

National Convention for Senior High Court Justices: Strengthening Fiscal and Administrative Protocols in High Courts [P-1428]

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| | <p>✓ <i>Jurisdiction of the single judge of the High Court to issue general directions affecting and encroaching upon the administrative power of the Chief Justice of the High Court ... in the matter of allocation of business to Hon'ble Judges of that Court not warranted.</i></p> |
| 2. | <p><u>Role of CJ to ensure “Independence of Judiciary” by securing effective judicial officers</u> State of Rajasthan v. Ramesh Chandra Mundra, (2020) 20 SCC 163, at para 22.</p> <p>✓ <i>Independence of judiciary takes within its sweep independence of the individual Judges in relation to their appointments, tenure, payment of salaries and also non-removal except by way of impeachment. An integral part of “Independence of judiciary”, as a constitutional value is the “Institutional Independence” i.e. the aspect concerning the financial freedom or autonomy which the judiciary must possess and enjoy. This effective involvement of the judicial branch in budgeting, staff and infrastructure has also been recognized by the international community.</i></p> |
| 3. | <p><u>Role of CJ to ensure “Independence of Judiciary” by Mentoring, Guiding & Protecting judicial officers</u> Ishwar Chand Jain v. High Court of P & H, (1988) 3 SCC 370, at page 381</p> <p>✓ <i>While exercising that control it is under a constitutional obligation to guide and protect judicial officers. An honest strict judicial officer is likely to have adversaries in the mofussil courts. If complaints are entertained on trifling matters relating to judicial orders which may have been upheld by the High Court on the judicial side no judicial officer would feel protected and it would be difficult for him to discharge his duties in an honest and independent manner. An independent and honest judiciary is a sine qua non for rule of law. If judicial officers are under constant threat of complaint and enquiry on trifling matters and if High Court encourages anonymous complaints to hold the field the subordinate judiciary will not be able to administer justice in an independent and honest manner. It is therefore imperative that the High Court should also take steps to protect its honest officers by ignoring ill-conceived or motivated complaints made by the unscrupulous lawyers and litigants.</i></p> |
| 4. | <p><u>Role of CJ to Oversee Administration of HC as a both “Mentor” & “Monitor”</u> High Court of Patna v. Pandey Gajendra Prasad, (2012) 6 SCC 357, at page 363</p> <p>✓ <i>Article 235 of the Constitution of India not only vests total and absolute control over the subordinate courts in the High Courts but also enjoins a constitutional duty upon them to keep a constant vigil on the day-to-day functioning of these courts. 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. It needs little emphasis that the subordinate judiciary is the kingpin in the hierarchical system of</i></p> |

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| | <p><i>administration of justice. It is the trial Judge, who comes in contact with the litigant during the day-to-day proceedings in the court and, therefore, a heavy responsibility lies on him to build a solemn unpolluted atmosphere in the dispensation of justice which is an essential and inevitable feature in a civilized democratic society.</i></p> |
| 5. | <p><u><i>Role of CJ to oversee the Administrative Role of Portfolio Judges of HC as a Mentor for the Judicial Officers</i></u> <i>Ishwar Chand Jain v. High Court of P & H</i>, (1988) 3 SCC 370, at page 381</p> <ul style="list-style-type: none"> ✓ <i>While considering complaints of irregularities against a judicial officer on probation the High Court should [keep] in mind that ...[e]very judicial officer is likely to commit mistake of some kind or the other in passing orders in the initial stage of his service which a mature judicial officer would not do. However, if the orders are passed without there being any corrupt motive, the same should be overlooked by the High Court and proper guidance should be provided to him.</i> |
| 6. | <p><u><i>Role of CJ in effective Management of Integrity of & Public Trust for the Institution High Court of Judicature of Madras v. R. Perachi</i></u>, (2011) 12 SCC 137, at page 152</p> <ul style="list-style-type: none"> ✓ <i>[CJ] cannot ignore that the integrity of the officers functioning in the administration is of utmost importance to retain the confidence of the litigants in the fairness of the judicial system. If there is any complaint in this behalf, the Chief Justice is expected to act on behalf of the High Court to see to it that the stream of justice does not get polluted at any level. We are pained to observe but we must state that the decisions on the judicial side such as the one in the present case create unnecessary difficulties for the High Court Administration.</i> |
| 7. | <p><u><i>Registry Management State of Rajasthan v. Prakash Chand</i></u>, (1998) 1 SCC 1 at page 14</p> <ul style="list-style-type: none"> ✓ <i>Judges of the High Court can sit alone or in Division Benches and do such work only as may be allotted to them by an order of or in accordance with the directions of the Chief Justice. That necessarily means that it is not within the competence or domain of any Single or Division Bench of the Court to give any direction to the Registry in that behalf which will run contrary to the directions of the Chief Justice. Therefore in the scheme of things judicial discipline demands that in the event a Single Judge or a Division Bench considers that a particular case requires to be listed before it for valid reasons, it should direct the Registry to obtain appropriate orders from the Chief Justice. The puisne Judges are not expected to entertain any request from the advocates of the parties for listing of case which does not strictly fall within the determined roster....</i> ✓ <i>Though, on the judicial side the Chief Justice is only the “first amongst the equals”, on the administrative side in the matter of constitution of Benches and making of roster, he alone is vested with the necessary powers. That the power</i> |

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| | <i>to make roster exclusively vests in the Chief Justice and that a daily cause list is to be prepared under the directions of the Chief Justice</i> |
| 8. | <p><u><i>Inspection of the subordinate courts, assessment of the work performed by the Subordinate Judge, his capability, integrity and competency</i></u> <i>Sonu Agnihotri v. Chandra Shekhar</i>, 2024 INSC 888</p> <ul style="list-style-type: none"> ✓ <i>As stated earlier, every Judge, irrespective of his post and status, is likely to commit errors. In a given case, after writing several sound judgments, a judge may commit an error in one judgment due to the pressure of work or otherwise. As stated earlier, the higher court can always correct the error. However, while doing so, if strictures are passed personally against a Judicial Officer, it causes prejudice to the Judicial Officer, apart from the embarrassment involved. We must remember that when we sit in constitutional courts, even we are prone to making mistakes. Therefore, personal criticism of Judges or recording findings on the conduct of Judges in judgments must be avoided.</i> <p><i>High Court of Punjab & Haryana v. Ishwar Chand Jain</i>, (1999) 4 SCC 579</p> <ul style="list-style-type: none"> ✓ <i>A satisfactory judicial system depends largely on the satisfactory functioning of courts at the grass-roots level. Remarks recorded by the Inspecting Judge are normally endorsed by the Full Court and become part of the annual confidential reports and are foundations on which the career of a judicial officer is made or marred. Inspection of a subordinate court is thus of vital importance. It has to be both effective and productive. It can be so only if it is well regulated and is workman-like. Inspection of subordinate courts is not a one-day or an hour or a few minutes' affair. It has to go on all the year round by monitoring the work of the court by the Inspecting Judge. A casual inspection can hardly be beneficial to a judicial system. It does more harm than good.</i> <p><i>Registrar High Court of Madras v. R. Rajiah</i> [(1988) 3 SCC 211</p> <ul style="list-style-type: none"> ✓ <i>There could be ill-conceived or motivated complaints. Rumour-mongering is to be avoided at all costs as it seriously jeopardizes the efficient working of the subordinate courts.</i> |
| 9. | <p><i>High Court of Judicature For Rajasthan v. Bhanwar Lal Lamror</i>, 2021 SCC OnLine SC 657</p> <ul style="list-style-type: none"> ✓ <i>Whether it was open to the High Court to substitute its view for the one recorded by the Administrative Committee, which commended to the Full Court of the High Court.... It was not open to the High Court to substitute its own view for the satisfaction arrived at by the Full Court of the High Court... It was also not open to the High Court to re-write the annual confidential reports by taking over the role of inspecting or confirming authority.</i> |
| 10. | <p><i>High Court of Judicature for Rajasthan v. Ramesh Chand Paliwal</i>, (1998) 3 SCC 72 at page 87</p> <ul style="list-style-type: none"> ✓ <i>Under the constitutional scheme, Chief Justice is the supreme authority and the other Judges, so far as officers and servants of the High Court are concerned,</i> |

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| | <i>have no role to play on the administrative side. Some Judges, undoubtedly, will become Chief Justices in their own turn one day, but it is imperative under the constitutional discipline that they work in tranquillity. Judges have been described as “hermits”. They have to live and behave like “hermits” who have no desire or aspiration, having shed it through penance. Their mission is to supply light and not heat. This is necessary so that their latent desire to run the High Court administration may not sprout before time, at least, in some cases.</i> |
| 11. | <i>Ashok Kumar v. State of J&K</i> , 2021 SCC OnLine SC 24 ✓ <i>An order passed by the Chief Justice in exercise of the power conferred by Rule ... need not go before the Full Court; ... that the order of the Chief Justice ... does not curtail the power of relaxation available to the Chief Justice.</i> |
| 12. | <u><i>Collaboration with other Governmental Branches</i></u> <i>State of Rajasthan v. Ramesh Chandra Mundra</i> , (2020) 20 SCC 163, at para 21. ✓ <i>The correct constitutional approach is one of comity between different institutions working under the Constitution. The emphasis is not on the supremacy of one institution or demarcating the boundaries of the other. It is about ensuring institutional integrity of one while respecting the functional domain of the other. These provisions are meant to facilitate a dialogue of governance between high constitutional functionaries. A healthy dialogue, perhaps, even a debate is necessary for an efficient constitutional polity. The constitutional vision is not to draw “lakshman rekhas” between constitutional functionaries; its command is for the constitutional functionaries to efficiently coordinate to best achieve constitutional goals.</i> |
| 13. | <u><i>Docket Explosion v. Docket Management & CJ: Contemplating Activation of Art 224 A</i></u> <i>Lok Prahari Through its General Secretary S.N. Shukla IAS (Retd.) v. UoI</i> , 2021 SCC OnLine SC 333 ✓ <i>To activate a dormant provision of the Constitution of India - Article 224A - for the appointment of ad hoc Judges to deal with the unprecedented situation arising from the backlog of cases pending in the High Courts, which has now crossed the figure of 57 lakh coupled with the consistent ratio of vacancies of almost 40 per cent.</i> |
| 14. | <u><i>Right to Privacy v. RTI; Categorization of Information by HC; Information held by HCs & Tribunals</i></u> <i>Chief Information Commissioner v. High Court of Gujarat</i> , (2020) 4 SCC 702 ✓ <i>Manner and scope of access to information from High Courts. Distinction between information on judicial side versus information on administrative side.</i> |
| 15. | <u><i>Art 235 v. 229 scope of</i></u> <i>High Court of Judicature for Rajasthan v. Ramesh Chand Paliwal</i> , (1998) 3 SCC 72 at page 87 ✓ <i>What is, therefore, of significance is that although in Article 235, the word</i> |

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| | <p><i>“High Court” has been used, in Article 229 the word “Chief Justice” has been used. The Constitution, therefore, treats them as two separate entities in as much as “control over subordinate courts” vests in the High Court, but High Court administration vests in the Chief Justice.</i></p> <p>High Court of Judicature for Rajasthan v. P.P. Singh, (2003) 4 SCC 239 at 251</p> <ul style="list-style-type: none"> ✓ <i>The powers of the Chief Justice under Articles 235 and 229 of the Constitution of India are different and distinct. Whereas control over the subordinate courts vests in the High Court as a whole, the control over the High Court vests in the Chief Justices only. (See All India Judges' Assn. v. Union of India [(1992) 1 SCC 119].) However, the same does not mean that a Full Court cannot authorize the Chief Justice in respect of any matter whatsoever. In relation to certain matters keeping the rest of it in itself by the Full Court, authorization to act on its behalf in favour of the Chief Justice on a Committee of Judges is permissible in law. How far and to what extent such power has been or can be delegated would be discernible only from the Rules. Such a power by the Full Court can also be exercised from time to time.</i> |
| 16. | <p><u><i>Power of CJ to Restrain Lawyers to Appear in Court for Posing Hindrance to Court Functioning</i></u></p> <p>Krishnakant Tamrakar v. State of M.P., (2018) 17 SCC 27 : 2018 SCC OnLine SC 304 at page 50</p> <ul style="list-style-type: none"> ✓ <i>The Court may, ... hold that the office-bearers of the Bar Association/Bar Council who passed the resolution for strike or abstaining from work, are liable to be restrained from appearing before any court for a specified period or until such time as they purge themselves of contempt to the satisfaction of the Chief Justice of the High Court concerned based on an appropriate undertaking/conditions. They may also be liable to be removed from the position of office-bearers of the Bar Association forthwith until the Chief Justice of the High Court concerned so permits on an appropriate undertaking being filed by them. This may be in addition to any other action that may be taken for the said illegal acts of obstructing access to justice.</i> |
| 17. | <p><u><i>Constitution of Committees by CJ on Administrative side for ease of Business transactions; Delegation of functions of HC to a Committee – Powers & Scope of such Committee</i></u></p> <p>High Court of Judicature at Bombay v. Shirishkumar Rangrao Patil, (1997) 6 SCC 339 at page 353</p> <ul style="list-style-type: none"> ✓ <i>The Chief Justice of the High Court is first among the Judges of the High Court. The action taken is by the High Court and not by the Chief Justice in his individual capacity, nor by the Committee of Judges. For the convenient transaction of administrative business in the Court, the Full Court of the Judges of the High Court generally passes a resolution authorising the Chief Justice to constitute various committees including the committee to deal with</i> |

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| | <p><i>disciplinary matters pertaining to the subordinate judiciary or the ministerial staff working therein.... the entire gamut of procedural steps of disciplinary action is by the High Court which is the controlling authority through the Committee constituted in that behalf by the Chief Justice of the High Court.</i></p> |
| 18. | <p><i>Quorum of Committee & its Validity of Decision</i> Registrar High Court of Madras v. R. Rajiah [(1988) 3 SCC 211 at page 222 ✓ <i>It is true that the members of the Review Committee should sit together and consider the question of compulsory retirement, but simply because one of them did not participate in the meeting, and subsequently agreed with the view expressed by the other two judges, it would not vitiate the decision of the Committee to compulsorily retire the respondent.</i> High Court of Judicature at Bombay v. Shirishkumar Rangrao Patil, (1997) 6 SCC 339 at page 353 ✓ <i>It is true that there is no further resolution passed to constitute quorum for taking a decision. It is common experience that in some of the High Courts there is no express resolution constituting quorum. Ex abundanti cautela some High Courts pass such resolution as to the quorum. However, the practice has grown that generally majority of the Committee, when assembled, would transact the administrative business and take decisions. In the light of the settled legal position that the decision taken is that of the High Court and the Committee acted for and on behalf of the High Court, the majority of four Judges of the Committee, even in the absence of such express resolution, does constitute the quorum and is competent to transact the administrative business of the Court. Out of five, three members always constitute a quorum so as to be competent to take decision since even if it is assumed that all the five members were present and they decided against the respondent, the opinion of four Judges would constitute majority decision. It may be expedient that all the Judges sit or the record is circulated to all of them and they take decision. Unless someone of the members express their/his dissent from the decision taken per majority, the fifth member also must be deemed to have agreed to the decision of the majority, though no formal concurrence in that behalf was recorded.</i></p> |
| 19. | <p>Richa Singh v. Punjab and Haryana High Court [LPA No. 901 of 2020 (O&M) in CWP No. 19148 of 2020] ✓ <i>The Punjab & Haryana High Court observed that no statutory provision exists which gives anyone the right to move a representation to the Chief Justice of High Court for transfer of cases on the administrative side. While observing that "it would set a wrong precedent", the Court also remarked, "To ask the Chief Justice to decide a representation would not only amount to interfering in his prerogative to take a decision on his power to assign roster/</i></p> |

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| | <i>cases to a particular Judge, but would also amount to asking him to decide a representation which is not even maintainable at the first instance."</i> |
| 20. | <p><i>Rt.Rev.Timothy Ravinder Dev Pradeep, The Bishop, CSI Coimbatore Diocese v. Rev.Charles Samraj.N & Anr</i> [C.R.P.Sr.Nos.109971 and 111067 of 2021]</p> <ul style="list-style-type: none"> ✓ <i>The court made a clarification that the Registry shouldn't have queried about the maintainability of the revision petitions in light of alternative remedy under Order XLIII Rule 1(r) of the Code of Civil Procedure, as against the order passed in the interim application by the Munsiff. Registry does not have such powers to raise objections on the ground of availability of alternative remedy under the Code of Civil Procedure or under any other statute. The bench held that it is for the High Court to examine each case and take a call on whether court should invoke its jurisdiction under Article 227 or relegate the matter back to the civil court or the tribunal as the case may be.</i> ✓ <i>...The constitutional Courts refrain from exercising the jurisdiction vested in them under the Constitution, if an alternative remedy is available to the party approaching them, as a matter of self imposed restraint or as a matter of prudence and discipline. Once it is held that it is for the Court to decide whether it will or will not exercise the constitutional power, it follows that the Registry does not have the right to question the maintainability of such petition, on the ground of availability of alternative remedy", the court added with respect to its supervisory powers under Article 226 or 227.</i> |
| 21. | <p><i>PLR Projects Pvt. Ltd v. Mahanadi Coalfields Ltd.,</i> 2021 SCC OnLine SC 332</p> <ul style="list-style-type: none"> ✓ <i>The court stressed upon the importance of the Chief Justices of the High Courts making recommendations in time and said that there is no such impediment to initiate a new process without waiting for the result of the earlier recommendations.</i> ✓ <i>The Court noted that the vacancies are known and the norms permit making recommendations up to six months in advance. However, even recommendations for 220 existing vacancies appear not to have been made much less for vacancies, which are going to arise in the next six months.</i> ✓ <i>We, thus, once again, emphasise the requirement and desirability of the Chief Justices of the High Courts, who will make endeavour to recommend vacancies as early as possible even if they are not made at one go. We may add that even in the earlier orders we have noted the apparent hesitation of some High Courts to recommend names when the earlier list(s) is in the pipeline. We have opined that there is no such impediment to initiate a new process without waiting for the result of the earlier recommendations.</i> |
| 22. | <p><i>State of Uttar Pradesh v. Association of Retired Supreme Court and High Court Judges,</i> 2024 SCC OnLine SC 14</p> <ul style="list-style-type: none"> ✓ <i>Powers under Article 229(2) of the Constitution cannot be exercised by the Chief Justice in an unfettered and arbitrary manner. Appointments should be made giving adherence to the provisions of Articles 14 and 16 of the</i> |

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| | <i>Constitution and/or such rules as made by the legislature. Article 229(2) pertains only to the service conditions of 'officers and servants of the High Courts and does not include Judges of the High Court (both sitting and retired judges). The Chief Justice does not have the power, under Article 229, to make rules pertaining to the post-retiral benefits payable to former Chief Justices and judges of the High Court. Chief Justice cannot grant any relief to the employee of the High Court in an irrational or arbitrary manner unless the Rules provide for such exceptional relief.</i> |
| Session 2 | |
| 1. | <i>In Re Order of Punjab 7 Haryana High Court Dated 17.07.2024, 2024 INSC 594</i> ✓ <i>Notwithstanding the aforesaid exercise which has been carried out bona fide by the Bench presided over by the Chief Justice, we are of the view that in a situation where the authority of this Court is undermined by gratuitous observations made by the Single Judge, it is the plain function of this Court to set right any attempt to dislocate the sanctity of judicial authority and maintenance of judicial discipline. We accordingly expunge the observations which have been made ...in the order dated 17 July 2024 and expect that greater caution should be exercised in the future while dealing with orders of the Supreme Court and, for that matter, the orders passed by the Division Bench of the High Court. Whether individual judges are in agreement with the merits or otherwise of an order passed by a superior court is besides the point. Every Judge is bound by the discipline which the hierarchical nature of the judicial system imposes within the system. No Judge is personally affected by the orders passed either by the Division Bench of the High Court or, as the case may be, by the Supreme Court.</i> |
| 2. | <i>Suresh G. Ramnani v. Aurelia Ana De Piedade Miranda, 2022 SCC OnLine SC 1556</i> ✓ <i>Once an application is preferred by any of the parties that a review may be heard by the Judge who had decided the matter and had passed the order from which the review arose, the Court must refrain from passing an order on the judicial side and should place the matter before the Chief Justice on the administrative side.</i> |
| 3. | <i>Warad Murti Mishra v. State of M.P., (2020) 7 SCC 509</i> <i>The following issue was dealt with:</i> ✓ <i>Whether Chief Justice of High Court as Master of the Roster of the High Court would have the same power as the Chief Justice of India as master of Roster of the Supreme Court as laid down in Central Board of Dawoodi Bohra Community v. State of Maharashtra, (2005) 2 SCC 673 to constitute directly a bench of the appropriate size without a step wise reference from one bench of appropriate size to the next</i> |
| 4. | <i>Shanti Bhushan v. Supreme Court of India, (2018) 8 SCC 396</i> |

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| | <p><i>The observations and opinions of the Hon'ble Judges that gave a unanimous decision, while delivering separate opinions, are summarized hereinafter:</i></p> <ul style="list-style-type: none"> • <i>Chief Justice of India is the Master of Roster for allocation of cases to Benches of the Supreme Court.</i> • <i>The term "Chief Justice" appearing in Supreme Court Rules, 2013 cannot be read as "Collegium" of 5 senior most Judges for the purpose of allocation of matters.</i> • <i>The matters need to be listed and assigned to the Benches in accordance with the Supreme Court Rules, 2013 and the Handbook of Practice and Procedure.</i> • <i>There is no harm in adopting healthy practices in foreign judicial systems. "Reforms in the administration of Justice is a continuing process. We all learn from experiences and strive to do better".</i> • <i>Rules framed under Article 145 of the Constitution specifically empower the Chief Justice to nominate Benches for hearing cases or appeal. Non-containing of any specific provision in the Constitution empowering the Chief Justice to frame the roster to allocate the cases is inconsequential since the entire subject was to be covered by rules made under Article 145.</i> |
| 5. | <p><i>Campaign for Judicial Accountability and Reforms v. Supreme Court of India, (2018) 1 SCC 196</i></p> <ul style="list-style-type: none"> ✓ <i>Once the Chief Justice is stated to be the master of the roster, he alone has the prerogative to constitute Benches. Needless to say, neither a two-Judge Bench nor a three-Judge Bench can allocate the matter to themselves or direct the composition for constitution of a Bench. To elaborate, there cannot be any direction to the Chief Justice of India as to who shall be sitting on the Bench or who shall take up the matter as that touches the composition of the Bench. It is not countenanced in law and not permissible.</i> ✓ <i>An institution has to function within certain parameters and that is why there are precedents, rules and conventions. As far as the composition of Benches is concerned, the principles stated in Prakash Chand are accepted, which was stated in the context of the High Court, and clearly the same shall squarely apply to the Supreme Court and there cannot be any kind of command or order directing the Chief Justice of India to constitute a particular Bench. reiterated in <i>Ponguru Narayana v. State of A.P., 2022 SCC OnLine AP 2238</i></i> |
| 6. | <p><i>Asok Pande v. Supreme Court of India, (2018) 5 SCC 341</i></p> <ul style="list-style-type: none"> ✓ <i>In the allocation of cases and the constitution of benches the Chief Justice has an exclusive prerogative. The authority which is conferred upon the Chief Justice is vested in a high constitutional functionary and is necessary for the efficient transaction of the administrative and judicial work of the Court. "In his capacity as a Judge, the Chief Justice is primus inter pares: the first among equals.</i> <p><i>Regarding allocation of cases in the High Courts, the Court explained:</i></p> |

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| | <p>✓ <i>“The High Courts periodically publish a roster of work under the authority of the Chief Justice. The roster indicates the constitution of Benches, Division and Single. The roster will indicate the subject matter of the cases assigned to each bench. Different High Courts have their own traditions in regard to the period for which the published roster will continue, until a fresh roster is notified. Individual judges have their own strengths in terms of specialisation. The Chief Justice of the High Court has to bear in mind the area of specialisation of each judge, while deciding upon the allocation of work. However, specialisation is one of several aspects which weigh with the Chief Justice.”]</i></p> |
| 7. | <p>Nazrul Islam v. Chief Justice, 2014 SCC OnLine Cal 12254</p> <p>✓ <i>The high constitutional office that an Hon'ble Chief Justice holds calls for, on the administrative side, sound judgment on considerations of what is reasonable and non-arbitrary tempered with an exercise of wise, vigilant and prudent discretion to advance fairness, secure transparency and aid equity, without being obliged to hear any party who might have raised an issue calling for His Lordship's decision thereon. The Hon'ble the Chief Justice in such matters exercises parens patriae jurisdiction, and to attribute motives to a Hon'ble Chief Justice is a serious allegation, which if not proved, would expose the person levelling such allegation to serious consequences. Constitution of benches by the Hon'ble the Chief Justice by orders of assignment is not in discharge of judicial duty but out an out an administrative order passed by a constitutional authority. An administrative order, it is trite, may confer rights or impose duties as well as abridge rights.</i></p> |
| 8. | <p>Kamini Jaiswal v. Union of India, (2018) 1 SCC 156</p> <p>✓ <i>The Constitution Bench of the apex court reiterated the principles laid down in Prakash Chand case and held that when imputations were made against the Chief Justice, it is the prerogative of the Chief Justice to constitute the Benches and assign judicial business, and it would not hinge on the whim of the litigant..... The Court has also laid down in Dr. D C Saxena v. Chief Justice of India, (1996) 5 SCC 216 that it was the duty of the Chief Justice to assign judicial work to brother Judges. By doing so, he did not become a Judge in his own cause. It is contempt to imply that the Chief Justice would assign it to a Bench which would not pass an order adverse to him.”</i></p> <p>✓ <i>The bench also took down heavily on the issue of Forum Shopping or Hunting and said that “even making allegations of a per se conflict of interest require the matter could be transferred to another Bench, has also been held to be another form of forum hunting.</i></p> |
| 9. | <p>Central Board of Dawoodi Bohra Community v. State of Maharashtra, (2005) 2 SCC 673</p> |

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| | <p>✓ <i>The Court has traced the power of the Chief Justice to make reference to the Full Bench to the very position of the Chief Justice being 'Master of the Roster' as also to Clause 36 of the Letters Patent. No provision was pointed out in support of the submission that the power of the Chief Justice to make a reference to the Full Bench can be exercised only when a conflict is noticed between the decisions of two or more coordinate Benches. Rather, the provision in Rule 7 Chapter - I, suggests the absence of any such fetter.</i></p> |
| 10. | <p>Special Reference No. 1 Of 1998, Re, (1998) 7 SCC 739.</p> <p>✓ <i>The court also suggested that there must be check and controls in the use of any power especially power to make appointments and it must be available to plurality of hands rather than to a single individual.</i></p> <p>Supreme Court Advocates on Record Assn. v. Union of India, AIR 1994 SC 268 para 478 and 450.</p> <p>✓ <i>The Rule of Law rests on the cushion of checks and balances; One-upmanship is totally out of tune with the working of the Constitution. Therefore the opinion of the Chief Justice with regard to the exercise of his administrative power of constituting the benches and allocating the cases, must not be his individual opinion, instead it should be an opinion formed collectively by the body of men at the apex level of the judiciary.... Absolute discretion has not been vested in the Chief Justice. Hence, a consultative process with the four senior-most judges is a reflection of opinion in real sense.</i></p> |
| 11. | <p>State of Rajasthan v. Prakash Chand and Ors., (1998) 1 SCC 1.</p> <p>✓ <i>As far as the roster is concerned, which is an administrative function, the Chief Justice is the 'Master of the Roster' and he alone has the prerogative to constitute the benches of the court and allocate cases to the benches so constituted. It has been clarified by the Constitution Bench that this has also been the convention of the Supreme Court and as such is the law. It has been clarified that the convention is followed because of judicial discipline and decorum. It has been emphatically clarified that "Once the Chief Justice is stated to be the Master of the Roster, he alone has the prerogative to constitute Benches".</i></p> |
| 12. | <p>Dr D.C.Saxena v. CJI, (1996) SCC (5) 216.</p> <p>✓ <i>It is contempt to imply that the Chief Justice would assign certain case to a bench which would not pass an order adverse to him.</i></p> |
| 13. | <p>Inder Mani v. Matheshwari Prasad, (1996) 6 SCC 587</p> <p>✓ <i>"It is the prerogative of the Chief Justice to constitute benches of his High Court and to allocate work to such benches. Judicial discipline requires that the puisne Judges of the High Court comply with directions given in this regard by their Chief Justice. In fact it is their duty to do so. Individual puisne Judges cannot pick and choose the matters they will hear or decide nor can they decide</i></p> |

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| | <i>whether to sit singly or in a Division Bench. reiterated in Kolkata Municipal Corporation v. AI-Sumama Agro Foods (P) Ltd., 2021 SCC OnLine Cal 3028</i> |
| 14. | Supreme Court Advocates on Record Association v. Union of India , AIR 1994 SC 268. <ul style="list-style-type: none"> ✓ <i>The provisions of the Supreme Court Rules, 2013 (hereinafter referred to as the 'Rules') empower the Chief Justice of India to allocate certain cases by exercising his discretionary power. In order to ensure that such a discretion is exercised in a fair manner, the expression 'Chief Justice' should be interpreted to mean 'Collegium' of first five Judges of the Supreme Court</i> |
| 15. | K. Veeraswami v. Union of India , (1991) 3 SCC 655 <ul style="list-style-type: none"> ✓ <i>In case a Judge is hearing a matter and if he comes to know that any party is unscrupulously trying to influence the decision making or indulging in mal practices, it is incumbent upon the Judge to take cognizance of such a matter under Contempt of Courts Act and to deal with and punish such person in accordance with law as that is not the conflict of interest but the purpose for which the entire system exists."</i> |
| 16. | Delhi Transport Corpn. v. D.T.C. Mazdoor Congress , 1991 Supp (1) SCC 600 <ul style="list-style-type: none"> ✓ <i>The administration possesses vast discretionary powers conferred to it by the administrative law and if complete and absolute freedom is given to it, it leads to arbitrary exercise of power. The wider is the discretion, the greater is the possibility of its abuse. Hence the basic rule should be that the governing power wherever located must be subject to fundamental constitutional limits.</i> |
| 17. | Sohan Lal Baid v. State of West Bengal , 1989 SCC OnLine Cal 224 <ul style="list-style-type: none"> ✓ <i>The function of assignment of judicial business amongst the Judges of the High Court, whether sitting singly or in Division Courts, is entrusted by law to the Chief Justice and the Judge or Judges derive jurisdiction to deal with and decide the cases or class of cases assigned to them by virtue of the determination made by the Chief Justice. This power is derived not only from the provisions of Section 108 sub-Section (2) of the Government of India Act, 1915, which still subsists and the power whereunder still continues to be there, as held in National Sewing Thread Co. Ltd.'s case, but also inheres in the Chief Justice. To put it negatively, the power and jurisdiction to take cognizance of and to hear specified categories or classes of cases and to adjudicate and exercise any judicial power in respect of them is derived only from the determination made by the Chief Justice in exercise of his constitutional, statutory and inherent powers and from no other source and no case which is not covered by such determination can be entertained, dealt with or decided by the Judges sitting singly or in Division Courts till such determination remains operative.</i> |
| 18. | Ranjit Thakur v. Union of India , (1987) 4 SCC 611. |

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| | <p>✓ <i>Fairness in action is the hallmark of any power regarding an administration. While exercising this power as the Master of Roster in allocating a Bench to hear particular kind of cases, the Chief Justice performs his function in an administrative capacity. The applicability of the principle of bias is to be judged by applying the test of reasonable apprehension of bias that arise in the mind of a party.</i></p> |
| 19. | <p>S.P. Gupta v. Union of India and Anr, 1981 Supp SCC 87: AIR 1982 SC 149</p> <p>✓ <i>To ensure a guard against the absolute power being conferred upon the Chief Justice alone it is thought not to entrust power in any significant or sensitive area to a single individual only. This is because the human beings have own likes and dislikes, own predilections and prejudices and the human mind is not comprehensive to be able to take each and every aspect of question and the information on which the judgment is based may be incorrect or inadequate and they may also be imperceptibly influenced by irrelevant or extraneous considerations.</i></p> |
| 20. | <p>Maru Ram v. Union of India, (1981) 1 SCC 107</p> <p>✓ <i>Where a power is vested in a very high authority, it must be presumed that the said authority would act properly and carefully.</i></p> |
| 21. | <p>STO v. Ajit Mills ltd, (1977) 4 SCC 98.</p> <p>✓ <i>In the cases wherein the Chief Justice has an inherent interest, his recusal is deemed to be the way to safeguard the credibility of the judicial institution. Hence any violation of the principles of natural justice makes the exercise of powers void and ultra vires.</i></p> |
| 22. | <p>S.G. Jaisinghani v. Union of India, AIR 1967 SC 1427 and E.P. Royappa v. State of Tamil Nadu (1974) 4 SCC 3</p> <p>✓ <i>The basis of Constitutional System is the rule of law, which ensures that every power must be confined within the constitutional limits ensuring non-arbitrariness.</i></p> |
| 23. | <p>Karnataka Power Corporation Limited v. Gopal Krishna [Writ Petition no.7320/2017 (gm-cpc)]</p> <p>✓ <i>Karnataka High Court has held that it is only the Chief Justice who can allocate the work to a particular judge, issue a roster, transfer a case from one judge to another judge, pass an order in respect of transfer of a case from one Bench to another Bench and by no stretch of imagination, a puisne judge can transfer a case from one Bench to another Bench.</i></p> |
| 24. | <p>Vasudev Darra and Others v. The Registrar General [Writ Petition (L) NO. 20397 of 2021]</p> <p>✓ <i>Every decision and authority has held that the right of a litigant is to obtain a listing. No litigant has a right to insist on a listing before a particular Bench. To which Bench that matter should be assigned is an absolute, unfettered and untrammelled power that vests, and vests only, in the undergoing Chief Justice</i></p> |

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| 25. | <i>Arun Mishra v. High Court of Judicature Allahabad</i> [Writ - C No. - 10196 of 2021] ✓ <i>"It is well settled that the master of the roster is The Chief Justice. It is the prerogative of The Chief Justice as to before which Judge or Judges the matter is to be listed."</i> ✓ <i>Importantly, the Bench said: "The list is prepared by the Registry, under the authority of The Chief Justice. Under the circumstances, no direction could be issued to the High Court not to list cases of a particular counsel before a particular Judge."</i> | |
| SESSION 3 <i>Role of ICT in Advancing Judicial Governance</i> | | |
| 1. | <i>ICT Enablement of Judiciary in State of the Indian Judiciary</i> , Supreme Court of India,) pp. 133-172, (2023) | 293 |
| 2. | <i>Digital Courts: Vision & Roadmap: e-Courts Project Phase III E-Committee</i> , Supreme Court of India, 2022 https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/04/2023042088.pdf . | 339 |
| 3. | <i>Report of the Sub-Committee on Recommended Action for Marginalised Sections of the Society</i> , 2022 https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/05/2023050173.pdf | 484 |
| 4. | <i>Various initiatives of E-committee, Supreme Court of India: A Compilation</i> | 549 |
| 5. | <i>Phase-III: Cabinet approves eCourts Phase III for 4 years</i> https://doj.gov.in/phase-iii/ | 561 |
| 6. | G. Mahibha and Dr. P. Balasubramanian, <i>A Critical Analysis of the Significance of the eCourts Info Systems in Indian Courts</i> , 20 (2020), pp. 47-53 | 565 |
| <i>Additional Readings</i> | | |
| 7. | i. <i>State of the Judiciary: A Report on Infrastructure, Budgeting, Human Resources, and ICT</i> , Centre For Research & Planning, Supreme Court of India, November 2023. https://main.sci.gov.in/pdf/CRP/15122023_082223.pdf <i>Rules –</i> i. <i>Rules for On-Line Electronic Filing (E-Filing) Framed under Article 225 and 227 of the Constitution of India</i> , ECommittee, Supreme Court of India https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082629-1.pdf | |

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| | <p>ii. Model Rules for Video Conferencing for Courts, E-Committee, Supreme Court of India https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082629.pdf</p> <p>iii. Model Rules for Live-Streaming and Recording of Court Proceedings https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2021/06/2022091599.pdf</p> <p>User Manuals –</p> <p>i. User Manual – E-Filing Procedure - For High Courts & District Courts in India, Department of Justice and eCommittee, Supreme Court of India, 2018 https://ecourts.gov.in/ecourts_home/static/manuals/efiling-User-manual.pdf.</p> <p>ii. User Manual-National Service and Tracking of Electronic Processes (NSTEP)-Android OS APP https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082779.pdf</p> <p>iii. User Manual - e-Court Digital Payment https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2020/08/2020082769.pdf</p> <p>Standard Operating Procedures –</p> <p>i. Digital Preservation: Standard Operating Procedure (SOP): Digitization * Storage * Preservation * Search & Retrieval, E-Committee, Supreme Court of India https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2022/11/2022112949.pdf</p> | |
| <p>Judgments & Orders <i>(Judgments mentioned below include citations and short notes for reference only. Please refer full judgment available in Pen Drive for conclusive opinion)</i></p> | | |
| 8. | <ul style="list-style-type: none"> ✓ <i>Sarvesh Mathur v. The Registrar General High Court of Punjab and Haryana, Writ Petition (Criminal) No (s). 351/2023</i> ✓ <i>Sarvesh Mathur v. Registrar General High Court of Punjab and Haryana, 2023 SCC OnLine SC 1293</i> ✓ <i>Pradyuman Bisht vs. Union of India and Others, 2023 SCC OnLine SC 983</i> ✓ <i>CCE & Service Tax v. Bilfinder Neo Structo Contruction Ltd., (2024) 7 SCC 53</i> ✓ <i>Jitendra Kumar Rode v. Union of India, 2023 SCC OnLine SC 485</i> ✓ <i>XXXX v YYYY and Other, 2022 SCC OnLine SC 1123</i> ✓ <i>In Re. Children in Street Situations, 2022 SCC OnLine SC 189</i> | |

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| | <ul style="list-style-type: none"> ✓ <i>In Re. Guidelines for Court Functioning through Videoconferencing During Covid-19 Pandemic</i>, (2021) 5 SCC 454 ✓ <i>Arnab Manoranjan Goswami v. State of Maharashtra</i>, (2021) 2 SCC 427 ✓ <i>In Re. Guidelines for Court Functioning through Videoconferencing during Covid-19 Pandemic</i>, (2020) 6 SCC 686 ✓ <i>Swapnil Tripathi v. Supreme Court of India</i>, (2018) 10 SCC 639 ✓ <i>Meters and Instruments (P) Ltd. v. Kanchan Mehta</i>, (2018) 1 SCC 560 ✓ <i>Al Azhar Medical College & Super Speciality Hospital v. Union of India</i>, (2018) 10 SCC 567 ✓ <i>Central Electricity Regulatory Commission v. National Hydroelectric Power Corpn. Ltd.</i>, (2010) 10 SCC 280 ✓ <i>State of Maharashtra v. Praful B. Desai (Dr)</i>, (2003) 4 SCC 601 ✓ <i>Grid Corpn. of Orissa Ltd. v. AES Corpn.</i>, (2002) 7 SCC 736 | |
| SESSION 4 | | |
| <i>Budget Preparations & Fiscal Management</i> | | |
| 1. | Rosselli, Alexander, <i>Judicial Independence and the Budget: A Taxonomy of Judicial Budgeting Mechanisms</i> , Indiana Journal of Constitutional Design: Vol. 5 , Article 2, (2020) | 572 |
| 2. | David Webber, Good Budgeting, Better Justice: <i>Modern Budget Practices for the Judicial Sector, The Law and Development</i> Working Paper Series 3. (Available at: http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.553.4294&rep=rep1&type=pdf) | 593 |
| 3. | Federica Viapiana, <i>Funding the Judiciary: How Budgeting System Shapes Justice a Comparative Analysis of Three Case Studies</i> , 9(3) International Journal for Court Administration 23-33 (Winter, 2019) | 670 |
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| 5. | <i>Memorandum to the Fifteenth Finance Commission on Budgeting for the Judiciary in India</i> , Collaborative study by Centre for Budget and Governance Accountability (CBGA) and DAKSH (December, 2018) | 699 |
| 6. | Avanti Durani, Rithika Kumar and Neha Sinha, <i>Judicial Budgets: From Financial Outlays to Time- Bound Outcomes, Approaches to Justice in India</i> , Daksh (2017) | 739 |
| 7. | <i>Resolutions Adopted in The Chief Justices' Conference, 2016</i> , [22nd & 23rd April, 2016] Utilization of Grant Sanctioned by 14th Finance Commission Under Different Heads- A Strategy, 2016 | 748 |
| 8. | B.S. Surya Prakash, <i>Budgeting for the Judiciary, State of The Indian Judiciary: A Report by Daksh</i> 75-82 (2016) | 749 |

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| 11. | Roger E. Hartley and James W. Douglas, <i>Budgeting for State Courts: The Perceptions of Key Officials Regarding the Determinants of Budget Success</i> , The Justice System Journal , 2003, Vol. 24, No. 3 (2003), pp. 251-263 | 771 |
| 12. | <i>Financial Autonomy of The Indian Judiciary</i> , National Commission to Review The Working of The Constitution 803-811 (2001) | 785 |
| 13. | <i>Budgeting for the U.S. Judiciary: Preparing for the Future</i> , A Report by a Panel of the National Academy of Public Administration for the U.S. Congress and the U.S. Judiciary June 2007 | 797 |
| 14. | <i>Funding Justice Strategies and Messages for Restoring Court Funding</i> , National Center for State Courts (NCSC) | 992 |
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| 15. | <ul style="list-style-type: none"> i. Ministry of Law and Justice, Designing Innovative Solutions for Holistic Access to Justice (DISHA) Scheme, Posted On: 16 DEC 2022 4:46PM by PIB Delhi (as provided by Department of Justice- the written reply by Minister of Law and Justice, Shri Kiren Rijiju to a question in the Lok Sabha on 16/12/2022 on the steps taken under DISHA in the last eight years), (2022) ii. <i>Expenditure Profile 2022-2023</i>, Ministry of Finance- Budget Division, Government of India, (2022) iii. <i>Demand for Grants of Ministry of Law and Justice</i> for 2021-2022, Government of India, (2021-2022) iv. <i>India Justice Report: Ranking States on Police, Judiciary, Prisons and Legal Aid</i>, Tata Trusts, New Delhi, India (2021) v. <i>Year End Review: Department of Justice</i>, Ministry of Law & Justice, Posted On: 30 DEC 2021 ,12:40PM by PIB Delhi, (2021) vi. Jain Chitrakshi et al., <i>Budgeting Better for Courts- An Evaluation of the Rs. 7460 Crores Released Under the Centrally Sponsored Scheme for Judicial Infrastructure</i>, The Vidhi Centre for Legal Policy, (2019) vii. Datta Pratik et al., <i>How to Modernise the Working of Courts and Tribunals in India</i>, NIPFP Working paper series, (2019) Available at: https://www.nipfp.org.in/publications/working-papers/1853/ | |

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| | <p>viii. Section 2 – <i>Interventions, Centre for Budget and Governance Accountability</i>, ANNUAL REPORT 2018-19, Pg: 08-40 , (2018-2019)</p> <p>ix. Nileena Suresh , <i>Explained: How the Union Budget funds India's justice system</i>, Available at: https://www.business-standard.com/article/current-affairs/explained-how-the-union-budget-funds-india-s-justice-system-122022300173_1.html</p> <p>x. Palumbo, G., et al., <i>Judicial Performance and its Determinants: A Cross-Country Perspective</i>, OECD Economic Policy Papers, No. 5, OECD Publishing, Paris, https://doi.org/10.1787/5k44x00md5g8-en., (2013)</p> <p>xi. Law Commission Report No. 127- <i>Resource allocation for infrastructural services in judicial administration</i>, (1988)</p> | |
| <p>Judgments & Orders <i>(Judgments mentioned below include citations and short notes for reference only. Please refer full judgment available in Pen Drive for conclusive opinion)</i></p> | | |
| 1. | <p><i>State of Rajasthan v. Ramesh Chandra Mundra</i>, (2020) 20 SCC 163</p> <ul style="list-style-type: none"> ✓ <i>The Hon'ble Supreme Court has pellucidly and unequivocally spoken about the manner and approach of the interaction required between the Judiciary and the Executive, within the umbra of Article 229(2) of the Constitution of India. The specific views of the Hon'ble Supreme Court on WP(C).No.25933 OF 2017(R) -5- this aspect are available in paragraphs 19, 20, 25 and 26 of the said judgment.</i> | |
| 2. | <p><i>Rojer Mathew v. South Indian Bank Ltd.</i>, (2020) 6 SCC 1</p> <ul style="list-style-type: none"> ✓ <i>Para 228 (vii) of majority judgement has issued a mandamus to carry out judicial impact assessment of all tribunals</i> ✓ <i>Para 105 of minority judgement suggests creation of a National Tribunal Commission & an All India Tribunal Service</i> ✓ <i>Para 108 of minority judgement refers to the need for adequate manning of tribunals with infrastructure & specialized staff</i> | |
| 3. | <p><i>Malik Mazhar Sultan v. U.P. Public Service Commission</i>, (2019) 5 SCC 619</p> <ul style="list-style-type: none"> ✓ <i>Re-funding for infrastructure of subordinate judiciary by Central and State Governments, short-term measures given in Amicus Curiae's report directed to be implemented immediately</i> | |
| 4. | <p><i>Jamshed N. Guzdar v. State of Maharashtra</i>, (2005) 2 SCC 591 as reiterated in <i>M.P. Gangadharan v. State of Kerala</i>, (2006) 6 SCC 162</p> <ul style="list-style-type: none"> ✓ <i>The general jurisdiction of the High Courts is dealt with in Entry 11-A under the caption "administration of justice", which has a wide meaning and includes administration of civil as well as criminal justice. It follows that under Entry 11-A the State Legislature has no power to constitute and organise the</i> | |

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| | <p><i>Supreme Court and High Courts. It is an accepted principle of construction of a Constitution that everything necessary for the exercise of powers is included in the grant of power. The State Legislature being an appropriate body to legislate in respect of “administration of justice” and to invest all courts within the State including the High Court with general jurisdiction and powers in all matters, civil and criminal, it must follow that it can invest the High Court with such general jurisdiction and powers including the territorial and pecuniary jurisdiction and also to take away such jurisdiction and powers from the High Court except those, which are specifically conferred under the Constitution on the High Courts.</i></p> |
| 5. | <p><i>Delhi Judicial Services Association (Regd.) v. Govt. of NCT of Delhi</i>, (2000) 88 DLT 710</p> <ul style="list-style-type: none"> ✓ Writ petition seeking relief against the lapse of budgetary provision for purchase of computers for use at official residence of Judicial Officers. Arbitrary decision making by executive. |
| 6. | <p><i>All India Judges' Association vs Union of India</i>, 1992 AIR SC 165</p> <ul style="list-style-type: none"> ✓ <i>It should be remembered by all Judges of the High Court viz., that the administrative control of the subordinate courts of the states vest nor in the Chief Justice alone but in the Court over which the Chief Justice presides. The High Court must take greater interest in the proper functioning of the subordinate Judiciary. Inspection should not be a matter of casual attention. The Constitution has vested the control of the subordinate judiciary under Article 235 in the High Court as a whole and not it’s Chief Justice alone. Every Judge should, therefore, take adequate interest in the institution which is placed under the control of the High Court as emphasized by Lord Aktins said in Devi Prasad Sharma and others v. The King Emperor, 70 IA 216 and approved by a Constitution Bench in Baradakanta Misra v. The Registrar of Orissa High Court and Another, [1974] 2 SCR.</i> |