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(For up-to-dating law and events)



2015

Happy New Year



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PARAMOUNT LAW CONSULTANTS



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Subhash Nagpal,
Chairman
Paramount Law Consultants Ltd., Delhi

OUR ELEVENTH CHIEF JUSTICE



**HON'BLE MR. JUSTICE
MOHAMMAD HIDAYATULLAH**

Former Chief Justice of India

25-02-1968 till 16-12-1970

PROFILE as on Supreme court website
(<http://supremecourtindia.nic.in/judges/r/cji.htm>)

- o The Hon'ble Mr. Mohammad Hidayatullah, B.A. (Nagpur) : M.A. (Cantab); Barrister-at-Law, O.B.E. (1946) : Judge, Supreme Court from Dec. 1, 1958.b. Dec. 17,1905; Educ. : Govt. High School, Raipur (1922) ; Phillip's Scholar, Morris College,

Nagpur (1926) ; B.A. 2nd order of merit Malak Gold Medalist, Trinity College, Cambridge (1927-30), English and Law Tripos, Lincoln's Inn, Barrister-at-Law (1930), President, Indian Majlis, Cambridge (1929) ; Advocate, Nagpur High Court (1930-46); Lecturer, University College of Law (1935-43) ; Government Pleader (1942-43) ; Advocate-General, Central Provinces & Berar (1943-46); Puisne Judge (1946-54) ; Chief Justice, Nagpur High Court (1954-56); Chief Justice, High Court of Madhya Pradesh, November 1, 1956 to November 28, 1958 ; Member, Nagpur Municipal Committee (1931-33) ; Nagpur Improvement Trust (1943-45), Nagpur University Executive and Academic Councils, Court etc. (1934-53) ; Dean of the Faculty of Law, (1949-53) ; Member, Faculty of Law Saugar University ; Court Vikram University and Aligarh Muslim University ; (1954) ; Member, Nagpur Bar Council (1943-46); Chief Commissioner, Madhya Pradesh Bharat Scouts and Guides (1950-53); Vice-President, National Council Bharat Scouts and Guides (1950-52). Awarded the highest award Silver Elephant (1950); Adviser, International Fellowship of Former Scouts and Guides. Appointed as Chief Justice of India on 25.02.1968. Retired on 16.12.1970

**JUDGEMENTS DELIVERED BY HON'BLE
MR. JUSTICE MOHAMMAD
HIDAYATULLAH**

Sn. Title, Coram and Date of Judgment

1 **Title-**Tukaram G.Gaokar Vs. R. N. Shukla & Ors.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-08/03/1968

2 **Title-**Ishwardas Vs. Maharashtra Revenue Tribunal & Ors.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-13/03/1968

3 **Title-**Ayodhya Prasad Vajpai Vs. State Of U.P. & Anr.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-13/03/1968

4 **Title-**State Of Madhya Pradesh Vs. Ranojirao Shinde & Anr.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-21/03/1968

5 **Title-**T. K. Lakshmana Iyer & Ors. Vs. State Of Madras & Ors.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-26/03/1968

6 **Title-**Lakhan Lal And Others Etc. Vs. The State Of Bihar And Others Etc.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-26/03/1968

7 **Title-**B. S. Vadera Vs. Union Of India & Ors.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-27/03/1968

8 **Title-**Kishanchand Narsinghdas Bhatia Vs. State Transport Appellate Authority & Ors.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-28/03/1968

9 **Title-**Keshavlal Jethalal Shah Vs. Mohanlal Bhagwandas & Anr.-**Coram**-Hidayatullah, M. (Cj), Shah,

- J.C., Sikri, S.M., Bachawat, R.S. & Mitter, G.K., Vaidyalingam, C.A. & Hegde, K.S.
Date of Judgement-02/04/1968
- 10 **Title**-Statesman (Private) Ltd. Vs. H. R. Deb & Ors.-**Coram**-Hidayatullah, M. (Cj), Ramaswami, V., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-02/04/1968
- 11 **Title**-Dhulabhai And Others Vs. The State Of Madhya Pradesh And Another-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Vaidyalingam, C.A., Hegde, K.S., Grover, A.N.
Date of Judgement-05/04/1968
- 12 **Title**-State Of Gujarat Etc. Vs. Vakhtsinghji Sursinghji Vaghela & Ors. Etc.-**Coram**-Hidayatullah, M. (Cj), Bachawat, R.S., Mitter, G.K., Vaidyalingam, C.A., Hegde, K.S.
Date of Judgement-08/04/1968
- 13 **Title**-State Of Maharashtra Etc. Vs. Madhavrao Damodar Patilchand Ors. Etc.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Sikri, S.M., Bachawat, R.S. & Mitter, G.K., Vaidyalingam, C.A. & Hegde, K.S.
Date of Judgement-10/04/1968
- 14 **Title**-Ramanlal Gulab Chand Shah Etc. Vs. State Of Gujarat & Ors., Etc.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Sikri, S.M., Bachawat, R.S. & Mitter, G.K., Vaidyalingam, C.A. & Hegde, K.S.
Date of Judgement-19/04/1968
- 15 **Title**-Triloki Nath & Anr. Vs. State Of Jammu & Kashmir & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Sikri, S.M., Ramaswami, V., Bhargava, Vishishtha
Date of Judgement-23/04/1968
- 16 **Title**-Krishna Ballabh Sahay And Ors. Vs. Commission Of Enquiry & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Bhargava, Vishishtha, Vaidyalingam, C.A.
Date of Judgement-18/07/1968
- 17 **Title**-State Of Punjab Vs. Sat Pal Dang & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-30/07/1968
- 18 **Title**-Bidya Deb Barma Etc. Vs. District Magistrate, Tripura, Agartala-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Mitter, G.K., Vaidyalingam, C.A.
Date of Judgement-06/08/1968
- 19 **Title**-Rev. Father W. Proost And Ors. Vs. The State Of Bihar & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-13/09/1968
- 20 **Title**-Som Datt Datta Vs. Union Of India And Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-20/09/1968
- 21 **Title**-Sampat Prakash Vs. State Of Jammu & Kashmir & Anr.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Mitter, G.K., Vaidyalingam, C.A.
Date of Judgement-10/10/1968
- 22 **Title**-Mohan Meakin Breweries Ltd. Vs. Commissioner Of Excise, Bihar & Ors.-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Bachawat, R.S., Mitter, G.K., Hegde, K.S.
Date of Judgement-17/10/1968
- 23 **Title**-Rattan Lal & Co. & Anr. Vs. The Assessing Authority & Anr.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Hegde, K.S., Grover, A.N.
Date of Judgement-29/10/1968
- 24 **Title**-Nishi Kant Jha Vs. State Of

- Blihar-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-02/12/1968
- 25 **Title**-B. Shankara Rao Badami & Ors. Vs. State Of Mysore & Anr.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-04/12/1968
- 26 **Title**-Maganbhai Ishwarbhai Patel Vs. Union Of India And Anr.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-09/01/1969
- 27 **Title**-State Of Gujarat Vs. Shri Shantilal Mangaldas & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-13/01/1969
- 28 **Title**-Rashbihari Panda Etc. Vs. State Of Orissa-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-16/01/1969
- 29 **Title**-Mohammad Ismail, Vs. Nanney Lal-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-07/03/1969
- 30 **Title**-Rev. Mons. Sebastiao Francisco Xavier Dos Remedios Monte Vs. State Of Goa-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Bachawat, R.S., Mitter, G.K., Hegde, K.S. Date of Judgement-26/03/1969
- 31 **Title**-A. V. S. Narasimha Rao And Others Vs. The State Of Andhra Pradesh And Another-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-28/03/1969
- 32 **Title**-Union Of India Vs. Jagjit Singh-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-01/04/1969
- 33 **Title**-Mohd. Faruk Vs. State Of Madhya Pradesh And Others-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-01/04/1969
- 34 **Title**-Rt. Rev. Bishop S. K. Patro & Ors. Vs. State Of Bihar & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-02/04/1969
- 35 **Title**-Assistant Commissioner Of Urban Land Taxand Others Vs. The Buckingham & Carnatic Co. Ltd., Etc.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-11/04/1969
- 36 **Title**-Venkatarao Esajirao Limbekar & Ors. Vs. The State Of Bombay & Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N. Date of Judgement-15/04/1969
- 37 **Title**-Chithra Ghosh & Another Vs. Union Of India And Others-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Hegde, K.S., Grover, A.N. Date of Judgement-25/04/1969
- 38 **Title**-Vrajlal Manilal & Co. & Ors. Vs. State Of Madhya Pradesh. & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Hegde, K.S., Grover, A.N. Date of Judgement-25/04/1969
- 39 **Title**-Shri Prithvi Cotton Mills Ltd. & Anr. Vs. Broach Borough Municipality & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Hegde, K.S., Grover, A.N. Date of Judgement-25/04/1969

- 40 **Title**-A. K. Kraipak & Ors. Etc. Vs. Union Of India & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Hegde, K.S., Grover, A.N.
Date of Judgement-29/04/1969
- 41 **Title**-Harakchand Ratanchand Banthia And Ors. Etc. Vs. Union Of India And Ors.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-30/04/1969
- 42 **Title**-Baijnath Kedia Vs. State Of Bihar & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Hegde, K.S., Grover, A.N.
Date of Judgement-28/08/1969
- 43 **Title**-State Of Bihar Vs. Union Of India & Anr.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Ramaswami, V., Mitter, G.K., Grover, A.N.
Date of Judgement-19/09/1969
- 44 **Title**-Chandramouleshwar Prasad Vs. Patna High Court & Ors.-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Mitter, G.K., Ray, A.N., Reddy, P. Jaganmohan
Date of Judgement-07/10/1969
- 45 **Title**-Rabindra Nath Bose & Ors. Vs. Union Of India & Ors.-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Mitter, G.K., Ray, A.N., Reddy, P. Jaganmohan
Date of Judgement-09/10/1969
- 46 **Title**-Kanta Kathuria Vs. Manak Chand Surana-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Mitter, G.K., Ray, A.N., Reddy, P. Jaganmohan
Date of Judgement-16/10/1969
- 47 **Title**-State Of Assam & Anr. Vs. Kuseswar Saikia And Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
- Date of Judgement**-17/10/1969
- 48 **Title**-Coffee Board, Bangalore Vs. Joint Commercial Tax Officer, Madras & Anr.-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Mitter, G.K., Ray, A.N., Reddy, P. Jaganmohan
Date of Judgement-29/10/1969
- 49 **Title**-Jayanarayan Sukul Vs. State Of West Bengal-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
Date of Judgement-05/11/1969
- 50 **Title**-Ram Kirpal Bhagat & Ors. Vs. State Of Bihar-**Coram**-Hidayatullah, M. (Cj), Sikri, S.M., Mitter, G.K., Ray, A.N., Reddy, P. Jaganmohan
Date of Judgement-13/11/1969
- 51 **Title**-Jain Bros. & Others Vs. The Union Of India & Others-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
Date of Judgement-18/11/1969
- 52 **Title**-Jasodabai & Smt. Ramchandrabai Vs. The State Of Maharashtra & Anr.-**Coram**-Hidayatullah, M. (Cj), Grover, A.N., Ray, A.N., Reddy, P. Jaganmohan, Dua, I.D.
Date of Judgement-26/11/1969
- 53 **Title**-S. L. Agarwal Vs. General Manager, Hindustan Steel Ltd.-**Coram**-Hidayatullah, M. (Cj), Grover, A.N., Ray, A.N., Reddy, P. Jaganmohan, Dua, I.D.
Date of Judgement-19/12/1969
- 54 **Title**-National Coal Development Corporation Vs. Manmohan Mathur-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
Date of Judgement-15/01/1970
- 55 **Title**-Twyford Tea Co. Ltd. And Another Vs. The State Of Kerala And

- Another-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
Date of Judgement-15/01/1970
- 56 **Title**-K. A. Natarajan Etc. Vs. M. Naina Mohd. & Ors. Etc.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Mitter, G.K., Ray, A.N., Dua, I.D.
Date of Judgement-03/02/1970
- 57 **Title**-R. D. Agarwala & Anr. Etc. Vs. Union Of India & Anr.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Hegde, K.S., Grover, A.N., Ray, A.N.
Date of Judgement-23/02/1970
- 58 **Title**-Management Of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Vaidyalingam, C.A., Grover, A.N., Ray, A.N.
Date of Judgement-04/03/1970
- 59 **Title**-Second Gift Tax Officer, Mangalore, Etc. Vs. D. H. Nazareth Etc.-**Coram**-Hidayatullah, M. (Cj), Shah, J.C., Grover, A.N., Ray, A.N., Dua, I.D.
Date of Judgement-02/04/1970
- 60 **Title**-Shri Ramtanu Co-Operative Housing Society Ltd. & Anr. Vs. State Of Maharashtra & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Mitter, G.K., Vaidyalingam, C.A., Ray, A.N.
Date of Judgement-05/08/1970
- 61 **Title**-Adi Pherozshah Gandhi Vs. H. M. Seervai, Advocate-General Of Maharashtra, Bombay-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Mitter, G.K., Vaidyalingam, C.A., Ray, A.N.
Date of Judgement-21/08/1970
- 62 **Title**-Madhu Limaye And Anr. Vs. Ved Murti & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Mitter, G.K. & Vaidyalingam, C.A., Ray, A.N. & Dua, I.D.
Date of Judgement-10/09/1970
- 63 **Title**-Raj Narain Vs. Supdt. Central Jail, New Delhi.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Mitter, G.K. & Vaidyalingam, C.A., Ray, A.N. & Dua, I.D.
Date of Judgement-11/09/1970
- 64 **Title**-K. A. Abbas Vs. The Union Of India & Anr.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Mitter, G.K., Vaidyalingam, C.A., Ray, A.N.
Date of Judgement-24/09/1970
- 65 **Title**-Madhu Limaye Vs. Sub-Divisional Magistrate, Monghyr & Ors.-**Coram**-Hidayatullah, M. (Cj), Shelat, J.M., Bhargava, Vishishtha, Mitter, G.K. & Vaidyalingam, C.A., Ray, A.N. & Dua, I.D.
Date of Judgement-28/10/1970
- 66 **Title**-H. H. Maharajadhiraja Madhav Rao Jiwaji Raoscindia Bahad Vs. Union Of India-**Coram**-Hidayatullah, M. (Cj) & Shah, J.C., Sikri, S.M. & Shelat, J.M., Bhargava, Vishishtha & Mitter, G.K., Vaidyalingam, C.A. & Hegde, K.S., Grover, A.N. & Ray, A.N. & Dua, I.D.
Date of Judgement-15/12/1970

* *From Editor's desk*

**“EXISTENTIAL DILEMMA FOR
THE JUSTICE DELIVERY
SYSTEM”**

Justice S. D. Anand (Retd.)

1. The nomenclature of documentation, proposed by me, has multi-faceted relevance – not only for the system and its personnel at all hierarchical levels in currency but also for those who would inherit the legacy in the times to come. In the narrational exercise, a little bit of “button rewind” too would be unavoidable in the context of description of the vicissitudes the Justice Delivery System has faced from time to time.

2. I plead for validation of my locus and Competence to dilate upon the subject on account of the long innings-durated association I have had with the Justice Delivery System. Having been initiated into the judicial service in the year 1971, I remained a member of the Higher Judicial Service in the State of Haryana for as long as 22 (Twenty Two) years, out of which I was a full fledged Sessions Judge for a period of Eight Years, before elevation as a Judge of Punjab and Haryana High Court.

It was further thereafter that I had a three years tenure as a Judicial Member of the Central Administrative Tribunal which, within its jurisdictional contours, exercised jurisdiction under Article 226 of the Constitutional of India. The nature of the jurisdiction exercised had been announced in a judicial pronouncement by the Apex Court.

3. The initiation would chapter the need for justice as also the methodology for dispensation therefor, even since before the ‘Apes’ matured into ‘humans’. There always was an unwritten methodology therefor. Rivals in the jungle kingdom or the primitives too had their heads to arbitrate the squabbles.

4. The dawn of freedom came with the bunch of laws, formulated by the colonial rulers for adjudicatory governance of the subjugated population. The formulation of Constitution of India brought in documented Fundamental Rights of enforceable character. Alongtherewith, came in the Directive Principles of the State Policy which, though not enforceable by a Court of law, did encapsulate functions to be discharged by a Public Welfare State. The want of enforceability did not dilute the guiding ambience of the principles vis-à-vis the State. The conceptualized Public Welfare State widened the duty – Contours of the Governmental functioning.

5. Besides the routine nature of litigation, factors aplenty surfaced over a period of time which opened the floodgates of litigation, thereby adding to the already fairly heavy dockets in the Apex Court and the High Courts. The internet-dissemination enabled the national citizenry to access the labour and liberty wave around the globe. With mental horizons widened, many public interest oriented individuals as also NGOs took up a number of cases affecting the society at large. Though an exhaustive enumeration of PIL causes raised may not be feasible, the environmental issues and the issues pertaining to appointees to constitutional

offices came to be raised, debated and adjudicated upon by the Apex Court and also by the High Courts.

6. While the initial denial of Court infrastructure including buildings, staff and funds (in the Trial Courts) would be an obvious part of the documentation and the perennial shortage of judicial personnel too would be noticed, the partial rectification on the part of the Government in the recent past will also be a part of the narration. That a fairly large number of the rectificatory acts are in compliance with the directions given on the judicial side (at least in a fairly large number of cases) too is an incontrovertible fact.

7. It is to state the obvious that the judicial personnel at all levels perform duties of unenviable character, day in and day out. By the very nature of things, each cause has to conclude this way or that way. The nature of adjudicatory duties makes the judicial personnel vulnerable on point of security. Though Court and personal security, to a great extent, has been made available, the aspect gains added importance post-retirement. There are instances when an individual, aggrieved by a judicial decision rendered decades ago, would endeavour a revenge when the propounder of the judgment is retired and diluted by age and health. This aspect has hitherto not been taken care of by the competent authority. It shall be highlighted in the documentation by recording reasoning to discard the plea of 'equality' raised by the executive counterpart population, as and when a debate is raised in favour of the grant thereof to the judicial personnel in retirement.

8. A glance in the rear time mirror would tell that the Apex Court, High Courts and the District Courts have, in their own areas of jurisdiction, acquitted themselves creditably. If the Apex Court incarcerated the Sahara Boss for his financial sins and for having built an empire on the investors money, it was a court of Sessions at New Delhi which convicted a former Chief Minister of a neighbouring state in the scandal pertaining to the appointments of teachers. PPSC scandal too was competently adjudicated upon by a Court of Sessions. The conviction of a Chief Secretary of one of the largest States of our federal polity by a Court of Sessions is too recent to be forgotten. Thomas, then the Chief Vigilance Commissioner of the union, had to quit in the light of indictment by the Apex Court. The exemplifications only cement the pedestal at which the competence and integrity of the judicial personnel is placed in the comity of nations.

9. It is a matter of common notice that the aberrant segment (irrespective of the level of occupation) has been taken care of by the in-house mechanism and the due course of law has not been allowed to be impeded even in case of Constitutional functionaries, whether belonging to the Judicial dispensation or the executive segment (Refrain from presently making a mention of the names is due to the sub-judice rigour).

10. The 'perennial' delays with which the Justice Delivery System has come to be associated ---- and, honestly speaking, with all the justification ---- shall be noticed, causes thereof identified and practical rectificatory steps suggested. On point of fact, the Courts at various hierarchical levels cannot validly controvert the charge of being over

indulgent in the matter of grant of adjournments. The stress by the Courts upto the Sessions is upon the disposal of easily 'disposable' cases, of which every roster has no dearth. The lengthy and 'contentious' issues are deferred for purposes of disposal. The 'damage' all these adjournments cause to the interest of Justice has not actually been realized. The time gained as a result of the adjournment is utilized for 'winning' over the witnesses. The 'hostility' of the main witnesses results in acquittals, there by bringing aspersions upon the efficacy of the system of dispensation of Justice. The priorities have not been, by and large, accorded to the deserving cases. The administrative instructions, issued by the High Courts are found to be flagrantly violated, and that too with impunity.

11. The on-going deliberations within the Parliamentary and Governmental precincts to have in place a new mechanism pertaining to the appointment of Judges to the High Courts, as also a methodology to ensure accountability on the part of the appointees is fuelled by certain 'revelations' with regard to the manner in which an additional Judge of the High Court firstly got extension and was, thereafter, made permanent (though transferred) on intervention by the Executive Dispensation allegedly at the instance of a political ally.

12. Views may differ. A part of the legal fraternity at the competent level may reiterate the benefit of the Collegium system in currency: while those pleading for replacement of the system by an enlarged mechanism may have views to the contrary. Human temperament being what it is, an averred

aberration here or there is too inadequate to doubt the efficacy of any system in vogue. The issue would deserve a larger participative debate at the National and Competent level. Obsession, with any particular point of view, shall have to be given up for the sake of posterity.

13. The issue pertaining to the efficacy of the Panchayat Courts (Gram Nyayalyas), in implementation of the anxiety to provide Justice at the door steps, also requires a re-look. The association of stake holders as also those desirous of perpetuating it, with the exercise would be compulsive while recording a judgment on the touchstone of the outcome of the Courts at that level. The continuation (or otherwise) of that additional tier of Justice Delivery System must be preceded by a fair deliberation.

14. The non formulation of the Indian Judicial Service, a mandated nod wherefor was given by the Apex Judicial Dispensation, also needs a deeper analysis about the why's of the refrain on the part of the Government to proceed to implement it. The 'plusses' of the formulation, particularly in the context of the requirement and effect thereof at insulating the Judicial personnel from all influences of extraneous hue, shall be noticed to consider the recording of a finding that it shall, even otherwise, add to the ambience of the Judicial dispensation of that level.

Extraction from the synopsis, submitted by Justice S.D. Anand (Retd.) to the Chhattisgarh University (M.T.S. Law School) for registration to obtain a Doctorate.