v. Raj Narain & Another; AIR 1975 SC 1590* ✓ *Kesavananda Bharati v. State of Kerala; AIR 1973 SC 1461* ✓ *E. M. Sankaran Namboodiripad v. T. Narayanan Nambiar; AIR 1970 SC 2015*		
Session 3: Elements of Judicial Behaviour- Ethics, Neutrality and Professionalism		
1.	***The Bangalore Principles of Judicial Conduct***, (*The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, November 25-26, 2002.)*	
2.	Justice R.V. Raveendran, ***How to be a Good Judge: Advice to New Judges*** in ANOMALIES IN LAW & JUSTICE: WRITINGS RELATED TO LAW & JUSTICE, EBC Publishing (P) Ltd., 277-317 (2021)	
3.	Lord Denning, "***Into the Conduct of Judges"*** in THE DUE PROCESS OF LAW, Oxford University Press (2012), pp. 58-66	
4.	Justice Sunil Ambwani, ***Ethical Reasoning in Judicial Process***, (2012) 4 SCC J-35	

5.	Aharon Barak, ***The Role of the Judge: Theory, Practice and the Future*** in THE JUDGE IN A DEMOCRACY, Princeton University Press (2008) pp. 306-315	
6.	Justice R. C. Lahoti, ***Canons of Judicial Ethics,*** **NJA Occasional Paper Series No. 5**	
7.	Justice R. K. Abichandani, ***Judicial Independence of Dependent Judiciary***, 1 GNLU L. REV. 3 (2008)	
8.	Justice A.K Sikri, ***Role of the Judge in a Democracy***	

Additional Readings

- ✓ Leslie Steven Rothenberg, ***The Role of Judges and the Courts as Definers of Ethical Norms***, Selected Papers from the Annual Meeting (American Society of Christian Ethics), 1977, Eighteenth Annual Meeting (1977), pp. 104-128
- ✓ Justice G. S. Singhvi, ***Judicial Ethics*** 7(2) Journal of Delhi Judicial Academy 93-106 (2011)
- ✓ Commentary on ***Bangalore Principles of Judicial Conduct***, UNODC, September 2007. *Available at* https://www.unodc.org/documents/corruption/publications_unodc_commentary-e.pdf
- ✓ ***Restatement of Values of Judicial Life, 1999*** *[As adopted by Full Court Meeting of the SC on 7th May, 1997]*. https://main.sci.gov.in/pdf/Notice/02112020_090821.pdf
- ✓ Cynthia Gray, ***Ethical Standards for Judges***, American Judicature Society [*Ethical Standards for Judges was developed in 1999 under grant from the State Justice Institute, "An Educational Program for Members of State Judicial Conduct Organizations." It was substantially up-dated and revised in 2009*]

JUDGMENTS
(Please refer full judgment (available in pen drive) for conclusive opinion)

1.	***Muzaffar Husain v. State of Uttar Pradesh and Anr***. AIR 2022 SC 2216 - judicial officer was found to have conducted the proceedings in the manner which had reflected on his reputation and integrity. There was enough evidence and material to show that he had misconducted himself while discharging his duties as a judicial officer, and had passed the judicial orders in utter disregard of the specific provisions of law, to unduly favour the subsequent purchasers of the acquired lands who had no right to claim compensation, and that such orders were actuated by corrupt motive. Held - under the circumstances, the High Court was perfectly justified in exercising its supervisory jurisdiction Under Article 235 of the Constitution. Further held, showing undue favour to a party under the guise of passing judicial orders is the worst kind of judicial dishonesty and misconduct. The extraneous consideration for showing favour need not always be a monetary consideration. It is often said that "the public servants are like fish in the water, none can say when and how a fish drank the water". A judge must decide the case on the basis of the facts on record and the law applicable to the case. If he decides a case for extraneous reasons, then he is not performing his duties in accordance with law. As often quoted, a judge, like Caesar's wife, must be above suspicion.

2.	***Sadhna Chaudhary v. State of Uttar Pradesh*** (2020) SCC Online 307 - Observation of appellate court against trial judges in land acquisition cases led to setting up of Administrative Committee of two Judges to probe into complaints of collusion in land acquisition matters. This enquiry committee submitted a report recommending initiation of disciplinary action against certain judicial officers. Pursuant to this disciplinary action, petitioner judicial officer was subjected to enquiry and the Enquiry Committee held that errors by her in land acquisition cases were deliberate. Based on this report she was dismissed from service. As the high court upheld this order of dismissal from service, judicial officer approached the Supreme Court which reversed her order of dismissal on finding that her decisions were upheld by the superior court in appeals. Further, inference of dishonesty as well as imposition of penalty was only on the basis of enhancement of compensation, which was not only affirmed by the appellate court but also compensation was further increased by the appellate court. Therefore, the very foundation of the charge no longer survives. In this case, the court observed that many-a-times it was possible that a judicial officer can indulge in conduct unbecoming of his office whilst at the same time giving an order, the result of which is legally sound. Such unbecoming conduct can either be in the form of a judge taking a case out of turn, delaying hearings through adjournments, seeking bribes to give parties their legal dues etc. None of these necessarily need to affect the outcome.
3.	***Shrirang Yadavrao Waghmare v. State of Maharashtra***, (2019) 9 SCC 144 - The allegation against the judicial officer was that he had a proximate relationship with a lady lawyer and due to this relationship he passed certain judicial orders in favour of her clients, including her mother and brother when they were parties to certain proceedings. Those findings of fact were upheld by all courts and even the Supreme Court did not interfere with those findings and issued notice limited to the quantum of punishment. While dismissing his appeal on excessive punishment, it was held that - (i) Judges are also public servants. A Judge should always remember that he is there to serve the public. A Judge is judged not only by his quality of judgments but also by the quality and purity of his character. Impeccable integrity should be reflected both in public and personal life of a Judge. One who stands in judgments over others should be incorruptible. That is the high standard which is expected of Judges. (ii) The word 'gratification' does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc., etc. In this case the officer decided the cases because of his proximate relationship with a lady lawyer and not because the law required him to do so. This is also gratification of a different kind.
4.	***Registrar General, Patna High Court v. Pandey Gajendra Prasad***, 2012 STPL(Web) 305 SC - Railway judicial magistrate removed from service for granting bail to accused who was found in possession of narcotic substance even though he had no jurisdiction to deal with such cases. The special court had jurisdiction in such matters. The full court of high court dismissed him from the service. Against this administrative decision, division bench on judicial side set aside the notification dismissing him from service with declaration to reinstate him with 40% of his back wages as compensation. The Supreme Court in appeal set aside the Division Bench order and upheld dismissal of Railway judicial magistrate from service with observations that there is no gainsaying that while it is imperative for the High Court to protect honest and upright judicial officers against motivated and concocted allegations, it is equally necessary for the High Court not to ignore or condone any dishonest deed on the part of any judicial officer.

5.	***R.C. Chandel v. High Court of M.P.***, (2012) 8 SCC 58 - District judge who was compulsorily retired from the service in the public interest by the high court challenged the same. While dismissing his appeal, it was held by the Supreme Court that (i) the benefit of increase of retirement age to 60 years shall not be available automatically to all judicial officers irrespective of their past record of service and evidence of their continued utility to the judicial system. The benefit is available to only those who, in the opinion of the respective High Courts, have a potential for continued useful service. (ii) The power of the High Court to recommend to the Government to compulsorily retire a judicial officer on attaining the required length of service or requisite age and consequent action by the Government on such recommendation are beyond any doubt. (iii) The conduct of judge in involving an M.P. and the Ministry of Law, Justice and Company Affairs, in a matter of the High Court concerning an administrative review petition filed by him for expunging adverse remarks in ACRs of 1993 and 1994 is most reprehensible and highly unbecoming of a judicial officer. His conduct has tarnished the image of the judiciary and he disentitled himself from continuation in judicial service on that count alone. A Judge is expected not to be influenced by any external pressure and he is also supposed not to exert any influence on others in any administrative or judicial matter. Secondly and still worst, he had an audacity to set up a false plea in the rejoinder that he never made any representation to the Minister for any purpose whatsoever. On this ground also his writ petition was liable to be dismissed.
6.	***Rajesh Kohli v. High Court of J. and K. and Anr.*** (2010) 12 SCC 783 - a complaint was made against an Additional District and Sessions Judge contending that as a counsel he had fraudulently withdrawn an amount of Rs. 2.6 lacs deposited with the Registrar [Judicial], High Court of Jammu & Kashmir which was payable to the complainant. This complaint was enquired into by the Chief Justice of the High Court through the Registrar [Vigilance]. On conclusion of the enquiry, a report was submitted stating that the judge as a lawyer had identified someone else as Babu Ram before Registrar [Judicial], Jammu & Kashmir High Court and received an account payee cheque in the name of Babu Ram. In the said report, it was also alleged that besides identifying the impersonator as Babu Ram, he had also introduced him to Vijay Bank at the time of opening of the Bank account and thereby managed to unlawfully receive an amount of Rs. 2.6 lacs, while the real beneficiary - Babu Ram neither appeared before the Registrar [Judicial] or before Vijaya bank nor did he receive the said amount. The aforesaid report was placed before the Chief Justice of the Jammu & Kashmir High Court who directed that the matter be referred to the Chairman, Disciplinary Committee for necessary action. The Registrar [Judicial] of the High Court was asked to file a criminal complaint against the judge before the SHO of the concerned police station. Further, during the period when the judge was posted to District Kargil as Principal District & Sessions Judge, he did not join there, w.e.f., 24.12.2001 to 18.01.2002 and an explanation was sought from him in that regard. Even thereafter, a complaint from a judicial employee of District Kargil was received wherein it was alleged that he had been abusing the employees and had created lot of problems at the District Kargil. These matters were recorded in the personal records of the judge and after completion of the initial two years of his probationary period, his records and his case were considered by the High Court in its full court meeting wherein it was resolved to not extend his service. He was therefore relieved from judicial service.

	The writ petition against his termination from service was also dismissed from the Supreme Court with observation that upright and honest judicial officers are needed not only to bolster the image of the judiciary in the eyes of litigants, but also to sustain the culture of integrity, virtue and ethics among judges. The public's perception of the judiciary matters just as much as its role in dispute resolution. The credibility of the entire judiciary is often undermined by isolated acts of transgression by a few members of the Bench, and therefore it is imperative to maintain a high benchmark of honesty, accountability and good conduct.
7.	***Tarak Singh v. Jyoti Basu***, (2005)1 SCC 201 - Held - there is nothing wrong in a Judge having an ambition to achieve something, but if the ambition to achieve is likely to cause a compromise with his divine judicial duty, better not to pursue it. Because, if a Judge is too ambitious to achieve something materially, he becomes timid. When he becomes timid there will be a tendency to make a compromise between his divine duty and his personal interest. There will be a conflict between interest and duty] ; ["Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary took utmost care to see that the temple of justice does not crack from inside, which will lead to a catastrophe in the judicial delivery system resulting in the failure of public confidence in the system. It must be remembered that woodpeckers inside pose a larger threat than the storm outside."
8.	***State vs. Chief Editor, Manabjamin and others,*** 57 DLR (2005) 359 (Supreme Court of Bangladesh), a news item in the Daily Manabjamin published in its issue dated 16-9-2000 story of corruption of the 'Kazis' (Judges) and the Government's interference with the administration of justice. Contempt notice was therefore issued to the publisher. Held - reading the report a conscious citizen is left in no doubt that the report refers to the famous criminal trial popularly known as "Janata Tower Case" which was pending in the appellate jurisdiction of the High Court Division and ended with a judgment delivered by a Division Bench of the High Court Division on 24th August, 2000. The report conveys the message that the judge took bribe to deliver a judgment favorable to a particular accused person but could not do so because of intervention by the Law Minister. It leads to two conclusions, Judges take bribes and the Government interferes with the administration of justice and so the judges are not independent in performance of their functions. It undermines the confidence of the people in the administration of justice. One cannot think of a greater harm and obstruction to the administration of justice than this. By publishing the aforementioned report the Chief Editor, Printer and owner of the daily newspaper 'Manabjamin' have committed the gravest contempt of Court. In the interest of rule of law and independence of judiciary and administration of justice it is necessary that the aforementioned person should be called upon to show cause why they should not be proceeded against for committing Contempt of this Court and punished. Further held - legitimacy of the judicial organ of the State is closely connected with the perceived confidence of the people. Unlike the other organs of the Republic, the Judiciary is not mandated to govern through election or accountable through election. Unlike the Executive the Judiciary does not control or have power over the Army, Navy, or the Police of the Republic. Nor does it have control or power over the finance or the 'purse string' of the Republic as is available to other organs of the Republic. The judiciary therefore derives its power and legitimacy solely from the perceived confidence of the people.

9.	***High Court of Judicature at Bombay v. Shashikant S. Patil***, (2000) 1 SCC 416 - Held Honesty and integrity are the hallmarks of judicial probity. Dishonesty and lack of integrity are hence the basic elements of misconduct as far as a Judicial Officer is concerned. Further, The Judges, at whatever level they may be, represent the State and its authority, unlike the bureaucracy or the member of the other service. Judicial service is not merely an employment nor the Judges merely employees. They exercise sovereign judicial power. They are holders of public offices of great trust and responsibility. If a judicial officer "tips the scales of justice its rippling effect would be disastrous and deleterious." Dishonest judicial personage is an oxymoron.
10.	***High Court of Judicature at Bombay through its Registrar v. Udaysingh and Ors.*** (1997) 5 SCC 129 - Held - since maintenance of discipline in the judicial service is a paramount matter and since the acceptability of the judgment depends upon the credibility of the conduct, honesty, integrity and character of the office and since the confidence of the litigant public gets affected or shaken by the lack of integrity and character of the judicial officer, imposition of penalty of dismissal from service on judicial officer against whom litigant filed complaint of demanding an illegal gratification for rendering a judgment favourable to her - is justified.
11.	***Union of India v. K.K. Dhawan (***1993) AIR 1478 - Tribunal while quashing disciplinary proceedings held that action taken by officer being quasi-judicial not formed basis of disciplinary proceedings. The government thereupon filed petition in the Supreme Court which was called upon to decide - whether authority enjoys immunity from disciplinary proceedings with respect to matters decided by him in exercise of quasi-judicial functions. The SC observed that proceedings could be initiated against Government servant with regard to exercise of quasi-judicial powers Further held if there was any culpability or any allegation of taking bribe or trying to favour any party in exercise of quasi-judicial functions, then disciplinary action could be taken.
12.	***Daya Shankar v. High Court of Allahabad and Ors. through Registrar and Ors.*** (1987) 3 SCC 1 - judicial officer from U.P. State Judicial Service posted at Aligarh took permission of the High Court to study L.L.M. course of the Aligarh University. He appeared for 1st semester examination in July 1980. He was found to have used unfair means in the examination. The Registrar, Aligarh Muslim University informed the District Judge, Aligarh about same. The District Judge thereupon communicated all the information to the High Court which referred the matter to Vigilance Cell to conduct necessary inquiry into the matter. The Cell submitted its report to the Administrative Committee which initiated disciplinary proceedings be initiated against the judicial officer. After disciplinary inquiry, he was dismissed from the service. His appeal to the Supreme Court was dismissed on observation that judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy.
Session 4: Judging Skills : Art, Craft and Science of Drafting Judgments	

1.	Justice R. V. Raveendran, ***Rendering Decisions- Basics for New Judges(Decision-Making & Judgment-Writing)*** in ANOMALIES IN LAW & JUSTICE: WRITINGS RELATED TO LAW & JUSTICE, EBC Publishing (P) Ltd., 319-361 (2021)	
2.	Justice G. Raghuram, ***Art of Judgment***	
3.	Justice Sunil Ambwani, ***The Art of Writing Judgment***, from the book Judgments and How to Write Them, S.D. Singh, Eastern Book Company, 2018	
4.	S.D. Singh, ***Judgments in General*** , from the book Judgments and How to Write Them, S.D. Singh, Eastern Book Company, 2018	
5.	David Neuberger, ***Judgment and Judgments – The Art of forming and writing Judicial Decisions,*** Denning Society Lecture delivered at Lincoln's Inn, 30 November 2017	
6.	S. I. Strong, ***Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges,*** 2015(1) Journal of Dispute Resolution 93 – 128 (2015)	
7.	S. Sivakumar , ***Judgment Or Judicial Opinion: How To Read And Analyse***, Journal of the Indian Law Institute , July – September 2016, Vol. 58, No. 3 (July – September 2016), pp. 273-312	
8.	Justice Michael Kirby CMG, ***The Australian Law Journal on the Writing of Judgments***	
JUDGMENTS ***(Please refer full judgment (available in pen drive) for conclusive opinion)***		
1.	***SBI & Another v. Ajay Kumar Sood***, (2022) SCC OnLine 1067 - Judgment writing is a layered exercise. In one layer, a judgment addresses the concerns and arguments of parties to a forensic contest. In another layer, a judgment addresses stake-holders beyond the conflict. It speaks to those in society who are impacted by the discourse. In the layered formulation of analysis, a judgment speaks to the present and to the future. Whether or not the writer of a judgment envisions it, the written product remains for the future, representing another incremental step in societal dialogue. If a judgment does not measure up, it can be critiqued and criticized. Behind the layers of reason is the vision of the adjudicator over the values which a just society must embody and defend. In a constitutional framework, these values have to be grounded in the Constitution. The reasons which a judge furnishes provides a window -an insight - into the work of the court in espousing these values as an integral element of the judicial function. Many judgments do decide complex questions of law and of fact. Brevity is an unwitting victim of an overburdened judiciary. It is also becoming a victim of the cut-copy-paste convenience afforded by software developers.	
2.	***B (A Child)(Adequacy of Reasons),*** [2022] EWCA Civ 407 (Lord Justice Peter Jackson & Lady Justice Nicola Davies) - Judgments reflect the thinking of the individual judge and there is no room for dogma, but in my view a good judgment will in its own way, at some point and as	

	concisely as possible: state the background facts; identify the issue(s) that must be decided; articulate the legal test(s) that must be applied; note the key features of the written and oral evidence, bearing in mind that a judgment is not a summing-up in which every possibly relevant piece of evidence must be mentioned; record each party's core case on the issues; make findings of fact about any disputed matters that are significant for the decision; evaluate the evidence as a whole, making clear why more or less weight is to be given to key features relied on by the parties; give the court's decision, explaining why one outcome has been selected in preference to other possible outcomes. The last two processes – evaluation and explanation – are the critical elements of any judgment. As the culmination of a process of reasoning, they tend to come at the end, but they are the engine that drives the decision, and as such they need the most attention. A judgment that is weighed down with superfluous citation of authority or lengthy recitation of inessential evidence at the expense of this essential reasoning may well be flawed. At the same time, a judgment that does not fairly set out a party's case and give adequate reasons for rejecting it is bound to be vulnerable.
3.	***Union Public Service Commission vs. Bibhu Prasad Sarangi and Ors***. AIR2021SC2396 - The size of judicial output does not necessarily correlate to a reasoned analysis of the core issues in a case. Technology enables judges to bring speed, efficiency and accuracy to judicial work. But a prolific use of the 'cut-copy-paste' function should not become a substitute for substantive reasoning which, in the ultimate analysis, is the defining feature of the judicial process. Judges are indeed hard pressed for time, faced with burgeoning vacancies and large case-loads. Crisp reasoning is perhaps the answer. Doing what the High Court has done in the present case presents a veneer of judicial reasoning, bereft of the substance which constitutes the heart of the judicial process. Reasons constitute the soul of a judicial decision. Without them one is left with a shell. The shell provides neither solace nor satisfaction to the litigant. We are constrained to make these observations since what we have encountered in this case is no longer an isolated aberration. This has become a recurring phenomenon. The National Judicial Academy will do well to take this up. How judges communicate in their judgments is a defining characteristic of the judicial process. While it is important to keep an eye on the statistics on disposal, there is a higher value involved. The quality of justice brings legitimacy to the judiciary.
4.	***Aparna Bhat v. State of M.P.*** AIR 2021 SC 1492- The use of reasoning/language which diminishes the offence and tends to trivialize the survivor, was especially to be avoided under all circumstances. Thus, the following conduct, actions or situations were hereby deemed irrelevant, e.g. - to say that the survivor had in the past consented to such or similar acts or that she behaved promiscuously, or by her acts or clothing, provoked the alleged action of the Accused, that she behaved in a manner unbecoming of chaste or Indian women, or that she had called upon the situation by her behavior, etc. These instances were only illustrations of an attitude which should never enter judicial verdicts or orders or be considered relevant while making a judicial decision; they could not be reasons for granting bail or other such relief. Similarly, imposing conditions that implicitly tend to condone or diminish the harm caused by the Accused and have the effect of potentially exposing the survivor to secondary trauma, such as mandating mediation processes in non-compoundable offences, mandating as part of bail conditions, community service (in a manner of speaking with the so-called reformative approach towards the perpetrator of sexual offence) or requiring tendering of apology once or repeatedly, or in any manner getting or being

	in touch with the survivor, was especially forbidden. The law did not permit or countenance such conduct, where the survivor could potentially be traumatized many times over or be led into some kind of non-voluntary acceptance, or be compelled by the circumstances to accept and condone behavior what was a serious offence.
5.	***Shakuntala Shukla v. State of Uttar Pradesh***, AIR 2021 SC 4384 - while allowing the bail application of the accused it was observed that the order granting bail to the accused pending appeal by the high court lacked total clarity on which part of the judgment and order can be said to be submissions and which part can be said to be the findings/reasoning. It does not even reflect the submissions on behalf of the Public Prosecutor opposing the bail pending appeal. It was held that it is not adequate that a decision is accurate, it must also be reasonable, logical and easily comprehensible. The judicial opinion is to be written in such a way that it elucidates in a convincing manner and proves the fact that the verdict is righteous and judicious. What the court says, and how it says it, is equally important as what the court decides. There is a total lack of clarity on the submissions, which part of the order is submission, which part of the order is the finding and/or reasoning.
6.	***Ajit Mohan v. Legislative Assembly Delhi***, AIR 2021 SC 3346 - it is the need of the hour to write clear and short judgments which the litigant can understand. The Wren & Martin principles of precis writing must be adopted. But then how is this to be achieved if the submissions itself go on for hours on end with vast amounts of material being placed before the Court; with the expectation that each aspect would be dealt with in detail failing which review applications will be filed (not that they are not filed otherwise!) Courts are weighed down by judicial precedent. Often a reference is made to the judgment of the Privy Council or the earlier years which saw short and crisp judgments but then, the volume of precedents was not present then. In a technological age like ours, all that is required is to instruct the junior counsel to take out all judgments on a particular point of view and submit it to the court in a nice spiral binding. On every aspect there may be multiple judgments. If the proposition of law is not doubted by the Court, it does not need a precedent unless asked for. If a question is raised about a legal proposition, the judgment must be relatable to that proposition-and not multiple judgments. The other scenario is if the facts of the cited judgments are so apposite to the facts of the case that it could act as a guiding principle. Criminal practice directions (vii) in the UK clarifies that if a judgment does not refer to a cited case, it is not that the court has not referred to it but rather, that the court was not assisted by it. The contribution to the development of law can be nurtured by comprehensible precedent. There may be times when the complexity of matters gives rise to complex opinions. But judgments are becoming more complex and verbose only on account of large number of precedents cited and the necessity to deal with them and not merely refer to them as is done in other countries.
7.	***Surjeet Singh v. Sadhu Singh***, (2019) 2 SCC 396 - held having rightly formed an opinion to remand the case to the First Appellate Court, to decide the first appeal and cross objection afresh on merits in accordance with law, there was no need for the High Court to devote 60 pages in writing the impugned order. It was not required. The examination could be confined only to the issue of remand and not beyond it. At the same time, there was no need to cite several decisions

	and that too in detail. Brevity being a virtue, it must be observed as far as possible while expressing an opinion.
8.	***Nipun Saxena v. Union of India,*** (2019) 2 SCC 703 held - Keeping in view the social object of preventing the victims or ostracising of victims, it would be appropriate that in judgments of all the courts i.e. trial courts, High Courts and the Supreme Court the name of the victim should not be indicated. This has been repeated in a large number of cases and we need not refer to all.
9.	***Kanailal v. Ram Chandra Singh,*** (2018) 13 SCC 715 - High Court while deciding the appeal neither set out the facts nor the submissions urged by the appellants in support of their appeal and nor gave any reason as to why the submissions urged by the appellants have no merit and why the appeal does not involve any substantial question of law as is required to be made out under Section 100 of the Code of Civil Procedure. The Supreme Court while remanding the case to the High Court for deciding the second appeal afresh after framing proper substantial questions of law, reiterated its earlier view in *Union of India and Ors. v. Jai Prakash Singh and Ors*., (2007) 10 SCC 712 wherein it was observed that the reasons introduce clarity in an order. On plainest consideration of justice, the High Court ought to have set forth its reasons, howsoever brief, in its order indicative of an application of its mind, all the more when its order is amenable to further avenue of challenge. The absence of reasons has rendered the High Court's judgment not sustainable. Further, the Supreme Court asked the high court to take note of Order 41 Rule 31 of the Code of Civil Procedure which deals with the contents, date and the signature of judgment. It further held that the reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at.' Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the 'inscrutable face of the sphinx', it can, by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The 'inscrutable face of a sphinx' is ordinarily incongruous with a judicial or quasi-judicial performance.
10.	***Board of Trustees of Martyrs Memorial Trust v. Union of India***, (2012) 10 SCC 734 held - brevity in judgment writing has not lost its virtue. All long judgments or orders are not great nor brief orders are always bad. What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration. A slipshod consideration or cryptic order or decision without due reflection on the issues raised in a matter may render such decision unsustainable. Hasty adjudication must be avoided. Each and every matter that comes to the court must be examined with the seriousness it deserves.
11.	***Joint Commissioner of Income Tax v. Saheli Leasing & Industries Ltd.,*** (2010) 6 SCC 384 - the Supreme Court reiterated guidelines issued time to time on judgment writing namely: (i) nothing should be written in the judgment/order, which may not be germane to the facts of the

	case; It should have a co-relation with the applicable law and facts. The ratio decidendi should be clearly spelt out from the judgment / order. (ii) After preparing the draft, it is necessary to go through the same to find out, if anything, essential to be mentioned, has escaped discussion. (iii) The ultimate finished judgment/order should have sustained chronology, regard being had to the concept that it has readable, continued interest and one does not feel like parting or leaving it in the midway. To elaborate, it should have flow and perfect sequence of events, which would continue to generate interest in the reader. (iv) Appropriate care should be taken not to load it with all legal knowledge on the subject as citation of too many judgments creates more confusion rather than clarity. The foremost requirement is that leading judgments should be mentioned and the evolution that has taken place ever since the same were pronounced and thereafter, latest judgment, in which all previous judgments have been considered, should be mentioned. While writing judgment, psychology of the reader has also to be borne in mind, for the perception on that score is imperative. (v) Language should not be rhetoric and should not reflect a contrived effort on the part of the author. (vi) After arguments are concluded, an endeavour should be made to pronounce the judgment at the earliest and in any case not beyond a period of three months. Keeping it pending for long time, sends a wrong signal to the litigants and the society. (vii) Instances which are likely to cause public agitation or to a particular society or which may hurt the feelings or emotions of any individual or society, should be avoided.	
12.	***Reliance Airport Developers v. Airport Authority of India and Ors,*** (2006) 10 SCC 1 - Held - Discretion, in general, is the discernment of what is right and proper. It denotes knowledge and prudence, that discernment which enables a person to judge critically of what is correct and proper united with caution; nice discernment, and judgment directed by circumspection: deliberate judgment; soundness of judgment; a science or understanding to discern between falsity and truth, between wrong and right, between shadow and substance, between equity and colourable glosses and pretences, and not to do according to the will and private -affections of persons. When it is said that something is to be done within the discretion of the authorities, that some tiling is to be done according to the rules of reason and justice, not according to private opinion: according to law and not humour. It is to be not arbitrary, vague, and fanciful, but legal and regular. And it must be exercised within the limit, to which an honest man, competent to the discharge of his office ought to confine himself.	
Session 5: Judge the Master of the Court : Court Management & Case Management		
1.	Justice Roshan Dalvi, ***The Business of Court Management***, 16 (3) Nyaya Deep 13-35 (2015)	
2.	Justice P. Sathasivam, ***Effective District Administration and Court Management***, (2014) 1 SCC J-25	
3.	The Woolf Report, 3 Int'l J.L. & Info. Tech. 144 (1995)	
4.	Emmanuel Jeuland, "***Towards a New Court Management? General Report"*** [Research Report] Université Paris 1 - Panthéon Sorbonne. 2018.	

5.	R. Arulmozhiselvi, ***Court and Case Management through National Judicial Data Grid (NJDG)*** (2021)	
6.	R. Arulmozhiselvi, ***Court Management through JustIS Mobile App,*** (2018)	
	JUDGMENTS ***(Please refer full judgment (available in pen drive) 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.	***Shanti Bhushan v. Supreme Court of India and Ors.*** AIR2018SC3287- In a petition filed to clarify administrative authority of Chief Justice of India (Chief Justice) as Master of Roster and for laying down procedure and principles to be followed in preparing Roster for allocation of cases, question arose whether power of constituting Benches and listing cases be exercised by Collegium and not Chief Justice alone. Held, while disposing of the appeal: (i) The Constitution is silent on the role of the Chief Justice. There was no specific provision relating thereto either in the Constitution or even in any other law. The legal position contained in the judgments was based upon healthy practice and sound conventions which had been developed over a period of time and that stands engrafted in the Supreme Court Rules. (ii) The two most obvious functions of the Chief Justice are to exercise judicial power as a Judge of the Court on equal footing as others, being among equals and to assume responsibility of the administration of the Court. (iii) It was difficult to accept the argument that the expression Chief Justice was to be read as Collegium consisting of five senior-most Judges, including the Chief Justice. The task of constitution of Benches and allocation of specific cases to those Benches, could more smoothly be performed by the Chief Justice and discharge of such a function by the Collegium would be unworkable and also lead to many practical difficulties. (iv) Each Chief Justice performs his role by consultation and consensus, after taking into account various factors including individual Judges' interests and abilities, their specialisation in a particular area, their capacity to handle particular type of cases and many other relevant considerations. (v) There was no indication in any of the constitutional provisions or Rules framed thereunder that for allocation of cases and formation of benches, Chief Justice should be read as collegium. For reading Chief Justice as collegium, under Article 124 of Constitution, there was a constitutional basis.	
3.	***All India Judges' Association v. UoI***, (2018) 17 SCC 555 - Held - 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.
4.	***Hussain v. UoI,*** (2017) 5 SCC 702 Held - It is necessary to direct that steps be taken forthwith by all concerned to effectuate the mandate of the fundamental right under Article 21 especially with regard to persons in custody. It is desirable that each High Court frames its annual action plan fixing a tentative time limit for subordinate courts for deciding criminal trials of persons in custody and other long pending cases and monitors implementation of such timelines periodically. The High Courts may issue directions to subordinate courts that bail applications be disposed of normally within one week; Magisterial trials, where accused are in custody, be normally concluded within six months and sessions trials where accused are in custody be normally concluded within two years; Efforts be made to dispose of all cases which are five years old by the end of the year; As a supplement to Section 436A, but consistent with the spirit thereof, if an undertrial has completed period of custody in excess of the sentence likely to be awarded if conviction is recorded such undertrial must be released on personal bond. The above timelines may be the touchstone for assessment of judicial performance in annual confidential reports. The High Courts are requested to ensure that bail applications filed before them are decided as far as possible within one month and criminal appeals where accused are in custody for more than five years are concluded at the earliest. The High Courts may prepare, issue and monitor appropriate action plans for the subordinate courts; The High Courts may monitor steps for speedy investigation and trials on administrative and judicial side from time to time.
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 - held - 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 - 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 Article 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 fundamentals of judicious litigation.

8.	***Rameshwari Devi v. Nirmala Devi***, (2011) 8 SCC 249 - taking judicial notice of fact that 90% of court time and resources are consumed in attending to uncalled for litigation, created only because our current procedures and practices hold out an incentive for the wrongdoer, the Supreme Court laid down guidelines which the courts should adopt to prevent prolonged litigation and also cautioning courts on the grant of indiscriminate ex parte orders.	
Session 6: ICT and E-Judiciary: Indian Perspective		
1.	***Brief on E-Courts Project,*** Ministry of Law and Justice, GOI (Retrieved from: https://doj.gov.in/sites/default/files/Brief-on-eCourts-Project-(Phase-I-%26Phase-II)-30.09.2015.pdf	
2.	***Digital Courts Vision & Roadmap Phase III of the eCourts Project*** [Draft], E-Committee Supreme Court of India. (Retrieved from: https://ecommitteesci.gov.in/document/draft-vision-document-for-e-courtsproject-phase-iii/	
3.	Sandeep Bhupatiraju, Daniel L. Chen & Shareen Joshi, ***The Promise of Machine Learning for the Courts of India, Volume 33(2) National Law School of India Review 2020***	
4.	G. Mahibha and P. Balasubramanian, ***A Critical Analysis of the Significance of the e-Courts Information Systems in Indian Courts***, 20 Legal Information Management, 47–53 (2020).	
5.	Atul Kaushik, (2016), ***Bringing the 'E' to Judicial Efficiency: Implementing the e-Courts System in India,*** State of the Indian Judiciary: A report by DAKSH, Section-1, 25-40	
6.	Justice R. C. Chavan, (2014). ***E-Courts Project: Citizen at the Center of Court Processes***, Cries in Wilderness, 28- 33	
7.	***Evaluation Study of eCourts Integrated Mission Mode Project***, National Council of Applied Economic Research, 2015.	
8.	***Various initiatives of E-committee***, Supreme Court of India: A Compilation.	
JUDGMENTS ***(Please refer full judgment (available in pen drive) for conclusive opinion)***		
1.	***In Re: Children in Street Situations,*** 2022 SCC OnLine SC 189 held - 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 held - 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 E-Committee, 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 held - 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.	***Devendra Kumar Saxena v. Central Bureau of Investigation and Ors***. AIR 2021 SC 2006 - Transfer of the case was sought on health grounds from the Court of the Special Judge (CBI), Siliguri, Darjeeling, West Bengal, to any court of competent jurisdiction at New Delhi., but the state opposed on the ground of trial already under way and out of several, many witnesses already examined. The question before the Supreme Court was whether transfer can be granted? Held, while dismissing the Petition: Trial Court shall take note of the health condition of the Petitioner and dispense with his personal appearance, except when necessary. If online participation is permissible and the facility is also available, it is open to the Special Court to consider whether the Petitioner can be allowed to participate virtually, so that he is not completely in the dark about what is happening.
5.	***In Re: Guidelines For Court Functioning Through Video Conferencing During COVID-19 Pandemic***, (2020) 6 SCC 686 regarding Virtual Courts in the Covid-19 Pandemic, held - every High Court is authorized 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 consonance with social distancing guidelines and best public health practices shall be deemed to be lawful.
6.	***Swapnil Tripathi v. Supreme Court of India,*** (2018) 10 SCC 639 - 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.

7.	***Pradyuman Bisht v. Union of India***, (2018) 15 SCC 433 Court directed that at least in two districts in every State/Union Territory (with the exception of small States/Union Territories where it may be considered to be difficult to do so by the concerned High Courts) CCTV cameras (without audio recording) may be installed inside the courts and at such important locations of the court complexes as may be considered appropriate. Monitor thereof may be in the Chamber of the concerned District and Session Judge. Location of the district courts and any other issues concerning the subject may be decided by the respective High Courts. Further, the footage of the CCTV camera will not be available under the R.T.I. Act and will not be supplied to anyone without permission of the concerned High Court. Installation may be completed within three months from today. The report of such experiment be submitted within one month of such installation by the Registrar Generals of the respective High Courts to the Secretary General of the Supreme Court who may have it tabulated and placed before the Court.	
Session 7: Jurisprudence on Environmental Law: Contribution of the Supreme Court		
1.	***Prof. (Dr.) Arup Poddar,* Indian Supreme Court on Precautionary Principle*, The World Journal on Juristic Policy, 2017***	
2.	***Armin Rosencranz and Mukta Batra,*** The Supreme Court Of India On Development And Environment From 2001 To 2017*, **Environmental Law & Practice Review, Volume 6 (2018)***	
3.	***Geetanjoy Sahu,*** The Impact of Environmental Judgements at the Implementation Level in Environmental Jurisprudence and the Supreme Court Litigation, Interpretation, Implementation***, Orient Black Swan, (2014)***	
4.	***Arindam Basu,*** Climate Change Litigation In India: Seeking A New Approach Through The Application Of Common Law Principles***, Environmental Law & Practice Review, Vol.1, 2011.***	
JUDGMENTS **(Please refer full judgment (available in pen drive) for conclusive opinion)**		
1.	***Municipal Corporation of Greater Mumbai v. Worli Koliwada Nakhwa Matsya Vyavasay Sahakari Society Ltd and Others*** Petition(s) for Special Leave to Appeal (C) No(s).17471-17476/2019; Order Dated: 30-092022 (Supreme Court) - The Supreme Court observed that it is wrong to ask developing countries to halt projects citing climate change.	
2.	***Pahwa Plastics Pvt. Ltd. v. Dastak NGO,*** 2022 SCC OnLine SC 362 - Held - The 1986 Act does not prohibit Ex post facto Environmental Clearance (EC), however, it should not be granted routinely, but in exceptional circumstances taking into account all relevant environmental factors. Where the adverse consequences of denial of Ex post facto approval	

	outweigh the consequences of regularization of operations by grant of Ex post facto approval, and the establishment concerned otherwise conforms to the requisite pollution norms, ExPost facto approval should be given in accordance with law, in strict conformity with the applicable Rules, Regulations and/or Notifications. The deviant industry may be penalised by an imposition of heavy penalty on the principle of 'polluter pays' and the cost of restoration of environment may be recovered from it. An establishment contributing to the economy of the country and providing livelihood ought not to be closed down only on the ground of the technical irregularity of not obtaining prior Environmental Clearance irrespective of whether or not the unit actually causes pollution.
3.	***In Re : TN Godavarman Thirumalpad v. Union of India,*** 2022 LiveLaw (SC) 540 - Guidelines issued by the Union Ministry for Ecologically Sensitive Zones (ESZ) near protected forests held to be reasonable. Further directions issued in relation to ESZ -No new permanent structure shall be permitted to come up for whatsoever purpose within the ESZ. Mining within the national parks and wildlife sanctuaries shall not be permitted. The court further held that Public Trust Doctrine is part of the law of land. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large.
4.	***T.N. Godavarman Thirumulpad v. Union of India***, 2022 LiveLaw (SC) 467 - Held - Adherence to the principle of sustainable development is a constitutional requirement and the Precautionary Principle is an essential feature of the principle of 'Sustainable Development'. In case of a doubt, protection of environment would have precedence over the economic interest.
5.	***Binay Kumar Dalei v. State of Odisha***, (2022) 5 SCC 33 - The Supreme Court upheld the decision of NGT directing that mining activity shall not be permitted within and in the vicinity of Simplipal - Hadagarh - Kuldiha – Simplipal elephant corridor.
6.	***Samaj Parivarthana Samudaya v. State of Karnataka***, 2022 SCC OnLine SC 1104 - The Supreme Court lifted curbs on iron sale and export from mines in Karnataka and relaxes the directions issued in 2011.
7.	***Madhya Pradesh High Court Advocates Bar Association v. Union of India***, 2022 SCC OnLine SC 639 - Held - The role of the NGT was not simply adjudicatory, but it also had the equally vital role which is preventive, ameliorative, or of the remedial category. The Court further held that NGT under Section 14 & 22 of the NGT Act does not oust the High Court's jurisdiction under Article 226 & 227 as the same is a part of the basic structure of the Constitution.
8.	***Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat,*** 2022 SCC OnLine SC 120 - Held NGT cannot refuse to hear a challenge to an Environmental Clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an expert committee.

9.	***Narinder Singh and Others v. Divesh Bhutani and Others*** 2022 SCC OnLine SC 899 -The Supreme Court held that prior permission of the Central Government is required to allow any change of user of forest or deemed forest land.
10.	***D. Swamy v. Karnataka State Pollution Control Board***, 2022 SCC OnLine SC 1278 - The Supreme Court reiterated that the grant of ex post facto environmental clearance in exceptional cases is not impermissible.
11.	***Electrosteel Steels Ltd. v. Union of India***, 2021 SCC OnLine SC 1247 - The question arose whether an establishment contributing to the economy of the country and providing livelihood to hundreds of people should be closed down for the technical irregularity of shifting its site without prior environmental clearance, without opportunity to regularize its operation by obtaining the requisite clearances and permissions, when the establishment was not otherwise violating laws on pollution. The answer was held to be in the negative.
12.	***Municipal Corporation of Greater Mumbai v. Ankita Sinha and Others***, 2021 SCC OnLine SC 897 - Held that NGT is not merely an adjudicatory forum; Inquisitorial functions are also available with it to protect environment.
13.	***Himachal Bus Stand Management Authority v. Central Empowered Committee & Others***, (2021) 4 SCC 309 - the Central Empowered Committee (CEC) finding that a part of the Bus Stand Complex constructed at McLeod Ganj in Himachal Pradesh violates the provisions of the Forest (Conservation) Act, 1980, recommended the demolition of the illegal portions. The NGT accepted the findings of the CEC and directed demolition of the structure of the Hotel-cum-Restaurant in the Bus Stand Complex. Appeal against this order was dismissed by the Supreme Court on finding construction of the Hotel-cum-Restaurant structure in the Bus Stand Complex as illegal.
14.	***Centre for Environmental Law WWF 1 v. Union of India***, Writ Petition(s)(Civil) No(s).337/1995; Order Dated: 28.01.2020 (Supreme Court) - The Supreme Court held that it is not desirable that the introduction of the African Cheetahs into India be left to the sole discretion of the National Tiger Conservation Authority (NTCA). NTCA be guided and directed by the Committee of Experts in the field who would carry out the survey for the best location for introducing the African Cheetahs in India and take a careful decision about the viability of introducing this animal on a larger scale.
15.	***Hospitality Association of Mudumalai v. In Defence of Environment and Animals and Others,*** (2020) 10 SCC 589 - held that the State Government is empowered to take measures to protect forests and wildlife falling within its territory in light of Entries 17A 'Forest' and 17B 'Protection of wild animals and birds' in the concurrent list and the power of the State Government under the Wildlife Act to notify Sanctuaries and other protected areas. Therefore, State Government was empowered to protect the habitats situated on a private land by notifying an elephant corridor.

16.	***Animal Welfare Board of India v. A. Nagaraja and Others***, (2014) 7 SCC 547 - held that Jallikattu is not an exception under the Protection of Animals from Cruelty Act on the account of human necessities since the pain, suffering and anxiety inflicted to bulls during Jallikattu events is primarily for the pleasure of humans and can be easily avoided.
17.	***Centre For Environmental Law WWF-India v. Union of India***, (2013) 8 SCC 234 - The Court struck down an order of the Ministry of Environment, Forest & Climate Change to introduce the African Cheetahs in Kuno in Madhya Pradesh on the ground that they had not conducted any detailed study before passing the order of introducing 'foreign species' to the territory of India.
18.	***Sansar Chand v. State of Rajasthan,*** (2010) 10 SCC 604 - The Court issued directions to Central and State Governments and their agencies to make all efforts to preserve the wild life of the country and take stringent actions against those who are violating the provisions of the Wildlife (Protection) Act, as this is necessary for maintaining the ecological balance in the country.
19.	***Intellectuals Forum, Tirupathi v. State of A.P***, (2006) 3 SCC 549 - The Court upheld a ban on the construction of tanks and new wells in an area suffering water shortage. The Court directed the adoption of rainwater harvesting and monitoring its efficacy.
20.	***Karnataka Industrial Areas Development Board v. Sri. C. Kenchappa and Others***, (2006) 6 SCC 371 - The Supreme Court dealt with the principles of sustainable development, polluter pays, precautionary principle, public trust doctrine, also emphasized on the requirement of carrying on an impact assessment and obtaining necessary clearance from the State Pollution Control Board and the Department of Ecology and Environment before execution of an industrial activity.
21.	***Research Foundation for Science v. Union of India***, (2005) 13 SCC 186 – Presence of polychlorinated biphenyle (PCB) in any consignment of waste mineral oil would render such oil as hazardous waste. Indian law providing for stricter limits than Basel convention for concentration of PCBs so as to term it as hazardous waste was upheld on grounds that national law laying down stricter conditions must prevail and shelter cannot be taken under international convention that may have prescribed for lenient conditions.
22.	***Indian Handicrafts Emporium v. Union of India***, (2003) 7 SCC 589 - The Supreme Court held that trade in ivory is totally prohibited under Chapter II-A of the Wildlife Protection Act, 1972 and any person who has obtained a certificate from the Chief Wild life Warden (CWW) may keep possession of such product but cannot sell it further. Such restriction was held to be 'reasonable' under Article 19(1)(g)]
23.	***M. C. Mehta v. Union of India***, *(*2002) 4 SCC 356 (Vehicular Pollution Case) - A four member committee, comprising of a retired Supreme Court judge was formed to recommend measures to control vehicular pollution nationwide. Orders were passed for the supply of lead-free petrol and use of natural gas and other fuels as substitutes for conventional fuels and also carried out.
24.	***Andhra Pradesh Pollution Control Board II v. M.V. Nayudu***, (2001) 2 SCC 62 -The Court held that in the environmental field, where the uncertainty of scientific opinions have created serious

	problems for the courts, problem arises when scientific knowledge is institutionalized in policy-making by agencies and courts.
25.	***Hinch Lal Tiwari v. Kamala Devi***, (2001) 6 SCC 496 - The Supreme Court held that the government and other authorities had noticed that a pond was falling in disuse and, therefore, should have bestowed their attention to develop the same. Such an effort would, on one hand, have prevented ecological disaster and on the other, provided better environment for the benefit of the public at large.
26.	***State of Karnataka v. K. Krishnan***, (2000) 7 SCC 80 – Held - Chapter VI of the Wildlife Protection Act, 1972 makes provision for control of timber and other forest produce in transit. The authorised officer has the power to seize any forest produce together with all tools, boats, vehicles or cattle or any other property used in connection with the commission of an offence in respect of any forest produce. As authorized officer has also the power to release the property seized under Section 62, all timber or forest produce, which is not the property of the Government and in respect of which a forest offence has been committed and all tools, boats, vehicles and cattle used in committing any forest offence are liable to forfeiture by the State Government subject to the provisions of Section 71-G of the Act.
27.	***Narmada Bachao Andolan v. Union of India***, (2000) 10 SCC 664 - The Court held that when there is a state of uncertainty due to lack of data or material about the extent of damage or pollution likely to be caused, then, in order to maintain the ecological balance, the burden of proof…..must necessarily be on the industry or unit which is likely to cause pollution. On the other hand where the effect on ecology or environment of setting up an industry is known, what has to be seen is that if the environment is likely to suffer, then what mitigating steps can be taken to offset the same. Merely because there will be a change is no reason to presume that there will be ecological disaster. It is when the effect of the project is known that the principle of sustainable development would come into play, which will ensure that mitigating steps are and can be taken to preserve the ecological balance.
28.	***M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu***, (1999) 6 SCC 464 - The Supreme Court applied the doctrine of Public Trust when it found that the Lucknow mahapalika entered into a contract with the petitioners for constructing an underground shopping complex beneath a park. The court held that the contract was without tender and also against the public trust doctrine, as the mahapalika had deprived themselves of their obligatory duties as a trustee to maintain parks.
29.	***Centre For Environmental Law WWF-I v. Union of India***, (1998) 6 SCC 483 - The Court suo motu gave the directions to 17 States to comply with the provisions under Sec 33-A and Sec 34 of WPA, 1972.
30.	***T.N. Godavarman Thirumulpad v. Union of India and Others,*** (1997) 2 SCC 267 - A petition to protect the deforestation of the forest by illegal timber operations in a forest was expanded by the Supreme Court to create its own monitoring and implementation system at regional and state levels to regulate the felling, use and movement of timber across the country, to preserve India's forest cover.

31.	***M.C. Mehta v. Kamal Nath****, (*1997) 1 SCC 388 - doctrine of "Public Trust" applied for the first time to cancel the government sanction to the deviation of the natural flow of the river for the sake of increasing the facilities of a motel.
32.	***M.C. Mehta (Taj Trapezium Matter) v. Union of India****,* (1997) 2 SCC 353 - The Court recognized the precautionary principle and held that environmental measures must "anticipate, prevent and attack the causes of environmental degradation". It also placed the onus of proof on an industry to show that it operates in a manner that is environmentally benign. This case thus broadened the definition of the right to live and was able to limit industrial practices that were harmful so as to protect people's right to live in a safe environment.
33.	***Animal and Environmental Legal Defence Fund v. Union of India****, (*1997) 3 SCC 549 - The court issued additional conditions for granting fishing licenses which included: Each permit holder shall hold photo ID along with his photograph; these permits are neither transferable nor heritable; each permit holder shall have the right to enter the National Park and reach the reservoir using the highway only; daily record of entry and exit of such permit holders has to be maintained in a register; the fishermen shall be prohibited from lighting fires in the forests for cooking purpose, etc.
34.	***S Jagannath v. Union of India****,* (1997) 2 SCC 87 - The Court held that Aquaculture industries functioning within 1km radius of the Chilika Lake must compensate the affected persons; Aquaculture functioning outside the CRZ should obtain prior permission and clearance from the authority within the prescribed time limit failing which they must stop their operations.
35.	***Ivory Traders and Manufacturers Association v. Union of India****,* AIR 1997 DEL 267 - The court declared that trade and businesses at the costs of disrupting life forms cannot be permitted even once. Further, it was held that Art 19 (1) (g) are not absolute and restrictions can be imposed on them in Public interest.
36.	***Vellore Citizens Welfare Forum v. Union of India****,* (1996) 5 SCC 647 - The Court held that though Tanneries are the major source of foreign exchange and provides employment to several thousands of people, however, at the same time, it destroys the environment and poses a health hazard to everyone. The court directed all the Tanneries to deposit a sum of Rs. 10,000 as fine.
37.	***Indian Council for Enviro-Legal Action and Others v. Union of India****,* (1996) 3 SCC 212 - The Court imposed a penalty upon the polluting industries, which was to be paid with compound interest since the industries had intentionally failed to comply with the court's directions, which had seriously impacted the lives of a significant number of residents in the vicinity of the plants. The "polluter pays" principle, entails that if an activity of harmful nature is carried out, then the individuals conducting these activities will be required to compensate those affected to make up for the damage that is caused, irrespective of the fact that precautionary measures were taken in carrying out the activity.

38.	***Pradeep Krishen v. Union of India***, 1996 (8) SCC 599 - The court held that for the tribal to acquire any rights over the forest land in the sanctuaries and national parks proper procedures have to be followed under the WPA, 1972. Till such procedure is complete, the State government cannot bar entry of the villagers or tribal into the Forest until such entry is likely to result in the destruction or damage to the environment of the area.
39.	***Union Carbide Commission v. Union of India****, (*1991) 4 SCC 584 - The Supreme Court directed the UCC to pay sum of 470 Million U.S. Dollars i.e. Rs. 750 crore towards compensation to the victims for the full and final settlement in satisfaction of all past, present and future claims and the same was accepted by both the parties.
40.	***Rural Litigation Entitlement Kendra (RLEK) v. Union of India*** AIR 1988 SC 2187 - Explained that the doctrine of sustainable development envisions a balance between development and ecology, so that the socio-economic needs of the country are served while reducing the adverse impact on the environment, and administrative and legislative measures for harmonizing environmental and developmental values should be formulated.
41.	***M.C. Mehta v. Union of India & Ors.,*** (1987) 4 SCC 463 *(Kanpur Tanneries Case)* - The Court held that the financial capacity of a tannery should be considered irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist, the tanneries which cannot set up a primary treatment plant cannot be permitted to continue.
42.	***Sachidanand Pandey v. State of West Bengal****,* (1987) 2 SCC 295 - The Court held that whenever the matter of ecology is brought before the Court, the Court are not to shrug its shoulders saying that it is a matter for policy making authority.
43.	***Municipal Council, Ratlam v. Shri Vardhichand & Others****, (1980) 4 SCC 162* - The court upheld public nuisance as a challenge to the component of social justice and rule of law and that decency and dignity are the non-negotiable facets of human rights.
Session 8: Civil Justice Administration: Alternative Dispute Redressal System in India	
1.	***Justice R.V. Raveendran,*** Mediation and Conciliation – Their Importance and Relevance, ***Anomalies in Law & Justice, EBC Publication, 1st Edition (2021)***
2.	Mediation Training Manual of India***, Mediation and Conciliation Project Committee, Supreme Court of India***
3.	***Anand Kumar Singh,*** Arbitrability of Disputes in India: The Changing Landscape of 'Exclusive Jurisdiction' Discourse***, 7.1 NLUJ LR (2020) 70***
JUDGMENTS	

(Please refer full judgment (available in pen drive) for conclusive opinion)	
1.	***Essar House (P) Ltd. v. Arcellor Mittal Nippon Steel India Ltd.***, 2022 SCC OnLine SC 1219 - The Supreme Court observed that a court exercising power under Section 9 of the Arbitration and Conciliation Act (A&C Act henceforth) is not strictly bound by provisions of Code of Civil Procedure (CPC) and should not withhold relief on mere technicality. The Court ruled that proof of actual attempts to deal with, remove or dispose of the property with a view to defeat or delay the realization of an impending Arbitral Award is not imperative for grant of relief under Section 9, and that a strong possibility of diminution of assets would suffice.
2.	***National Highways Authority of India v. P. Nagaraju,*** 2022 SCC OnLine SC 864 - The Supreme Court observed that, under Section 34 or 37 of A&CnAct, a Court cannot modify the award passed by the Arbitrator. The option would be to set aside the award and remand the matter.
3.	***Indian Oil Corpn. Ltd. v. NCC Ltd.***, 2022 SCC OnLine SC 896 - Despite the insertion of Section 11(6A) in A&C Act 1996, the Courts are not denuded of the power to examine the issue of non-arbitrability and jurisdiction at the stage of considering application of appointment of arbitrators under Section 11, held the Supreme Court recently. Further held that at the stage of deciding application for appointment of arbitrator, a Court can consider whether the dispute falls within the excepted clause. The Court observed that the question of jurisdiction and non-arbitrability can be considered by a Court at the stage of deciding an application under Section 11 of A&C Act if the facts are very clear and glaring.
4.	***I-Pay Clearing Services (P) Ltd. v. ICICI Bank Ltd.,*** (2022) 3 SCC 121 -The Supreme Court held that a court cannot remit a matter to the arbitrator on an application under Section 34(4) when the arbitrator has not given any findings on an issue. The Court differentiated between 'reasons' and 'finding' and held that it is only to fill the gaps in the reasoning that the matter would be remitted to the arbitrator. When there are no findings on the given issue, the matter cannot be remitted as that in itself is a ground to set aside the award. It further held that the power under Section 34(4) is discretionary.
5.	***Mutha Construction v. Strategic Brand Solutions Pvt Ltd*** SPECIAL LEAVE PETITION (CIVIL) No. 1105 of 2022 - The Supreme Court held that after setting aside an award, the court can remit the matter to the same arbitrator for a fresh decision, provided that the parties involved mutually agree to the same.
6.	***State of Chhattisgarh v. SAL Udyog (P) Ltd.***, (2022) 2 SCC 275 - Held that a party is not barred from raising additional grounds for setting aside an arbitration award under section 37 of A&C Act, 1996, merely because the said ground was not raised before the district court to set aside an arbitration award under S. 34 of the A&C Act.
7.	***Project Director, National Highways No. 45 E and 220 National Highways Authority of India v. M. Hakeem and Another,*** (2021) 9 SCC 1 - The issue for determination before the Supreme Court was whether the power of a Court under Section 34 of A&C Act, 1996 to "set aside" an award of an arbitrator includes the power to modify such an award? Held: there can be no doubt

	that given the law laid down by the Supreme Court, Section 34 of the A&C Act, 1996 cannot be held to include within it a power to modify an award. To state that the judicial trend appears to favour an interpretation that would read into Section 34 of the A&C Act, 1996 a power to modify, revise or vary the award would be to ignore the previous law contained in the Arbitration Act, 1940; as also to ignore the fact that the A&C Act, 1996 was enacted based on the UNCITRAL Model Law on International Commercial Arbitration, 1985 which makes it clear that, given the limited judicial interference on extremely limited grounds not dealing with the merits of an award, the "limited remedy" under Section 34 of the A&C Act, 1996 is coterminous with the "limited right", namely, either to set aside an award or remand the matter under the circumstances mentioned in Section 34 of the A&C Act, 1996.
8.	***Sanjiv Prakash v. Seema Kukreja And Ors***., (2021) 9 SCC 732 - Court held that Section 11 stage cannot enter into a mini trial or elaborate review of the facts and law which would usurp the jurisdiction of the arbitral tribunal.
9.	***Chintels India Ltd. v. Bhayana Builders Pvt. Ltd***., (2021) SCC OnLine SC 80 - An order refusing to condone the delay under Section 34(3) of A&C Act, 1996 is appealable under Section 37 of the Act.
10.	***Vidya Drolia v. Durga Trading Corpn***., (2021) 2 SCC 1- Court authoritatively expounded on the scope of the jurisdiction of a Court, examining and application under Section 8 of the 1996 Act.
11.	***Delhi Airport Metro Express (P) Ltd. v. DMRC***, *(*2021) 1 SCC 131 – Observed about disturbing tendency of courts to set aside arbitral awards, after dissecting and reassessing factual aspects of the cases to come to a conclusion that the award needs intervention and thereafter, dubbing the award to be vitiated by either perversity or patent illegality, apart from the other grounds available for annulment of the award.
12.	***BCCI v. Kochi Cricket (P) Ltd***., *(*2018) 6 SCC 287 – Held section 36 as amended in 2015, applies to pending section 34 applications even in arbitrations commenced prior to 23-10-2015 i.e. date of coming into force of Amendment Act, 2015.
13.	***Ananthesh Bhakta & Ors. vs. Nayana S. Bhakta***, (2017) 5 SCC 185 – In the present case, the original Retirement Deed and Partnership Deed were filed by the Defendants and it is only after filing of original deeds that Court proceeded to decide the application. Held - Section 8(2) has to be interpreted to mean that the court shall not consider any application filed by the party under Section 8(1) unless it is accompanied by original arbitration agreement or duly certified copy thereof. The filing of the application without such original or certified copy, but bringing original arbitration agreement on record at the time when the Court is considering the application shall not entail rejection of the application under Section 8(2).
14.	***State of M.P. v. Madanlal*** (2015) 7 SCC 681 - The Court held that there can be no compromise between the accused and the rape victim. Further the court iterated that there can be no liberal approach just because there is a compromise or if there is a settlement between the parties.

15.	***Sundaram Finance Ltd. v. T. Thankam***, (2015) 14 SCC 444 – Held, there can be no quarrel with the proposition that while considering an application for the parties to a dispute to be referred to arbitration on the ground that it is subject to an arbitration agreement in terms of Section 8(1), the judicial authority exercises the jurisdiction conferred upon it by A&C Act, 1996 and not the jurisdiction it exercises under the law where under it has been established.
16.	***Vikram Bakshi and Ors. v. Sonika Khosla (Dead) by L.Rs***. (2014) 15 SCC 80 - The court noted that main proceedings were the Company Petition filed by Ms. Sonia Khosla under Section 397-398 of the Companies Act before the CLB where issues relating to the affairs of the Company were to be thrashed out. However, from this one case, number of other proceedings sprung up. More than 80 cases were pending between the parties. Most of these do not even touch the main dispute as they are in the nature of either Contempt Petitions, (Civil or Criminal) or petitions under Section 340 Code of Criminal Procedure etc. The Court therefore directed the parties to atleast agree to resort to mediation as provided under Section 89 if Code of Civil Procedure and make an endeavour to find amicable solution of the dispute, agreeable to both the parties. It observed that MEDIATION is one such mechanism which has been statutorily brought into place in our Justice System. It is one of the methods of Alternative Dispute Resolution and resolves the dispute in a way that is private, fast and economical. It is a process in which a neutral intervener assists two or more negotiating parties to identify matters of concern, develop a better understanding of their situation, and based upon that improved understanding, develop mutually acceptable proposals to resolve those concerns. It embraces the philosophy of democratic decision-making.
17.	***K. Srinivas Rao v D.A. Deepa***, (2013) 5 SCC 226 - The Court emphasized relevance of mediation in matrimonial disputes including complaints u/s 406/498a IPC. It was observed that purely a civil matrimonial dispute can be amicably settled by directing the parties to explore the possibility of settlement through mediation. The courts have always adopted a positive approach and encouraged settlement of matrimonial disputes and discouraged their escalation.
18.	***Afcon Infrastructure Ltd. And Anr. v. Cherian Varkey Construction Co. (P) Ltd. And Ors.*** 2010 (8) SCC 24 - the court dealt with the question of whether the court, in the absence of an arbitration agreement between the parties, was competent to refer the parties to arbitration under Section 89 of CPC. After an elaborate discussion on the scheme of alternate dispute resolution enshrined within the code, the court held that unless both parties consent to such referral, the courts cannot refer the parties to arbitration under Section 89 of the code.
19.	***Salem Advocate Bar Association, Tamil Nadu v. Union of India*** 2005 (6) SCC 344 - The apex court purposively reinterpreted section 89 CPC to reduce anomalies. For instance, the words shall and may were read harmoniously and it was determined that may was intended to refer to only the reformulation of terms of a potential settlement by the court. There was also an attempt to resolve the issue created by inclusion of the phrase "terms of settlement" in the section. The section mandates formulation of settlement at the pleadings stages. However, "terms of settlement" was interpreted as summary of disputes. The court further replaced the definition of mediation in the section with that suggested in the model mediation rules.

Session 9: Criminal Justice Administration: Fair Trials and Human Rights		
1.	***Maja Daruwala Ed.,*** Fair Trial Manual: A Handbook for Judges and Magistrates, ***The Commonwealth Human Rights Initiative and the International Human Rights Clinic, Cornell Law School 2019 Second Edition***	
2.	***Soli J. Sorabjee,*** Creative Role of Indian Judiciary in Enlarging and Protecting Human Rights, ***Journal of National Human Rights Commission India, vol. 17 p.21-29 (2018)***	
3.	***S.N. Jain,*** Human Rights and Administration of Criminal Justice***, ILI. N. M. Tripathi Pvt. Ltd, 97-112***	
4.	***P.N. Bhagwati,*** Human Rights in the Criminal Justice System***, Journal of the Indian Law Institute, 27(1), 1-22 (1985)***	
JUDGMENTS **(Please refer full judgment (available in pen drive) for conclusive opinion)**		
1.	***The State through Central Bureau of Investigation vs. T. Gangi Reddy*** (Supreme Court of India: Criminal Appeal No. 37 of 2023) – question arose whether the bail granted under the proviso to Sub-section (2) of Section 167 Code of Criminal Procedure for failure to complete the investigation within the period prescribed therein can be cancelled after the presentation of a chargesheet and if the said question is answered in affirmative, then, on what grounds and circumstances, the bail can be cancelled? Held, that in a case where an Accused is released on default bail Under Section 167(2) Code of Criminal Procedure, and thereafter on filing of the chargesheet, a strong case is made out and on special reasons being made out from the chargesheet that the Accused has committed a non-bailable crime and considering the grounds set out in Sections 437(5) and Section 439(2), his bail can be cancelled on merits and the Courts are not precluded from considering the application for cancellation of the bail on merits. However, mere filing of the chargesheet is not enough, but as observed and held hereinabove, on the basis of the chargesheet, a strong case is to be made out that the Accused has committed non-bailable crime and he deserves to be in custody.	
2.	***Mohammed Zubair v. State of NCT of Delhi***, 2022 SCC OnLine SC 897 - The Supreme Court directed multiple criminal proceedings to be 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.	
3.	***Kanchan Kumari v. State of Bihar and Another*** 2022 SCC OnLine SC 981 The Supreme Court held adverse order against third party by High Court in an anticipatory bail proceedings as the one that 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 held clearly unjustified.
4.	***Satender Kumar Antil v. C.B.I***, 2022 SCC Online SC 825 –Supreme Court suggested the government to legislate a law on the grant of bail but without fettering the discretion of the courts concerned and keeping in mind the statutory provisions.
5.	***Manoj Kumar Khokhar v. State of Rajasthan*** (2022) 3 SCC 501 – held cryptic and casual bail orders without relevant reasons liable to be set aside; "cessante ratione 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".
6.	***Sunil Kumar v. State of Bihar***, (2022) 3 SCC 245 - held considering the fact that accused is a history sheeter and is having a criminal antecedent and is involved in the double murder of having killed the father and brother of the informant and the trial of these cases is at the crucial stage of recording evidence and there are allegations of pressurizing the informant and the witnesses, the judgment and order passed by the High Court releasing him on bail is absolutely unsustainable and the same cannot stand. The High Court has not at all considered the gravity, nature and seriousness of the offences alleged.
7.	***Deepak Yadav v. State of U.P. and Another***, 2022 SCC OnLine SC 672 – held 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.
8.	***Manjeet Singh v. State of Haryana and Ors***. AIR 2021 SC 4274 - 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.
9.	***Sartaj Singh v. State of Haryana and Ors.*** (2021) 5 SCC 337 court reiterated Principles regarding scope and ambit of powers of Magistrate under section 319 of CrPC and when additional accused may be added and "evidence" on basis of which may be added.

10.	***Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari and Ors***. AIR 2021 SC 5368 – held 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.
11.	***Ajay Kumar Pandey. v. State of U.P. & Ors*** 2021 SCC OnLine All 77 – Held that 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.
12.	***CD Pharma India Private Limited v. State of NCT of Delhi & Ors*** [W.P. (CRL) 999/2020 & Crl. M.A. No. 8526/2020 – Held - power to order reinvestigation or transfer of investigation needs to be exercised judiciously and not at the mere asking. It can be ordered only if the conscience of the Court is shaken to the standard of investigation.
13.	***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.
14.	***Dinubhai Boghabhai Solanki v. State of Gujarat and Ors***. (2018) 11 SCC 129 - An activist, who made a complaint against illegal mining, was murdered. FIR was registered. Investigation was lackadaisical. The complainant was forced to approach High Court to seek necessary directions for proper investigation. The High Court directed de novo trial of case with specific directions. Accused aggrieved filed appeal against de novo trial. In view of exceptional circumstances in which retrial was ordered by the High Court, and was being maintained in principle, SC directed that instead of all witnesses, 26 witnesses would be re-examined, in order to ensure that, there was a fair trial in literal sense of term. Further, till the time eight eye-witnesses were re-examined, it was directed that the accused should remain in confinement and he be released thereafter with certain conditions, pending remaining trial.
15.	***Romila Thapar and Ors. v.Union of India (UOI) and Ors.*** AIR2018SC4683 - While appointing a Special Investigating Team to deal with the case, the court held - Individuals who assert causes which may be unpopular to the echelons of power are yet entitled to the freedoms which are guaranteed by the Constitution. Dissent is a symbol of a vibrant democracy. Voices in opposition cannot be muzzled by persecuting those who take up unpopular causes. Where, however, the expression of dissent enters upon the prohibited field of an incitement to violence or the subversion of a democratically elected government by recourse to unlawful means, the dissent ceases to be a mere expression of opinion. Unlawful activities which violate the law have to be dealt with in accordance with it. In the background which has been adverted to earlier, it would be blase to accept the submission that the investigation by the police should be allowed to proceed without a safeguard for ensuring the impartiality and independence of the investigative agency. The conduct of the police in utilising the agency of the electronic media to cast aspersions on those under investigation fortifies the need for an investigation which was fair. When the Joint Commissioner of Police and the Additional Director General of Police cast aspersions in the public media against persons whose conduct is still under investigation, and

	in disregard of proceedings pending before a judicial forum, it was the duty and obligation of this Court to ensure that the administration of criminal justice was not derailed. Thus, while the investigation should not be thwarted, this was a proper case for the appointment of a Special Investigating Team. Circumstances had been drawn to cast a cloud on whether the police had in the present case acted as fair and impartial investigating agency. Sufficient material had been placed before the Court bearing on the need to have an independent investigation.
16.	***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.
17.	***Asha Ranjan and another v. State of Bihar and others*** AIR 2017 SC 1079 – Held - the accused has a fundamental right to have a fair trial under Article 21 of the Constitution. Similarly, the victims who are directly affected and also form a part of the constituent of the collective, have a fundamental right for a fair trial. Thus, there can be two individuals both having legitimacy to claim or assert the right. There may be a perception that if principle of primacy is to be followed, then the right of one gets totally extinguished. It has to be borne in mind that total extinction is not balancing. When balancing act is done, the right to fair trial is not totally crippled, but it is curtailed to some extent by which the Accused gets the right of fair trial and simultaneously, the victims feel that the fair trial is conducted and the court feels assured that there is a fair trial in respect of such cases. That apart, the faith of the collective is reposed in the criminal justice dispensation system and remains anchored. The submission that shifting of the Accused outside the Siwan Jail would affect his right under Article 21 of the Constitution did not commend acceptation.
18.	***Balakram v. State of Uttarakhand and others*** (2017) 7 SCC 668 – upheld the Right of accused to cross-examine police officer with reference to entries in police diary.
19.	***Naresh Kumar alias Nitu v. State of Himachal Pradesh*** 2017 Indlaw SC 508 Held - 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."
20.	***Ajay Singh v. State of Chhattisgarh*** (2017) 3 SCC 330 –Held - 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.

21.	***State of Bihar v. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh Yadav*** (2017) 2 SCC 178 - Held, while allowing the appeal of the State aggrieved by the order granting bail to the accused that (i) once the discretion is exercised by the High Court on relevant considerations and bail is granted, this Court would normally not interfere with such a discretion, unless it is found that the discretion itself is exercised on extraneous considerations and/or the relevant factors which need to be taken into account while exercising such a discretion are ignored or bypassed. (ii) The prosecutrix and her family members made representations on threats received by them from the accused, so much so, that the State administration had to depute a force for the safety and security of the prosecutrix and her family. In spite of this, the High Court made casual and cryptic remarks that there was no material showing that the accused had interfered with the trial by tampering evidence. (iii) The High Court also ignored another vital aspect, namely, while rejecting the bail application of co-accused, the High Court had ordered expeditious, day-to-day trial to ensure that the trial comes to an end most expeditiously. When order had already been passed to fast-track the trial, and the application for bail by co-accused was also rejected, the High Court, while considering the bail application was supposed to take into consideration this material fact as well.
22.	***Amrutbhai Shambhubhai Patel vs. Sumanbhai Kantibhai Patel and others*** AIR 2017 SC 774 - 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.
23.	***Pooja Pal v. Union of India and others*** (2016) 3 SCC 135 - 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.
24.	***State of Haryana v. Ram Mehar and others*** (2016) 8 SCC 762 – Held - arithmetical approach in allowing recall of witness can be dangerous.
25.	***State (NCT of Delhi) v. Shiv Kumar Yadav*** (2016) 2 SCC 402 Held - 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.
26.	***Bablu Kumar v. State of Bihar*** (2015) 8 SCC 787 Held - for fair proceedings, the courts have to be proactive and see that party does not make the case ridiculous, that the summons issued to the witnesses of the prosecution are actually served to them.
27.	***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.
28.	***State of Himachal Pradesh v. Raj Kumar*** (2014) 14 SCC 39 Held - chain of circumstances was not so complete as not to leave any reasonable ground for conclusion consistent with innocence of accused. The High Court had, therefore, rightly set aside conviction and acquitted him.
29.	***State of Gujarat v. Kishanbhai*** (2014) 5 SCC 108 The lapses by investigating and prosecuting agencies, stringently deprecated and directions were issued for purposeful and decisive investigation and prosecution in the matter.
30.	***Ashok Debbarma @ Achak Debbarma v. State of Tripura*** (2014) 4 SCC 747 –In a case where both Trial court and High Court held accused guilty for offences under Sections 326, 436 and 302/34 IPC and awarded him death sentence, the Supreme Court Held, "accused alone could not have executed such crime, which resulted in death of 15 persons and leaving so many injured and setting ablaze 23 houses. Further, he waging war against minority settlers, apprehending perhaps they might snatch away their livelihood and encroach upon their properties. Possibly such frustration and neglect might have led them to take arms, thinking they are being marginalized and ignored by society. Viewed in that perspective, instant case not rarest of rare case awarding death sentence. Consequently, death sentence altered to that of life imprisonment--20 years term of imprisonment fixed without remission.
31.	***Hardeep Singh v. State of Punjab*** (2014) 3 SCC 92 Held 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.
32.	***Sarah Mathew v. Institute of Cardio Vascular Diseases*** (2014) 2 SCC 62 - 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.
33.	***Dharam Pal v. State of Haryana*** (2014) 3 SCC 306 – Held - 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.

34.	***K. V. Rajendra v. Superintendent of Police, Chennai & Ors***, (2013) 12 SCC 480 –Held - 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.
35.	***Mohammed Ajmal Mohammad Amir Kasab v. State of Maharashtra*** AIR 2012 SC 3565 – Held - The magistrate is duty bound to inform the accused of his right to consult a lawyer of choice and in case the accused in 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.
36.	***State of U.P. v. Naresh and Ors*** (2011) 4 SCC 324 – Held - The presumption of innocence is a human right subject to the statutory exceptions.
37.	***Himanshu Singh Sabharwal v. State of M.P***, AIR 2008 SC 1943 – Held - 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.
38.	***Sakiri Vasu v. State of U.P. & Ors*** (2008) 2 SCC 409 - 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.
39.	***Zahira Habibullah Sheikh and Ors. v. State of Gujarat and Ors*** (2006) 3 SCC 374 Held - 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.
40.	***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.

41.	***Nilabati Behera v. State of Odisha*** (1993) 2 SCC 746 Held - 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.
42.	***Shyam Singh v. State of Rajasthan*** 1973 Crl. LJ 441, 443 (Raj) – Held - 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.
43.	***Khatri v. State of Bihar*** (1981) 2 SCC 493 - 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.
44.	***Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar***, 1979 AIR 1369 The court 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.

Session 10: Principles of Evidence: Appreciation in Civil and Criminal Cases		
1.	***Dr. Justice B. S. Chauhan,*** Appreciation of Evidence***, Unpublished, prepared for NJA programme, 19.10.22***	
2.	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***	
3.	***S.S. Upadhyay***, Appreciation of Evidence in Criminal Trials, ***Available at: https://lawhelpline.in/pdfs/appreciation of evidence in criminal trials.pdf***	
4.	***S.S. Upadhyay***, Appreciation of Evidence in Civil Cases ***Available at: http://lawhelpline.in/PDFs/CIIL_LAWS/APPRECIATION_OF_EVIDENCE_IN_CIVIL_CASES.pdf***	
5.	***Subhash Chandra Singh,*** DNA Profiling and the Forensic use of DNA Evidence in Criminal Proceedings***, Journal of the Indian Law Institute , April-June 2011, Vol. 53***	
6.	*DNA Technology (Use and Application) Regulation Bill, 2019*	

JUDGMENTS **Please refer full judgment (available in pen drive) for conclusive opinion**	
1.	***Khushi Ram v. Nawal Singh***, 2021 SCC OnLine SC 128 – Held - a compromise decree passed by a court in respect of immovable property which is subject matter of the suit would ordinarily be covered by Section 17(1)(b) of the Registration Act and would not require registration. But if the compromise is entered into in respect of an immovable property other than the subject- matter of the suit or proceeding would be covered under Section 17 (2) (vi) of the Registration Act and the same would require registration.
2.	***Iqbal Basith v. N. Subbalakshmi***, (2021) 2 SCC 718 *Held - a*dverse presumption u/s 114(g) of the Evidence Act can be drawn against the defendant if he does not present himself for cross-examination and refuses to enter witness box in order to refute the allegations made against him or support his pleadings in his written statement. Where in suit for permanent injunction, plaintiff had proved his possessory title over the suit property, though not the full title, and the defendant had failed to prove any title to the suit property, it has been held by the Supreme Court that the plaintiff's suit deserved to be decreed against the interference of the defendant with the plaintiff's possession over the suit property.
3.	***Rattan Singh v. Nirmal Gill***, 2020 SCC OnLine SC 936 – Held - The standard of proof required in a civil dispute is preponderance of probabilities and not beyond reasonable doubt. The court held that for invoking Section 17 of the Limitation Act, 1963, two ingredients i.e. existence of a fraud and discovery of such fraud, have to be pleaded and duly proved and that in case of failure to establish the existence of fraud, there is no occasion for its discovery. Opinion of an expert is not binding piece of evidence if not corroborated by other pieces of evidence.
4.	***Ratnagiri Nagar Parishad v.. Gangaram Narayan Ambekar***, (2020) 7 SCC 275- Held – where bare injunction suit has been filed to restrain State Authorities from acting in a particular manner without seeking declaratory relief as to illegality of orders/actions of State Authorities based on which State Authorities were seeking to act, said bare injunction suit was not maintainable, as no government order can be ignored altogether unless a finding is recorded that it was illegal, void or not in consonance with law.
5.	***Sugandhi v. P.Rajkumar***, (2020) 10 SCC 706 - Where the documents were missing and could not be filed by the defendant at the time of filing of his written statement and were sought to be produced at the time of final hearing, explaining the provisions of Order 8, rule 1A (3) and Order 13, rule 1 CPC ,it has been held by the Supreme Court that as the defendant had shown cogent reasons for not filing the said documents along with his written statement and the documents were necessary for arriving at just decision in the suit, permission to produce the documents should have been granted.
6.	***Bhagwat Sharan v. Purushottam***, (2020) 6 SCC 387 Held -Admission of a party is only a piece of evidence and not conclusive of the fact admitted. Where there is no clear-cut admission as to the fact concerned, it would be of no consequence.

7.	***Jagmail Singh v. Karamjit Singh***, (2020) 5 SCC 178 Held - Factual foundational evidence must be adduced showing reasons for not furnishing evidence. Mere admission in evidence and making exhibit of a document not enough as the same has to be proved in accordance with law.
8.	***Nand Ram v. Jagdish Prasad***, (2020) 9 SCC 393 Held -Document brought on record but not proved cannot be read in evidence.
9.	***C. Doddanarayana Reddy v. C. Jayarama Reddy***, (2020) 4 SCC 659 Held - authenticity of entries of public document like school register or T.C. may be tested by the court.
10.	***Ravinder Kumar Grewal v. Manjit Kaur***, (2020) 9 SCC 706 – Held - A memorandum of family settlement or family arrangement requires compulsory registration as per Section 17 (2) (v) of the Registration Act, 1908 only when it creates or extinguishes for the first time any right, title or interest in an immovable property among the family members. If it records only pre-existing right in the immovable property or arrangement or terms already settled between the parties in respect of the immovable property, it does not require registration.
11.	***Mohd. Yusuf v. Rajkumar***, (2020) 10 SCC 264 Held - Compromise decree comprising immovable property which is the subject-matter of the suit or proceeding in question, does not require registration. It is only a compromise decree comprising immovable property other than that which is the subject-matter of suit or proceeding in question, which requires registration.
12.	***Kamal Kumar v. Premlata Joshi***, (2019) 3 SCC 704 On question whether the plaintiff is entitled for grant of any other alternative relief, namely, refund of the earnest money etc. and, if so, on what grounds, it was held that to avail relief of specific performance, parties are required to plead and prove all statutory requirements prescribed under the provisions of Sections 16(c), 20, 21, 22 & 23 of the Specific Relief Act, 1963 and Forms 47 & 48 of Appendix A to C of the CPC.
13.	***Vimla Devi v. National Insurance Company Limited,*** (2019) 2 SCC 186 Held that non-exhibition of documents is only a procedural lapse. Non-exhibition of documents cannot disentitle a claim when otherwise sufficient evidence is adduced and the documents established the fact in controversy.
14.	***Yashwant Sinha v. Central Bureau of Investigation***, (2019) 6 SCC 1 – when secret documents relating to Rafale fighter jets were removed/stolen from the custody of the Ministry of Defence, Govt. of India and their photocopies were produced before the Supreme Court, the objection was raised that the secret stolen documents were not admissible in evidence. The Supreme Court held that all the documents in question were admittedly published in newspapers and thus already available in public domain. No law specifically prohibits placing of such secret documents before the Court of law to adjudicate legal issues. The Supreme Court held that the claim of immunity u/s 123 of the Evidence Act raised by the Central Govt. was not tenable and the documents in question were admissible as evidence.
15.	***Mallikarjun v. State of Karnataka***, (2019) 8 SCC 359 – Held - The expert is not a witness of fact. Opinionative evidence of the doctor is primarily an evidence of opinion and not of fact. It

	is only a corroborative piece of evidence as to the possibility that the injuries could have been caused in the manner alleged by the prosecution. Unless the medical evidence Rules out such possibility of injury being caused in the manner alleged by the prosecution version, the testimony of the eye witness cannot be doubted on the ground of its inconsistency with medical evidence.
16.	***Smt. Bhimabai Mahadeo Kambekar v. Arthur Import and Export Company***, (2019) 3 SCC 191 – Held - Revenue record is not a document of title. It merely raises a presumption of possession u/s 110 of the Evidence Act.
17.	***State of Himachal Pradesh v. Raj Kumar***, (2018) 2 SCC 69 - The court held that the High Court was not right in doubting the version of deceased's son on the ground that he made improvements in his version. His evidence could not be doubted simply because names of Ramesh Kumar and Om Prakash were not mentioned in his statement. Deceased's son was already threatened by the accused Om Parkash to inform his maternal uncle that deceased had run away. When deceased's son statement was recorded, he must have been in trauma and fear psychosis. In such circumstances, omission to mention the names of Om Parkash and Ramesh Kumar in his statement does not render his evidence untrustworthy.
18.	***State of Andhra Pradesh v. Pullagummi Kasi Reddy Krishna Reddy @ Rama Krishna Reddy and others***, *(*2018) 7 SCC 623 - In this case due to rivalry between two factions in village led to attack using countrymade bombs, hunting sickles and iron pipes and there was death of four persons but all respondent-accused were acquitted by High Court. It was held by the Supreme Court that the High Court erred in eschewing testimonies of witnesses in toto. Minor contradictions and omissions in evidence of witnesses were to be ignored. All eyewitnesses including one who turned hostile consistently spoke about attack on one deceased and his supporters. Witness who gave vivid description of incident was corroborated by other witnesses. However, on oral evidence of witnesses and medical evidence, it was held that the High Court rightly acquitted some respondents giving them benefit of doubt.
19.	***Krishnegowda v. State of Karnataka,*** (2017) 13 SCC 98 Held - It is settled law that mere laches on the part of Investigating Officer itself cannot be a ground for acquitting the accused. If that is the basis, then every criminal case will depend upon the will and design of the Investigating Officer. The Courts have to independently deal with the case and should arrive at a just conclusion beyond reasonable doubt basing on the evidence on record. Once there is a clear contradiction between the medical and the ocular evidence coupled with severe contradictions in the oral evidence, clear latches in investigation, then the benefit of doubt has to go to the accused. The finding of the High Court that the ocular evidence and the medical evidence are in conformity with the case of prosecution to convict the accused, was incorrect. The High Court brushed aside the vital defects involved in the prosecution case and in a very unconventional way convicted the Accused. The judgment of the High Court was set aside and the order of acquittal passed by the Trial Court was re-affirmed.
20.	***Sudha Renukaiah v. State of Andhra Pradesh***, *(*2017) 13 SCC 81 Held while allowing the appeal: (i) The fact that weapon was not shown to the Doctor nor in the cross-examination attention of the Doctor was invited towards the weapon, was not of much consequence in the

	facts of the present case where there was clear medical evidence that injuries could be caused by knife, axe and battle axe. When there are eye-witnesses including injured witness who fully support the prosecution case and proved the roles of different accused, prosecution case cannot be negated only on the ground that it was a case of group rivalry. (ii) In exercise of appellate power under section 386 Code of Criminal Procedure the High Court has full power to reverse an order of acquittal and if the accused are found guilty they can be sentenced according to law.
21.	***Mukesh v. State (NCT of Delhi),*** (2017) 6 SCC 1 *(Nirbhaya Case*) -The Court concluded that evidence of the informant was unimpeachable and it deserved to be relied upon. The Accused persons along with the juvenile in conflict with law were present in the bus when the prosecutrix and her friend got into the bus. There was no reason to disregard the CCTV footage, establishing the description and movement of the bus. The arrest of the accused persons from various places at different times was proved by the prosecution. The personal search, recoveries and the disclosure leading to recovery were in consonance with law. That apart, the dying declaration by gestures was proved beyond reasonable doubt. There was no justification to think that the informant and the deceased would falsely implicate the Accused and leave the real culprits. The dying declarations made by the deceased received corroboration from the oral and documentary evidence and also enormously from the medical evidence.
22.	***Bhagwan Jagannath Markad v. State of Maharashtra***, (2016) 10 SCC 537 Held - Prosecution has to prove its case beyond reasonable doubt and reasonable doubt is one which occurs to a prudent and reasonable man. The doubt which the law contemplates is not of a confused mind but of prudent man who is assumed to possess the capacity to separate the chaff from the grain. The degree of proof need not reach certainty but must carry a high degree of probability.
23.	***Pawan Kumar v. State of Uttar Pradesh***, (2015) 7 SCC 148 Held - as confession given by the accused was not basis for courts below to convict accused, but it was only source of information to put criminal law into motion, accused could not take shelter under Section 25 of Evidence Act.
24.	***Municipal Corporation, Gwalior v. Puran Singh***, (2015) 5 SCC 725 Held - Khasra entries are not proof of title and ownership of land.
25.	***Union of India v. Vasavi Co-operative Housing Society Limited***, (2014) 2 SCC 269 - Held, in a suit for declaration of title and for possession, burden always lies on the plaintiff to make out and establish his case by adducing sufficient evidence and the weakness, if any, of the case set up by the defendants would not be a ground to grant relief to plaintiff.
26.	***Ayaaubkhan Noorkhan Pathan v. State of Maharashtra***, (2013) 4 SCC 465 Held - In view of the amended provisions of Order 19, rule 1-A CPC w.e.f. 10.2.1981, evidence on affidavit can be received by court where the case has proceeded ex-parte. In such cases the court may permit the plaintiff to adduce his evidence on affidavit.
27.	***Darbara Singh v. State of Punjab***, 2012 (10) SCC 476 - held that so far as the question of inconsistency between the medical evidence and the ocular evidence is concerned, the law is

	well settled that, unless the oral evidence available is totally irreconcilable with the medical evidence, the oral evidence would have primacy. In the event of contradictions between medical and ocular evidence, the ocular testimony of a witness will have greater evidentiary value vis-à-vis medical evidence and when medical evidence makes the oral testimony improbable, the same becomes a relevant factor in the process of evaluation of such evidence. It is only when the contradiction between the two is so extreme that the medical evidence completely rules out all possibilities of the ocular evidence being true at all, that the ocular evidence is liable to be disbelieved.
28.	***K.K. Velusamy v. N. Palanisamy,*** (2011) 11 SCC 275 - The court examined the power of the courts with regard to re-opening the evidence and recalling witnesses. The court while examining the relevant provisions of the Code of Civil Procedure, 1908 has culled out the principles for invoking the inherent powers of the court.
29.	***Kapil Core Packs Pvt. Ltd v.. Harvansh Lal,*** (2010) 8 SCC 452 – Held -According to Rule 54 of the General Rules (Civil), when a certified copy of any private document is produced in Court, inquiry shall be made from the opposite party whether he admits that it is a true and correct copy of the document which he denies, or whether it is a true and correct copy of the document the genuineness of which he admits without admitting the truth of its contents, or whether he denies the correctness of the copy as well as of the document itself. Admission of the genuineness of a document is not to be confused with the admission of the truth of its contents or with the admission that such document is relevant or sufficient to prove any alleged fact.
30.	***LIC of India v. Ram Pal Singh Bisen***, (2010) 4 SCC 491 – Held - Mere admission of a document in evidence does not amount to its proof. In other words, mere marking of exhibit on a document does not dispense with its proof which is required to be done in accordance with law.
31.	***Noor Aga v. State of Punjab and Another***, (2008) 16 SCC 417 – Held -Section 35 and 54 of the Narcotics Act which imposes a reverse burden on the accused is constitutional as the standard of proof required for the accused to prove his innocence is not as high as that of the prosecution. Confessional statement is admissible only under section 13B of the Customs Act if all the essential ingredients mentioned therein are satisfied.
32.	***Manager, Reserve Bank of India, Bangalore v. S. Mani***, (2005) 5 SCC 100 – Held Non-denial of or non-response to a plea that is not supported by evidence cannot be deemed to be admitted by applying the doctrine of nontraverse. The Evidence Act does not say to the contrary. Pleadings are not substitute for proof.
Additional Judgements on Circumstantial Evidence - Citations for Reference	
✓ *M/s. Sri Ram Industrial Enterprizes Ltd. vs. Mahak Singh, AIR 2007 SC 1370* ✓ *Standard Chartered Bank vs. Andhra Bank Financial Services Ltd., (2006) 6 SCC 94* ✓ *Iqbal Singh Marwah Vs. Meenakshi Marwah, (2005) 4 SCC 370*	

✓ *Bangalore Vs. S. Mani, (2005) 5 SCC 100* ✓ *Vice Chairman, Kendriya Vidyalaya Sangathan vs. Girdharilal Yadav, (2004) 6 SCC 325* ✓ *R.V.E. Venkatachala Gounder vs. Arulmgu Viswasaraswami & V.P. Temple, (2003) 8 SCC 752* ✓ *Narayan Govind Gavate vs. State of Maharashtra, (1977) 1 SCC 133* ✓ *Sita Ram Bhau Patil vs. Ram Chandra Nago Patil, (1977) 2 SCC 49*		
Session 11: Electronic Evidence: New Horizons, Collection, Preservation and Appreciation		
1.	***N.S. Nappinai,*** Electronic Evidence- The Great Indian Quagmire, ***(2019) 3 SCC (J)***	
2.	***Justice Raja Vijayaraghavan V.,*** Electronic Evidence ***Workshop on Adjudicating Terrorism Cases National Judicial Academy, Bhopal-January 24, 2021***	
3.	***Justice Kurian Joseph,*** Admissibility of Electronic Evidence***, (2016) 5 SCC J-1***	
4.	***Dr. Swati Mehta,*** Cyber Forensics and Admissibility of Digital Evidence , **(2011) 5 SCC J-54**	
5.	***Mason Stephen and Seng Daniel,*** The Foundations of Evidence in Electronic Form, **Chapter – 3 *Book*- Electronic Evidence, *University of London Press; Institute of Advanced Legal Studies 2017***	
6.	Standard Operating Procedures for the collection, analysis and presentation of electronic evidence, **Prepared by Cybercrime Programme Office of the Council of Europe (C-PROC) – 12th September 2019**	
JUDGMENTS **(Please refer full judgment (available in pen drive) for conclusive opinion)**		
1.	***Mohd. Arif v. State (NCT of Delhi)*** MANU/SC/1424/2022: This review petition challenged the court allowing call records to be admitted in evidence, in the absence of an appropriate certificate under Section 65B of the Indian Evidence Act, 1872. It was submitted that on the strength of the law declared by this Court in Anvar P.V. v. P.K. Basheer and Ors. (2014) 10 SCC 473, as affirmed by Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. (2020) 7 SCC 1, certification u/s 65B of the Evidence Act would be a pre-requisite for admissibility of an electronic record such as CDRs; that there being total non-compliance of this mandatory requirement, the afore-stated CDRs would be inadmissible and must be eschewed from consideration at every juncture. Held - It must now be taken to have been settled that the decision of this Court in Anvar P.V. (2014) 10 SCC 473 as clarified in Arjun Panditrao (2020) 7 SCC 1 is the law declared on Section 65B of the Evidence Act. Consequently, we must eschew, the electronic evidence in the form of CDRs which was without any appropriate certificate under Section 65-B(4) of the Evidence Act.	

2.	***Ravinder Singh Alias Kaku v. State of Punjab*** (2022) 7 SCC Held - 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.
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.
4.	***P. Gopalkrishnan v. State of Kerala and Anr.,*** (2020) 9 SCC 161 – Held, 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.
5.	***Mr. Virendra Khanna Vs. State of Karnataka & Another*** W.P. No. 11759/2020 Karnataka High Court in relation to electronic evidence held that (i) the seized equipment should be kept as far as possible in a dust-free environment and temperature controlled. (ii) While conducting the search, the investigating officer to seize any electronic storage devices like CD, DVD, Blu-Ray, pen drive, external hard drive, USB thumb drives, solid-state drives etc., located on the premises, label and pack them separately in a faraday bag.(iii) The computers, storage media, laptop, etc., to be kept away from magnets, radio transmitters, police radios etc., since they could have an adverse impact on the data in the said devices.
6.	***State by Karnataka Lokayukta, Police Station, Bengaluru v. M.R. Hiremath***, (2019) 7 SCC 515 – Held - Section 65-B deals with the admissibility of the electronic record. The purpose is to sanctify secondary evidence in electronic form, generated by a computer. Section 65B(4) is attracted in any proceedings "where it is desired to give a statement in evidence by virtue of this section". Emphasising this facet of Sub-section (4), the decision in Anvar holds that, the requirement of producing a certificate arises, when the electronic record is sought to be used as evidence. Most importantly, such a certificate must accompany the electronic record like computer printout, compact disc (CD), video compact disc (VCD), pen drive, etc., pertaining to which a statement is sought to be given in evidence, when the same is produced in evidence. All these safeguards are taken to ensure the source and authenticity, which are the two hallmarks pertaining to electronic record sought to be used as evidence. Electronic records being more susceptible to tampering, alteration, transposition, excision, etc., without such safeguards, the whole trial based on proof of electronic records can lead to travesty of justice.

7.	***Shamsher Singh Verma v. State of Haryana***, (2016) 15 SCC 485 – Held - 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.