CHAPTER 23

THE HIGH COURT

The High Court of a State.

THERE shall be a High Court in each State [*Art.* 214] but Parliament has the power to establish a common High Court for two or more States[1][*Art.* 231]. The High Court stands at the head of the Judiciary in the State [see Table XVII].

Constitution of High Courts.

(a) Every High Court shall consist of a Chief Justice and such other Judges as the President of India may from time to time appoint.

(b) Besides, the President has the power to appoint (i) *additional* Judges for a temporary period not exceeding two years, for the clearance of arrears of work in a High Court; (ii) an acting Judge, when a permanent Judge of a High Court (other than a Chief Justice) is temporarily absent or unable to perform his duties or is appointed to act temporarily as Chief Justice. The acting Judge holds office until the permanent Judge resumes his office. But neither an additional nor an acting Judge can hold office beyond the age of 62 years.[2]

Appointment and Conditions of the Office of a Judge of a High Court.

Every Judge of a High Court shall be appointed by the President. In making the appointment, the President shall consult the Chief Justice of India, the Governor of the State (and also the Chief Justice of that High Court in the matter of appointment of a Judge other than the Chief Justice).

Participatory Consultative Process.—A nine-Judge Bench of the Supreme Court[3] has held that (1) the process of the appointment of the Judges of the High Courts is an integrated 'participatory consultative process' for selecting the best and most suitable persons available for appointment; and all the constitutional functionaries must perform this duty collectively with a view primarily to reach an agreed decision, subserving the constitutional purpose, so that the occasion of primacy does not arise.

(2) Initiation of the proposal for appointment in the case of High Court must invariably be made by the Chief Justice of that High Court.

(3) In the event of conflicting opinions by the constitutional functionaries, the opinion of the judiciary 'symbolised by the view of the Chief Justice of India' formed by him in consultation with two senior most Judges of the Supreme Court who come from that State, would have supremacy.

(4) No appointment of any Judge of a High Court can be made unless it is in conformity with the opinion of the Chief Justice of India.

(5) In exceptional cases alone, for stated strong cogent reasons, disclosed to the Chief Justice of India, indicating that the recommendee is not suitable for appointment, that the appointment recommended by the Chief Justice of India may not be made. However, if the stated reasons are not accepted by the CJI and the other Judges of the Supreme Court, consulted by him in the matter, on reiteration of the recommendation by the CJI, the appointment should be made as a healthy convention.

Subsequently, the President of India in exercise of his powers under Art. 143 made a Reference[4] to the Supreme Court relating to the consultation between the CJI and his brother Judges in matters of appointments of the High Court Judges, but not as a review or reconsideration of the *Supreme Court Advocates case* (*Second Judges case*) above. The S.C. opined that "consultation with the CJI" implies consultation with a plurality of Judges in the formation of opinion. His sole opinion does not constitute consultation. Only a *collegium* comprising the CJI and two senior most Judges of the S.C., as was in the *Second Judges case* above, should make the recommendation. The *collegium* in making its decision should take into account the opinion of the CJI of the High Court concerned which "would be entitled to the greatest weight," the views of the other Judges of the High Court who may be consulted and the views of the other Judges of the S.C. "who are conversant with the affairs of the High Court concerned." The views of the Judges of the S.C. who were puisne Judges of the High Court or C.J., thereof, will also be obtained irrespective of the fact that the H.C. is not their parent H.C. and they were transfered there. All these views should be expressed in writing and be conveyed to the Govt. of India alongwith the recommendation of the *collegium*. The recommendations made by the CJI without complying with the norms and requirements of the consultation process, as aforestated, are not binding upon the Govt. of India.

Judicial review would be available if the aforestated procedure is not followed or the appointee is found to lack eligibility.

A Judge of the High Court shall hold office until the age of 62 years.[2]

Every Judge,—permanent, additional or acting,—may vacate his office earlier in any of the following ways—

(i) By resignation in writing addressed to the President.

(ii) By being appointed a Judge of the Supreme Court or being transferred to any other High Court, by the President.

(iii) By removal by the President on an address of both Houses of Parliament (supported by a majority of the total membership of that house and by the vote of not less than 2/3 of the members present), on the ground of proved misbehaviour or incapacity. The mode of removal of a Judge of the High Court shall thus be the same as that of a Judge of the Supreme Court, and both shall hold office during 'good behaviour' [*Art.* 217(1)]. This procedure is known as impeachment and is the same as that for a Judge of

the Supreme Court. [For details, see Chap. 22 under, "Impeachment of a Judge".]

Salaries, etc.

A Judge of a High Court gets a salary of Rs. 26,000/- *per mensem* while the Chief Justice gets Rs. 30,000/- *per mensem*.[5] He is also entitled to such allowances and rights in respect of leave and pension as Parliament may from time to time determine, but such allowances and rights cannot be varied by Parliament to the disadvantage of a Judge after his appointment [*Art.* 221].

Qualifications for Appointment as High Court Judge.

The qualifications laid down in the Constitution for being eligible for appointment as a Judge of the High Court are that—

(a) he must be a citizen of India, not being over 62 years; and must have

(b) (i) held for at least 10 years a judicial office in the territory of India; or

(ii) been for at least 10 years an advocate of a High Court or of two or more such Courts in succession [*Art.* 217(2)].

Independence of the Judges.

As in the case of the Judges of the Supreme Court, the Constitution seeks to maintain the independence of the Judges of the High Courts by a number of provisions:

(a) By laying down that a Judge of the High Court shall not be removed, except in the manner provided for the removal of a Judge of the Supreme Court, that is, upon an address of each House of Parliament (passed by a special majority [*Art.* 218];

(b) By providing that the expenditure in respect of the salaries and allowances of the Judges shall be charged on the Consolidated Fund of the State [*Art.* 202(3)(d)];

(c) By specifying in the Constitution the salaries payable to the Judges and providing that the allowances of a Judge or his rights in respect of absence or pension shall not be varied by Parliament to his disadvantage after his appointment [*Art.* 221], except under a Proclamation of Financial Emergency [*Art.* 360(4)(b)];

(d) By laying down that after retirement a permanent Judge of High Court shall not plead or act in a Court or before any authority in India, except the Supreme Court and a High Court other than the High Court in which he had held his office [*Art.* 220].

Control of the Union over High Courts.

As Sir Alladi Krishnaswami explained in the Constituent Assembly,[6] while ensuring the independence of the Judiciary, the Constitution placed the High Courts under the control of the Union in certain important matters, in order to keep them outside the range of 'provincial politics'. Thus, even though the High Court stands at the head of the State Judiciary, it is not so sharply separated from the federal Government as the highest Court of an American State (called the State Supreme Court) is. The control of the Union over a High Court in India is exercised in the following matters:

(a) Appointment [*Art.* 217], transfer[7] from one High Court to another [*Art.* 222] and removal [*Art.* 217(1), *Prov.* (b)], and determination of dispute as to age [*Art.* 217(3)], of Judges of High Courts.

Transfer.—Now the power to transfer of the High Court Judges remains no more a method of control over the High Court by the Union Government as the Supreme Court has prescribed a procedure for the purpose in a Reference[8] made by the President of India in exercise of his powers under Art. 143. The Supreme Court opined that the Chief Justice of India should obtain the views of the Chief Justice of the High Court from which the proposed transfer is to be effected as also that of the Chief Justice of the High Court to which the transfer is to be effected (as was stated in the *Second Judges case* in 1993). The Chief Justice of India should also take into account the views of one or more Supreme Court Judges who are in position to provide material which would assist in the process of deciding whether or not a proposed transfer should take place. These views should be expressed in writing and should be considered by CJI and the four senior most puisne Judges of the Supreme Court. These views and those of each of the four senior most Judges should be conveyed to the Govt. of India with the proposal of transfer.

What applies to the transfer of puisne Judges of a H.C. applies as well to the transfer of the Chief Justice of a High as a C.J. of another H.C. except that in this case, only the views of one or more knowledgeable Judges need be taken into account.

These factors, including the response of the High Court Chief Justice or the puisne Judge proposed to be transferred, to the proposal to transfer him, should be placed before the *collegium*—the CJI and his first four puisne Judges—to be taken into account by it before reaching a final conclusion on the proposal.

Unless the decision to transfer has been taken in the manner aforestated, it is not decisive and does not bind the Govt. of India and shall be subject to judicial review.

(b) The constitution and organisation of High Courts and the power to establish a common High Court for two or more States and to extend the jurisdiction of a High Court to, or to exclude its jurisdiction from, a Union Territory, are all exclusive powers of the Union Parliament.

It should be pointed out in the present context that there are some provisions introduced into the original Constitution by subsequent amendments, which affect the independence of High Court Judges, as compared with Supreme Court Judges :

(a) Art. 224 was introduced by substitution, in 1956, to provide for the appointment of additional Judges to meet 'any temporary increase in the business of a High Court'. An additional Judge, so appointed, holds office for two years, but he may be made permanent at the end of that term. There is no such corresponding provision for the Supreme Court. It was introduced in the case of the High Courts because of the problem of arrears of work, which was expected to disappear in the near future. Now that the problem of arrears has become a standing problem which is being met by

the addition of more Judges, there is no particular reason why the make-shift device of additional appointment should continue. The inherent vice of this latter device is that it keeps an additional Judge on probation and under the tutelage of the Chief Justice as well as the Government[7] as to whether he would get a permanent appointment at the end of two years. So far as the judicial power of a High Court Judge is concerned, he ranks as an equal to every other member of a Bench and is not expected, according to any principle relating to the administration of justice, to 'agree' with the Chief Justice or any other senior member of a Bench where his learning, conscience or wisdom dictates otherwise, or to stay his hands where the merits of a case require a judgment against the Government. The fear of losing his job on the expiry of two years obviously acts as an inarticulate obsession upon an additional Judge.

(b) Similarly, Cl.(3) was inserted in Art. 217 in 1963, giving the President, in consultation with the Chief Justice of India, the final power to determine the age of High Court Judge, if any question is raised by anybody in that behalf. By the same amendment of 1963 (15th Amendment), Cl.(2A) was inserted in Art.124, laying down that a similar question as to the age of a Supreme Court Judge shall be determined in such manner as Parliament may by law provide. A High Court Judge's position has thus become not only unnecessarily inferior to that of a Supreme Court Judge but even to that of a subordinate Judicial Officer, because any administrative determination of the latter's age is open to challenge in a Court of law, but in the case of a High Court Judge, it is made 'final' by the Constitution itself.[9] There is, apparently, no impelling reason why a provision similar to Cl. (2A) to Art. 124 shall not be introduced in Art. 217, in place of Cl. (3), in question.

(c) Another agency of control over High Court Judges is the provision in Art. 221(1) for their transfer from one High Court to another, which has been given a momentum in 1994 by transferring as many as 50 Judges at a time.[10] In order that the power of the President to order such transfer is not used as a punitive measure, the Supreme Court has laid down[11] that while no consent of the Judge concerned would be required, the President would not be competent to exercise the power except on the recommendation of the Chief Justice of India.

Territorial Jurisdiction of a High Court.

Except where Parliament establishes a common High Court for two or more States [*Art.* 231] or extends the jurisdiction of a High Court to a Union Territory, the jurisdiction of the High Court of a State is co-terminous with the territorial limits of that State.[12]

As has already been stated, Parliament has extended the jurisdiction of some of the High Courts to their adjoining Union Territories, by enacting the States Reorganisation Act, 1956. Thus, the jurisdiction of the Calcutta High Court extends to the Andaman and Nicobar Islands; that of the Kerala High Court extends to the Lakshadweep [see Table XVIII].

Ordinary Jurisdiction of High Courts.

The Constitution does not make any provision relating to the general jurisdiction of the High Courts, but maintains their jurisdiction as it existed at the

commencement of the Constitution, with this improvement that any restrictions upon their jurisdiction as to revenue matters that existed prior to the Constitution shall no longer exist [*Art.* 225].

The existing jurisdictions of the High Courts are governed by the Letters Patent and Central and State Acts; in particular, their civil and criminal jurisdictions are primarily governed by the two Codes of Civil and Criminal Procedure.

(a) Original.

(a) The High Courts at the three Presidency towns of Calcutta, Bombay and Madras had an original jurisdiction, both civil and criminal, over cases arising within the respective Presidency towns. The original *criminal* jurisdiction of the High Courts has, however, been completely taken away by the Criminal Procedure Code, 1973.[13]

Though City Civil Courts have also been set up to try civil cases within the same area, the original civil jurisdiction of these High Courts has not altogether been abolished but retained in respect of actions of higher value.

(b) The appellate jurisdiction of the High Court, similarly, is both civil and criminal.

(b) Appellate.

(I) On the civil side, an appeal to the High Court is either a First appeal or a Second appeal.

(i) Appeal from the decisions of District Judges and from those of Subordinate Judges in cases of a higher value (broadly speaking), lie direct to the High Court, on questions of fact as well as of law.

(ii) When any Court subordinate to the High Court (*i.e.*, the District Judge or Subordinate Judge) decides an appeal from the decision of an inferior Court, a second appeal lies to the High Court from the decision of the lower appellate Court, but only on question of law and procedure, as distinguished from questions of fact [*s.* 100, C.P. Code].

(iii) Besides, there is a provision for appeal under the Letters Patent of the Allahabad, Bombay, Calcutta, Madras and Patna High Courts. These appeals lie to the Appellate Side of the High Court from the decision of a single Judge of the High Court itself, whether made by such Judge in the exercise of the original or appellate jurisdiction of the High Court.

(II) The criminal appellate jurisdiction of the High Court is not less complicated. It consists of appeals from the decisions of—

(a) A Sessions Judge or an Additional Sessions Judge, where the sentence is of imprisonment exceeding seven years;

(b) An Assistant Sessions Judge, Metropolitan Magistrate or other Judicial Magistrates in certain specified cases other then 'petty' cases [*ss.* 374, 376, 376G, Cr.P.C., 1973]

High Court's Power of superintendence.

Every High Court has a power of superintendence over all Courts and tribunals throughout the territory in relation to which it exercises jurisdiction, excepting military tribunals [*Art.* 227]. This power of superintendence is a very wide power inasmuch as it extends to all Courts as

well as tribunals within the State, whether such Court or tribunal[12] is subject to the *appellate* jurisdiction of the High Court or not. Further, this power of superintendence would include a revisional jurisdiction to intervene in cases of gross injustice or non-exercise or abuse of jurisdiction or refusal to exercise jurisdiction, or in case of an error of law apparent on the face of the record, or violation of the principles of natural justice, or arbitrary or capricious exercise of authority, or discretion or arriving at a finding which is perverse or based on no material, or a flagrant or patent error in procedure, even though no appeal or revision against the orders of such tribunal was otherwise available.

Jurisdiction over Administrative Tribunals.

By reason of the extension of Governmental activities and the complicated nature of issues to be dealt with by the administration, many modern statutes have entrusted administrative bodies with the function of deciding disputes and quasi-judicial issues that arise in connection with the administration of such laws, either because the ordinary courts are already overburdened to take up these new matters or the disputes are of such a technical nature that they can be decided only by persons who have an intimate knowledge of the working of the Act under which it arises. Thus, in India, quasi-judicial powers have been vested in administrative authorities such as the Transport Authorities under the Motor Vehicles Act; the Rent Controller under the State Rent Control Acts. Besides, there are special tribunals which are not a part of the judicial administration but have all the 'trappings' of a court. Nevertheless, they are not courts in the proper sense of the term, in view of the special procedure followed by them. All these tribunals have one feature in common, *viz.* that they determine questions affecting the rights of the citizens and their decisions are binding upon them.

Since the decisions of such tribunals have the force or effect of a judicial decision upon the parties, and yet the tribunals do not follow the exact procedure adopted by courts of justice, the need arises to place them under the control of superior courts to keep them within the proper limits of their jurisdiction and also to prevent them from committing any act of gross injustice.

In *England*, judicial review over the decisions of the quasi-judicial tribunals is done by the High Court in the exercise of its power to issue the prerogative writs.

In *India*, there are several provisions in the Constitution which place these tribunals under the control and supervision of the superior courts of the land, *viz.*, the Supreme Court and the High Courts :

(i) If the tribunal makes an order which infringes a fundamental right of a person, he can obtain relief by applying for a writ of *certiorari* to quash that decision, either by applying for it to the Supreme Court under Art. 32 or to the High Court under Art. 226. Even apart from the infringement of the fundamental right, a High Court is competent to grant a writ of *certiorari*, if the tribunal either acts without jurisdiction or in excess of its jurisdiction as conferred by the statutes by which it was created or it makes an order

contrary to the rules of natural justice or where there is some error of law apparent on the face of its record.

(ii) Besides the power of issuing the writs, every High Court has a general power of superintendence over all the tribunals functioning within its jurisdiction under Art. 227 and this superintendence has been interpreted as both administrative and judicial superintendence. Hence, even where the writ of *certiorari* is not available but a flagrant injustice has been committed or is going to be committed, the High Court may interfere and quash the order of a tribunal under Art. 227.[14]

(iii) Above all, the Supreme Court may grant special leave to appeal from any determination made by any tribunal in India, under Art. 136 wherever there exist extraordinary circumstances calling for interference of the Supreme Court. Broadly speaking, the Supreme Court can exercise this power under Art. 136 over a tribunal wherever a writ for *certiorari* would lie against the tribunal; for example, where the tribunal has either exceeded its jurisdiction or has approached the question referred to it in a manner which is likely to result in injustice or has adopted a procedure which runs counter to the established rules of natural justice. The extraordinary power would, however, be exercised by the Supreme Court in rare and exceptional circumstances and not to interfere with the decisions of such tribunals as a court of appeal.

The Writ Jurisdiction of Supreme Court and High Court.

Besides the above, the Supreme Court as well as the High Courts possess what may be called an extraordinary jurisdiction, under Arts. 32 and 226 of the Constitution, respectively, which extends not only to inferior courts and tribunals but also to the State or any authority or person, endowed with State authority. The peculiarity of this jurisdiction is that being conferred by the Constitution, it cannot be taken away or abridged by anything short of an amendment of the Constitution itself. As has already been pointed out, the jurisdiction to issue writs under these Articles is larger in the case of High Court inasmuch as while the Supreme Court can issue them only where a fundamental right has been infringed, a High Court can issue them not only in such cases but also where an ordinary legal right has been infringed, provided a writ is a proper remedy in such cases, according to well-established principles.

Public interest litigation.—Following English and American decisions, our Supreme Court has admitted exceptions from the strict rules relating to affidavit *locus standi* and the like in the case of a class of litigations, classified as 'public interest litigation' (PIL) *i.e.*, where the public in general are interested in the vindication of some right or the enforcement of some public duty.[15] The High Courts also have started following this practice in their jurisdiction under Art. 226,[16] and the Supreme Court has approved this practice, observing that where public interest is undermined by an arbitrary and perverse executive action, it would be the duty of the High Court to issue a writ.[17]

The Court must satisfy itself that the party bringing the PIL is litigating *bona fide* for public good. It should not be merely a cloak for attaining

private ends of a third party or of the party bringing the petition. The court can examine the previous records of public service rendered by the litigant.[18] An advocate filed a writ petition against the State or its instrumentalities seeking not only compensation to a victim of rape committed by its employees (the railway employees) but also so many other reliefs including eradication of anti-social and criminal activities at the railway stations. The Supreme Court held that the petition was in the nature of a PIL and the advocate could bring in the same for which no personal injury or loss is an essential element.[19]

Control over Subordinate Courts.

As the head of the Judiciary in the State, the High Court has got an administrative control over the subordinate judiciary in the State in respect of certain matters, besides its appellate and supervisory jurisdiction over them. The Subordinate Courts include District Judges, Judges of the City Civil Courts as well as the Metropolitan Magistrates and members of the judicial service of the State.

The control over the Judges of these Subordinate Courts is exercised by the High Courts in the following matters—

(a) The High Court is to be consulted by the Governor in the matter of appointing, posting and promoting District Judges [*Art.* 233].

(b) The High Court is consulted, along with the State Public Service Commission, by the Governor in appointing persons (other than District Judges) to the judicial service of the State [*Art.* 234].

(c) The control over district courts and courts subordinate thereto, including the posting and promotion of, and the grant of leave to, transfers of, disciplinary control over including inquiries, suspension and punishment, and compulsory retirement of, persons belonging to the judicial service and holding any post inferior to the post of a district judge is vested in High Court [*Art.* 235].

Control over the subordinate courts is the collective and individual responsibility of the High Court.[20]

The 42nd, 43rd and 44th Amendments.

The foregoing survey of the jurisdiction of a High Court under the original Constitution was drastically curtailed in various ways, by the Constitution (42nd Amendment) Act, 1976, which has been referred to at the end of Chap. 22 *ante,* in the context of the Supreme Court, but the new provisions in Arts. 226A and 228A which had been inserted by the Constitution (42nd Amendment) Act, 1976, have all been omitted by the 43rd Amendment Act, 1977, *and the original position has been restored.*

In this context, we must mention Arts. 323A-323B, inserted by the 42nd Amendment Act.

Parliament has passed the Administrative Tribunals Act, 1985, implementing Art. 323A, under which the Central Government has set up Central Administrative Tribunals with respect to services under the Union.

As a result, all Courts of law including the High Court shall cease to have any jurisdiction to entertain any litigation relating to the recruitment

and other service matters relating to persons appointed to the public services of the Union, whether in its original or appellate jurisdiction. The Supreme Court has, however, been spared its special leave jurisdiction of appeals from these Tribunals, under Art. 136 of the Constitution. But subsequently, the position turned out to be otherwise as the Supreme Court declared the Articles 323-A, Cl. 2(d) and 323-B, Cl. 3(d) and also the "exclusion of jurisdiction" clauses in all the legislations enacted in pursuance of these Articles, unconstitutional to the extent they excluded the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32.[21]

REFERENCES

1. Under this provision, the High Court of Assam (at Gauhati)is the common High Court for Assam, Nagaland, Manipur, Meghalaya, Tripura, Arunachal Pradesh and Mizoram [Table XVIII]; and the Bombay High Court serves both Maharashtra and Goa.
2. By the Constitution (15th Amendment) Act, 1963, the age of retirement of High Court Judges has been raised from 60 to 62.
3. *Supreme Court Advocates* v. *Union of India,* (1993) 4 S.C.C. 441.
4. *Special ReferenceNo. 1 of 1998*, Re : (1998) 7 S.C.C. 739 [9 Judge Bench].
5. This is the salary as enhanced *vide* Act 18 of 1998, s. 7 (w.e.f. 1.1.1996).
6. C.A.D., dated 22-11-1948.
7. Cf. *Gupta* v. *President of India*, AIR 1982 S.C. 149 (7-Judge Bench).
8. *Special Reference No. 1 of 1998,* Re :, (1998) 7 S.C.C. 739.
9. In this context, see *Union of India* v. *Jyoti Prakash*, AIR 1971 S.C. 1093, and the comments of the author thereon, at pp. 246ff. of Vol. G of the Author's *Commentary on the Constitution of India* (6th Ed.)
10. *Statesman,* Calcutta,14-4-1994, 16-4-1994 (p. 5).
11. *S.C. Advocates* v. *Union of India,* (1993) 4 S.C.C. 441 (para 472)—9-Judge Bench.
12. See Table XVII as to the territorial jurisdiction of the several High Courts. Delhi which was under the jurisdiction of the Punjab High Court has now its own High Court since 1996.
13. BASU'S *Criminal Procedure Code* (Prentice-Hall of India, 1979), p. 29.
14. The 42nd Amendment Act, 1976, also took away this jurisdiction of the High Courts over tribunals, under Art. 227(1), by omitting the word 'tribunals' therefrom; but the 44th Amendment Act,1978, has *restored* the word, so that a High Court retains its power of superintendence over any tribunal within its territorial jurisdiction. This jurisdiction of the High Court was taken away in respect of Administrative Tribunals set up under Art. 323A, by the Administrative Tribunals Act, 1985 but the provisions in these Articles and in the legislations enacted in pursuance thereof excluding the jurisdiction of S.C. and H.C.s under Arts. 32 and 226/227 have been declared to be unconstitutional by the Supreme Court in *L. Chandra Kumar* v. *U.O.I.*, (1997) 3 S.C.C. 261 : A.I.R. 1997 S.C. 1125.
15. *People's Union* v. *Union of India,*A.I.R. 1982 S.C. 1473 (para 1).
16. *State of W.B.* v. *Sampat,* A.I.R. 1985 S.C. 195 (para 10).
17. *Chaitanya* v. *State of Karnataka,* A.I.R. 1986 S.C. 825 (para 10).
18. *Raunaq International Ltd.* v. *I.V.R. Construction Ltd.,* (1999) 1 S.C.C. 492 (para 12) : A.I.R. 1999 S.C. 393.
19. *Chairman, Railway Board* v. *Chandrima Das,* (2000) 2 S.C.C. 465.
20. *High Court of Judicature at Bombay* v. *Shirish Kumar Rangrao Patil,*(1997) 6 S.C.C. 339.
21. *L. Chandra Kumar* v. *Union of India,*(1997) 3 S.C.C. 261 : A.I.R. 1997 S.C. 1125.