

ITEM NO.303

COURT NO.7

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 536/2011

PUBLIC INTEREST FOUNDATION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

(with appln. (s) for bringing on record and bringing on record the additional facts and intervention and permission to appear and argue in person and office report)

WITH

W.P.(Crl.) No. 208/2011

(With appln.(s) for permission to file additional documents and Office Report)

W.P.(C) No. 800/2015

(With Office Report)

Date : 08/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Ashish Mohan, Adv.
Mr. Chetan Rai Wahi, Adv.
Mr. Krishnam Mishra, Adv.
Mr. Nishant Singh, Adv.
Mr. Yasharth Kant, Adv.
Mr. Manish Srivastav, Adv.
Mr. K. K. Mohan, Adv.

M/s. AP & J Chambers

Mr. Z.U. Khan, Adv.
Mr. R. D. Upadhyay, Adv.
Mr. A.K. Upadhyay, Adv.

Signature Not Verified

Digitally signed by
For Respondent(s)

VINOD LAKHINA
Date: 2016.03.10

Mr. R. Balasubramaniam, Adv.
Mr. T.A. Khan, Adv.

10:11:35 IST
Reason:

Mr. B.K. Prasad, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Nalin Kohli, Adv.

Mr. Santosh Kumar, Adv.
Mr. B.V. Balaram Das, Adv.

Mr. Satya Narain, In-person

Mr. Suryanarayana Singh, Sr. Addl.AG
Mr. Vikas Bansal, Adv.
Mr. Mukul Singh, Adv.
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Ms. Meenakshi Arora, Sr. Adv.
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Dr. Manish Singhvi, Adv.
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Mr. K.V. Jagdishvaran, Adv.
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For M/s. Corporate Law Group

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. C.D. Singh, Adv.
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Mr. Ashutosh Kumar Sharma, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Mukesh Verma, Adv.

Mr. M.Yogesh Kanna, Adv.
Mr. Jayant Patel, Adv.

Mr. Gopal Singh, Adv.

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Mr. Shivam Singh, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.

Mr. Sudarshan Singh Rawat, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. Milind Kumar, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Yusuf Khan, Adv.
M/s. Arputham Aruna & Co.

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Ishu Prayas, Adv.
Mr. S.Spandana Reddy, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Ms. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.

Mr. S.A. Haseeb, Adv.
Ms. Aishvarya Bhati, Adv.
Ms. Sushma Suri, Adv.

Mr. Sapam Biswajit Meitei, Adv.
Ms. Lingthoingambi Thongam, Adv.
Ms. B. Khushbansi, Adv.
Mr. Ashok Kr. Singh, Adv.

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

One of the questions referred to the present

Bench is extracted below :

Whether disqualification for membership can
be laid down by the Court beyond Article
102(a) to (d) and the law made by
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Parliament under Article 120(e)?

In view of Article 145(3) of the
Constitution, it is a Bench of a minimum of five
Judges, which in our considered view, ought to
answer the above question.

Though, the learned counsel appearing for
the Union of India has placed before us a decision
of the Constitution Bench in 2014 (9) SCC 1, titled
as "Manoj Narula v. Union of India", particularly,
the view expressed by brother Justice Madan B.
Lokur, having read the said views, we cannot agree
with the learned counsel that the same conclusively
answers the question referred to us, as extracted
above.

We, therefore, direct the Registry to place
the papers before Hon'ble the Chief Justice of
India on the administrative side for referring the
matters to a larger Bench in view of Article 145(3)

of the Constitution.

(Neetu Khajuria)
Sr.P.A.

(Asha Soni)
Court Master