

ITEM NO.2

COURT NO.1

SECTION III-A/PIL-W

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

CIVIL APPEAL NO(S). 1867/2006

MALIK MAZHAR SULTAN &amp; ANR.

APPELLANT(S)

VERSUS

U.P. PUBLIC SERVICE COMMISSION  
THROUGH ITS SECRETARY & ORS.

RESPONDENT(S)

FOR RE : NOTE BY MR. VIJAY HANSARIA, SR. ADVOCATE., AMICUS CURIAE  
REGARDING FUNDING FOR INFRASTRUCTURE OF SUBORDINATE JUDICIARY BY  
THE CENTRAL GOVERNMENT AND THE STATE GOVERNMENTS)

WITH

SMW(C) NO. 1/2017 (PIL-W)

SMW(C) NO. 2/2018 (PIL-W)

(MR. SHYAM DIVAN, SR. ADV., MR. K.V. VISHWANATHAN, SR. ADV., MR.  
VIJAY HANSARIA, SR. ADV. AND MR. GAURAV AGRAWAL, ADV. RESPECTIVELY  
HAVE BEEN APPOINTED AS AMICUS CURIAE IN THE INSTANT MATTER)

Date : 28-02-2019 This case(s) was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE SANJIV KHANNA

**AMICUS CURIAE**

State Of U.P.,  
Maharashtra, Goa W.B.  
Chhattisgarh, Delhi  
N.E.States (excluding  
Tripura)

Mr. Shyam Divan, Sr. Adv.  
Mr. Udayaditya Banerjee, Adv.

Gujarat, H.P.,  
J&K, Jharkhand,  
Karnataka, Kerala

Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. Ravi Raghunath, Adv.

M.P., Odisha, Patna,  
Punjab & Haryana

Mr. Vijay Hansaria, Sr. Adv.  
Ms. Sneha Kalita, Adv.  
Mr. Avnish Pandey, Adv.

Rajasthan, Sikkim,  
Telangana, A.P.,  
Tripura, Uttarakhand

Mr. Gaurav Agrawal, Adv.

SMW© 1/17

Mr. Arvind P. Datar, Sr. Adv.(AC)[N/P]  
Ms. Remya Raj, Adv.

For Parties :  
TNPSC

Mr. K.V. Vijayakumar, AOR

State of Karnataka &  
HC of Karnataka

Mr. V.N. Raghupathy, AOR  
Mr. M. Pal Gupta, Adv.  
Mr. Parikshit P. Angadi, Adv.

High Court of Kerala

Mr. T.G. Narayanan. Nair, Adv.

State of Kerala

Mr. G. Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.

Mr. C.K. Sasi, AOR

Rajasthan High Court

Mr. Sunil K. Jain, AOR  
Mr. Punya Garg, Adv.  
Mr. Abhishek Jain, Adv.

State of Rajasthan

Dr. Manish Singhvi, AAG  
Mr. Satyendra Kumar, Adv.  
Mr. Shailja Anand Mishra, Adv.  
Mr. Milind Kumar, AOR

Mr. Rohit K Singh, AOR

State of Sikkim &  
HC of Sikkim

Mr. A. Mariarputham, Adv. Gen., Sikkim  
Ms. Aruna Mathur, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Geetanjali, Adv.  
M/S. Arputham Aruna And Co, AOR

Ms. Anitha Shenoy, AOR

State of A.P.	Mr. Guntur Prabhakar, AOR
State of Tripura	Mr. Shuvodeep Roy, AOR Mr. Rijuk Sarkar, Adv.
Uttarakhand HC	Ms. Rachana Srivastava, AOR Ms. Umme Salma, Adv.
State of Uttarakhand	Ms. Rachana Srivastava, AOR Mr. Aviral Saxena, Adv.
State of Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Vishakha, Adv.  Mr. A.P. Mayee, AOR Mr. Chirag Jain, Adv.
State of H.P.	Mr. Vikas Mahajan, AAG Mr. Vinod Sharma, AOR Mr. Anil Kumar, Adv.
H.P. High Court	Mr. Ashok Mathur, AOR
J&K High Court	Mr. Bharat Sangal, AOR
State of J&K	Mr. M. Shoeb Alam, AOR Mr. Ujjwal Singh, Adv. Mr. Gautam Prabhakar, Adv. Mr. Mojahid Karim Khan, Adv.
Jharkhand High Court	Mr. Krishnanand Pandey, AOR
Jharkhand PSC	Mr. Himanshu Shekhar, AOR
State of Jharkhand	Mr. Jayesh Gaurav, Adv. Mr. Gopal Prasad, AOR.
State of Jharkhand	Mr. Anil K. Jha, AOR
State of Jharkhand	Mr. Tapesk Kumar Singh, Adv.
State of W.B.	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Amit Verma, Adv. Mr. Abhishek Manchnda, Adv. Ms. Dimple Nagpal, Adv. M/s. P.L.R. Chamber & Co., AOR

Calcutta High Court	Mr. Soumya Chakraborty, Sr. Adv. Mr. Kunal Chatterji, AOR Ms. Maitrayee Banerjee, Adv. Mr. Saurav Gupta, Adv.
Gauhati High Court	Mr. Vijay Hansaria, Sr. Adv. Ms. Sneha Kalita, AOR
M.P. H.C.	Mr. Arjun Garg, AOR Mr. Devansh Srivastava, Adv.  Mr. Ankur Yadav, AOR  Mr. R. Balasubramaniam, Adv. Ms. Binu Tamta, Adv. Ms. Swarupama Chaturvedi, Adv. Ms. Aishwarya Bhati, Adv. Mr. A.K. Sharma, AOR Mr. Pankaj Pandey, Adv. Ms. S. Deshmukh, Adv. Mr. B.V. Balaram Das, AOR  Mr. Vivek Singh, AOR  For M/s. Parekh & Co., AOR  Mr. T.V. George, AOR.
State of Goa	Mr. Jai Dehadrai, Adv. Mr. S.S. Rebello, Adv. Mr. Prashant V., Adv. Ms. Srishti Kumar, Adv. Mr. Sidharth Arora, Adv. Ms. Manisha Ambwani, AOR.
Manipur High Court	Ms. Sneha Kalita, AOR
Orissa High Court	Mr. M.K. Pandey, Adv. Mr. Sibho Sankar Mishra, AOR
State of U.P.	Ms. Swarupama Chaturvedi, AOR  Mr. Sanjay Kr. Tyagi, AOR Mr. Ajay Kr. Pandey, Adv. Mr. Prakash Gautam, Adv.

<b>GNCTD</b>	<b>Mr. Chirag M. Shroff, AOR. Ms. Neha Sangwan, Adv.</b>
<b>State of Haryana</b>	<b>Mr. Sanjay Kr. Visen, AOR</b>
<b>Meghalya High Court</b>	<b>Mr. Sanjai Kumar Pathak, AOR Ms. Shashi Pathak, Adv. Mr. Arvind Kumar Tripathi, Adv. Mr. Shreyash Bhardwaj, Adv.</b>
<b>UPPSC</b>	<b>Mr. Shrish Kr. Misra, AOR</b>
<b>State of Bihar</b>	<b>Mr. Abhinav Mukerji, AOR.</b>
<b>State of Bihar</b>	<b>Mr. Keshav Mohan, Adv. Mr. Prashant Kumar, Adv. Mr. Rish K. Awasthi, Adv. Mr. Santosh Kumar, AOR</b>
<b>Chhattisgarh High Court</b>	<b>Mr. Apoorv Kurup, AOR Mr. Avanish Rathi, Adv.</b>
<b>State of Chhattisgarh</b>	<b>Mr. Darpan K.M., Adv.  Mr. Nishanth Patil, Adv.</b>
<b>State of Assam</b>	<b>Mr. Shuvodeep Roy, AOR Mr. Rijuk Sarkar, Adv.</b>
<b>State of Odisha</b>	<b>Mr. Shibashish Misra, AOR</b>
<b>State of Manipur</b>	<b>Mr. Leishangthem Roshmani Kh., AOR Ms. Anupama Ngangom, Adv. Ms. Maibam Babina, Adv.</b>
<b>State of T.N.</b>	<b>Mr. M. Yogesh Kanna, AOR Mr. S. Partha Sarathi, Adv. Mr. S. Raja Rajeshwaran, Adv.</b>
<b>U.T. of Chandigarh</b>	<b>Mr. Ankit Goel, AOR  Mr. Vishnu Sharma, AOR.</b>
<b>State of Meghalaya</b>	<b>Mr. Amit Kumar, Adv. Gen., Meghalaya Mr. Avijit Mani Tripathi, AOR</b>

State of Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. Upendra Mishra, Adv. Mr. Daniel Stone Lyngdoh, Adv.
State of Nagaland	Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv.
U.T. of Andaman & Nicobar Admn.	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR Mr. Rangoliseth, Adv. (Not legible)
State of Haryana	Dr. Monika Gusain, AOR
Guhati High Court	Mr. P.I. Jose, AOR Ms. P.S. Chandralekha, Adv.
State of Punjab	Mr. Karan Bharihoke, AOR
State of Arunachal Pradesh	Mr. Anil Shrivastav, AOR Mr. Satyendra Kumar Srivastav, Adv.  Ms. Ruchi Kohli, AOR
State of Arunachal Pradesh	Mr. A. Tewari, Adv. Ms. Eliza bar, Adv. Mr. Shreepal Singh, AOR.
Govt. of Puducherry	Mr. V.G. Pragasam, AOR. Mr. S.Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
State of Bihar	Ms. Abha R. Sharma, AOR
State of Chhatisgarh	Mr. Aniruddha P. Mayee, AOR Mr. Chirag Jain, Adv.
HC of Bombay	Mr. Aniruddha P. Mayee, AOR
Allahabad High Court	Mr. Ashok K. Srivastava, AOR  Mr. P.V. Yogeswaran, AOR

**State of Mizoram**

Mr. Siddhesh Kotwal, Adv.  
Ms. Bansuri Swaraj, Adv.  
Mr. Raghunatha Sethupathy, Adv.  
Mr. Gagan Narang, Adv.  
Ms. Arshiya Ghose, Adv.  
Ms. Astha Sharma, AOR

Mr. Ejaz Maqbool, AOR

Mr. Debasis Misra, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Y. Raja Gopala Rao, AOR

Mr. Ugra Shankar Prasad, AOR

Mr. Tara Chandra Sharma, AOR

Mr. T.V. Ratnam, AOR

Mr. T. Mahipal, AOR

Mr. Suwendu Suvasis Dash, AOR

**State of MP**

Mr. Sunny Choudhary, AOR

Mr. Sunil Kumar Verma, AOR

Mr. Sunil Kumar Jain, AOR

Ms. Sumita Hazarika, AOR

Mr. Siddhartha Chowdhury, AOR

Mr. Shail Kumar Dwivedi, AOR

Ms. Sarla Chandra, AOR

Ms. S. Janani, AOR

Mr. S.C. Patel, AOR

Mr. Rana Ranjit Singh, AOR

Mr. Rajesh Srivastava, AOR

	Mr. Radha Shyam Jena, AOR
	Mr. R. Sathish, AOR
	Mr. R. Nedumaran, AOR
	Mr. Prakash Kumar Singh, AOR
	Mr. Pradeep Misra, AOR
	Mr. Parijat Sinha, AOR
	Mr. Naresh Kumar, AOR
Tripura HC	Mr. Naresh K. Sharma, AOR
	Ms. Naresh Bakshi, AOR
	Mr. Merusagar Samantaray, AOR
	Mr. M.R. Shamshad, AOR
	Mr. Krishnayan Sen, AOR
	Mr. Mukesh Kumar Maroria, AOR
	Mr. Shree Pal Singh, AOR
	Mr. Gopal Singh, AOR
	Ms. Manisha Ambwani, AOR
State of H.P.	Mr. Vikas Mahajan, AAG, HP
	Mr. Vinod Sharma, AOR
	Mr. Anil Kumar, Adv.
HC of M.P.	Mr. Mishra Saurabh, AOR
State of Mah.	Mr. Nishant Ramaantrao Katneshwarkar, AOR
	Ms. Deepa M. Kulkarni, Adv.
State of Odisha	Mr. Som Raj Choudhury, AOR
	Mr. Prashant Kumar, Adv.
	Mr. Shreekant N. Terdal, AOR
	Mr. Arun K. Sinha, AOR



Mr. K. K. Mohan, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. R. Sathish, AOR

Mr. Kamendra Mishra, AOR

Ms. A. Subhashini, AOR

Mr. Avijit Bhattacharjee, AOR

Mr. B. S. Banthia, AOR

Mr. Ajay Pal, AOR

Ms. Asha Jain Madan, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Kamini Jaiswal, AOR

Mr. S. C. Patel, AOR

Mrs. D. Bharathi Reddy, AOR

Mr. Anuvrat Sharma, AOR

Ms. Asha Gopalan Nair, AOR

Mr. B. Balaji, AOR

Mr. Abhijit Sengupta, AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Kaushal Yadav, AOR

Mr. Ashwani Kumar, AOR

State of UP

Mr. Ardhendumauli Kumar Prasad, AOR

Ms. Manju Jetley, AOR

Ms. Ranjeeta Rohatgi, AOR

State of Delhi

Mr. Naveen R. Nath, AOR

Mr. Rahul Jain, Adv.

Mr. Ashok Arora, Adv.  
Mr. Yadav Narender Singh, AOR  
Mr. Anandan A., Adv.

Mr. Gaichangpou Gangmei, AOR

Mr. Ashok Kumar Singh, AOR

Mr. Anandh Kannan N., AOR

Dr. Rajesh Pandey, Adv.

Mr. R.N. Venjrani, Sr. Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. S.K. Rajora, Adv.  
For Mr. T.V. George, Ad

Ms. Sakshi Kakkar, Adv.  
Mr. Shakti Singh, Adv.

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

Re: Note by Mr. Vijay Hansaria, Sr. Adv., Amicus Curiae regarding funding for infrastructure of subordinate judiciary by the Central Government and the State Governments.

We have heard Shri Vijay Hansaria, learned Amicus Curiae who has painstakingly compiled two reports; one with regard to the short-term measures and the other long-term measures.

While the long-term measures suggested by Shri Vijay Hansaria, learned Amicus Curiae would require further consideration of this Court after the Central Government responses to the same.

Having considered the matter we are of the view that short-term measures suggested by the learned Amicus Curiae should be forthwith implemented. We accordingly direct:

1. the Central Government to release funds within two months to the extent Utilization Certificates have been sent by the respective State Governments and submit compliance report to this Court;
2. the State Government(s) to submit pending utilisation certificate(s) to the Central Government within four weeks and furnish information in the format annexed with the present order within a period of six weeks to this Court;
3. the Central Government may disburse the amounts and/or give response within two months of furnishing pending utilization certificates by the State Government and submit compliance report to this Court;
4. Copies of all reports submitted by the Central Government and the States/UTs to this Court would be simultaneously sent/furnished to Shri Vijay Hansaria,

learned Amicus Curiaso so that in case of necessity, appropriate directions may be sought from this Court.

The matter be listed on 23<sup>rd</sup> April, 2019 for receipt of reply by the Central Government on the long-term measures suggested by the learned Amicus Curiae.

**[VINOD LAKHINA]**  
**AR-cum-PS**

**[ANAND PRAKASH]**  
**BRANCH OFFICER**

N.B. Format is attached with the present order.

**Format**  
**Funding on Infrastructure of Subordinate Judiciary**  
**by the State and Central Government**  
**State/UT \_\_\_\_\_**

[Rs. In crore)

Financial year	Total spent on Infrastructure	Amount spent on Centrally sponsored Scheme	Demand made from the Central Government	Utilization Certificate sent to Central Government	Central disbursement
1.	2	3	4	5	6
2011-12		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2012-13		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2013-14		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2014-15		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2015-16		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2016-17		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2017-18		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
2018-19		Central Share ..... State Share .....	Date: Amount:	Date: Amount: Pending	
Total 2011-12 to 2018-19	Total Amount	Central Share ..... State Share .....	Total Amount	Total Sent: Pending:	Total Amount

**Utilisation Certificate sent to Central Government after 19.02.2019**

- 1.
- 2.
- 3.