

## Chapter 1 : Mumbai: Supreme Court Stays Razing Of Structure On Year-Old Rasraj Restaurant

*'India's Supreme Court, more than the other institutions of state, has retained the high esteem in which it was held by the generation that founded the Republic. This impressive book, with its fine range of contributions from a stellar cast of authors, narrates this success story.'*

History[ edit ] In the Indian High Courts Act was enacted to create high courts for various provinces and abolished supreme courts at Calcutta, Madras and Bombay and also the sadar adalats in presidency towns which had acted as the highest court in their respective regions. These new high courts had the distinction of being the highest courts for all cases till the creation of Federal Court of India under the Government of India Act. The Federal Court had jurisdiction to solve disputes between provinces and federal states and hear appeal against judgements of the high courts. Supreme court initially had its seat at Chamber of Princes in the parliament building where the previous Federal Court of India sat from to . The first Chief Justice of India was H. In , the supreme court moved to its present premises. The Right Wing of the structure has the bar "room", the offices of the Attorney General of India and other law officers and the library of the court. The Left Wing has the offices of the court. In all, there are 15 courtrooms in the various wings of the building. Rajendra Prasad, the first President of India. The main block of the building has been built on a triangular plot of 17 acres and has been designed in an Indo-British style by the chief architect Ganesh Bhikaji Deolalikar , the first Indian to head the Central Public Works Department. It has a . The court moved into the building in . It portrays Mother India in the form of the figure of a lady, sheltering the young Republic of India represented by the symbol of a child, who is upholding the laws of land symbolically shown in the form of an open book. On the book, a balance beam is shown, which represents dispensation of equal justice to all. The sculpture was made by the renowned artist Chintamani Kar. The sculpture is just behind the statue of Mahatma Gandhi. It is also referred as the wheel of righteousness, encompassing truth, goodness and equity. Advocates-on-Record Supreme Court Rules, entitle only those advocates who are registered with the supreme court, called advocates-on-record to appear, act and plead for a party in the court. Any other advocate can appear for a party along with or under instructions from an advocate-on-record. Composition[ edit ] Size of the court[ edit ] Initially the Constitution of India provided for a supreme court with a chief justice and 7 judges. In the early years, a full bench of the supreme court sat together to hear the cases presented before them. As the work of the court increased and cases began to accumulate, parliament increased the number of judges from the original 8 in to 10 in , 13 in , 17 in , 26 in and 31 in current strength. As the number of the judges has increased, they sit in smaller benches of two or three referred to as a division bench [12] "coming together in larger benches of five or more referred to as a constitution bench when required to settle fundamental questions of law. A bench may refer a case before it to a larger bench, should the need arise. India is the only country where a member of the minority Parsi community with a population of 1,67,, like myself, can aspire to attain the post of the Chief Justice of India. These things do not happen in our neighbouring countries. Barely seven justices" S. Nageswara Rao and Indu Malhotra "have been appointed to the supreme court directly from the bar i. Fathima Beevi was sworn into office in . In , Justice K. Balakrishnan became the first judge from the dalit community. In he also became the first dalit Chief Justice of India. In , Justice S. Kapadia coming from a Parsi minority community became the Chief Justice of India. Indu Malhotra is the first women justice to be selected directly from bar. Judicial independence[ edit ] The constitution seeks to ensure the independence of supreme court judges in various ways. Per Article 50 of directive principles of state policy , the state shall take steps to separate the judiciary from the executive. Independence of the judiciary, the supremacy of the constitution and rule of law are the features of the basic structure of the constitution. Ambedkar clarified as given below in the Constituent Assembly debates on Article 38 1 high lighting its inevitable implementation. We have used it because our intention is even when there are circumstances which prevent the Government, or which stand in the way of the Government giving effect to these Directive Principles, they shall, even under hard and unpropitious circumstances, always strive in the fulfilment of these Directives. Otherwise, it would be open for any Government to say that the circumstances are so bad, that the

finances are so inadequate that we cannot even make an effort in the direction in which the Constitution asks us to go. Judges used to be appointed by the president on the advice of the union cabinet. Simultaneously, as held in that judgment, the executive was given the power to reject a recommended name. However, according to some, [ who? The court held that who could become a judge was a matter of fact, and any person had a right to question it. But who should become a judge was a matter of opinion and could not be questioned. As long as an effective consultation took place within a collegium in arriving at that opinion, the content or material placed before it to form the opinion could not be called for scrutiny in court. However, there have been suggestions from the judges of the Supreme Court of India to provide for a fixed term for the judges including the Chief Justice of India. Removal [ edit ] Per Article 4 of the constitution, President can remove a judge on proved misbehaviour or incapacity when parliament approves with a majority of the total membership of each house in favour of impeachment and not less than two thirds of the members of each house present. For initiating impeachment proceedings against a judge, at least 50 members of Rajya Sabha or members of Lok Sabha shall issue the notice as per Judges Inquiry Act, When the judicial committee report finds the judge guilty of misbehaviour or incapacity, further removal proceedings would be taken up by the parliament if the judge is not resigning himself. Review petition Article of the Constitution of India lays down provision for the power of the supreme court to review its own judgements. As per this Article, subject to the provisions of any law made by parliament or any rules made under Article , the supreme court shall have power to review any judgment pronounced or order made by it. Powers to punish for contempt [ edit ] Under Articles and of the constitution the supreme court has been vested with power to punish anyone for contempt of any court in India including itself. The supreme court performed an unprecedented action when it directed a sitting minister of state in Maharashtra government , Swaroop Singh Naik, [45] to be jailed for 1-month on a charge of contempt of court on 12 May This was the first time that a serving minister was ever jailed. Accordingly, "Supreme Court Rules, " were framed. The Rules were replaced by the Supreme Court Rules, Under the new roster system, the CJI will hear all special leave petitions SLPs , and matters related to public interest, social justice, elections, arbitration, and criminal matters, among others. Some of these other important journals are: Right to Information [ edit ] See also: Right to Information Act In the year , the supreme court filed an appeal before itself challenging the judgement of the Delhi high court holding that the office of the chief justice of India came under the ambit of the RTI Act and was liable to reveal information under it. The supreme court countered these amendments in when it ruled in Golaknath v. State of Punjab [57] that the parliament did not have the power to abrogate fundamental rights, including the provisions on private property. The 25th amendment to the constitution in curtailed the right of a citizen to property as a fundamental right and gave authority to the government to infringe private property, which led to a furor amongst the zamindars. Emergency " [ edit ] The independence of judiciary was severely curtailed [58] during the Indian Emergency " of Indira Gandhi. The constitutional rights of imprisoned persons were restricted under Preventive detention laws passed by the parliament. Chandrachud , and M. Beg , stated in the majority decision: The only dissenting opinion was from Justice H. Khanna , who stated: A dissent is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed. Justice Khanna remains a legendary figure among the legal fraternity in India for this decision. The New York Times , wrote of this opinion: A few years after the emergency, however, the supreme court rejected the absoluteness of the 42nd amendment and reaffirmed its power of judicial review in Minerva Mills v. Union of India Judicial Activism In India After Indira Gandhi lost elections in , the new government of Morarji Desai , and especially law minister Shanti Bhushan who had earlier argued for the detainees in the Habeas Corpus case , introduced a number of amendments making it more difficult to declare and sustain an emergency, and reinstated much of the power to the supreme court. It is said that the basic structure doctrine , created in Kesavananda Bharati v. Civil and political rights traditionally protected in the Fundamental Rights chapter of the Indian constitution have also been expanded and more fiercely protected. These new interpretations have opened the avenue for litigation on a number of important issues. Recent important cases [ edit ] Among the important pronouncements of the supreme court post is the Coelho case I. State of Tamil Nadu Judgment of 11 January

A unanimous bench of 9 judges reaffirmed the basic structure doctrine. It held that a constitutional amendment which entails violation of any fundamental rights which the court regards as forming part of the basic structure of the constitution, then the same can be struck down depending upon its impact and consequences. The judgment clearly imposes further limitations on the constituent power of parliament with respect to the principles underlying certain fundamental rights. The judgment in Coelho has in effect restored the decision in Golak Nath regarding non-amendability of the constitution on account of infraction of fundamental rights, contrary to the judgment in the Kesavananda Bharati case. Another important decision was of the five-judge bench in Ashoka Kumar Thakur v. Union of India ; where the constitutional validity of Central Educational Institutions Reservations in Admissions Act, was upheld, subject to the "creamy layer" criteria. At the same time, the court has applied the strict scrutiny standards in Anuj Garg v. Hotel Association of India [1] a 2G spectrum case[ edit ].

**Chapter 2 : India: gay sex decriminalized by top court in landmark ruling - CNN**

*The description of the book given in the bottom is not on the book "Fifty years of Supreme Court of India its grasp and reach. Please correct it and give us the correct description about the book displayed on top.*

The court announced the landmark verdict in Delhi on Thursday, as jubilant crowds cheered and rights activists hugged one another, overcome with emotion. Section 377, an archaic law imposed during British rule that penalized intercourse "against the order of nature," had carried a maximum sentence of life imprisonment. Crowds in Mumbai cheer the Supreme Court announcement. The long battle has been won. Finally we have been recognized by this country," said Bismaya Kumar Raula, wiping away tears outside the court. [Read More](#) Others gathered said that, while they had anticipated a positive outcome, the result still came as a shock. People will not be seen as criminals anymore. In 2009, the Delhi High Court ruled that the ban on consensual gay sex violated fundamental rights. The decision, which only applied to the Delhi region, was quickly overruled by the Supreme Court in 2013, following a petition launched by a loose coalition of Christian, Hindu and Muslim groups. During the latest hearings, lawyers representing more than a dozen gay and lesbian Indians questioned the constitutional basis of that earlier ruling. It was not legal and it was based wrongly on the tenets of the constitution," said Colin Gonsalves, one of the lawyers representing the current group of petitioners. That case was strengthened last year, when the Supreme Court moved to uphold the constitutional right to privacy. The ruling, which declared sexual orientation to be an "essential attribute of privacy," helped galvanize campaigners. There is not much left to argue," he added. What a historic day for the country! In an interview earlier this year, lawmaker Subramanian Swamy, a prominent member of the ruling Bharatiya Janata Party BJP, described the legalization of gay sex as a "danger to national security" and "against Hindutva. However, in recent years hardline Hindu groups have taken a more conservative approach. In the run up to the judgment, the BJP refrained from taking a public stand, deferring instead to the court. In the case of India, the original British law had remained in place more or less unchanged since it was introduced by British colonizers in the 18th century. India did not maintain a separate database of prosecution under section 377 until 2013. Arif Jafar, one of the current group of petitioners whose case the Supreme Court ruled on, was arrested in 2009 under Section 377 and spent 49 days in jail. Supporters in Mumbai react to the Supreme Court ruling that gay sex is no longer a criminal offense. Jafar now runs an informal support group in the northern state of Uttar Pradesh. The group, named "Trust," provides counseling, support and sexual health services to gay and transgender persons. In his petition, Jafar described the experience as dehumanizing and a violation of his fundamental rights. He also alleged that he was beaten and humiliated every day because of his sexuality.

**Chapter 3 : TOP 40 LANDMARK JUDGEMENTS OF THE SUPREME COURT OF INDIA THAT EVERY LA**

*Fifty Years Of The Supreme Court Of India has 5 ratings and 0 reviews. This collection commemorates fifty years of the Indian Supreme Court through refle.*

A P H Publications, ; Fifty Years of Human Rights Jurisprudence in India Once we review the history of past fifty years of independent India, one of the remarkable achievements of this period that immediately comes to our mind is the evolution of the human rights jurisprudence. The Indian Supreme Court has played a unique role in this regard, perhaps incomparable to any other court in the world. Undoubtedly, the Indian Supreme Court is one of the most powerful courts in the world. It is at once a federal court, a court of appeal, a guardian of the Constitution and a court of record in the sense that the law declared by it is binding on all other courts within the territory of India. Its jurisdiction extends to around million people and it has the power of judicial review not only over executive action but also legislation and extends even to reviewing the validity of Constitutional amendments - a power incomprehensible in most parts of the world. The power of judicial review is conferred on the Supreme Court by Article 32 of the Constitution and this power is granted in the widest terms. The power of the Supreme Court is thus not limited to the issuance of the traditional writs of mandamus, certiorari or prohibition, but is of the widest amplitude. State of Madras and Jaynarayan V. State of West Bengal , the Indian Supreme Court had, however, propounded the view that by adopting the expression "procedure established by law", Art. In other words, the Indian apex court held the view that unlike the American Constitution, the founding fathers of our Constitution preferred the supremacy of the legislators to that of the judiciary. The majority opinion of the Supreme Court had reasons to make a restricted interpretation of the right to personal liberty granted by Art. Undoubtedly, the founding fathers of the Constitution could not anticipate the irresponsible and highly selfish behaviour of present legislators. Unlike American counterparts, they, therefore, placed certain trust in them. Union of India case In that case, the Supreme Court held that the procedure contemplated by Article 21 was not any procedure, but had to be just, reasonable and fair. For the first time, it took the view that Art 21 afforded protection not only against executive action but also against legislation. The court thus introduced in the Constitution the procedural due process of the American Constitution. From Gopalan to Meneka, thus, the judicial exploration completed its trek from the North to the South Pole. Champaklal ; and Sher Singh V. State of Punjab , etc. The Supreme Court developed through these cases three notable basic commitments to human rights in the last few years. First is the commitment to participative justice, the second is the commitment against arbitrariness and third is the commitment to just standard of procedure. The Supreme Court affirmed its commitment to just standards of procedure in preventing administrative regression. Relying on the requirements of a reasonable, fair and just procedure, the court made legal aid to a poor accused in a criminal case a constitutional right by treating it as an integral part of a reasonable, fair and just procedure. It also held speedy justice in a criminal case to be part of a reasonable, fair and just procedure. In the process, the Supreme Court repudiated its traditional view that fundamental rights merely impose negative restrictions on the state. Since the landmark judgement of the Meneka Gandhi case, the court started reading fundamental rights as imposing affirmative obligations on the state. It marked the beginning of a new era of judicial activism. It further expanded the scope and ambit of Article 21 by placing an expansive interpretation on the right to life enshrined in that Article in the Francis Coral Mullin case. In this case the court held that the word "life" did not mean a mere physical or animal existence but included the use of every limb and faculty through which life was enjoyed and also a safe and healthy environment was included in the right to life. The right to travel abroad was also recognized as an integral part of right life and personal liberty. In addition, the court extended the reach of fundamental rights by holding that not only the state but also any instrumentality or agency of the state such as public sector corporation would be subject to the discipline of fundamental human rights set out in the Constitution. At the same time, the court held that the state action must not only be non- arbitrary, but also be in the public interest. As the above mentioned rights which the Supreme Court spelt out from the language of Article 21 by a process of judicial activism and creative interpretation would have no meaning for the large masses unless

they have access to justice, the court proceeded to develop the law in regard to access to justice. In order to enable the weaker section to approach the court for the enforcement of fundamental rights, the Supreme Court changed the traditional rule of locus standi that permitted only the victims to approach the court against violation of their rights. As the poor and illiterate victims were unable to approach the court, the apex court enlarged the doctrine of locus standi by providing that where a legal injury is caused or a legal wrong done to a person or class of persons--who, by reason of peverty or disability or social or economically disadvantaged position, can not approach a court of law for justice--any member of the public or social action group acting bonafide can bring an action seeking judicial redress for such a person or a class of persons. This can be done even by addressing a letter to the court. Thus came into being the public interst litigation in the Supreme Court and the High Courts and a new jursdiction evolved, namely, epistolary jurisdiction. The use of public interest litigation has evoked widespread applause as well as considerable controversy. While the human right activists have hailed it as a revolutionary step towards advancement of individual dignity in India, the politicians and bureaucrats have attacked this on the ground that the strategy of public interest litigation is being misused and that the courts are lending themselves to such misuse. It is also alleged that the court is trespassing in to the field entrusted by the Constitution to the executive and legislature. No one can, of course, dismiss the above mentioned apprehensions lightly. Judges are also human beings. In the event of concentration of powers in their hands due to the failure of the executive and legislatures, they too can become arrogant. This is already happening in lower courts. Even a well educated person is not allowed to speak in his defence by some judges only in order to please their legal fraternity. This only erodes peoples faith in the judiciary. While this malady is not as widespread in High Courts and the Supreme Court as in the lower courts, certain black ships have penetrated the higher judiciary too. Supreme Court has, however, played a major role in championing the cause of liberty in India. The lower judiciary needs to emulate their apex body. Judicial activism, therefore, needs to be examined in the proper perspective. While hailing the virtues of judicial activism, proper methods have to br devised for checking judicial excesses. One must also not forget that security forces had to fight the merchants of death and terrorism for the protection of innocent civilians. A tendency has developed among the so called "democratic and progressive" forces to condemn only the security forces without uttering a single word against the foreign inspired agents of death and destruction. This tendency has to be condemned by all right thinking persons. Judiciary, too, should not succumb to populist temptations while dealing with such enemies of innocent civilians. Judicial activism or excesses should not, however, lead to hysterical response. At the same time judicial accountability must be ensured. The language used in the judiciary reflecting feudal tendency needs to be corrected. Even the most junior lawyer, for example, is addressed as the learned counsel, a victime seeking justice in the court is not addrees properly even if he may be an established scholar. Judicial functionaries, therefore, needs proper training for adjusting themselves to the democratic ethos. In fact, adjudication is a delicate process where diverse factors and considerations have to weighed, adjusted and harmonised and that requires not only wisdom and courage but also faith in constitutional values. This can come only through proper selection of judges and training. Otherwise, we will continue to see the elevation of such persons to the august offices in the temple of justice, who belives that justice means only shutting the mouth of victims for pleasing their leglal fraternity. One can only hope that the executive, the legislature and the judiciary will show their commitments to our constitutional ethos and human dignity.

#### Chapter 4 : Fifty Years of the Supreme Court of India

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