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The appointment of ad-hoc judges in high courts under article 224a of the constitution of India: Emerging judicial trends

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Abstract
As per the National Judicial Data Grid ('NJDG'), total 5766867 cases are pending in different High Courts in the country. Keeping the view on this huge pendency, the Supreme Court of India decided to activate a dormant provision of the Constitution of India under Article 224A. Article 224A of the Constitution of India provides for the appointment of ad-hoc Judges to deal with the unprecedented situation arising from the backlog of cases pending in different High Courts throughout the country. There is difference in the manner of appointment of permanent and additional Judges, and ad hoc judges in the High Court under Article 217 & Article 224 of the Constitution of India. As the MoP has been framed under an administrative discussion is not law declared by the Supreme Court of India while the judicial pronouncements of the Supreme Court are law declared under Article 141 of the Constitution of India in absence of Constitutional provisions on the concept. At this point, we have to discuss the historical perspective of the concept, Constituent Assembly Debates, Constitutional Provisions, Law Commission of India Reports, Memorandum of Procedure, Collegium System and some recent Landmark Judgments with respect to the appointment of ad-hoc Judges in different High Courts will be referred for brief analysis in this research work.

Keywords: constitution of India, constitutional provisions, national judicial data grid ('NJDG'), high courts, appointment of ad-hoc judges, backlog of cases, constituent assembly debates, law commission of india, memorandum of procedure (mop), collegium system & landmark judgments etc

Introduction

As per the data available on the website of the National Judicial Data Grid ('NJDG') as visited on 30th April, 2021 total 5766867 cases are pending in different High Courts in the country. Keeping the view on this huge pendency, on 20th April, 2021, a full bench of the Supreme Court of India headed by the then Chief Justice of India S.A. Bobde along with Justice Sanjay Kishan Kaul and Justice Surya Kant decided to activate a dormant provision of the Constitution of India under Article 224A in *Lok Prahari through its General Secretary S.N. Shukla IAS (Retd.)* v. *Union of India and Others.* The bench focused on Article 224A which provides for the appointment of ad-hoc Judges to deal with the unprecedented situation arising from the backlog of cases pending in different High Courts which has now crossed the figure of 57 lakhs. The bench also discussed that any Constitution has to be dynamic, and thus, even if the intent behind including the provision was slightly different, nothing prevents it from being utilized to sub-serve an endeavour to solve an existing problem of backlog of cases in different High Courts throughout the country. At this point, we have to discuss the historical perspective of the concept, Constituent Assembly Debates, Constitutional Provisions, Law Commission of India Reports, Memorandum of Procedure, Collegium System and some recent Landmark Judgments with respect to the appointment of ad-hoc Judges in different High Courts will be referred for brief analysis in this research work.

Historical Perspective

The provision for appointment of ad hoc judges under Article 224 was removed by the Constitution (7th Amendment) Act, 1956. The objective of that Act clarifies that this was done as the provision for recalling retired judges for a short period had been found to be neither adequate nor satisfactory. It was sought to be replaced by the current Article 224, making provisions for appointment of additional judges to clear off arrears and for the appointment of acting judges in temporary vacancies. It appears to have been a legislative re-think as the provision for the appointment of ad-hoc judges was reintroduced vide Article 224A by the Constitution (15th Amendment) Act, 1963 and for that the Lok Sabha debates did not specifically refer to the philosophy behind the reintroduction, but this can be extrapolated from the purpose behind introducing ad-hoc appointments in the Supreme Court of India. The debates reflected two points of view, i.e. a worry about a possible 'demon of patronage' and on the other hand views being expressed that it was possibly better to call back a retired judge instead of appointing a member of the Bar for a few months. The amendments seeking to restrict the term of ad-hoc judges to three months was however, negated, while inserting this provision in the Constitution.

Article 224A makes the provisions for the appointment of *ad-hoc* Judges to the High Court and some similar provisions under Article 127 for *ad-hoc* Judges and for *sittings of retired Judges* under Article 128 which are available with regard to the Supreme Court of India. Speaking on Draft Constitution, Dr. B. R. Ambedkar said, *"A similar Article has been passed with regard to the Supreme Court. However, as the debate has taken place and certain Members have asked me certain definite questions, I am here to reply to him. My friend Mr. Kamath said that he did not know whether there was any precedent in any other country for Article 200. I am sure he has not read the Draft Constitution, because the footnote itself says that a similar*

provision exists in America and in Great Britain. In fact, if I may say so, Article 200 is word for word taken from Section 8 of the Supreme Court of Judicature Act in England. There is no difference in language at all. That is my answer, so far as precedent is concerned." [1]

Constituent Assembly Debates

Best minds of the country were there in our Constituent Assembly to work upon the framing of our Constitution as members. One of the essential aspects of our Constitution has been the separation of powers between the Judiciary, Executive, and Legislature by which it seems that the Indian Constitution is an elaborated one with considered views from the experiences of various democracies of the world.

Article 224A of the Constitution of India was numbered as Article 200 in the Draft Constitution and discussed by the Constituent Assembly on 7th June, 1949. The debate focused on the purpose and duration of the appointment of retired High Court judges. Three other specific issues were discussed. Such as; (1) whether a retired judge must consent to his appointment, (2) whether a retired judge draws salary after his appointment as an ad-hoc judge and (3) whether the appointment of ad-hoc judges was to be made with the concurrence of the President. The debates also indicated that the retired judge was to be invited back only for their expertise and experience to decide cases that were particularly difficult or important and that it may not be advisable to call retired judges and asked them to clear off the arrears pending before the High Court. But on the other hand, Dr. B.R. Ambedkar had clarified that the intent behind the appointment of ad-hoc judges was as an alternative to the appointment of temporary or additional judges, which suggestion had not been accepted by the Constituent Assembly; while regarding Dr. B.R. Ambedkar said that privilege does not mean full salary. Thus, ad-hoc judges were not intended to be appointed for an indefinite length of time. He said, "As the House will recall we have now eliminated altogether any provision for the appointment of temporary or additional judges, and those clauses which referred to temporary or additional judges have been eliminated from Constitution. All judges of the High Court shall have been eliminated from the Constitution. All judges of the High Court shall have to be permanent. It seems to me that if you are not going to have any temporary or additional judges you must make some kind of provision for the disposal of certain business, for which it may not be feasible to appoint a temporary judge in time to discharge the duties of a High Court Judge with respect to such matters. And therefore the only other provision which would be compatible with article 196 (which requires that no judge after retirement shall practise) is the provision which is contained in article 200. As my Friend Dr. Tek Chand said, there seems to be a lot of misgiving or misunderstanding with regard to the purpose or the intention of the article. It is certainly not the intention of the article to import by the back door for any length of time persons who have retired from the High Courts. Therefore nobody need have any misgiving with regard to this." [2]

Further, regarding the proviso to Draft Article 200, Dr. B.R. Ambedkar said, "The other question that has been asked of me is with regard to the proviso. Many people who have spoken on the proviso have said that it appeared to them to be purposeless and meaningless. I do not agree with them. I do think that the proviso is absolutely necessary. If the proviso is not there it would be quite open for the authorities concerned to impose a sort of penalty upon a judge who refuses to accept the invitation. It may also happen that a person who refuses to accept the invitation may be held up for contempt of court. We do not want such penalties to be created against a retired High Court Judge who either for the reason that he is ill, incapacitated or because he is otherwise engaged in his private business does not think it possible to accept the invitation extended to him by the Chief Justice. That is the justification for the proviso. The other question that has been asked is whether the word 'privilege' in article 200 will entitle a retired judge to demand the full salary which a judge of the High Court would be entitled to get. My reply to that is that this is a matter which will be governed by rules with regard to pension. The existing rule is that when a retired person is invited to accept any particular job under Government he gets the salary of the post minus the pension. I believe that is the general rule. I may be mistaken. Anyhow, that is a matter which is governed by the pension rules. Similarly this matter may be left to be governed by the rules regarding pension and we need not specifically say anything about it with regard to this matter in the article itself. This is all I have to say with regard to the point of criticism that have been raised in the course of the debate." [3]

Constitutional Provisions

Chapter V of Part VI of the Constitution of India commencing from Article 214 up to Article 231 relates to the High Courts in the states. Article 217 provides for the appointment and conditions of the office of a Judge of the High Court, wherein the current age of retirement is 62 years. We may say that broadly, it is amongst the youngest ages of retirement of judges of the apex Court of a state in comparison with other democracies of the world. Article 224 deals with the appointment of additional and acting judges. The objective as set out in the Article is to take care of any temporary increase in business of the High Court, or by reason of arrears of work therein. The appointment of an additional judge duly qualified to be the judge of a High Court has to be for a period not exceeding two years, or as the President may specify. The ground reality however, remains that while determining the strength of different High Courts, the practice that has been adopted is that about 25% of the strength consists of additional Judges. Article 224A of the Constitution of India provides for the Appointment of retired Judges at sittings of High Courts as per the requirement in a situation arising from the backlog of cases pending in different High Courts in India.

Article 224A which provides for Appointment of retired Judges at sittings of High Courts may be reads as under:

"Article 224A- Appointment of retired Judges at sittings of High Courts [4]- Notwithstanding anything in this Chapter, [the National Judicial Appointments Commission on a reference made to it by the Chief Justice of a High Court for any State, may with the previous consent of the President], [5] request any person who has held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that High Court and the proviso to this article

further provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that High Court unless he consents so to do."

This article begins with a non-obstante clause and was placed so that a request can be made to any person who has held the office of a Judge of that Court or of any other High Court, to sit and act as a judge of the High Court for the state and the second aspect is that while sitting and acting, such a judge would be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers, and privileges of the High Court judge; but for all other purposes shall not be deemed to be a High Court judge. The proviso stipulates that consent has to be obtained from the judge concerned but on a question raised by Shri Jaspat Roy Kapoor [6] regarding privileges that the privileges will be the same in the case of a judge who has been called back and that of the permanent judges. That is what article 200 lays down. Replying to this question in Constituent Assembly the Honourable Dr. B. R. Ambedkar [7] answered that Yes, but privilege does not mean full salary.

Law commission of India reports and some other views

The Law Commission of India in its 79th Report of 1979 had suggested recourse to this Article to sub-serve the said objective and further the Law Commission of India [8] recognized, "that retired judges have several decades of adjudicatory experience, and their talents could be utilized to dispose of mounting arrears. On account of their experience, they would be quick in disposing cases and being unburdened with administrative or admission work; they could spend their entire time hearing old matters. Thus, the appointment of retired judges as ad-hoc judges was seen as a part of a 'multipronged attack' on arrears, and was strongly recommended." The Law Commission of India in its 188th Report of 2003 suggested, "that in the interest of clearing arrears in the High Court in various types of cases, including criminal matters, it was felt that it was the need of the hour to make appointments under Article 224A of the Constitution. The concern was to bring the arrears within manageable proportions." Finally, the Law Commission of India in its 245th Report of 2014 expressed some concerns about this process on account of the appointment being for a short period and the accountability in the functioning and performance of ad-hoc judges. Abhishek Manu Singhvi articulated,

"That one great advantage of appointing ad-hoc judges under Article 224-A is that it provides for a ready-made pool of known judicial talent which can be relied upon to be competent, clean and efficient. This can be an effective weapon to deal with the disposal of forgotten and pending cases, more so in the context of inordinate delay in fresh judicial appointments." [9] In a Conference of the Chief Justices held on 22nd and 23rd April 2016, a resolution was adopted dealing with filling up of vacancies in High Courts and to address the problem of arrears in criminal and civil cases under Article 224A where it was perceived to be a course to follow. The Resolution states as under: "Resolved further that, keeping in view the large pendency of civil and criminal cases, especially criminal appeals where convicts are in jail and having due regard the recommendation made by the 17th Law Commission of India in 2003; the Chief Justices will actively have regard to the provisions of Article 224A of the Constitution as a source for enhancing the strength of Judges to deal with the backlog of cases for a period of two years or the age of sixty five years, whichever is later until a five plus zero pendency is achieved."

Memorandum of Procedure

The Memorandum of Procedure (MoP) was prepared the Union Government of India in the year 1998 in pursuance to the judgment of the Supreme Court in Supreme Court Advocate-on-Record Association v. Union of India [10] (Second Judges case) read with the advisory opinion rendered in Special Reference No.1/1998 [11] for 'attendance of retired Judges at sittings of High Courts.' Under this MoP the Union of India wanted that the appointment of retired Judges under Article 224A should be a collaborative process between the Executive and the Judiciary and the procedure prescribed in para 24 may be followed till it is amended. The relevant paragraph of the MoP reads as under:

"24. Under Article 224A of the Constitution, the Chief Justice of a High Court may at any time, with the previous consent of the President, request any person who has held the office of a Judge of that court or of any other High Court to sit and act as a Judge of the High Court of that State. Whenever, the necessity for such an appointment arises, the Chief Justice will after obtaining the consent of the person concerned, communicate to the Chief Minister of the State the name of the retired Judge and the period for which he will be required to sit and act as Judge of the High Court. The Chief Minister will, after consultation with the Governor, forward his recommendation to the Union Minister of Law, Justice and Company Affairs. The Union Minister of Law, Justice and Company Affairs would then consult the Chief Justice of India in accordance with the prescribed procedure. On receipt of CJI's advice, the same would be put up to the Prime Minister, who will then advise the President as to the person to be appointed to it and act as a Judge of the High Court. As soon as the President gives his consent to the appointment, the Secretary to the Government of India in the Department of Justice will inform the Chief Justice of the High Court and the Chief Minister (s) and will issue the necessary notification in the Gazette of India."

The introduction of the National Judicial Appointments Commission (NJAC) through a constitutional amendment could not survive and faced the constitutional challenge in Supreme Court Advocates-on-Record Association & Anr. v. Union of India (NJAC case) [12]. In this case, it was observed that the process of amendment of the MoP could be finalised by the Executive in consultation with the Chief Justice of India. In this behalf, the final view of the Judiciary was sent after discussion and there is no change in the aforesaid. The MoP has been circulated to the Chief Justices of the High Courts.

Present Process and Collegium System

The Constitution of India did not provide for a collegium system. This is an aspect which emerged from the cases of SP Gupta v. Union of India, [13] Supreme Court Advocates on Record v. Union of India, [14] and in Re: Special Reference 1 of 1998 [15] and its modified forms has remained in existence since then. The endeavour of the Government to bring in the National Judicial Appointments

Commission did not pass the muster of the constitutional mandate and was struck down in Supreme Court Advocates-on-Record Association and Anr. v. Union of India. [16]

Thus, the collegium of the Supreme Court has an important role to play in the appointment of judges of the High Court. In the aforesaid conspectus, the exercise by the Chief Justice of the High Court, the authority vested under Article 224A of the Constitution would require a prior consent from the judge concerned, and that recommendation in turn has to be routed through the collegium of the Supreme Court. Of course, the previous consent of the President of India (as advised) is necessary - but looking to the very nature of this appointment, which is of a retired judge who for his judicial appointment has gone through the complete process, time period of maximum three months is more than sufficient to carry the process through all stages. This in turn would be facilitated if the Chief Justice of the High Court takes the initial steps at least three months in advance so that there is no unnecessary delay in this regard.

Judicial trends

Now, the aspects arising from the aforesaid provision being debated in certain judicial precedents in India on the basis of different judicial decisions. Such as;

In Krishan Gopal v. Shri Prakash Chandra & Ors. [17] – a Constitution Bench of this Court (five judges) ruled on the issue of whether a person sitting and acting as a Judge of the High Court under Article 224A of the Constitution has the jurisdiction to try an election petition under Section 80-A of the Representation of the People Act, 1951. Debate arose in the context of a judge of the Madhya Pradesh High Court who was sitting and acting as a judge of that Court under Article 224A of the Constitution, and his appointment was to last for a period of one year or till the disposal of elections petitions entrusted to him, whichever was earlier. In that context it was observed that if a person appointed under Article 224A of the Constitution was not considered to be a judge of the High Court for the purpose of jurisdiction, powers and privileges, the question of appointing such a person would never arise. The provision could not thus be rendered a dead letter. It was clarified that the effect of the provision would create a deeming fiction and the Court observed:

"15. The person requested while so sitting and acting shall have all the jurisdiction, powers and privileges of a judge of the High Court. Such a person shall not otherwise be deemed to be a judge of that Court. The words "while so sitting, and acting" show that the person requested not merely has the Jurisdiction, powers and privileges of a Judge of the, High Court, he also sits and acts as a Judge of that Court. Question then arises as to what is the significance of the concluding words 'but shall not otherwise be deemed to be a Judge of that Court'. These words, in our opinion, indicate that in matters not relating to jurisdiction, powers and privileges the person so requested shall not be deemed to be a Judge of that Court. The dictionary meaning of the word 'otherwise' is 'in other ways', 'in other circumstances', 'in other respects'. The word 'otherwise' would, therefore, point to the conclusion that for the purpose of jurisdiction, powers and privileges the person requested shall be a Judge of the concerned High Court and for purposes other than those of jurisdiction, powers and privileges, the person requested shall not be deemed to be a Judge of that Court. It would, for example, be not permissible to transfer him under Article 222 of the Constitution. The use of the word 'deemed' shows that the person who sits and acts as a Judge of the High Court under Article 224-A is a Judge of the said High Court but by a legal fiction he is not to be considered to be a Judge of the High Court for purposes other than those relating to jurisdiction, powers and privileges." [18] On the issue of entitlement of allowances of such an ad hoc judge, in Justice P Venugopal v. Union of India and Ors. [19] the supreme court of India held, " that an ad hoc judge does not become a part of the High Court and thus there is no question of computing his pension for the period he is appointed as an ad hoc judge. Thus, the ad hoc judge would not be entitled to further pensionary benefits after he demits the Constitutional office that he holds in terms of Article 217."

On the requirement of the consent of a retired Judge, the supreme court of India in Union of India v. Sankalchand Himatlal Sheth, [20] observed, "that the reason for insisting on consent was that a retired Judge cannot be compelled to work as an ad hoc judge against his consent. This is because he ceases to be a judge of the High Court on demitting office at the prescribed age and is not bound by the conditions of service."

The Full Bench of the Allahabad High Court in Indian Society of Lawyers v. President of India [21] which elaborately dealt with the interpretation of Article 224A of the Constitution and observed, "that an ad hoc judge does not fall within Article 216, and that he is not a judge of the High Court so sitting and acting. The President does not appoint him, and only gives his consent to the Chief Justice to request a former judge to sit and act as a judge of the High Court. Thus, the process of appointment under Clause (1) of Article 217 does not apply to him. This is also the reason why while dealing with the aspect of monetary emoluments of an ad hoc judge, it has been stated that the former judge will be entitled to such allowances as the President may by order determine though he shall have all the jurisdiction, powers, and privileges but will not otherwise be deemed to be a judge of that High Court."

In Lok Prahari through its General Secretary S.N. Shukla IAS (Retd.) v. Union of India and Others [22], The full bench of the Supreme Court of India made following observations regarding Article 224A of the Constitution to appoint ad-hoc judges:

"40. We have little doubt that challenge of mounting arrears and existing vacancies requires recourse to Article 224A of the Constitution to appoint ad-hoc judges which is a ready pool of talent, (of course subject to their concurrence) as a methodology especially for clearing the old cases. The existing strength of permanent and additional judges can be utilized for current and not so old cases. The ad-hoc judges are absolved even from the administrative responsibilities. They can concentrate on old cases which are stuck in the system and may require greater experience. For example, it is often perceived that a Regular Second Appeal is an area of concern and the more experienced judges are able to attend to this area with more promptness.

41. We see no reason why there should be an unending debate of taking recourse to Article 224A when such a provision exists in the Constitution. It should not be made a dead letter, more so when the need is so pressing.

42. We are unable to accept the plea of the learned Attorney General that though the Government of India may not have any in principle opposition to the aforesaid, first the existing vacancies should be filled in. In our view, this would be a self-defeating argument because the very reason why at present Article 224A has been resorted to is non-filling up of vacancies and the mounting arrears. We may, however, hasten to add that the objective is not to appoint ad-hoc judges instead of judges to be appointed to the regular

strength of the High Court (apprehension expressed by Mr. Vikas Singh, Senior Counsel, President of the Supreme Court Bar Association). The very provision makes it clear that it does not in any way constrain or limit the regular appointment process and consent of the retired judge is sought to sit and act as a judge of the High Court. One may say that this largely a transitory methodology till all the appointment processes are in place, though that may not be the only reason to take recourse to the aforesaid Article.

43. We also have no doubt that we would not like to encourage an environment where Article 224A is sought as panacea for inaction in making recommendations to the regular appointments. In order to prevent such a situation, we are of the view that certain checks and balances must be provided so that Article 224A can be resorted to only on the process having being initiated for filling up of the regular vacancies and awaiting their appointments. We are thus of the view that there should not be more than 20% of the vacancies for which no recommendation has been made for this Article to be resorted to. We put this figure not out of the blue but looking to the entire scenario where sometimes it may be difficult to find the requisite talent at a particular stage which may have to await some time period. However, certainly, it cannot be countenanced that no or very few recommendations are made for a large number of vacancies by resorting to Article 224A. 54. We have already observed that the recourse to Article 224A is not an alternative to regular appointments. In order to emphasize this aspect, we clarify that if recommendations have not been made for more than 20% of the regular vacancies then the trigger for recourse to Article 224A would not arise. 55 (b). The Chief Justice should prepare a panel of Judges and former Judges. Naturally this will be in respect of Judges on the anvil of retirement and normally Judges who have recently retired preferably within a period of one year. However, there can be situations where the Judge may have retired earlier but his expertise is required in a particular subject matter. There may also be a scenario where the Judge(s) may prefer to take some time off before embarking upon a second innings albeit a short one. In the preparation of panel, in order to take consent and take into account different factors, a personal interaction should be held with the Judge concerned by the Chief Justice of the High Court.

56. We have already noticed that para 24 of the MoP lays down a procedure for appointment under Article 224A of the Constitution. We have also noticed that it is not law laid down in this behalf under Article 141 of the Constitution but as a first step it may be more appropriate to follow this procedure laid down in para 24 of the MoP to see the progress made and impediments, if any. We may, however notice that since the Judges are already appointed to the post through a warrant of appointment, the occasion to refer the matter to the IB or other agencies would not arise in such a case, which would itself shorten the time period.

57. The requirement that recommendations should be made six months in advance by the Chief Justice of the High Court emanates from the concept that the said period should be required to complete the process in case of a regular appointment of a Judge under Article 217 or 224 of the Constitution of India. In view of number of aspects not required to be adverted to for appointment under Article 224A we are of the view that a period of about three months should be sufficient to process a recommendation and, thus, ideally a Chief Justice should start the process three months in advance for such appointment.

58. The tenure for which an ad hoc Judge is appointed may vary on the basis of the need but suffice to say that in order to give an element of certainty and looking to the purpose for which they are appointed, generally the appointment should be for a period between two to three years.

59. We are also of the view that, at least, for the time being dependent on the strength of the High Court and the problem faced by the Court, the number of ad hoc Judges should be in the range of two to five in a High Court. However, it is clarified that an ad hoc Judge (s) will not be part of the sanctioned strength of Judges of the High Court to which they are appointed."

Conclusion and Suggestions

There is difference in the manner of appointment of permanent and additional Judges, and ad hoc judges in the High Court under Article 217 & Article 224 of the Constitution of India for the appointment of Additional and acting Judges. As the MoP has been framed under an administrative discussion is not law declared by the Supreme Court of India while the judicial pronouncements of the Supreme Court are law declared under Article 141 of the Constitution of India in absence of Constitutional provisions on the concept. Therefore, such ad-hoc appointments of Judges in different High Courts by engaging retired Judges from High Courts should be made in such a way that the process of regular appointments of Judges should not suffer any way by this new system. All such new appointments are to be made by keeping one thing in the mind that all sections of the society should be adequately represented as per the constitutional mandate to promote transparency, sincerity, dedications and independence of judiciary in India.

References

1. Dr. B.R. Ambedkar, Ibid.
2. Id., pp.693-94.
3. Ibid.
4. Inserted by the Constitution (Fifteenth Amendment) Act, 1963, s. 7 (w.e.f. 5-10-1963).
5. Subs. by the Constitution (Ninety-ninth Amendment) Act, 2014, s. 9, for "the Chief Justice of a High Court for any State may at anytime, with the previous consent of the President" (w.e.f. 13-4-2015). This amendment has been struck down by the Supreme Court *vide* its order dated the 16th October, 2015 in the *Supreme Court Advocates-on-Record Association and Another Vs. Union of India* reported in AIR 2016 SC 117.
6. On 7th June, 1949, CAD Vol. VIII, p.694.
7. Ibid.
8. The 124th report of the Law Commission submitted in 1988.
9. A. M. Singhvi, "Beating the Backlog Reforms in Administration of Justice in India," in S. Khurshid et. al., (eds.) *Judicial Review- Process, Powers, and Problems (Essays in Honour of Upendra Baxi)*, (Cambridge University Press 2020), page 53.
10. (1993) 4 SCC 441.
11. (1998) 7 SCC 739.
12. (2016) 5 SCC 1.
13. (1982) 2 SCR 365.
14. (1993) 4 SCC 441.
15. AIR 1999 SC 1.
16. 2015 11 SCALE 1.
17. (1974) 1 SCC 128.
18. Ibid.
19. (2003) 7 SCC 726.
20. (1977) 4 SCC 193.
21. (2011) 5 All LJ 455 (FB).
22. Decided on 20th April, 2021.