

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.13 OF 2015

SUPREME COURT ADVOCATES-ON-RECORD
ASSOCIATION AND ANR. ... PETITIONERS

VERSUS

UNION OF INDIA ... RESPONDENT

WITH

WRIT PETITION (CIVIL) NOS.14, 18, 23, 24, 70, 83,
108 & 124 OF 2015

WITH

TRANSFER PETITION (CIVIL) NO.391 OF 2015

O R D E R

ANIL R. DAVE, J.

1. In this group of petitions, validity of the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014 (hereinafter referred to as 'the Act') has been challenged. The challenge is on the ground that by virtue of the aforesaid amendment and enactment of the Act, basic structure of the Constitution of India has

been altered and therefore, they should be set aside.

2. We have heard the learned counsel appearing for the parties and the parties appearing in-person at length.

3. It has been mainly submitted for the petitioners that all these petitions should be referred to a Bench of Five Judges as per the provisions of Article 145(3) of the Constitution of India for the reason that substantial questions of law with regard to interpretation of the Constitution of India are involved in these petitions. It has been further submitted that till all these petitions are finally disposed of, by way of an interim relief it should be directed that the Act should not be brought into force and the present system with regard to appointment of Judges should be continued.

4. Sum and substance of the submissions of the counsel opposing the petition is that all these petitions are premature for the reason that the Act has not come into force till today and till the Act comes into force, cause of action can not be said to have arisen. In the circumstances, according to the learned counsel, the petitions should be rejected.

5. The learned counsel as well as parties in-person have

relied upon several judgments to substantiate their cases.

6. Looking at the facts of the case, we are of the view that these petitions involve substantial questions of law as to the interpretation of the Constitution of India and therefore, we direct the Registry to place all the matters of this group before Hon'ble the Chief Justice of India so that they can be placed before a larger Bench for its consideration.

7. As we are not deciding the cases on merits, we do not think it appropriate to discuss the submissions made by the learned counsel and the parties in-person.

8. It would be open to the petitioners to make a prayer for interim relief before the larger bench as we do not think it appropriate to grant any interim relief at this stage.

.....J.
(ANIL R. DAVE)

.....J.
(J. CHELAMESWAR)

.....J.
(MADAN B. LOKUR)

NEW DELHI,
APRIL 07, 2015.

ITEM NOS.1A,1D,1E & 1F
(For Judgment)

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.1A :

Writ Petition (C) No.13/2015

SUPREME COURT ADVOCATES-ON-RECORD ASSN. AND ANR. Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

WITH W.P. (C)Nos.23,70,83,108,124 of 2015 & T.P. (C)No.391/2015

Item No.1D :

W.P. (C)No.14/2015

Item No.1E :

W.P. (C)No.18/2015

Item No.1F :

W.P. (C)No.24/2015

Date : 07/04/2015 These petitions were called on for pronouncement
of Judgment.

For Petitioner(s)

WP(C)No.13

Mr. Surya Kant,Adv.

WP(C)No.23

Mr. Dinesh Kumar Garg,Adv.

WP(C)No.70

Mr. Joseph Aristotle S.,Adv.

WP(C)No.83

Mr. Prashant Bhushan,Adv.

T.P. (C)No.391

Mr. P.S. Narasimha,ASG

Ms. Madhavi Divan,Adv.

Mr. Nivesh Rastogi,Adv.

Mr. B.V. Balaram Das,Adv.

WP(C)No.108

Mr. Anil B. Divan,Sr.Adv.

Mr. K.N. Bhat,Sr.Adv.

Mr. R.K.P. Shankar Das,Sr.Adv.

Mr. Prasant Kumar,Adv.

Ms. Anindita Pujari,Adv.

Mr. Jitendra Mohapatra,Adv.

Mr. Syed Rehan,Adv.

WP (C) No.124 Mr. Rabin Majumder, Adv.

WP (C) No.14 In-person

WP (C) No.18 In-person

WP (C) No.24 In-person

For Respondent(s)

Mr. Prakash Kumar Singh, Adv.

Mr. Tushar Bakshi, Adv.

Mr. Devashish Bharuka, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Hon'ble Mr. Justice Anil R. Dave pronounced Non-Reportable judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice J. Chelameswar and Hon'ble Mr. Justice Madan B. Lokur.

The Registry to place all the matters of this group before Hon'ble the Chief Justice of India so that they can be placed before a larger Bench for consideration in terms of the signed Non-Reportable Judgment.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed Non-Reportable Judgment is placed on the file)