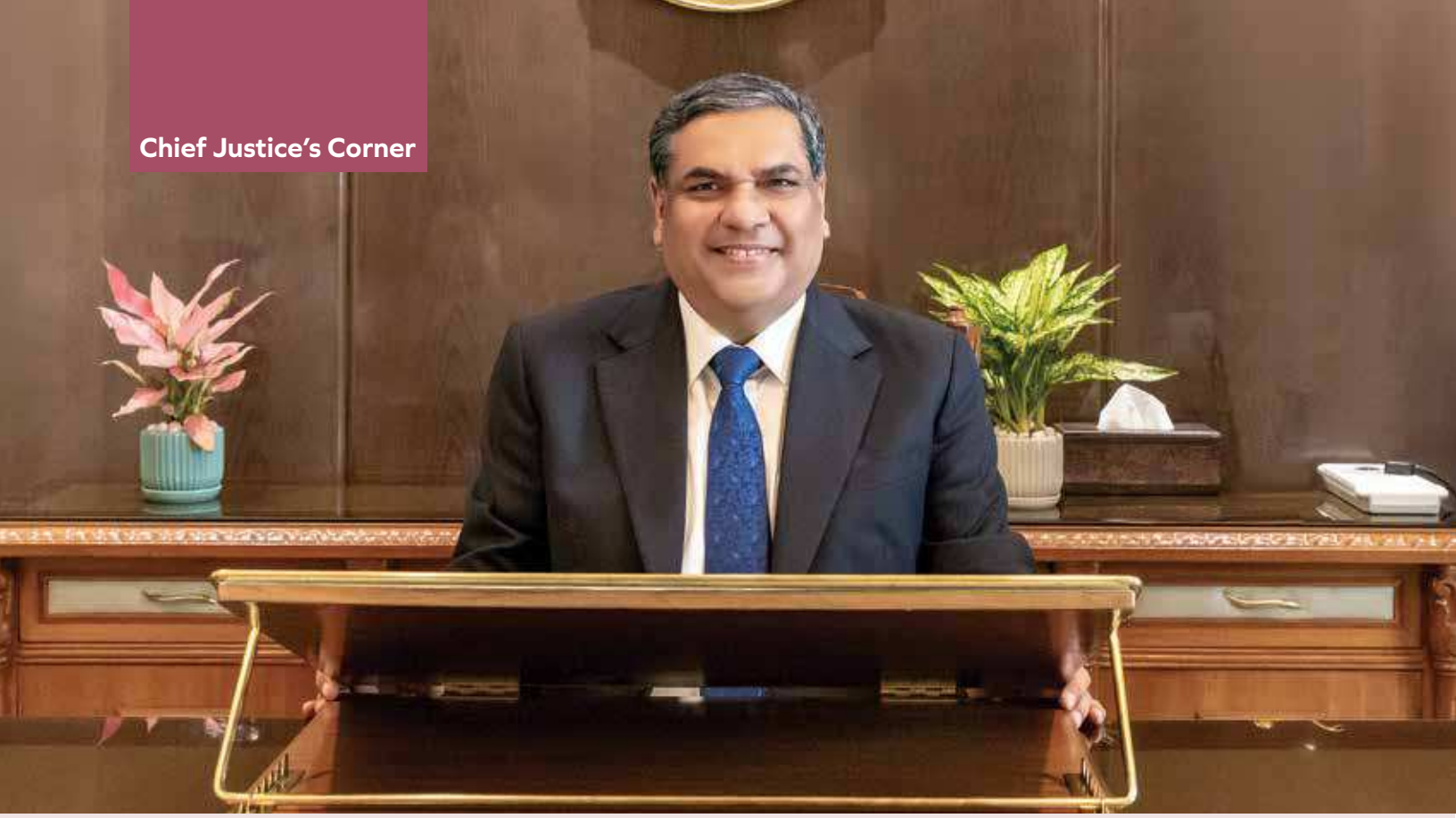
Supreme Court Chronicle

Issue XIV | December 2024

Highlights

- *Justice Sanjiv Khanna takes Oath as Chief Justice of India*
- *Constitution Day Celebrations at the Supreme Court*
- *Release of the Indian Judiciary Annual Report, 2023-24*
- *National Legal Service Day celebrations by NALSA*
- *Release of Updated Policy and Action Plan of National Court Management Systems Committee*





Dear Readers,

As yet another year is about to fold, we have the latest edition of the Supreme Court Chronicle. This monthly publication provides comprehensive coverage of the latest developments at the Supreme Court, including key judgments, conferences, and official programmes.

In our commitment to making this edition more inclusive and broad-based, the editorial team has introduced a new "Beyond the Court" section featuring theme-based contributions from our staff. We are delighted to showcase these entries, which highlight the remarkable diversity of talent within our institution. We have among us quite a few accomplished photographers, painters, poets, and writers who continue to impress us with their abilities.

We introduce the "Bid Adieu" section, where superannuated employees share their memories and experiences of working at the Supreme Court.

This edition also features glimpses of the 75th Constitution Day celebrations held on November 26, 2024.

I believe this refreshed format will enrich us all through the creative expressions of our institutional family. I commend the editorial team for producing this thoughtfully curated edition that speaks to each one of us.

Greetings and warm wishes for the New Year!

Sanjiv Khanna
Chief Justice of India

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Fresh from the Bench

All private property cannot be acquired and redistributed by the state, as it would violate the constitutional right to property

PROPERTY OWNERS ASSOCIATION v. STATE OF MAHARASHTRA (2024 INSC 835)

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Hrishikesh Roy, Justice B.V. Nagarathna, Justice Sudhanshu Dhulia, Justice Jamshed B. Pardiwala, Justice Manoj Misra, Justice Rajesh Bindal, Justice Satish C. Sharma, and Justice Augustine G. Masih

The Supreme Court, on 5 November 2024, by a **7:2 majority,** held that not all private property constitutes 'material resources of the community' under Articles 39(b) and (c) that can be acquired and redistributed by the State.

The bench outlined certain principles to determine whether privately owned resources are covered by Article 39(b). This includes:

(i) the nature of the resource and its inherent characteristics;

(ii) the impact of the resource on the well-being of the community;

(iii) the scarcity of the resource; and

(iv) the consequences of such a resource being concentrated in the hands of private owners (¶222).

The judgment has also overruled the decision of *Sanjeev Coke Manufacturing v. Bharat Coking Coal* (1982 INSC 93) (***'Sanjeev Coke'***), which held that private resources are also part of the community's material resources.

Brief Background

The matter arose from the amendment to the Maharashtra Housing and Area Development Act, 1976 (MHADA) in 1986. It was to give effect to Article 39(b) of the Constitution. By way of Chapter VIII-A, the Act allowed the acquisition of redeveloped properties for the erstwhile occupiers. It empowered the state authorities to acquire dilapidated buildings and the land on which those are built, provided 70 percent of the occupants make such a request for restoration purposes. In a **challenge to the constitutional validity of Chapter VIII-A**, the Bombay High Court held that Chapter VIII-A was saved by Article 31-C as it gave effect to the principles laid down in Article 39(b).

On appeal, the Supreme Court then referred the matter to a larger bench due to a dispute over the interpretation of Article 31-C to reconsider the correctness of *Sanjeev Coke* regarding the interpretation of 'material resources of the community.' The Seven-Judge Bench, subsequently, referred the case to a Nine-Judge Bench to reconsider the broad interpretation in *Mafatlal Industries Ltd v. Union of India* (1996 INSC 1514) regarding the type of 'material resources of the community' under Article 39(b). **After this decision, the constitutionality of the MHADA will be decided by a regular bench based on the principles laid down in the present case.**

Issues

Whether privately owned property constitutes 'material resources of the community' that can be acquired and distributed by the state in furtherance of Article 39(b) of the Constitution.

What is the correct interpretation of Article 31C of the Constitution after the judgment of *Minerva Mills v. Union of India* (1980 INSC 142) (***'Minerva Mills'***)?

Rationale

The Court held that after the amendment to Article 31-C was struck down in *Minerva Mills*, the unamended Article 31-C stood revived. Article 31-C is a saving clause that protects laws that implement certain Directive Principles, even if they appear to violate the Fundamental Rights in Articles 14 and 19. The rationale behind this saving clause is to ensure that the social goals are achieved, even if it is through means of distribution of resources that are material to the community. Thus, Article 31-C will continue to prevent statutes from being struck down for violating Articles 14 and 19 if they give effect to Articles 39(b) and (c),[1] as interpreted in this judgment.

In her separate opinion, Justice Nagarathna observed that all privately owned material resources should be first converted into the 'material resources of the community' and only then can be distributed to serve the common good (¶¶7.8-7.9, 11.8, 12.3), except personal belongings (¶7.6). Justice Dhulia, in his dissent, observed that the phrase 'material resources of the community' must be given an expansive meaning (¶48). It is the task of the legislature to decide what and when privately owned resources that serve the common good form part of the material resources of the community (¶49).

An educational institution does not lose its minority status merely because it was created by a statute

ALIGARH MUSLIM UNIVERSITY V. NARESH AGRAWAL (2024 INSC 856)

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Sanjiv Khanna, Justice Surya Kant, Justice Jamshed B. Pardiwala, Justice Dipankar Datta, Justice Manoj Misra, and Justice Satish C. Sharma

The Supreme Court, on 8 November 2024, by a 4:3 majority, overruled the *Azeez Basha v. Union of India (1967 INSC 238)* (***'Azeez Basha'***) ruling and held that merely because an institute is created by a statute does not strip it of minority status. Former Chief Justice Chandrachud authored the judgment for the majority. Justice Surya Kant, Justice Datta, and Justice Sharma authored separate opinions, also differing from each other on several aspects.

Brief Background

The Mohammadan Anglo-Oriental College (MAO) was founded by Sir Syed Ahmed Khan in Aligarh on 8 January 1877. In 1920, the Aligarh

1 Article 39(b) and (c) of the Indian Constitution provide for Directive Principles that are to be followed by the state. It specifies that the state shall direct its policy towards securing the ownership and control of the material resources of the community to be so distributed as best to subserve the common good. Further, the operation of the economic system must not result in the concentration of wealth and means of production to the common detriment.

Muslim University Act (**'AMU Act'**) was enacted, establishing AMU as a university. The Act was later amended in 1961 and 1965 to address religious instruction and administrative restructuring. Later, in *Azeez Basha*, a Constitution Bench of the Supreme Court ruled that AMU was not a minority institution under Article 30(1), with the rationale that it was established by a statute and not by a religious community and therefore did not meet the criteria under Article 30(1).

Azeez Basha was then referred by the division bench of the Supreme Court in *Anjuman-e-Rahmaniya v. District Inspector of Schools (W.P. (C) No. 54-57 of 1981)* (***'Rahmaniya'***) to a larger seven-judge bench. Importantly, in the interim, Parliament passed the AMU (Amendment) Act, 1981 (**'1981 Amendment'**), defining AMU as an institution 'established by the Muslims of India' aiming to further the educational and cultural advancement of Indian Muslims. In the case of *TMA Pai Foundation v. State of Karnataka (2002 INSC 454)* (***'TMA Pai'***), a nine-judge bench also addressed questions pertaining to minority education, including the issues in *Rahmaniya*. However, it did not resolve those issues. In 2005, Allahabad High Court, in *Dr. Naresh Agrawal v. Union of India (2005 SCC OnLine All 1705)*, declared AMU's reservation for Muslim students in its postgraduate medical programme unconstitutional, holding it was not a minority institution. This decision also led to striking down the 1981 Amendment and restoring the original AMU Act. AMU appealed to the Supreme Court, which stayed the High Court's ruling.

In 2019, a three-judge bench of the Supreme Court questioned the reliance on *Azeez Basha*, noting unresolved issues from *Rahmaniya* and *TMA Pai*; the matter was hence referred to the seven-judge bench.

Issues

(i) What is the indicia for an educational institution to qualify as a minority institution entitled to the protections under Article 30 of the Constitution?

(ii) Whether the Supreme Court's judgment in *Azeez Basha*, which held that Aligarh Muslim University (AMU) is not a minority institution as it was created by a statute, not by the Muslim community, constitutes correct law

Rationale

The Supreme Court upheld the decision of the two-judge bench in *Rahmaniya*, which without dissenting from the views expressed in *Azeez Basha*, questioned its correctness and requested that the matter be placed before the Chief Justice for consideration. (¶¶36–39).

The Supreme Court outlined specific criteria to determine the minority status of an institution.

- It held that such status does not require the institution to serve exclusively the minority community but must predominantly benefit it.
- Courts should holistically examine the origin of the institution, including who initiated its establishment, its purpose, and the involvement of the minority community in steps taken, such as funding, land acquisition, construction, and administrative structure. (¶¶134-136).

The majority interpreted 'establishment and administration' in Article 30(1) conjunctively but clarified that proving administration vests with the minority is not required to establish minority status. Article 30(1) grants administrative rights as a consequence of establishment and, therefore, treating administration as a precondition would defeat the purpose. (¶¶138-139). Lastly, the majority held that an institution's status as one of national importance does not

negate its minority character, as 'national' and 'minority' are not mutually exclusive (¶148). The majority further referred to *In re Kerala Education Bill, 1957 (1968 INSC 64)* and held that the right to establish and administer educational institutions under Article 30(1) extends to institutions established both before and after the adoption of the Constitution (¶¶67, ¶¶107-108). It noted that an educational institution does not lose its minority status merely because it was created by a statute, holding the reasoning of *Azeez Basha* to be flawed. The majority also held that the core issue in *Rahmaniya* was regarding the essential ingredient of a minority education institution. It ruled that both *Rahmaniya* and *TMA Pai* did not concern themselves with the factual situation in *Azeez Basha*, i.e., whether AMU is a minority institution. The 2019 reference order was also limited to its legal aspects and referred only to the question of the indicia to be fulfilled to qualify as a minority educational institution (¶¶33-35).

Justices Kant, Datta, and Sharma, in their dissenting opinions, held that the manner of referral to a larger bench in *Rahmaniya* was legally flawed and breached established norms of judicial propriety (¶91, ¶¶24-25, ¶266). It was also observed that if an institution possesses legal existence independent of the statute, then the statute merely recognises an existing institution and does not establish it. Therefore, it cannot take away the role of the minority community in bringing the institution into existence (¶155). Justice Datta observed that the governance structure, funding, admissions, and appointments in the University demonstrate an involvement of the State, which amounted to absolute control over the administration of the university (¶101). He emphasised that the AMU Act's preamble lacked any recognition of minority contributions (¶72).

LMV license holders can drive Transport Vehicles under 7,500 kg without needing a separate endorsement

M/S. BAJAJ ALLIANCE GENERAL INSURANCE CO. LTD. V. RAMBHA DEVI (2024 INSC 840)

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Hrishikesh Roy, Justice Pamidighantam S. Narasimha, Justice Pankaj Mithal, and Justice Manoj Misra

The Supreme Court on 6 November 2024, **unanimously** held the correctness of the law laid down in *Mukund Dewangan v. Oriental Insurance Company Limited (2017 INSC 576)* (***'Mukund Dewangan'***) and decided that a person holding a Light Motor Vehicle ('LMV') license is entitled to drive a Transport Vehicle weighing less than 7,500 kg without any additional endorsement on their license.

Brief Background

The Motor Vehicle Act, 1988 (MV Act) initially classified vehicles as light, medium, and heavy, with light vehicles weighing less than 7,500 kg. In 1994, the Act relaxed medium and heavy vehicles with a new category of 'Transport Vehicles' for transporting passengers and goods. This raised the question of whether a person holding an LMV license could drive a 'Transport vehicle' under 7,500 kg. Insurance companies frequently dispute claims from LMV license holders driving such vehicles. In 2017, a Three-Judge Bench of the Supreme Court in *Mukund Dewangan* ruled

that LMV license holders could drive Transport Vehicles weighing less than 7,500 kg. However, several insurance companies challenged this ruling, arguing that this would allow inadequately trained drivers to operate these vehicles. In 2018, a Division Bench noted that the *Mukund Dewangan* judgment had overlooked important provisions of the MV Act and referred the matter to a larger bench. In 2023, a three-judge bench also questioned the ruling, placing the matter before the Constitutional Bench.

Issue

Whether a person holding a license for an LMV can drive a 'Transport Vehicle' weighing less than 7,500 kg without a specific endorsement on their license?'

Rationale

The Supreme Court noted that if an LMV license holder cannot drive a Transport Vehicle under 7,500 kg, they would need a separate endorsement for 'a Transport Vehicle' to use it for small-scale commercial activities. It was held that requiring such a license for vehicles under 7,500 kg would be unreasonable and contrary to the legislative intent (¶44.3). The Court emphasised a harmonious approach to clarifying the law (¶66). The Court also observed that the 1994 Amendment made to the MV Act, which replaced the 'medium goods vehicle' and 'heavy goods vehicle' categories with 'Transport Vehicle', aimed to simplify the licensing process. Thus, the term 'Transport Vehicle' in the licensing scheme should be understood in the context of medium and heavy vehicles (¶127).

The Supreme Court emphasised that statutes should be interpreted to avoid impractical outcomes. Requiring a person seeking an endorsement for a Transport Vehicle, such as an autorickshaw, to undergo extensive training for heavier vehicles would be illogical and impractical. The court concluded that additional testing requirements for Transport Vehicles should not apply to LMVs. (¶81). The Court also noted that safe driving requires knowledge of traffic rules and focus on the road, which applies to all drivers, regardless of the vehicle class (¶123).

The Uttar Pradesh Board of Madarsa Education Act, 2004 is constitutionally valid, except for provisions pertaining to higher education degrees such as Fazil and Kamil

ANJUM KADARI V. UNION OF INDIA (2024 INSC 831)

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Jamshed B Pardiwala, and Justice Manoj Misra

The Supreme Court on 5 November 2024, upheld the constitutional validity of the Uttar Pradesh Board of Madarsa Education Act, 2004 (Act of 2004), except for the provisions that provide for the regulation of higher education degrees, which were found to be in conflict with the University Grants Commission Act, 1956 (Act of 1956).

In a judgment authored by Justice Dr. Chandrachud (former Chief Justice), a three-judge bench of the Supreme Court set aside the judgment of the High Court that invalidated the Act on the ground of

being violative of the principle of secularism and Articles 14, Article 21, and Article 21-A of the Constitution and Act of 1956.

Brief Background

The Act of 2004 establishes a 'Board of Madarsa Education' to regulate standards of education for students studying in *Madarsas* in the state. It provides both religious and secular education up to various levels, including elementary, secondary, and higher education. On 22 March 2024, a Division Bench of the Allahabad High Court invalidated the entire Act and directed the State Government to take steps to accommodate all students who were studying in *Madarsas* in schools recognised by the Education Boards of the State of Uttar Pradesh. On 5 April 2024, the Supreme Court stayed the implementation of the judgment while it heard the case.

Issue

Whether the Uttar Pradesh Board of Madarsa Education Act, 2004 is constitutional.

Rationale

The Supreme Court, distinguishing between 'religious instruction' (teaching religious practices) and 'religious education' (teaching philosophy of religion), found that Article 28 of the Constitution, which prevents imparting religious instruction at institutions maintained out of government funds, does not prohibit institutions from providing 'religious education', nor does it prevent the government from recognising institutions imparting religious instruction alongside secular education. The Court ruled that the Act of 2004 is consistent with the positive obligation of the State to ensure that students studying in recognised *Madarsas* attain a minimum level of competency that will allow them to effectively participate in society and earn a living (¶72).

The Supreme Court held that the legislative scheme of the Act of 2004 shows that it is not a law to provide religious instruction; rather, it has been enacted to regulate the standard of education in *Madarsas* (¶65). The Court held that the Right of Children to Free and Compulsory Education Act, 2009 (**'Act of 2009'**), which facilitates the fulfilment of the Fundamental Right under Article 21A, does not apply to minority educational institutions.

The Supreme Court held that the State has sufficient regulatory powers under the Act of 2004 to regulate standards of education in *Madarsas* and that the state legislature of Uttar Pradesh was competent to enact the Act under Entry 25, List III ('Education' under the Concurrent List).[2] The Court held that just because the education that is sought to be regulated includes some religious teachings or instructions, it does not push the legislation outside the legislative competence of the state (¶85).

The Court held that Entry 25 of List III cannot be interpreted to mean that only education that is devoid of any religious teaching or instruction is allowed to be regulated; otherwise, it would fall outside the legislative competence of the state (¶90). The Court ruled that this interpretation would be against the constitutional scheme given that Article 30 expressly recognises the right of minorities to establish and administer educational institutions (¶86).

The Supreme Court held that the Act of 1956 has been enacted by Parliament under Entry

2 **Entry 25 of List III :** Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour.

3 **Entry 66 of List I :** Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

66 of List I[3] and held that Entry 25 of List III is expressly subject to and thus subordinate to Entry 66 of List I. The Court observed that it had held in several cases that the Act of 1956 occupies the field concerning the coordination and determination of standards in higher education; therefore, the Act of 2004, to the extent that it seeks to regulate higher education, is in conflict with the act of 1956 and would be beyond the legislative competence of the state legislature (¶93). Thus, the provisions of the Act of 2004 that regulate higher education, such as the degrees of *Kamil* and *Fazil* (Bachelor's level and Post-Graduate degree), are unconstitutional (¶99). However, the Court observed that the regulation of these higher education degrees is separable from the remainder of the Act; thus, only the provisions that pertain to *Fazil* and *Kamil* are unconstitutional and the rest of the Act of 2004 is valid (¶¶102-103).

Existing rules governing eligibility criteria cannot be changed once recruitment begins unless the existing rules permit it

TEJ PRAKASH PATHAK V. RAJASTHAN HIGH COURT (2024 INSC 847)

Coram: Chief Justice (Dr) Dhananjaya Y Chandrachud, Justice Hrishikesh Roy, Justice Pamidighantam S. Narasimha, Justice Pankaj Mithal, and Justice Manoj Misra

The Constitution Bench of the Supreme Court, on 7 November 2024, in a judgment authored by Justice Misra, **unanimously** held that the existing rules governing eligibility criteria cannot be changed once recruitment begins unless the existing rules permit it. The Court held that the doctrine that stops the change of rules midway through the recruitment process is founded on the rule against arbitrariness in Articles 14 and 16 and the doctrine of legitimate expectations. The Court held that the candidates have a legitimate expectation that selection will be based on known criteria and that public authorities should act predictably unless there is a good reason not to do so.

Brief Background

By its notification dated 17 September 2009, the Rajasthan High Court invited applications for the posts of translators wherein the relevant rules specified the qualifications as well as the method of recruitment to the posts, which included an examination consisting of a written test followed by an interview. After the examination, the Chief Justice of the High Court added a minimum percentage of 75% in the examination for filling up the posts in question. Some unsuccessful candidates filed a writ petition before the High Court contending that the Chief Justice's decision amounted to 'changing the rules of the game after the game is played.' After the dismissal of the writ petition by the High Court, a Special Leave Petition was filed before a Three-Judge Bench of the Supreme Court. The three-judge

4 *State of Haryana v. Subash Chander Marwaha and Others (1974)* – The Supreme Court held that candidates securing minimum qualifying marks in a recruitment examination would have no legal right to be appointed.

5 *K. Manjusree v. State of Andhra Pradesh* (2008 INSC 195) – The Supreme Court held that the procedure adopted by the authority in preparing the fresh selection list by applying the requirement of minimum marks for the interview was not legal and valid. The Court held that the requirement of minimum marks for interviews after the entire selection process (consisting of written examination and interview) was completed would amount to changing the rules of the game after the game was played, which is clearly impermissible.

bench noted that a previous decision of the SC in the case of *State of Haryana v. Subash Chander Marwaha and Others* (1974) (***'Marwaha'***)[4] was not brought to the notice of the Court in *K. Manjusree v. State of Andhra Pradesh* (2008 INSC 195)[5] (***'K. Manjusree'***). The Court referred the matter to a Constitution Bench, stating that applying the ratio of *K. Manjusree* to the present case would not be in the public interest. The Court held that the principle of not permitting the State or its instrumentalities to tinker with the 'rule of the game' in matters of prescription of eligibility criteria needs to be considered by a larger bench.

Issue

Whether the 'rules of the game' governing a recruitment process can be changed after the recruitment process has commenced.

Rationale

The Supreme Court ruled that the principle that the rules of the game could not be changed midway did not apply with as much strictness to the procedure for selection as it did to the fixing of the eligibility criteria. It reasoned that where the relevant rules were silent on the procedure of selection, the recruiting body could fill in the gaps through administrative instructions provided they did not violate the provisions of the rules, the statute, or the Constitution, but where the rules covered the field, the recruiting body had to abide by them.

The Court upheld the decision in *K. Manjusree* and held that recruitment bodies can devise appropriate procedures or methods of selection during the recruitment process as long as they are transparent, non-discriminatory, and rational. It was observed that in *K. Manjusree*, the existing rules had not specified the procedure of selection. Thus, the concerned authority came up with an aggregate qualifying percentage for the written exam and interview. The rule was then changed following the completion of the interview process, adding a minimum qualifying percentage for the interview in itself (¶18). In these circumstances, the Court held that the change was illegal as the considerations of examiners in evaluating the candidates would have been different had they known that there was a minimum percentage for the interview in addition to the written exam (¶19).

The Supreme Court in the present case addressed the contention that the decision in *K. Manjusree* contradicted *Marwaha* (¶22). In *Marwaha*, following the preparation of the selection list, the recruiting body fixed a percentage for the appointment from amongst the names in the list (¶24). This was upheld, with the Court ruling that such an act came under the purview of administrative policy (¶25). In the present case, the Court held that *Marwaha* dealt with the right to be appointed from the select list, whereas *K. Manjusree* dealt with the right to be placed in the select list. Therefore, it ruled that *K. Manjusree* could not be at variance with *Marwaha*, as both decisions dealt with separate questions (¶26).

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Oath Ceremony
The Vision of the Chief Justice of India

Justice Sanjiv Khanna took oath as the 51st Chief Justice of India (CJI) on Monday, 11 November 2024. Expressing immense honour in heading the third wing of democracy, he emphasised that 'the judiciary is an integral yet distinct and independent part of the governance system. The Constitution trusts upon us the role of constitutional guardian, protector of Fundamental Rights, and responsibility to fulfil the important task of being a service provider of justice.'

Emphasising the constitutional duty to ensure easy access to justice for all citizens, the CJI identified that there is an urgent need to tackle case backlogs and ensure the simplification of legal procedures to make litigation affordable and accessible. In particular, he underlined that focused reforms are required on criminal case management and reduction of trial durations through a systematic approach. Further, making judgments comprehensible to citizens and promoting mediation were also emphasised upon.

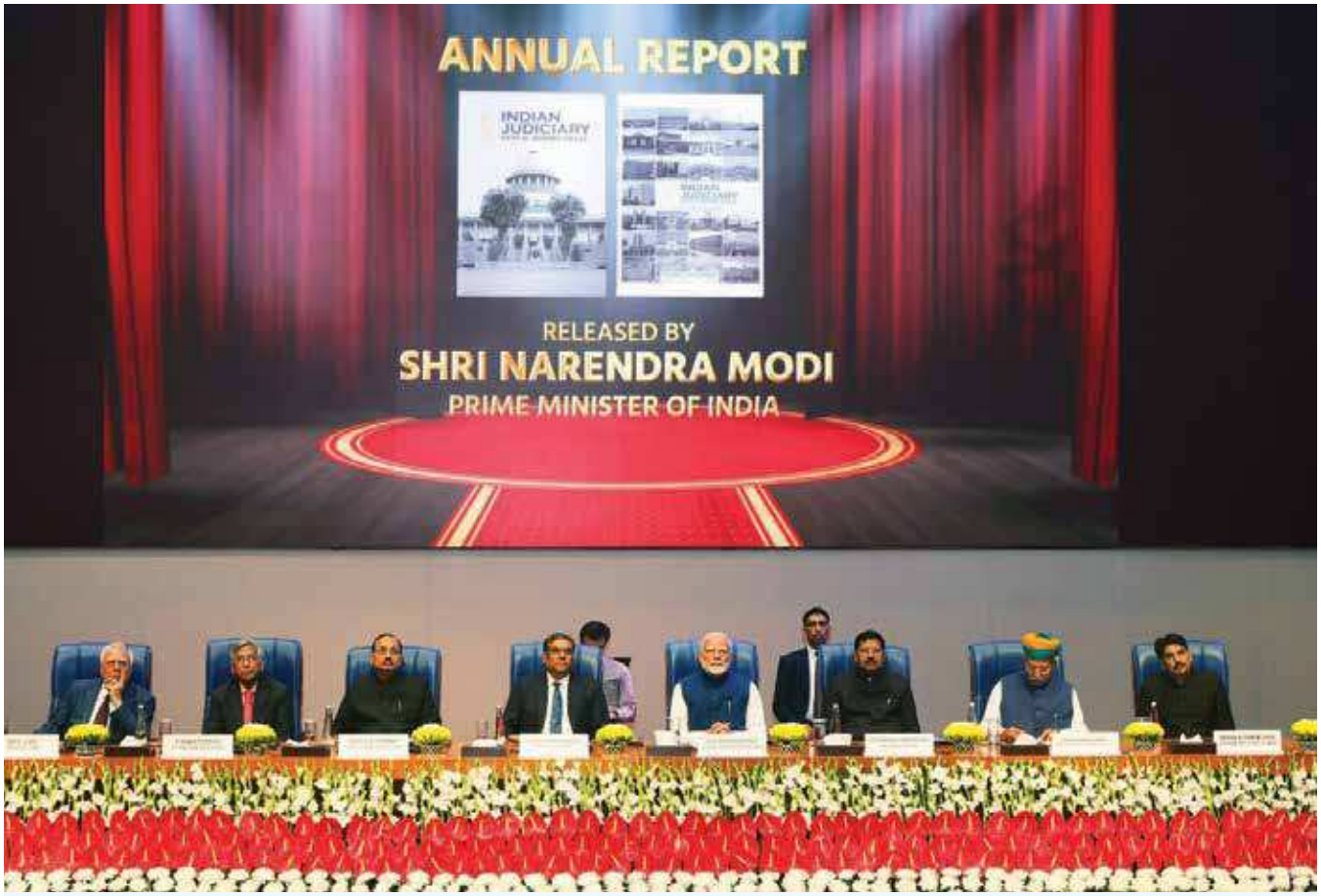
Thus, aiming for a citizen-centric agenda, CJI has outlined his vision to make courts approachable and user-friendly. Positioning justice delivery mechanisms to ensure that the process of law is not gruelling for the citizens will be the top priority.



Left to Right : Dr D Y Chandrachud, Former Chief Justice of India; Sanjiv Khanna, Chief Justice of India; Shri Jagdeep Dhankhar, Vice President of India; Smt. Droupadi Murmu, President of India, Shri Narendra Modi, Prime Minister of India and Shri Arjun Ram Meghwal, Minister of Law and Justice of India at the Oath-Taking Ceremony at Rashtrapati Bhavan on 11 November 2024

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Constitution Day Celebrations



Constitution Day celebrations at Auditorium, Block C, Administrative Building Complex, Supreme Court on 26 November 2024

The Supreme Court celebrated the adoption of the Indian Constitution on 26 November 2024. The occasion was graced by Prime Minister Shri Narendra Modi, Justice Sanjiv Khanna, Chief Justice of India, Justice B.R. Gavai, Justice Surya Kant, Sh. Arjun Ram Meghwal, Union Minister of Law and Justice, Sh. R. Venkataramani, Attorney General of India, Mr. Manan Mishra, Chairman Bar Council of India, and Mr. Kapil Sibal, President, Supreme Court Bar Association, present and former judges of the Supreme Court, judges of the High Court, and other dignitaries. During the event, PM Narendra Modi unveiled the Indian Judiciary Annual Report (2023-24) of the Supreme Court.

Justice B.R. Gavai, in his welcome note, highlighted the role of the Constitution as a protector and a catalyst for social change, which ensures that the voices of all, especially of the most vulnerable,



The Chief Justice of India, on behalf of the Supreme Court Judges, presents a beautiful painting made by Tihar Jail inmates to PM Narendra Modi at the Constitution Day celebrations

are heard and respected. He highlighted the importance of fraternity, quoting Dr. B.R. Ambedkar, Chairman of the Drafting Committee of the Constitution, that 'fraternity is another name for democracy... fraternity means a sense of common brotherhood of all Indians—of Indians being one people. It is the principle that gives unity and solidarity to social life.'

PM Narendra Modi, the Guest of Honour, paid tributes to the members of the Constituent Assembly and the Constitution on the occasion and remarked that the 75th year of the Indian Constitution was a matter of immense pride. The PM highlighted the legislative efforts, such as the enforcement of Bharatiya Nyaya Sanhita to ensure the speedy delivery of justice to the citizens. He further said that the punishment-based system has now changed to a justice-based system. The Prime Minister hailed the numerous steps taken by the government, including implementing the Women's Reservation Act, 2023, to increase the political participation of women; ensuring the protection of the identity and rights of third-gender people; and guaranteeing facilities to ease the living of divyangjan.

CJI, in his speech, emphasised the power of judicial review bestowed upon the courts by the Constitution of India. Highlighting the role of critique in the functioning of courts, he said, 'as judges, perspectives and critique matter, because our foremost duty is towards the public, and secondly, being open and transparent is the biggest strength of the judiciary.'He stressed the independence of the judiciary, free from external pressures and guided solely by the Constitution and the law, which makes the administration of justice the firmest pillar of governance. At the same time, the role of interdependence and reciprocity between each branch of the government was underlined.

The CJI highlighted certain areas of concern as well as areas of positive development. Issues of arrears and backlog of cases, delays, cost of litigation, access and lack of ease of access to justice, and a large number of undertrial prisoners persist. Pressing upon the need for legislative interference, the CJI remarked, 'data reveals that plea bargaining has been a non-starter; compounding and probation have not gained acceptance. There is also a need to decriminalise laws to ebb the inflow of undertrials to jails.' At the same time, he noted an improvement in the efficiency and justice delivery. The case clearance rate—a key metric of judicial productivity—has risen steadily from 98.29% in 2022 to an impressive 101.74% in 2024. Last year alone, the district courts resolved over 20.14 lakh criminal cases and 8.09 lakh civil cases. Legal Services Authorities have pioneered Lok Adalats, which in 2023-2024 handled 17.92 crore cases, disposing of 9.58 crore cases and settling disputes worth Rs. 63,000 crores. Additionally, trained mediators have helped settle 9 lakh cases. Now, an online mediation training programme has been started to bring Alternative Dispute Resolution into the mainstream. The outreach initiatives creating awareness about legal aid further bring awareness to the citizens.

The Supreme Court, too, has climbed its case clearance rate from 95% to 97%. Further, approval of Rs. 7,210 crores for phase III of the e-Courts Project has been granted. Real-time transcription and speech-to-text tools by the Supreme Court have contributed to improving justice delivery. The National Judicial Data Grid, a comprehensive repository of case and litigation details, aids policy formulation by providing insights into performance, appraisals, and infrastructure needs. However, there is a need for a judicial impact assessment in the form of statistics and a data grid for analysing the specific laws and their implementation. CJI also strongly recommended the adoption of an objective grading system for the performance assessment of judicial officers with a bell curve approach. He said that judges may be evaluated based on their performance as high performers, above average, average and below.

Indian Judiciary Annual, Report 2023-24, Supreme Court of India is available online at: https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/12/2024120414.pdf

Justice Surya Kant extended a warm vote of thanks and highlighted the importance of Constitution Day as a day to reflect and remind ourselves that the quest for justice, equality, and progress is an ongoing journey with much more to accomplish. He extended thanks to numerous stakeholders who deserved felicitations, stating that protection and preservation of the Constitution is a collective endeavour, one that thrives through the dedicated efforts of many, not just a select few. Mr. Arjun Ram Meghwal, Mr. R. Venkataramani, Mr. Manan Mishra, and Mr. Kapil Sibal also addressed the gathering on this occasion.

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Events and Conferences

Justice Surya Kant addresses the Prof. Dr. N.R. Madhava Menon Memorial Award, named, 'tribute of honour,' organised by the Bar Council of Kerala as the Chief Guest in Thrissur, Kerala, on 2 November 2024





Justice Rajesh Bindal delivers a special lecture on 'Use of Information Technology in Judiciary' in the Judicial Development Programme at Bharati Vidyapeeth Institute of Management and Research, New Delhi, on 6 November 2024

Justice Rajesh Bindal attends the 2nd Victim Support Asia Conference on 'Mapping Victim Support Strategies in the Asian Region' as the Distinguished Guest of Honour at National Law University, Delhi, on 9 November 2024





Justice B.V. Nagarathna delivers the Justice S. Natarajan Centenary Commemoration Lecture on 'Checks and Balances under the Indian Constitution through a Looking Glass' at Triplicane, Chennai, on 16 November 2024

Justice Rajesh Bindal delivers a lecture on 'Use of Information Technology in Judiciary' in the programme of Youth Talk of the Lovely Professional University, Ludhiana, Punjab, on 16 November 2024





Justice B.R. Gavai and Justice Surya Kant address the sixth law convocation of the University Institute of Legal Studies (UILS) at Panjab University on 16 September 2024

Justice Rajesh Bindal at the Tax Conference 2024 (VRIDHI) as the Chief Guest on 'Professional Challenges and Growth' organised by the All India Federation of Tax Practitioners (NZ) in association with the Punjab Tax Bar Association, Taxation Bar Association, and Direct Tax Bar Association (Sales Tax) at Ludhiana on 16 November 2024





Justice Rajesh Bindal addresses the 'Third Edition of the Constitution Week' at Bennett University, Greater Noida, as the Chief Guest in the inaugural session on 22 November 2024



Justice Abhay S. Oka, Justice C.T. Ravikumar, Justice M.M. Sundresh, Justice Sudhanshu Dhulia, Justice Sanjay Karol, and Justice K.V. Viswanathan address the National Convention on the Constitution of India to celebrate the 75th anniversary of the Indian Constitution at OP Jindal Global University, Sonipat, Haryana, on 23 November 2024



Justice P.S. Narasimha and Justice Dipankar Datta at the 'International Conclave on Relevance of Justice Dr. Radha Binod Pal's Dissent in International Law', Kolkata. The Judges unveiled statues of Dr. B.R. Ambedkar and Justice Radha Binod Pal at the WBNUJS Campus in Kolkata on 23 November 2024

Justice Rajesh Bindal spoke on the topic 'Protecting the Constitution: The Role of the Supreme Court of India' in the National Convention on the Constitution of India to commemorate the 75th anniversary of the adoption of the Constitution as the Chief Guest at OP Jindal Global University, Sonipat, Haryana, on 24 November 2024.





Justice P.S. Narasimha inaugurates 31 e-Sewa Kendras and launches AI services at the High Court of Telangana on 24 November 2024



Justice B.V. Nagarathna attends the celebratory function of Founder's Day of the Eastern Book Company in New Delhi on 24 November 2024



Justice P.S. Narasimha attends the valedictory ceremony and delivers a keynote address as a Chief Guest at the Commonwealth MED-ARB Conference 2024 organised by IAMC at Hyderabad on 24 November 2024



Justice C.T. Ravikumar addresses the Constitution Day celebrations at the Indian Law Institute, New Delhi, on 26 November 2024



Retd. Judge of Supreme Court, Justice Aniruddha Bose, Director, National Judicial Academy; Justice Hrishikesh Roy, Justice Sudhanshu Dhulia, Justice Rajesh Bindal, and Justice N. Kotiswar Singh, along with Justice Tashi Rabstan, Chief Justice of Jammu and Kashmir, Ladakh High Court, at the North Zone-I Regional Conference organised by the National Judicial Academy, Bhopal, in collaboration with the High Court of Jammu & Kashmir and Ladakh and the Jammu & Kashmir Judicial Academy at Srinagar on 30 November 2024 and 1 December 2024

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Legal Aid

The National Legal Services Authority (NALSA) celebrated National Legal Services Day on November 9, 2024, at the Supreme Court.

Speaking on the occasion, Chief Justice Sanjiv Khanna commended the dedication and hard work of legal aid functionaries, including panel lawyers, legal aid defense counsels (Nyaya Rakshaks), and paralegal volunteers (Adhikar Mitrs), and shared the vision for NALSA's future. Justice B.R. Gavai highlighted NALSA's role in recognising citizens' rights and improving legal aid access, noting the importance of paralegals and panel lawyers.

Addressing the gathering, Shri Arjun Ram Meghwal, Minister of Law and Justice, praised legal services institutions and stressed the importance of 'ease of justice' for 'ease of living,' assuring continued Ministry support to NALSA. The Member Secretaries of Gujarat, Mizoram, Delhi, Jammu and Kashmir and Ladakh, and Tamil Nadu SLSAs discussed their experiences, challenges, and successes in advancing justice.



Judges of the Supreme Court, along with Shri Arjun Ram Meghwal, Minister of Law and Justice, the Secretary General of the Supreme Court, the Secretary of the Department of Justice, Members of NALSA, representatives from State Legal Services Authorities (SLSAs), High Court Legal Services Committees, and district and taluka legal services attends the National Legal Services Day Celebration at Supreme Court on 9 November 2024

Several notable releases were made during the event, including booklets on **the NALSA (Child Friendly Legal Services for Children) Scheme, 2024,** and the **NALSA (Legal Services to Persons with Mental Illness and Persons with Intellectual Disabilities) Scheme, 2024.** A Training Module on the **Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013** was also released.

The NALSA (Child Friendly Legal Services for Children) Scheme, 2024, consolidates previous schemes to provide free, competent legal aid to children, including those with disabilities. It aims to ensure accessible, age-appropriate, and specialised legal services across legal proceedings, fostering a child-friendly justice



Justice Surya Kant; Justice B.R. Gavai; Justice Sanjiv Khanna, Chief Justice of India; Shri Arjun Ram Meghwal, Minister of Law and Justice; Justice Hrishikesh Roy; Justice Abhay S. Oka; releasing the Reports on 9 November 2024

system. The scheme focuses on training panel lawyers and paralegals, conducting community outreach to raise awareness, and collaborating with various stakeholders. It aligns with India's vision for an inclusive society and achieving the Sustainable Development Goals (SDGs).

Similarly, **the NALSA (Legal Services to Persons with Mental Illness and Persons with Intellectual Disabilities) Scheme, 2024,** updates the 2015 scheme to align with the Rights of Persons with Disabilities (RPwD) Act, 2016, and Mental Healthcare Act, 2017, ensuring access to legal services for individuals with mental illness and intellectual disabilities. It aims to provide responsive legal services, create specialised units of trained panel lawyers and paralegals, and ensure equal access to rights and services. The scheme also focuses on delivering legal information in accessible formats and collaborating with various stakeholders to strengthen the ecosystem for protecting these individuals' rights.

Regional Conference of the State Legal Services Authorities on 'Empowering the Marginalised and a Step Towards Social Justice: Achievements and Roadmap', Chandigarh

Speaking on the occasion, Justice B.R. Gavai highlighted the importance of legal services in empowering marginalised communities, emphasising Article 39A's mandate for free legal aid. He underscored the urgent need for timely legal representation for undertrial prisoners and support for their families through collaboration with social welfare entities. Justice Surya Kant called for systemic reforms to enhance children's rights and legal aid, advocating inter-agency collaboration and continuous feedback to strengthen the legal aid framework.



Justice B.R. Gavai, Justice Surya Kant, Justice Rajesh Bindal, Justice Augustine George Masih, Judges, Supreme Court of India, along with Justice Sheel Nagu, Chief Justice of Punjab & Haryana High Court, Justice Tarlok Singh Chauhan, Acting Chief Justice, High Court of Himachal Pradesh, and Justice Tashi Rabstan, Chief Justice, High Court of Jammu & Kashmir and Ladakh, at the Regional Conference of the State Legal Services Authorities on 'Empowering the Marginalised and a Step towards Social Justice: Achievements and Roadmap' at Chandigarh Judicial Academy, on 17 November 2024

The event launched key initiatives, including QR-based cost deposits, a victim care and support scheme for crime victim reintegration, and an online portal for real-time financial tracking by Legal Services Authorities. A drug awareness campaign was also introduced, targeting citizens, especially children, with outreach in Punjab, Haryana, and Chandigarh.

Regional Conference on Mediation, Mumbai



Justice B.R. Gavai and Justice Prasanna B. Varale at the Regional Conference on Mediation, organised by the Maharashtra State Legal Service Authority, Mumbai, and the Main Mediation Committee, Bombay High Court, on 30 November 2024, at Pune

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Training Hub



Training Cell conducts a training programme on 'Right to Information Act for Branch Officers and dealing assistants of the Registry, led by Ms. R. Arulmozhiselvi, Additional Registrar (Training Cell), with resource persons Ms. Himani Sarad, Additional Registrar/Information and Statistics Officer, Mr. Ravi Shanti Bhushan, Assistant Registrar, and Mr. Shyam Kumar Sharma, Branch Officer, on 16 November 2024

The Training Cell, in collaboration with STEP (The Hindu Group), conducts an English Learning Course for Registry officials to improve legal and administrative communication skills through after-hours sessions, from 4 November 2024 to 27 November 2024





The Training Cell conducts the Induction Training Programme (Batch 4) for newly inducted Junior Court Assistants from 25 November 2024 to 30 November 2024. The programme covered both theoretical and practical aspects of various sections of the Supreme Court, including judicial, administrative, ICT, fire safety, Prevention of Sexual Harassment at Workplace, leadership, communication, time management, and other relevant areas.



Orientation session for the Team Building and Leadership Camp (Batch-2) held on 30 November 2024 in hybrid mode for Supreme Court staff, at NIM, Uttarkashi. Col. Anshuman Bhadauria, NIM Principal, and R. Arulmozhiselvi, Additional Registrar, led the session in the presence of Shri Atul M. Kurhekar, Secretary General, Shri Bharat Parashar, Officer on Special Duty, and Ms. Aparna Ajitsaria, Registrar.



Shri Atul M. Kurhekar, Secretary General, and Shri Bharat Parashar, Officer on Special Duty (Secretary General) with newly inducted Junior Court Assistants.





Training Cell conducts a first-of-its-kind Basic Computer Training Programme for 25 Junior Court Attendants on 19 November 2024 and 20 November 2024. Inaugurated by Ms. R. Arulmozhiselvi, Additional Registrar (Training Cell), the programme focused on hands-on training by Computer Cell experts to enhance efficiency in official and personal tasks

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National Court Management System Committee (NCMSC)

National Court Management System Committee was constituted on May 2, 2012, to address the needs of enhancing the quality, timeliness, and efficiency of court systems across the country. This policy and action plan rounds up the work done since 2012 and lays out the path forward in terms of judicial administration and caseload management over the coming years. The Updated Policy and Action Plan of NCMS 2024 was released by Dr. D.Y. Chandrachud, former Chief Justice of India, on November 5, 2024.

The 'National Court Management Systems Policy and Action Plan (2024)' focuses on improving India's judicial system by addressing delays, case backlogs, vacancies, and infrastructure gaps. It emphasises technology like the National Judicial Data Grid for efficient case management and highlights recommendations on human resource development, court excellence, and arrears management. It also highlights that **judiciary budgets in FY 2023-24, except in Uttar Pradesh (1.14%), remain below 1% in all states,**



Members of the NCMS Committee and the Sub-Committees with Officers and Officials of the NCMS Secretariat



Judges of the Supreme Court of India and the Secretary-General with Officers and Officials of NCMS Secretariat



Former Chief Justice of India Dr. D.Y. Chandrachud, Chief Justice of India Sanjiv Khanna, Justice Abhay S. Oka, Justice J.B. Pardiwala, and Justice Dipankar Datta, release the reports of NCMSC on 5 November 2024

urging greater financial commitment to justice delivery.

The updated policy and action plan contains the reports of subcommittees as under:

1. The Baseline Report on Court Development Planning System (Infrastructure and Budgeting) 2024 emphasises the essential aspects of court complexes, its minimum standards and model designs, digital transformation, and budgeting.

2. The Baseline Report on Human Resource Development Strategy in the District Judiciary 2024 focuses on the recruitment process, training programmes, transfer policies, etc. for judicial officers and staff.

3. The Baseline Report on Case Management in the High Court and District Judiciary 2024 covers the guiding principle for an ideal Case Management System with Information and communications technology-driven strategy.

4. The Baseline Report on National Framework for Court Excellence 2024 focuses on the measurable performance standards and a system for monitoring and reviewing such standards to achieve court excellence.

5. The Report on Defining Arrears is a report of the Sub-Committee on Defining Arrears that, for the first time, has employed scientific analysis to define arrears.

These reports can be accessed online.

LINK: https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/11/2024111250.pdf

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Former Chief Justice of India Dr. D.Y. Chandrachud, Chief Justice of India Sanjiv Khanna, and Kapil Sibal, President of the Supreme Court Bar Association, at the farewell function organised by SCBA on 8 November 2024



Chief Justice of India, Sanjiv Khanna at the Felicitation Ceremony organised by the Bar Council of India, at New Delhi on 15 November 2024





Chief Justice of India at Constitution Day celebrations organised by the Supreme Court Bar Association on 26 November 2024

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Foreign Events and Conferences



Justice Ahsanuddin Amanullah and Justice R. Mahadevan participate in the Third Meeting of the International Judicial Dispute Resolution Network in Kuala Lumpur, Malaysia, on 28 October 2024 and 29 October 2024

Justice Sandeep Mehta participates in the '2024 International Association for Court Administration (IACA) Conference' under the theme 'Building Trust in the Judiciary' held at the Singapore State Courts from 11 November 2024 to 14 November 2024



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Beyond the Court: Creativity Abound

संविधान एक विधि विधाता

संविधान एक विधि विधाता, देश प्रेम के भाव जगाता।
नियमों का हस्तलिखित प्रमाण, मुश्किल में है राह दिखाता ॥

पच्चीस भागों में ये विभाजित, तीन सौ पचानवे इसमे अनुच्छेद हैं।
बारह अनुसूची से सुसज्जित, नीति निदेशक नियम प्रदाता ॥

संविधान संशोधन केवल, देश की संसद के ही द्वारा।
एक सौ छह संशोधन संग, संविधान प्रति दिन निखरता ॥

संविधान संरक्षक आलय, भारत का सर्वोच्च न्यायालय।
न्याय पर सिद्धांत बनाता, और विवादों को सुलझाता ॥

संविधान है सबका भ्राता, भारत का है यह निर्माता।
छह मौलिक अधिकार दिये हैं, जो मन मे विश्वास जगाता ॥

अधिकारों को रक्षा देकर, कर्त्तव्यों का बोध कराता।
संप्रभु राष्ट्र की बातें करता, समाजवाद का पाठ पढ़ाता ॥

भारत में सब एक समान, सारे धर्मों को सम्मान।
कानून का राज रहेगा, संविधान यह बात बताता ॥

जीने का अधिकार दिया है, समता भी उपहार दिया है।
शिक्षित रहे यह देश हमारा, संविधान अधिकार दिलाता ॥

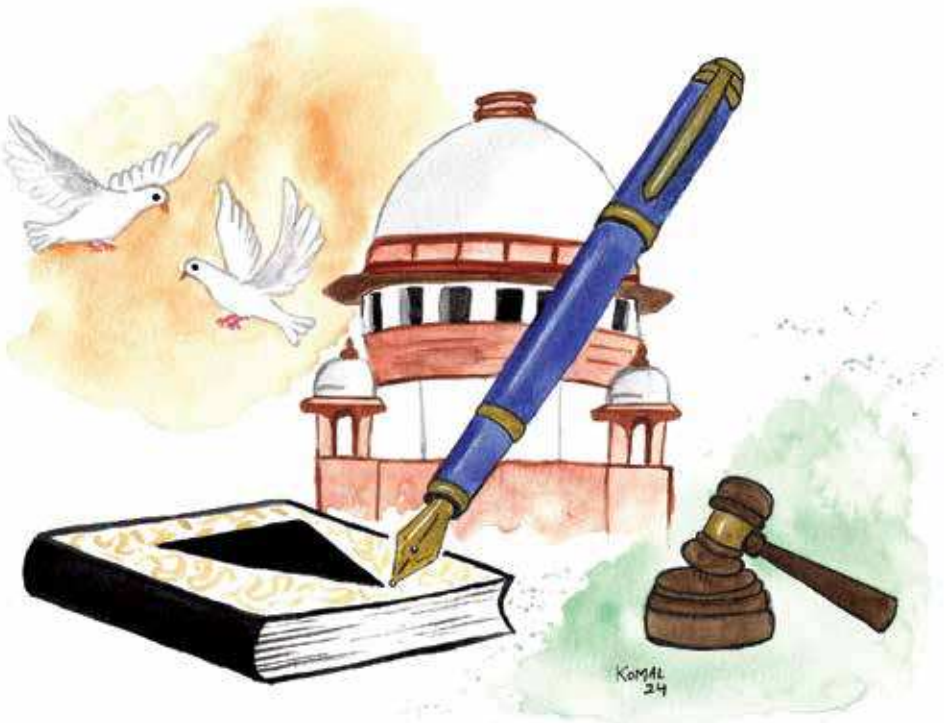
नारी को सबला है बनाया, वोट का अधिकार दिलाया।
कानून बना कर दी है सुरक्षा, सर ऊंचा कर चलना सिखाता ॥

नर नारी सब एक बराबर, संविधान से ही सबको आदर।
करता देश का कुशल प्रबंधन, संविधान ही भाग्य विधाता ॥

लोकतंत्र की बातें करता, नागरिकों को न्याय दिलाता।
आजादी और रक्षा देकर, बंधुत्व का भी पाठ पढ़ाता ॥

संविधान एक विधि विधाता, देश प्रेम के भाव जगाता ॥

— **मोहम्मद तस्वीरुल इस्लाम**, सहायक पुस्तकालय अध्यक्ष



— **Komal**, Junior Court Assistant

Story of Manhood

Story of manhood, It is a curious tale.
How one defines it, Criterion is a little frail.
Is it defined by bulging muscles and aggression of a beast?
Or is it defined by a watchful patriarch, laughing with his family over a feast?
Does the crimson fingerprints over a woman's face make you feel strong?
Doesn't the scared face of hiding children feel wrong?
Wouldn't an understanding, gentle male figure be better to emulate?
It will inspire younger ones and will provide them with a better template.
It's a sign of weakness to be violent with a woman and be so rife.
For she has contributed in many roles: friend, family, and a wife.
Treat her as an equal, on an equal pedestal in both joy and sorrow.
She will enhance life, creating a peaceful and joyous tomorrow.

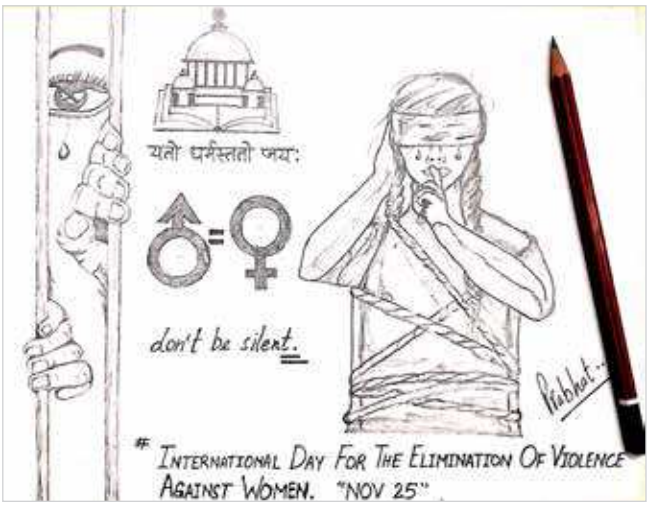
— **Dev Vrat Mishra**
Junior Court Assistant



— **Ankita Zadoo**
Junior Court Assistant



— **Rituja Chouksey,**
Research Assistant



— **Prabhat Kumar Sharma,**
Court Assistant

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Candid Clicks



Photo by **Kamesh,** Deputy Registrar and PPS to CJI



Photo by **Arvind Kumar,** Court Assistant

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Bid Adieu



RISHI PAL JI, a resident of Chattarpur, Delhi, joined the Supreme Court in 1986 as a Junior Clerk (now Junior Court Assistant). After a remarkable 38 years of dedicated service in various sections of the Supreme Court Registry, he retired in November from the post of Senior Court Assistant, Section II B. Reflecting on his journey, he fondly recalls Receipt and Issues as his favorite section and expresses heartfelt gratitude to his supervisors and colleagues for their unwavering support and encouragement throughout his career.

NEPAL SINGH JI hailing from Dayalpur, Haryana, began his career at the Supreme Court in 1988 as a Junior Court Attendant. After 36 years of dedicated service, he retired in November, having served in various departments including ten years as a staff at the judges residences of which he carries the fondest memories. Thereafter, he worked at the Reception Office and Admin Section. He retired as Restorer Grade 1, overseeing the compilation, dispatch, distribution, and transfer of files, ensuring they reached the judges timely. He expressed that this work is substantial since e-filing was set up. He enjoyed learning about the law and felt supported throughout his career by his colleagues.





DAYAWATI JI, a resident of Shastri Nagar, Delhi, joined the Supreme Court in 1994 as an Attendant and retired in November as a Senior Court Attendant. During her tenure, she has served in various departments, including the Library and the Record Room. She appreciated the regular training workshops hosted at the SC, including on POSH and legal education which enriched her knowledge and skills. Her major suggestion was to have more feedback mechanisms for the employees at the SC.

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Photo by **Deepak Dhyani,** Junior Court Assistant

'Beyond the Court' is a platform that celebrates the diverse talents and creativity of Supreme Court officials, offering them an opportunity to express themselves beyond their routine responsibilities. By inviting theme-based entries, this section aims to mark and celebrate the important international and national days through the artistic, literary, and creative pursuits – poetry, photography, artwork, or write-ups, of our staff who are contributing tirelessly to the institution's functioning. This edition celebrates Constitution Day (November 26) and Day for the Elimination of Violence Against Women (November 25).

As we prepare for the next edition, we invite contributions on the following themes: National Pollution Control Day, Human Rights Day, AIDS Day, and the International Day of Persons with Disabilities. We look forward to your contributions.

We sincerely hope you enjoyed the latest edition of the Supreme Court Chronicle! Your continued support and readership is greatly appreciated. Stay tuned for more!

॥ यतो धर्मस्ततो जयः ॥



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Tilak Marg, New Delhi-110001

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