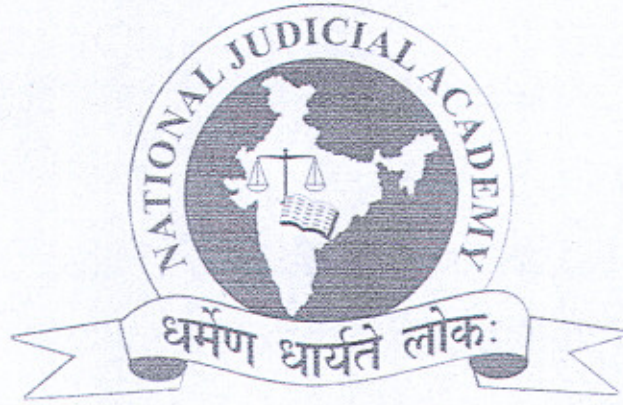


For Private Circulation - Educational Purposes Only

(P-827)

NATIONAL JUDICIAL ACADEMY



NATIONAL CONFERENCE OF NEWLY ELEVATED HIGH COURT JUDGES

AUGUST 23-24, 2014

BACKGROUND READING MATERIAL

COMPILED AT
NATIONAL JUDICIAL ACADEMY, INDIA

NATIONAL CONFERENCE OF NEWLY ELEVATED HIGH COURT JUDGES

TABLE OF CONTENTS

ARTICLES AND JUDGEMENTS

S.No.	Description	Page No.
ARTICLES		
1	Justice V.R. Krishna Iyer, <i>"The Judicial System- has it a Functional Future in our Constitutional Order?"</i> (1979) 3 SCC J-1	1
2	P.P. Rao <i>"Basic Features of The Constitution"</i> (2000) 2 SCC J-1	19
3	Prof. M.P. Singh <i>"The Constitutional Principles of Reasonableness"</i> (1987) 3 SCC J-31	35
4	Justice R.C. Lahoti <i>"Envisioning Justice In The 21th Century"</i> (2005) 1 LW (JS) 33	57
5	Justice S.B.Sinha <i>"Judicial Reform in Justice – Delivery System"</i> (2004) 4 SCC J-35	65
6	Phiroza Anklesaria <i>"Judicial Law- Making- Its strength and Weakness"</i> (2012) 1SCC J- 25	75
7	P.N. Bhagwati & C.J. Dias <i>"The Judiciary In India: A Hunger And Thirst For Justice"</i> (2012) 5 NUJS L Rev 171	89
8	Ashok H. Desai <i>"Judicial Overreach : A Critique"</i> (2013) 9 SCC J-1	107
9	Justice Ruma Pal <i>"Judicial Oversight or Overreach: The Role of the Judiciary in Contemporary India"</i> (2008) 7 SCC J-9	121
10	Justice R.C. Lahoti <i>"Canons Of Judicial Ethics"</i> (2005) 2 LW (JS) 25	143
JUDGEMENTS		
11.	Shahid Balwa Vs. Union of India (UOI) and Ors. (2014)2SCC687 <i>[Facilitating the speedy trial, which is a facet of Article 21 of the Constitution of India]</i>	165
12.	Homi Rajvansh Vs.State of Maharashtra and Ors. 2014(4)SCALE190 <i>[Section 482 not to scrutinize the allegations for the purpose of deciding whether the allegations are likely to be upheld in trial]</i>	175
13.	Lalitkumar V. Sanghavi (D) Th. L.Rs. Neeta Lalit Kumar Sanghavi and Anr.Vs. Dharamdas V. Sanghavi and Ors. 2014(3)SCALE362 <i>[Any order passed by the arbitral tribunal is capable of being corrected by the High Court Under Article 226 or 227 of the Constitution of India- is not permissible.]</i>	181
14.	Sameer Suresh Gupta Tr. PA Holder Vs. Rahul Kumar Agarwal (2013)9SCC374 <i>[The power to issue a writ of certiorari and the power of supervisory jurisdiction]</i>	187
15.	T.P. Vishnu Kumar Vs. Canara Bank P.N. Road, Tiruppur and Ors. (2013)10SCC652 <i>[Article 226 cannot be invoked in the matter of recovery of dues under the Act, unless there is any statutory violation resulting in prejudice to the party or where such proceedings or action is wholly arbitrary, unreasonable and unfair]</i>	193

16.	Central Bureau of Investigation Vs. Jagjit Singh 2013(12)SCALE299 <i>[The power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code]</i>	197
17.	Engineering Export Promotion Council Vs. Usha Anand and Anr. AIR2013SC2548 <i>[Circumstances under which the inherent jurisdiction may be exercised]</i>	203
18.	Arun Bhandari Vs. State of U.P. and Ors (2013)2SCC801 <i>[The judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process.]</i>	209
19.	Monnet Ispat and Energy Limited Vs. Jan Chetna and Ors. (2013)10SCC574 <i>[Bench of High Court shall scrupulously follow relevant provision of law and shall not violate statutory provisions specifying its jurisdiction.]</i>	221
20.	Venkatesan Vs. Rani and Anr. (2013) 14 SCC 207 <i>[Revisional Jurisdiction of the High Court- Extent and ambit of- interference with order of acquittal]</i>	227
21.	Azrath Bivi and Anr. Vs. Chinnathambi (Dead) thru. LRs. (2013) 14 SCC 608 <i>[Second appeal- Concurrent findings of facts- Interference with – Reappreciation of evidence in second appeal]</i>	233
22.	Shalini Shyam Shetty and Anr. Vs. Rajendra Shankar Patil (2010)8SCC329 <i>[Remedy is not available to private disputes in writ petition, unless there is violation of some statutory duty on part of a statutory authority. Guidelines for the jurisdiction of Article 226 & Article 227]</i>	235
23	Jogendra Ram Vs. Phullan Mian (D) by L.Rs. and Ors. (2011) 15 SCC 247 <i>[Scope of Jurisdiction of High Court in second Appeal under Section 100 Code of Civil Procedure]</i>	253
24.	T.T. Antony vs. State of Kerala and Ors. (2001)6SCC181 <i>[Exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code]</i>	257
25.	Smt. Nilabati Behera alias Lalita Behera Vs. State of Orissa and others (1993)2SCC746 <i>[Power to give compensation for the violation of FR under Art.226]</i>	273

Note: The emphasis on certain paragraphs or sentences in the judgments has been made in the form of bold fonts. Please read the full judgment for conclusive opinion.