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**Vice President Shri Naidu seeks splitting of Supreme Court, setting up Regional Benches**

**Suggests major reforms to ensure timely, cost effective justice delivery Asks Judiciary and the Government to quickly fill up vacant posts of judges Shri Naidu favours Standard Operating Procedures with caps on number of adjournments and time limit for disposal of cases VP also suggest review of Anti-Defection Laws to plug loopholes Shri Naidu releases a book on former senior Supreme Court Advocate late Shri P.P. Rao**

Expressing serious concern over inordinate delay in justice delivery in the country, Vice President of India and Chairman of Rajya Sabha Shri M. Venkaiah Naidu has suggested several reforms including bifurcation of the Supreme Court and setting up of four Regional Benches of the Apex Court besides evolving Standard Operating Procedures (SOPs) that limit the number of adjournments and the timeframe for disposal of cases by the courts.

Shri Naidu spoke at length on the present state of judicial system in the country and the pressing need for reforms in the presence of Supreme Court Judge Justice Rohinton F. Nariman, Attorney General of India Shri K.K. Venugopal, several former judges including Justice A.R. Dave and senior advocates like Shri Salman Khurshid, Shri Rajiv Dhawan, Smt. Mahalakshmi Pavani after releasing of book 'Parameswara to PP', a compilation of articles of former senior advocate of the Supreme Court late Shri Pavani Parameswara Rao (P.P. Rao).

Shri Venkaiah Naidu strongly endorsed the recommendation of the Law Commission towards splitting the Supreme Court into Constitutional Division and Courts of Appeal for steady disposal of cases.

Shri Naidu also underlined the need to set up four Regional Benches of the apex court and went to the extent of saying that this arrangement does not require any amendment to the Constitution. He recalled that Article 130 of the Constitution which says: "The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time appoint." Shri Naidu also referred to a recommendation of the Parliamentary Standing Committee on Law and Justice on having Regional Benches of the Supreme Court on trial basis.

To cut the present delays in delivering justice, Shri Naidu urged that Standard Operating Procedures (SOPs) may be evolved by the judiciary by which the number of permissible adjournments can be specified and a time limit can be set for disposal of cases based on the nature of issues involved.

The Vice President urged the Government to be much more proactive in addressing the large number of pending vacancies in the judicial system so that delays are avoided. He urged the judiciary and the Government to act in tandem in this regard.

Continuing with his concern over justice delivery, Shri Naidu said; "the speed and quality of justice delivery in the country has a huge bearing on the economic development as it impacts the flow of investment. It would be better if judges at various levels are exposed to special orientation programmes organised by the judiciary itself on various technical and specialised branches of emerging laws and the attendant issues and processes. "

Shri Naidu has called for induction of capable judges and quality lawyers besides improving the quality of legal education to enable delivery of justice in time.

Shri Naidu who is also the Presiding Officer of Rajya Sabha underscored the need to revisit the Anti-Defection Laws contained in the Tenth Schedule of the Constitution to prevent loopholes and set time limits for the Presiding Officers of various legislatures to decide on defection matters in quick time. He recalled several instances of delay in deciding on defection matters as a result of which those subsequently disqualified have completed their terms in legislatures. He also suggested special judicial tribunals for disposing defection cases within six months to one year.

The Vice President also underscored the need for election cases and cases of criminal proceedings against politicians to be decided by special benches of higher courts for their disposal within six months.

Shri Naidu expressed concern over the huge pendency of over 3 crore cases in different courts across the country with some of them pending over for 50 years.

Shri Naidu hailed former senior Supreme Court advocate Late Shri P.P. Rao as an epitome of “sobriety, balance and equanimity” who never resorted to any histrionics in the court even in extreme situations. He recalled Late Shri P.P. Rao being instrumental in pioneering the instrument of ‘Curative Petition’ by successfully arguing for the right of appeal which was earlier rejected by a seven judge bench of the Supreme Court. “The Principle of Propriety which guided Late Shri P.P. Rao all through his forty year long legal profession and the values of the old world he upheld are worthy of emulation by the present generation ” Shri Naidu said.

### **The following is the full text of the speech:**

Distinguished invitees and friends from media!

For me, the release of this book ‘Parameswara to PP’ marks celebration of two sets of values, one of which relates to values held dear all through his professional career by a person and the other being the family values which are the most cherished in our society.

Parliament and Judiciary are among the three pillars of our parliamentary democracy. In respect of Parliament, it is said that Members rush into the Well of the House when they short on facts. About the Courts, it is said that lawyers raise their voice when they are short on law.

Late Shri Pavani Parameswara Rao, widely known as ‘PP’ was bound by a set of values that are usually associated with the ‘Old Word’ all through his 40 year long career and still emerged as among the best legal minds of our country. He started his career as a Law teacher earning about Rs. 400 per month and made his way up to earn the same for less than fraction of a second of his time as an impactful lawyer.

PP was neither flashy nor flamboyant. He did not resort to histrionics in the court when the Bench was not considerate to his point of view. He never raised his voice and was never discourteous to the court. In the words of Shri Abhishek Manu Singhvi, the defining characteristics of PP were ‘sobriety, balance and equanimity’. PP always shunned vulgarity of speech or conduct and he never trivialised the issues at hand. His advocacy was marked by inherent balance, restraint and genetic gentlemanliness which were manifestation of either inherent inner calm and stability or cultivated by

some special form of meditation. PP always considered the client as 'annadata'. PP himself wrote in one of his articles in the Book released today that 'Advocacy is a profession, not business'.

Smt. Mahalakshmi Pavani, PP's daughter-in-law and the spirit behind the book revealed that she never got the open support and handholding expected of her influential father-in-law. PP's mantra to his kith and kin was 'deserve what you desire and there is no substitute for hard work'. When the delighted Mahalakshmi informed PP that she was designated as senior advocate, PP retorted saying 'since when it has become so easy'. PP had even supported Mahalakshmi's opponent for the post of vice president of the Supreme Court Bar Association saying that such an office should be held by a more experienced lawyer.

In my view, Parameswara became PP by virtue of his unflinching faith in the principle of 'Power of Propriety' and he guided by this principle in the pursuit of truth as defined by the laws of the land. Hence, the release of this Book marks the celebration such lofty values and ideals upheld by PP.

Smt. Mahalakshmi seems to have had a grudge against her father-in-law for not backing her in the profession to the extent expected. However, this made her what she is today on her own as a senior advocate in the Supreme Court and she can be rightly proud of her accomplishments. This is what perhaps PP desired and Mahalakshmi conformed to his principle of 'deserve and desire'.

Despite not getting the open praise or support from her father-in-law, Smt. Mahalakshmi Pavani, out of her respect for the life and legacy of PP took upon herself the responsibility of brining out this Book 'Parameswara to PP' containing 48 illuminating articles written by PP besides revealing tributes to him by several legal luminaries. This book in my view will serve as a useful guide to the practitioners of law and students of law on a range of issues including how to prepare a brief, present a case with proper framing of issues, argue the case with clarity of analysis, conduct oneself in the court and with the fellow professionals. This task undertaken by Smt. Mahalakshmi for the benefit of the posterity, in my view is spurred by the family values of gratitude to the head of the family who instilled the core values and principles of life in his family members. Hence, release of this book is also a celebration of such values.

My common thread with PP being that he was also graduated from my hometown Nellore. Being in Delhi for long years, I have had some idea about PP's rise to the top but I got a better peek into his mind and life when I read some of his articles contained in this Book.

PP had been associated with quite a few landmark judgements of the apex court that set precedents. I came to know from this book that PP was instrumental in the coming into being of the instrument of 'curative petition' after his forceful and successful articulation of the right to appeal in the A.R. Antulay case. Curative Petition is filed when a Review Petition for correcting a wrong committed by the Court is rejected. He also propounded the doctrine of 'Common Thread' in SR Bommai case besides articulating that secularism is built into the basic structure of our Constitution. The concerned Benches of the Supreme Court on several occasions went on record appreciating the analysis and presentation of PP in broadening the perspective of interpreting the Constitution and the laws even when he did not win those cases.

It is heartening to know that PP was associated with several landmark cases like the ADM Jabalpur Vs. Shivkant Shukla Case, Keshawanand Bharati Case, MS Gill Vs. Election Commission Case, SR Bommai Case, JMM Bribery Case, PUCL Case on Voters right to information about antecedents of contesting candidates, Ayodhya case, Best Bakery Case, Entry Tax Case, 2G Spectrum Case etc.

Though PP assisted the then Attorney General Niren De in the ADM Jabalpur Case, he seems to have had some reservations about the extent of amending the Constitution impinging on the fundamental rights of the citizens. Though PP was successful in JMM MPs getting acquitted in the bribery case by strongly arguing for the immunity of the MPs against criminal proceedings, he had a change of heart on seeing the decline in the standard of politics. In one of his articles he wrote and I quote ‘In the prevailing conditions of public morality, I do not think such a privilege is justified’.

Known for his mild manners and sobriety, PP in his article on ‘Perils of Fearless Democracy’ wrote that “Rules of professional conduct and etiquette require that an Advocate shall present his case fearlessly with due respect to the court”. He, however, recalled as to how he was at the receiving end of a Judge for openly questioning the Judge’s line of interpretation of law.

After his success in the 2G Spectrum Case, PP had a word of advice for the Court. He wrote that ‘I am of the view that in cases involving far reaching economic consequences affecting the Nation, it would be better for the Court to take the assistance of financial experts in moulding relief appropriately.’

After successfully opposing T.N. Seshan’s bid against multi-member Central Election Commission, PP still has a word of praise for Seshan for making CEC an effective institution and said that Seshan would have been better off without his abrasive ways.

PP in one of the articles in this book opposed the judgement of Justice late Chinnappa Reddy in reducing death sentence of two naxalites who shot dead a forest contractor to life terms. Justice Reddy in his judgement wrote and I quote ‘People acting out of genuine and passionate motive according to their conscience, do not merit extreme punishment’. PP had an issue with this kind of reasoning.

In the context of the apex court hearing arguments in the Ayodhya Case, it is pertinent to recall what PP had written in one of the articles in this Book on the Presidential reference to the Supreme Court under Article 143(1) of the Constitution for its opinion on the question ‘Whether Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janm Bhumi – Babri Masjid’. PP wrote and I quote; “All the five Judges unanimously declined to answer the reference made by the President. Had the Constitution Bench answered the Presidential Reference, the dispute which has become a source of frequent communal tensions could have been resolved once and for all. In my turn, I pleaded before the Court and answer it in larger public interest. ”

PP had an independent mind and was not a regime lawyer. He was guided by the principles he believed in and functioned within the boundaries of law and the principles of decorum in the courts. He was a true representative of the ‘Charm of the old world’ and is worthy of emulation by the present generations.

Dear Sisters and Brothers,

After recalling the life and contributions of an eminent legal luminary like PP in the presence of some leading legal minds and others, it would be in order to briefly look at the present state of judiciary in our country.

Over the years, a number of reforms have made our judicial system more robust and responsive. But we have a long way to go. The most urgent judicial reform necessary is the elimination of judicial delays and the improvement of the efficiency of the justice system.

The government needs to be much more proactive in addressing the large number of pending vacancies in the judicial system so that delays are avoided.

It is widely known that we have several eminent lawyers and erudite judges in the courts. Still, the justice delivery process is crying for reform to further enhance the faith of the common man in our judiciary by ensuring justice in time and at affordable costs. The huge pendency of courts at various levels totalling over 3 crores is a matter of deep concern. Recently, the Chief Justice of India Justice Ranjan Gogoi stated that over one thousand cases are pending for 50 years and over 2 lakh cases are languishing for 25 years. Out of about 90 lakh pending civil cases, more than 20 lakh are at a stage where summons have not been served at.

Collectively, judiciary needs to address the issue of delay in the delivery of justice. Adequate infrastructure in the form of the required number of judges at various levels and the attendant physical infrastructure need to be ensured. There is also a felt need for ensuring capable judges and quality advocates. Immediate attention needs to be paid to the quality of legal education in the country. Ethical standards of profession should be imbibed by the students of law and the practicing lawyers.

The speed and quality of justice delivery in the country has a huge bearing on the economic development as it impacts the flow of investments. It would be better if Judges at various levels are exposed to special orientation programmes organised by the judiciary itself on various technical and specialised branches of emerging laws and the attendant issues and processes.

As regards election cases pending before various courts, they need to be disposed of expeditiously.

Election petitions and criminal cases against political leaders must be decided quickly by special benches of higher courts in a time-bound manner. If need be, separate benches may be setup to expedite such cases within six months or one year.

There are other Judicial and Legislative reforms, I would like to suggest.

I would like to reiterate that in the cases involving disqualification of member of legislature who change parties, the chairperson of the legislative bodies must expeditiously take a decision. Here also, the anti-defection law is not implemented in letter and spirit and because of the inaction of the Speaker or Chairman, the legislators continue in the new party and, in a few cases, even become ministers in the government. This kind of travesty of justice should not be tolerated.

Any delays in these cases erode public confidence in the judicial and legislative bodies.

I would suggest that we should have special judicial tribunals which will decide the cases within a reasonable time of, let us say six months or at the most one year. I would also suggest we revisit the 10th Schedule of our Constitution, containing anti-defection provisions, to ensure a time bound disposal of such cases and make it more effective by plugging loopholes.

It is time to consider to evolve Standard Operation Procedures that specify the number of adjournments permissible and the outer limit for disposing of cases based on the nature of cases. Judges and advocates need to imbibe time discipline and adhere to SOPs to ensure speedy justice.

Dear Sisters & brothers

Government has enhanced the number of judges in the Supreme Court by 10% but I am afraid it may be still inadequate.

Expanding the Supreme Court bench and having separate benches in different regions on trial basis has been suggested by the Parliamentary Standing Committee on Law and Justice.

As the Law Commission has suggested, there is a need for division of the Supreme Court into a Constitution Bench at Delhi and Cassation benches in four regions—Delhi, Chennai/Hyderabad, Kolkata and Mumbai.

I tend to agree with this recommendation. I think it is high time we had more benches because in a country as vast as India the litigants have to travel long distances and spend a huge amount of money and energy.

A number of civil and criminal cases have been pending for over 25 years. This makes me think that we need to not only expand the Supreme Court but also divide the work into Constitutional Division and a number of legal divisions or Courts of Appeal.

As the Law Commission has suggested, I would like the Supreme Court to have two divisions' one dealing with Constitutional matters and another with appeals. This suggestion merits serious consideration and decision by the Supreme Court as well as the government because it would enable the Supreme Court to devote more time to Constitutional issues and make it more accessible to common people.

As regards the need for division of the Apex Court in four regions, Article 130 of the constitution states: "The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint".

At the end I would like to quote David Pannick a Member of Parliament in UK and a legal luminary "Judges are mere mortals but they are asked to perform a function that is truly divine." Yes, ensuring delivery of justice in time is a divine task and the judges and advocates should rise to the task to uphold the divinity associated in delivering justice to the deserving.

Shri P P Rao is one of those rare legal luminaries who spent a lifetime to the delivery of Justice.

I am happy to be associated with the release of this Book which holds mirror to the mind and life of PP and his distinguished contributions over four decades to the cause of upholding law and enriching the attendant processes.

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RR/BK/MS/RK