



2026:AHC:204628

HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No.15205 of 2025

Pappu Met @ PappuPetitioner(s)

Versus

State of U.P. andRespondent(s)
Another

Counsel for Petitioner(s)	: Arun Pratap Singh, Kamaluddin
Counsel for Respondent(s)	: G.A.

Connected Matters:

1.	A227/12771/2025 V.S. Palitube Vs. State of U.P. and another
2.	A227/15004/2025 Urmila Mishra Vs. State of U.P. and 4 others
3.	A227/7832/2025 Sarfraj Ahmad Vs. State of U.P. and another

Reserved on : 26.05.2026
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A.F.R.

Court No. - 38

HON'BLE VINOD DIWAKAR, J.

Judicial appointments to constitutional courts are not patronage- they fundamentally shape a nation's ideological character, its society, and the foundations of its credibility in international affairs.

Issues for consideration:

1. Through this common judgment, four writ petitions are being disposed of, as they raise a shared and systemic concern pertaining to the

inordinate delay in the adjudication of trial court proceedings, coupled with the apparent reluctance or failure on the part of the district judiciary to furnish requisite information when called upon by the High Court. The issue engages foundational principles of the administration of justice, including the right to a speedy trial, judicial accountability, and the efficient functioning of the courts.

Brief Introduction:

2. At the outset, and for the reasons recorded hereinafter, this Court observes with concern that, in the *Pappu Met case*, notwithstanding the directions issued by this Court in *Smt. Bacchi Devi v. State of U.P.*¹, whereby a structured mechanism was devised to operationalize the mandates laid down by the Supreme Court in *Satender Kumar Antil v. CBI*²; *Siddharth v. State of U.P.*³; and *In Re: Policy Strategy for Grant of Bail*⁴- the courts below have not adhered to those binding directions. There has been non-compliance with the procedural framework so devised, and there has also been a failure on the part of the learned District Judges concerned to furnish the information repeatedly called for by this Court. It has therefore become necessary to examine the position in the context of the constitutional scheme, judicial discipline, institutional accountability, and the scope for the effective exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

3. In *Urmila Mishra's case*, the petitioner seeks expeditious disposal of a criminal case pending since 2009, which, despite having been listed on more than 178 occasions over a span of nearly sixteen years, has not reached even the stage of framing of charge. Such delay *prima-facie* defeats the constitutional guarantee of a fair and speedy trial.

4. In *Sarfraj Ahmad's case*, the First Information Report was lodged in the year 2008, and the charge-sheet was filed in the year 2010. Over the sixteen years that have since elapsed, the matter has been listed on

¹ (2025) SCC OnLine All 5286

² (2024) 9 SCC 177

³ (2022) 1 SCC 676

⁴ (2022) SCC OnLine SC 1487

approximately 143 occasions without any meaningful progress in the proceedings. The accused has accordingly invoked the supervisory jurisdiction of this Court, seeking a direction for the expeditious conclusion of the trial.

5. In *V.S. Palitube's case*, a complaint under Section 138 of the Negotiable Instruments Act, 1881, as amended from time to time, was instituted in the year 2013. Although the accused was summoned in the year 2019, and the matter has since been listed on more than 100 occasions, no effective order has been passed, the accused having failed to appear before the court with any regularity. What is more troubling is that the dispute concerns the dishonour of a cheque for a sum of Rs. 59,000/-. The complainant contends that, notwithstanding the repeated listings, the proceedings have remained stagnant on account of the non-appearance of the accused, and that the trial court took no effective steps to secure his presence.

6. Collectively, the aforesaid cases disclose a concerning pattern of procedural stagnation before the District Courts, and, equally, no effective attention has been paid at the level of this Court. It underscores the need for timely and effective intervention, so that the rule of law is upheld and the ends of justice are not defeated by mere avoidable delay.

7. It is not an attribute of the individual alone, it reflects the behavioural pattern of the institution in the dispensation of justice. Several factors appear to contribute to this state of affairs. There is no notified national policy governing the administration of justice, nor any settled procedure or codified rules prescribed for it. Sustained, effective and result-oriented training and learning programmes for Judges are wanting-programmes that would bring consistency to judicial pronouncements and help to build judicial character.

8. Constitutional morality and judicial character are not innate attributes; they require to be cultivated through sustained training and learning. Judicial character is not built solely upon the foundations of integrity, independence, impartiality, competence and diligence, self-

discipline, and commitment to justice and constitutional values. It rests also upon institutional supports comprising: (i) sustained programmes of training and learning; (ii) a mechanism for fixing accountability in respect of decisions taken on the administrative side; (iii) corrective measures for breaches of discipline; and (iv) a curriculum directed at cultivating fraternity and a spirit of brotherhood. Every promotion or elevation should be followed by a compulsory programme of training, so that the officer may appreciate the consequences of decisions taken at each level and their effect upon society.

9. *‘Judicial Character’* requires, further, the removal of influences those corrupt or undermine it. Two such influences merit particular notice: the protection of dynastic privilege and nepotism, and the favouritism that arises from casteism and feudal patronage. The judiciary has neither an army nor a purse. It possesses only the willingness of citizens to accept its decisions, and that willingness rests upon the belief that the institution belongs equally to all.

10. Above all, fraternity- as the Preamble conceives it- is not merely a sentiment. It is a structural principle of constitutional morality and an essential foundation of judicial character.

(emphasis supplied)

11. The Supreme Court envisaged a Chief Justice- centric administration of the High Court that combines strong leadership with a collaborative, participative & consultative approach, embedded with a spirit of fraternity. Successive Chief Justices⁵, however, have not

⁵ A perusal of the agenda of the last ten meetings of the *‘Full Court’* indicates that the designation of Senior Advocates was placed before it on two occasions, and that the designations approved on one of those occasions have been challenged on the judicial side, which challenge is pending consideration before the Lucknow Bench of this Court. The remaining items on the agenda were related to the service conditions of judicial officers. No matter of general policy, no matter affecting the powers and status of the Court, and no annual report on the administration of justice has been placed before the Full Court during this period.

(emphasis supplied)

consistently followed the Allahabad High Court Rules, 1952. Today, there is little beeway of conscious and participative dialogue among Judges at the level of the High Court on matters related to the allocation of business. Allocation of work is not linked to performance. There are no defined, codified and notified parameters governing consideration for elevation and promotion to the next level. Above all, decisions taken on the administrative side attract no accountability, and are not subjected to audit by any independent agency, so that accountability may be fixed in cases of proven favouritism, partisanship, or the operation of other extraneous considerations. The cumulative effect of the foregoing issues erodes the conditions in which judicial character forms.

12. Upon a careful consideration of the facts of each case and of the orders passed therein, it is considered appropriate to delineate the salient features of each matter separately, so as to maintain clarity and to preserve the full context. Accordingly, the key aspects of all four cases are first examined individually; thereafter, a concise synthesis of the material particulars is set out, before a reasoned conclusion is arrived at by taking reference from seminal work by jurist, scholar, academician, and constitutional scheme.

I- Pappu Met @ Pappu v. State of U.P. & Another

13. In this case, the petitioner has invoked Article 227 of the Constitution of India to assail the order dated 19.11.2025 passed by the learned Additional Sessions Judge, Bareilly, upon an application for modification of the order dated 18.11.2025, whereby the petitioner had been granted bail on his executing a personal bond of Rs.1,00,000/- and furnishing two sureties, each in the like amount, to the satisfaction of the court concerned. The petitioner is aggrieved by the conditions so imposed,

The administrative business of the High Court is at present transacted through 84 Committees. It is noticed that, over the last three and a half years, a majority of these Committees have been chaired by two or three senior Judges of the Court, who at the same time discharge judicial work on rosters that are themselves demanding of time.

(emphasis supplied)

contending that they are in disregard of the directions issued by the Supreme Court *In Re: Policy Strategy for Grant of Bail (supra)* and by this court in *Smt. Bacchi Devi v. State of U.P. (supra)*.

14. Briefly stated the facts are that an FIR No. 340 of 2024, under Sections 305, 317(5) and 331(4) of the Bharatiya Nyaya Sanhita, 2023, was lodged at P.S. Bithri Chainpur, district Bareilly, against unknown persons, alleging the theft of two buffaloes and one calf belonging to the informant. During the course of investigation, the buffaloes were recovered from the possession of the co-accused Hafeej Ahmad, Toufil Ahmad, and Mohd. Kasif. The name of the petitioner surfaced during the investigation; he was arrested and sent to jail, and was arrayed as an accused in the charge-sheet. Upon filing the charge-sheet, the petitioner preferred a regular bail application, which was allowed by the impugned order with the condition to pay Rs.1,00,000/- as surety amount.

15. Upon the merits, learned counsel for the petitioner submits that the co-accused, including those from whose possession the case property, namely the two buffaloes and one calf, was recovered, were enlarged on bail by the learned trial court upon executing a personal bond of Rs. 25,000/- and furnishing two sureties each in the like amount, whereas the petitioner was directed to furnish a personal bond of Rs.1,00,000/- and two sureties each in the like amount to the satisfaction of the court concerned. It is contended that the petitioner is a person of extremely limited means and is unable to furnish sureties of that magnitude, and that the impugned bail order therefore requires to be modified so as to enable him to be released from custody.

16. Learned counsel has placed reliance upon the judgment and order dated 15.03.2024 of the Supreme Court in *Ashok Sandeep Singh v. The State of Uttar Pradesh*⁶, whereby the quantum of surety fixed at Rs. 10,00,000/- was reduced to Rs. 25,000/-. In that case, the direction under challenge had required the release of the convict upon furnishing "heavy surety" - an expression unknown to the jurisprudence of bail.

⁶ SLP (Crl) No. 3314 of 2024

17. Learned counsel has further relied upon the judgment of this Court in *Smt. Bacchi Devi* (supra), whereby comprehensive directions were issued to the judicial officers of the district judiciary with respect to the grant of bail and the sureties to be furnished by an accused. It is submitted that the impugned order is in disregard of the law laid down in *Gurbaksh Singh Sibbia v. State of Punjab*⁷; *Sushila Aggarwal v. State (NCT of Delhi)*⁸; *Siddharth v. State of U.P. (supra)*; *Satender Kumar Antil (supra)*; *Gudikanti Narasimhulu v. Public Prosecutor, High Court of A.P.*⁹; as also of the directions contained in *Smt. Bacchi Devi (supra)*.

18. While admitting the present petition, this Court passed a detailed order dated 11.12.2025, with a view to explore the ways and means by which such lapses may be addressed, so that public confidence in the institution of the judiciary remains unimpaired and the discipline essential to the judicial hierarchy is maintained in its letter and spirit. The relevant excerpts from the order dated 11.12.2025 are reproduced hereunder:

“7. It is an admitted position that the co-accused Mohd. Kasif was released on bail vide order dated 10.9.2024 with the direction to furnish a personal bond of Rs. 25,000/- along with two sureties each in the like amount to the satisfaction of the Court, whereas the petitioner in the present case was directed to furnish a personal bond of Rs. 1,00,000/- along with two sureties each in the like amount.

8. It's a matter of record that that the Registrar General of this Court, vide DO Letter No. 14293/Admin.G-II dated 4.11.2025, forwarded a copy of the order/judgment dated 12.8.2025 passed in Criminal Misc. Application u/s 528 BNSS No. 6400 of 2024, titled Smt. Bacchi Devi v. State of U.P. & Anr. (supra), to all the District Judges to ensure strict compliance in letter and spirit. All the District Judges were further requested to send compliance report, as directed by this Court in paragraph 38 (10) and 38 (XI), to the High Court upon receipt of the DO letter through e-mail.

9. On perusal of the impugned order and the order dated 10.9.2024, referred herein above, it is prima facie observed that the learned

⁷ (1980) 2 SCC 565

⁸ (2018) 7 SCC 731

⁹ (1978) 1 SCC 240

Additional District and Sessions Judge has either not comprehended the directions properly, or has misunderstood the same, or is otherwise not willing to adhere to the directions, for reasons best known to them. This is not a stand-alone case; this Court regularly receives applications seeking modification of bail orders passed by the district courts in clear defiance of Bacchi Devi (supra), and even prior to Bacchi Devi (supra), in disregard of the several orders/judgments of the Hon'ble Supreme Court relied upon therein. The judgments of the Supreme Court referred to in Bacchi Devi (supra) have not been reproduced herein for the sake of brevity.

10. Based on the aforesaid deliberations, an explanation is sought from the learned Judges, through the District Judge, Bareilly, who have passed the impugned order and the order dated 10.9.2024 referred to hereinabove, as to why the guidelines have not been followed by them, and if they have been followed, the same may be duly explained. A report is also called from the learned District Judge, Bareilly, regarding all such orders wherein the learned Judges of the District Court, Bareilly, have directed the release of accused(s) on two sureties post 12.8.2025. The report shall further indicate the date on which a compliance report was communicated to the High Court in compliance with DO Letter No. 14293/Admin.G-II dated 4.11.2025, referred to hereinabove.

11. Assistance of the High Court, through the Registrar General, is also required to ascertain whether the learned Judges have committed 'contempt of this Court' or 'of its own court' by not following the directions in Bacchi Devi (supra), or whether it falls within their discretion to interpret the judgments of the Constitutional Courts according to their personal understanding of law based on old, redundant practices having no legal sanction. Further, in case a wilful, negligent, or callous approach is ex facie observed, indicating that the learned Judges are intentionally not following the judgment(s) for reasons best known to them, what remedial action is proposed to be taken by this Court under its supervisory jurisdiction on judicial side.

11.1 This Court is conscious that it is indeed distressing - even inconsistent with dignity - for this Court to so much as whisper about initiating contempt proceedings against its own judicial officers, who enjoy a distinct and elevated status in society and are entrusted with the solemn jurisdiction to pronounce even capital punishment, where the

law so requires and the accused is found guilty. However, the persistent and repeated defiance of the orders passed by Constitutional Court(s) has compelled this Court to consider appropriate measures to address such continued contumacy. Judicial discipline is not a matter of choice; it is a constitutional imperative that sustains the hierarchy of courts and ensures coherence and certainty in the administration of justice.

12. Judicial morality demands that every Judge, irrespective of rank, faithfully follows the law declared by the Constitutional Courts. The conduct of Judges does not remain confined to the four walls of the courtroom; it shapes public perception of the justice-delivery system and, in turn, moulds the moral fabric of society. When judicial orders are disregarded, not only is the rule of law undermined, but the faith of the people - on which the very foundations of a healthy democracy rest - stands shaken.”

19. As the order dated 11.12.2025 was not complied with, this Court, on the next date i.e. 18.12.2025, passed a further order setting out its directions with greater clarity. The relevant excerpts thereof are reproduced hereunder:

“1. This order shall be read in continuation of the order dated 11.12.2025, whereby explanations were sought from the learned Judicial Officers who had passed the impugned order dated 10.09.2024. By the said order, a report was also called for from the learned District & Sessions Judge, Bareilly, with regard to all such orders passed by the learned Judges of the District Court, Bareilly, directing the release of accused persons on two sureties after 12.08.2025. Further, details were sought regarding the date on which the compliance report was communicated to this Court in pursuance of D.O. Letter No. 14293/Admin.G-II dated 04.11.2025.

2. The assistance of the High Court, through the Registrar General, was also sought to examine whether the learned Judicial Officers had committed "contempt of this Court" or "contempt of their own Court" by not adhering to the directions issued in Smt. Bacchi Devi v. State of U.P. and Another [2025 SCC OnLine All 5286].

3. In compliance with the order dated 11.12.2025, a letter dated 17.12.2025 has been received from the learned District & Sessions

Judge, Bareilly. Upon perusal thereof, it is noted that one legal awareness camp has so far been conducted by the District Legal Services Authority, Bareilly, with members of the Bar of the Bareilly Judgeship on 16.12.2025 at 01:30 p.m. The said communication further encloses a list indicating that as many as 2,326 bail orders have been passed after 12.08.2025 directing the release of accused persons on two sureties. The contents of the letter dated 17.12.2025 prima facie indicate that the directions issued by this Court in Smt. Bacchi Devi (supra), as well as the stipulations contained in the D.O. Letter dated 04.11.2025, were not adhered to by the learned Judges of the District Court, Bareilly, until a response was sought pursuant to the earlier order passed by this Court.

*4. The learned Additional District & Sessions Judge, Court No. 3, Bareilly, who had passed the impugned order dated 18.11.2025, has stated in his reply dated 11.12.2025 that reliance was placed upon the order passed by the Hon'ble Supreme Court in **Writ Petition (Criminal) No. 4 of 2021**, which lays down directions and procedures to be followed for relaxation of bail/surety conditions in cases where the accused is not released within a period of seven days from the date of grant of bail.*

5. In the aforesaid backdrop, the learned Additional District & Sessions Judge, Court No. 3, Bareilly, is further directed to: (i) furnish copies of the order(s) upon which reliance was placed while directing the accused to furnish two sureties each in the amount of Rs.1,00,000/-; (ii) specify the issue involved before the Hon'ble Supreme Court in Writ Petition (Criminal) No. 4 of 2021; and (iii) submit a brief, date-wise synopsis of all effective orders passed in the said writ petition till date.

6. The purpose of seeking the aforesaid details is to arrive at a logical conclusion as to whether the learned Judge was justified in placing reliance upon the said writ petition in the facts and circumstances of the present case. This exercise shall also assist the Court in removing any ambiguity or confusion.

7. Shri Manish Goyal, learned Senior Counsel, assisted by Shri Sudhir Mehrotra, learned counsel for the High Court, seeks and is granted one week's time to obtain instructions and to suggest an appropriate course of action in situations where this Court finds that the directions issued by Constitutional Courts have been ex facie disregarded by learned

Judicial Officers. Shri Manish Goyal is also requested to examine the directions and orders passed by the Hon'ble Supreme Court in the aforesaid writ petition and to assist the Court by way of written submissions.

8. Shri Manish Goyal shall also furnish, district-wise, the number of bail orders - both anticipatory and regular - passed by learned Judges after 12.08.2025 wherein accused persons were directed to furnish two sureties, within one week.”

20. For clarity, it would be appropriate to set out briefly the background of ***Smt. Bacchi Devi (supra)***, so that the context in which the information came to be sought from the trial courts may be appreciated and justified.

21. By order dated 12.08.2025, this Court, in exercise of its powers under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, issued a comprehensive set of directions addressing a recurring procedural infirmity noticed across the trial courts in the State of Uttar Pradesh. The infirmity lay in the practice of remanding an accused to judicial custody upon his appearance in answer to summons, in cases where no arrest had been effected during the investigation. The accused was thus subjected to what was, in substance, a formal arrest, followed by release after a fortnight or a month. The consequence was that accused persons, apprehending arrest, stayed away from the trial court for years together- in a substantial number of cases as long as two decades- rather than appear and seek a formal order of bail to facilitate the trial.

22. This Court held such remands to be contrary to the guarantee of personal liberty under Article 21 of the Constitution, and inconsistent with the binding directions of the Supreme Court passed in ***Satender Kumar Antil (supra)***, ***Siddharth (supra)***, and ***Musheer Alam v. State of U.P.¹⁰***, among others. The relevant set of directions issued in ***Smt. Bacchi Devi (supra)*** is also reproduced below:

¹⁰ 2025 SCC OnLine SC 116

“Directions:

38. Based on the foregoing deliberations, and to give effect to the constitutional guarantees under Article 21 of the Constitution of India, this Court, in exercise of the powers vested in it under Article 227 of the Constitution and Section 528 of the BNSS, and to secure the ends of justice as well as to implement the directions issued in Satender Kumar Antil (supra), hereby directs as follows:

(i) All District Judges shall ensure that, in cases where the charge-sheet has been filed without arrest- whether because custodial interrogation was not effected during investigation by Investigating Officer, or the accused had secured anticipatory bail/protective orders under Article 226 of the Constitution or Section 528 of the BNSS and duly cooperated during investigation- the trial court shall not remand the accused to judicial custody upon appearance pursuant to summons, nor insist upon filing of regular or anticipatory bail applications. The accused shall be permitted to appear and furnish a personal bond at the first instance, in terms of Musheer Alam (supra) and Satender Kumar Antil (supra). The requirement of surety under Section 91 BNSS may be considered subsequently at the court's discretion to ensure appearance of the accused.

(ii). At the stage of proceedings under Sections 88, 170, 204, and 209 Cr.P.C. (corresponding sections 91, 190, 227 and 232 of BNSS), the trial court- whether presided over by a District Judge, Additional District and Sessions Judge, or Magistrate- shall inform the accused of his right to furnish a personal bond at the first instance, and may require surety subsequently, if necessary.

(iii). Immediately after appearance of accused in response to summons, the court shall comply with Sections 230 and 231 of BNSS, 2023, committing the case to the court of session when exclusively triable by it, and proceed to the next trial stage without unnecessary delay.

*(iv). For the sake of clarity, when the trial court encounters such anticipatory bail or protective orders under Article 226 or Section 528 BNSS specifying protection till the filing of the charge-sheet, or direct that "no coercive action"/"stay on arrest shall operate until filing of charge sheet", these protections shall be deemed to continue until the conclusion of trial, in line with **Gurbaksh Singh Sibbia (supra)**, **Sushila***

Aggarwal (supra), Sidharth (supra), Satender Kumar Antil (supra), and Musheer Alam (supra) unless supported by with cogent reasons, making out an exceptional case. This direction aligns with the consistent position adopted by the Supreme Court, beginning with Gurbaksh Singh Sibbia (supra), affirmed in Sushila Aggarwal (supra), clarified in Sidharth (supra), and reiterated in Satender Kumar Antil (supra) and Musheer Alam (supra). A reference may be invited to paragraphs 43, 44, 46 and 47 of the order dated 11.7.2022; paragraph no.3 of order dated 7.10.2021; paragraph no.6 of order dated 16.12.2021; paragraph no.4, 5 and 6 of order dated 21.3.2023; paragraph nos.7(ii) of order dated 2.5.2023; paragraph nos.229 to 239 of the order dated 13.2.2024; paragraph nos.79 to 85 of the order dated 6.8.2024 passed in Satender Kumar Antil v. CBI, [all the orders mentioned hereinabove have been passed by Supreme Court in SLP (Crl.) No.5191 of 2021].

(v). The Joint Director (Prosecution) in each district shall maintain detailed records of all such cases where trial courts remanded accused persons to custody, despite charge-sheets being filed without prior arrest, contrary to the Supreme Court directives in Arnesh Kumar (supra), Sidharth (supra), Satender Kumar Antil (supra), and observation made in Musheer Alam (supra).

(vi). All Jail Superintendents shall maintain corresponding records of such cases. The record shall be maintained in a register documenting cases along with a remand order where an accused has been sent to jail by the trial court despite not being arrested during the investigation and the judicial remand is contrary to the judgments mentioned in preceding paragraph.

(vii). The Additional Director General of Police (Prosecution), Directorate of Prosecution, Lucknow, shall compile an annual, centralised record of all such instances, based on data from Joint Directors (Prosecution), and Jail Superintendents. This record shall be reviewed periodically, submitted to higher authorities, including the Registrar General of the High Court. It shall be used to assess the conduct of Judicial and Prosecuting Officers. The Directorate of Prosecution shall promote compliance with binding directions, protect the constitutional right to liberty, and preserve the integrity of the criminal justice system. The objective is to establish an additional layer of oversight at the zonal and regional levels, complementing the centralised data maintained by the Directorate of Prosecution.

(viii). The Director, JTRI, Lucknow, shall ensure sustained training programmes for judicial officers to secure compliance with this order.

(ix). The Secretary, District Legal Services Authority, in coordination with District Court Bar Associations, shall conduct regular legal awareness camps to educate and sensitise advocates on these directions.

(x). District Judges shall submit monthly reports to the High Court containing: (a) the number of cases in which judicial remand was ordered despite no prior arrest; (b) feedback on judicial training and compliance with these directions; and (c) details of legal awareness camps conducted. A reference is invited to paragraph 11(d) of the order dated 21.1.2025 passed in Satender Kumar Antil v. CBI.

(xi). It is noted that Sidharth (supra) was delivered on 16.08.2021 and reinforced in Satender Kumar Antil (supra) by order dated 11.7.2022. Despite this, violations persisted by the learned trial courts, leading the Supreme Court to direct skill enhancement training for a District Judge nearly a year after Satender Kumar Antil and two years after Sidharth. The Supreme Court also expressed concern that judges in other districts of Uttar Pradesh remained unaware or indifferent to these directions, therefore, it can safely be observed that the long-standing practice of District Judges merely endorsing 'seen' on the cover page of circulation letters for judgments has lost its efficacy. Therefore, the learned District Judges shall endorse: "Read, understood, and discussed with fellow judges of the district", and, after deliberating on this judgment with their fellow judges, submit a report to this effect to the Registrar General of this Court immediately upon receipt of a copy of this order.

Further Directions:

46. *Accordingly, it is hereby directed that the mandatory requirement of two sureties are dispensed with, and henceforth, (i) the accused(s)/convict(s), as the case may be, shall be released on a "single surety", subject to the satisfaction of the Magistrate or the court concerned - the satisfaction shall drive from the socio- economic condition of the accused- and that the surety bond amount be fixed in accordance with the financial strength of the accused. In case, the accused(s) is unable to produce sound surety within seven days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute from para legal*

*volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release, besides other directions contained in order dated 31.1.2023 passed in **In Re: Policy Strategy for Grant of Bail (supra)**, and (ii) if the accused has been booked in multiple cases (FIRs) even across many states, the court shall forthwith release the accused -if secures bail in all cases- in the light of **Girish Gandhi v. State of U.P. and Others (supra)**.*

47. In view of the aforesaid deliberations, the Registrar General of this Court is directed to place a copy of this order before Hon'ble the Chief Justice, with a request to consider issuing fresh guidelines, in supersession of Circular No. 44/98 dated 20.8.1998 and Circular No. 4258/Admin. 'G-II' dated 17.4.2020, as His Lordship may deem fit and appropriate, for directing the subordinate courts on the verification of sureties and bail bonds. The aforesaid circulars have lost their relevance in light of the directions issued by the Supreme Court in In Re: Policy Strategy for Grant of Bail (supra) and other judgments discussed hereinabove.

52. The Registrar (Compliance) is directed to forthwith transmit a copy of this order to all the District Judges, who shall, in turn, circulate the same to all Judicial Officers of the District Courts; to the Director General of Police, who shall circulate it to all Commissioners of Police, Senior Superintendents of Police, and Superintendents of Police; to the Additional Director General (Prosecution), who shall circulate it to all Joint Directors in the districts; and to the Director, Judicial Training & Research Institute, Lucknow, for record and ensuring effective compliance."

23. In compliance with the orders dated 11.12.2025 and 18.12.2025, the learned trial Judge who passed the impugned order has submitted his explanation. A perusal thereof discloses that reliance has been placed upon Section 485 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and upon the order passed by the Supreme Court **In Re: Policy Strategy for Grant of Bail (supra)**.

24. The explanation does not meet the requirements of the order dated 18.12.2025. It proceeds upon a misunderstanding of the directions contained in **Smt. Bacchi Devi (supra)**, particularly those in paragraphs 38(x), 38(xi) & 46. It does not indicate that the directions of the Supreme

Court issued *In Re: Policy Strategy for Grant of Bail (supra)* were borne in mind when the impugned order came to be passed. The directions contained in *Smt. Bacchi Devi (supra)* and in *In Re: Policy Strategy for Grant of Bail (supra)* have both been misunderstood and erroneously applied.

25. The purpose of calling for a second explanation was to sensitize the officer, so that he would be vigilant in furnishing an explanation to this Court that addresses the issue raised, in future. An explanation ought not to contain extraneous or irrelevant material, since the inclusion of such material tends to invite an adverse view. An explanation is not called for from a judicial officer as a matter of course; it is sought for a purpose to enhance his academic excellence in judicial working, and the officer is expected to appreciate the reason for which it is required.

26. The information furnished by the learned District Judge, Bareilly, discloses that Administrative Order No. 1336 of 2025, dated 16.12.2025, was issued by him directing all judicial officers of the Judgeship to comply with the directions contained in paragraphs 38(x) and 38(xi) of *Smt. Bacchi Devi (supra)*, and to furnish the number of cases in which orders of judicial remand were passed although no arrest had been effected during investigation, together with particulars of the awareness camps organized in that behalf. The said Administrative Order dated 16.12.2025 is reproduced hereunder:

Order

"Under the Criminal Miscellaneous Petition No. 6400/2025, Section 528 B.N.S.S., Smt. Bacchi Devi vs. State of U.P., the Honourable High Court has passed the following directions in Paras 38 (X):"

38 (X)" District Judges shall submit monthly reports to the High Court containing: (a) the number of cases in which judicial remand was ordered despite no prior arrest; (b) feedback on judicial training and compliance with these directions; and (c) details of legal awareness camps conducted. A reference is invited to paragraph 11(d) of the order dated 21.1.2025 passed in Satender Kumar Antil v. CBI."

"In compliance with the above directions, the Administrative Officer, Bareilly, is hereby directed to collect data from all courts conducting criminal cases on the following points by the 10th day of each month and submit it along with a report for presentation before the Hon'ble High Court:

1. The number of cases in which judicial remand orders were passed despite no prior arrest.

2. Awareness camps organized in relation to the decisions."

27. The explanation also refers to Administrative Order No. 1158, dated 13.11.2025, issued by the learned District Judge pursuant to letter No. JTRI 1435(5) dated 06.10.2023 of the Judicial Training and Research Institute, Lucknow, concerning the development of an environment of continuous learning for judicial officers and staff. It is stated that a committee of judicial officers of the District Court, Bareilly, was constituted by Administrative Order No. 816A/2025 dated 11.08.2025, and was entrusted with the task of organizing an interactive session every Tuesday and Friday from 4:45 p.m. to 6:00 p.m. in the meeting hall in order to equip, apprise and acquaint them of the law on the subject.

28. The interactive sessions are to cover, *inter alia*, the following:

(a) Subjects relating to the day-to-day working of the courts-

(i) business rules, including the General Rules (Civil) and the General Rules (Criminal), the directions issued by this Court from time to time, and general letters and circulars;

(ii) the provisions of procedural law, civil and criminal, required in the day-to-day functioning of the courts;

(iii) relevant substantive law, including the Specific Relief Act, 1963, the penal law, the Court Fees Act, and local laws;

(iv) training in technology, including hands-on experience of the Ubuntu operating system, the Case Information System, the e-Courts project as implemented in the district courts, video conferencing, the handling of electronic evidence, and cyber safety;

- (v) the relevant provisions of the revenue laws;
- (vi) the role and functioning of the Court Amin;
- (vii) alternative dispute resolution, legal aid and legal awareness, and the role of the court staff; and
- (viii) the manner of dealing with vulnerable witnesses.

(b) Subjects relating to behaviour and personality development-

- (i) interpersonal relationships and skills, communication, personality development, leadership skills, team building, and ethical foundations;
- (ii) behaviour, manners and etiquette;
- (iii) wellness and health;
- (iv) stress management; and
- (v) financial management, together with such other areas as require skill enhancement and familiarization, namely, mental health, nutrition, leadership skills, time management, emotional intelligence, motivation, sensitization, deliberation upon social issues, interaction with stakeholders, yoga, physical activity and sports, meditation, decision-making, the sharing of experience, and appropriate dress.

29. In compliance with the orders dated 11.12.2025 and 18.12.2025 passed in *Pappu Met*, the learned District Judge, Bareilly, has reported that, subsequent to the decision in *Smt. Bacchi Devi* (supra), the directions contained therein were not adhered to in 2,326 cases across the 47 courts of the Judgeship. **Table-I** discloses that no judicial officer of the Bareilly Judgeship, from the District Judge to the Munsif Magistrate, complied with the directions referred to hereinabove, or with Administrative Order No. 1336 of 2025 dated 16.12.2025.

30. The data furnished in respect of the judicial officers of the Bareilly Judgeship is set out hereunder:

Table-I

Sl. No.	Name of Court	Number of Bail Orders, passed after 12.08.2025, in recalcitrance of Smt. Bacchi Devi (supra)
1.	District Judge From 12.08.2025 to 06.10.2025	325
2.	District Judge From 07.10.2025 to 12.12.2025	56
3.	ADJ-I st	111
4.	Spl. Judge (SC/ST Act)	94
5.	ADJ-III rd	105
6.	ADJ-IV th /Spl. Judge (E.C. Act)	158
7.	ADJ/Spl. Judge POCSO Act	37
8.	ADJ-V th	53
9.	ADJ-VI th	27
10.	ADJ/Spl. Judge POCSO Act-1	67
11.	ADJ-IX th	80
12.	ADJ/Spl. Judge, POCSO Act-3	40
13.	Spl. Judge (P.C. Act) Spl. Court No. 2	34
14.	ADJ/Spl. Judge POCSO Act-2	31
15.	ADJ/FTC	50
16.	ADJ/FTC-I	78
17.	J.S.C.C.	12
18.	C.J.M.	40
19.	ACJM-1	21
20.	A.C.J.M.-2	34
21.	Addl. Cl. Judge (S.D.)-2	3
22.	A.C.J.M.-3	105
23.	A.C.J.M.-4	140
24.	Addl. Civil Judge (S.D.)-3	2
25.	Addl. Cl. Judge (S.D.)-1	30
26.	A.C.J.M. (N.R.)	82
27.	Addl. Civil Judge (S.D.)-4	2

28.	A.C.J.M. (N.E.R.)	9
29.	A.C.J.M.-5	106
30.	Addl. Civil Judge (S.D.)-6	30
31.	Civil Judge (S.D.)/F.T.C.	0
32.	J.M.-I	67
33.	J.M.-II	32
34.	Civil Judge (J. Div.) Baheri	8
35.	Addl. Civil Judge (JD)-II	8
36.	J.M.-III	25
37.	Civil Judge (JD), Aonla	5
38.	Civil Judge (J. Div.), Faridpur	10
39.	Addl. Civil Judge (JD)-V/JJB	3
40.	Civil Judge (J.D.)/F.T.C.-1	6
41.	Addl. Civil Judge (JD) Aonla	7
42.	Civil Judge (J.D.)/F.T.C.	3
43.	Gram Nyayalay, Meerganj	14
44.	Addl. Court N.I. Act	25
45.	Spl. J.M.-II	30
46.	Addl. Civil Judge (JD)-III	20
47.	Spl. Judge (P.C. Act), Spl. Court No. 1	101
Total		2326

31. Finding the matter to be one of serious concern, this Court directed all the learned District Judges to submit reports with respect to compliance of the judgment of *Smt. Bacchi Devi (supra)*. The reports disclose that the position prevailing in the other district judiciaries of the State is not materially different. In order that the gravity of the matter may be appreciated, the particulars are set out hereunder:

Table-II

The number of bail orders, both anticipatory and regular, passed by learned Judges after 12.8.2025, wherein accused persons were directed to furnish two sureties in the District Courts of Uttar Pradesh in recalcitrance of <i>Smt. Bacchi Devi (supra)</i> , are delineated hereinbelow:			
Sl. No.	Name of District	Number of Anticipatory Bail Orders	Number of Regular Bail Orders
1.	Agra	370	3047

2.	Aligarh	149	2087
3.	Ambedkar Nagar	155	3536
4.	Amroha	161	1770
5.	Auraiya	54	1476
6.	Ayodhya	58	3856
7.	Azamgarh	430	2632
8.	Baghpat	128	2295
9.	Bahraich	175	3695
10.	Ballia	91	633
11.	Balrampur	38	1648
12.	Banda	4	2779
13.	Barabanki	38	3107
14.	Bareilly	364	2434
15.	Basti	89	1137
16.	Bhadohi	48	640
17.	Bijnor	414	653
18.	Budaun	138	3839
19.	Bulandshahr	456	4825
20.	Chandauli	65	1109
21.	Chitrakoot	41	715
22.	Deoria	15	2372
23.	Etah	226	1767
24.	Etawah	19	918
25.	Farrukhabad	13	684
26.	Fatehpur	18	3361
27.	Firozabad	168	2502
28.	Gautam Buddh Nagar	264	2784
29.	Ghaziabad	1024	2454
30.	Ghazipur	60	1674
31.	Gonda	177	3025
32.	Gorakhpur	198	3656
33.	Hamirpur	24	2001
34.	Hapur	0	0
35.	Hardoi	22	2021

36.	Hathras	13	636
37.	Jalaun	47	968
38.	Jaunpur	197	2137
39.	Jhansi	20	2379
40.	Kannauj	36	1847
41.	Kanpur Dehat	18	2318
42.	Kanpur Nagar	190	3274
43.	Kasganj	16	2264
44.	Kaushambi	1	1439
45.	Kushinagar	85	3863
46.	Lakhimpur Kheri	98	1673
47.	Lalitpur	3	1012
48.	Lucknow	625	3087
49.	Maharajganj	36	341
50.	Mahoba	6	332
51.	Mainpuri	59	2596
52.	Mathura	176	3035
53.	Mau	89	1043
54.	Meerut	183	1090
55.	Mirzapur	33	1167
56.	Moradabad	235	3843
57.	Muzaffar Nagar	213	2925
58.	Pilibhit	60	549
59.	Pratapgarh	85	3268
60.	Prayagraj	93	2125
61.	Rae Bareli	42	3086
62.	Rampur	20	1268
63.	Saharanpur	382	4170
64.	Sambhal	55	1610
65.	Sant Kabeer Nagar	15	208
66.	Shahjahanpur	35	2786
67.	Shamli	33	1239
68.	Shravasti	27	1903
69.	Siddharth Nagar	26	2001

70.	Sitapur	196	5959
71.	Sonbhadra	146	527
72.	Sultanpur	127	1115
73.	Unnao	128	3306
74.	Varanasi	232	634
Total		9775	156155

32. Shri Manish Goyal, learned Senior Counsel, assisted by Shri Sudhir Mehrotra, appeared for the High Court and placed before the Court certain official notings dated 20.12.2025, 14.01.2026, 17.01.2026 and 03.01.2026, recorded by the Joint Registrar (Services), the Joint Registrar (Administration, E-1, E-2 and FTC), the Registrar (J) (Confidential) and the Joint Registrar (J) (Inspection) respectively. In substance, the noting relate to: (i) whether any training programme has been undertaken at the Judicial Training and Research Institute, or otherwise, in the aforesaid regard; (ii) the obtaining of instructions, and the suggestion of an appropriate course of action, in cases where this Court finds that judicial officers have disregarded, *ex-facie*, directions issued by the constitutional courts; and (iii) a request to Shri Manish Goyal, learned Senior Counsel, to examine the directions and orders passed by the Supreme Court in this behalf, and to assist this Court by way of written submissions containing his suggestions.

33. Upon a perusal of the said notings, this Court is of the view that it would not be in the interest of the institution to set out their contents in full. A limited examination of the notings recorded in the several sections of the Registry, and of the correspondence between the Registrar General and the learned District Judges, is nonetheless necessary, in order to understand the extent to which the directions of this Court have been carried into effect across the State.

34. By D.O. letter No. 14293/Admin G-II dated 04.11.2025, the Registrar General of this Court forwarded a copy of the judgment dated 12.08.2025 in *Smt. Bacchi Devi (supra)* to all the learned District Judges, with a request to ensure strict compliance therewith in letter and spirit.

The Registrar General also requested that the compliance report contemplated by paragraphs 38(x) and 38(xi) of *Smt. Bacchi Devi (supra)* be transmitted to the High Court by electronic mail upon receipt of the said letter.

35. Pursuant to letter No. 16570/Admin. E-II Section/Allahabad dated 20.12.2025, and the reminder letter No. 16582/Admin. E-II Section/Allahabad dated 24.12.2025, issued by the Registrar General, the noting dated 03.01.2026 records that data has been received from all the District Courts by electronic mail and has been compiled by the office. The data sets out, district-wise, the number of orders granting bail- both anticipatory and regular- passed by the trial courts after the decision in *Smt. Bacchi Devi (supra)*, that is to say, on and after 12.08.2025, in which the accused were directed to furnish two sureties.

36. The office note dated 03.01.2026 records that the Joint Registrar (J) (Inspection) submitted a note upon receipt of a communication from learned Senior Counsel appearing for the High Court, seeking the particulars called for in compliance with the order dated 18.12.2025, whereby a compliance report had been required from the learned District Judges with respect to the directions issued in *Smt. Bacchi Devi (supra)*.

37. Pursuant thereto, the learned District Judges of 25 districts- namely, Azamgarh, Bahraich, Balrampur, Banda, Barabanki, Basti, Budaun, Chandauli, Etah, Etawah, Gautam Buddh Nagar, Hapur, Hardoi, Jalaun at Orai, Jaunpur, Jhansi, Kannauj, Lakhimpur Kheri, Maharajganj, Mirzapur, Prayagraj, Raebareli, Saharanpur, Shamli and Sultanpur- have transmitted their reports to this Court through the Registrar General.

38. Upon a perusal of those reports, however, it is apparent that none of them contains the complete particulars called for by this Court through the Registrar General, notwithstanding the reminders issued.

39. The learned District Judges of Prayagraj, Mirzapur, Raebareli, Kannauj, Maharajganj, Bahraich, Jaunpur and Etawah have furnished satisfactory reports, but only in respect of the month of November 2025, though the report was sought for the period from 12.08.2025 onwards.

Those reports contain the minutes of the meetings held by the learned District Judge with the other judicial officers, and particulars of the legal awareness camps organized with the assistance of the District Legal Services Authority and of the training programmes conducted for judicial officers with respect to compliance with *Smt. Bacchi Devi (supra)*.

40. The reports received from the remaining 49 districts¹¹ are unsatisfactory, notwithstanding the fact that the Registrar General of this Court had written to the learned District Judges on two occasions. The noting dated 17.01.2026 records that, having regard to the urgency of the matter, the office of the Joint Registrar (J) (Inspection) devised a Google Form for obtaining the report for the month of December 2025; even then, the complete information was not received.

41. An examination of the reports compiled through the Google Form discloses that, for the month of December 2025, all the learned District Judges have stated that there has been partial compliance with paragraph 38(x) and full compliance with paragraph 38(xi) of *Smt. Bacchi Devi (supra)*.

42. The learned District Judges of Aligarh, Ambedkar Nagar, Bareilly, Basti, Bijnor, Balrampur, Ghazipur, Gorakhpur, Hamirpur, Hardoi, Kanpur Dehat, and Sitapur offered no comment upon compliance with paragraph 38(x), which relates to the training of judicial officers. The learned District Judges of Gonda and Hathras have stated that training could not be conducted in December 2025, and that a workshop will be held at the earliest.

¹¹ Agra, Aligarh, Ambedkar Nagar, Amroha, Auraiya, Ayodhya, Baghpat, Ballia, Bareilly, Bhadohi (Sant Ravidas Nagar), Bijnor, Bulandshahr, Chitrakoot, Deoria, Farrukhabad, Fatehpur, Firozabad, Ghaziabad, Ghazipur, Gonda, Gorakhpur, Hamirpur, Hathras, Kanpur Nagar, Kasganj, Kaushambi, Kushinagar, Lalitpur, Lucknow, Mahoba, Mainpuri, Mathura, Mau, Meerut, Moradabad, Muzaffarnagar, Pilibhit, Pratapgarh, Kanpur Dehat, Rampur, Sambhal, Sant Kabir Nagar, Shahjahanpur, Shravasti, Siddharthnagar, Sitapur, Sonbhadra, Unnao, Varansi.

43. In District Firozabad, Hamirpur, Mathura, Kanpur Dehat, Balrampur, Meerut, Gonda, no legal awareness camp was organized by respective district judges.

44. The learned District Judge, Kaushambi, has conducted 55 legal awareness camps, the highest in the State, followed by Raebareli, where 30 such camps were held during November and December 2025, and Maharajganj, where 13 camps were held. In Mau and Jalaun, seven such camps were conducted during the same period.

45. The position in district Hamirpur calls for particular notice. The report discloses that the directions issued in *Smt. Bacchi Devi (supra)* have not been complied with in any respect, and that the letters addressed by the Registrar General have not been responded to.

46. Upon a perusal of the particulars transmitted by the learned District Judges, one thing is clear: none of them has filed a compliance report in terms of the directions contained in the order dated 18.12.2025 passed in *Pappu Met* despite repeated orders and reminders. No District Judge has properly furnished the number of cases in which judicial remand was ordered although no arrest had been effected during investigation. What has been furnished is confined to the particulars of cases in which the accused were released upon furnishing two sureties.

(emphasis supplied)

47. This Court is conscious that compliance with such directions is not a single event but a continuing obligation. The monthly reporting mechanism contemplated by paragraph 38(x) was designed precisely to ensure that the High Court retains a view of the position obtaining on the ground, and that a formal compliance in one month is not followed by a reversion to the earlier practice thereafter.

48. It is also to be noticed that, save for limited correspondence with the Judicial Training and Research Institute, Lucknow, regarding the imparting of training to judicial officers, and internal correspondence between the Registry and the courts below, no suggestions or written submissions have been placed before this Court on behalf of the High

Court through its counsel despite specific requests and thereafter judicial orders.

(emphasis supplied)

II - *Urmila Mishra v. State of U.P. and Others*

49. By means of the present petition, the petitioner-complainant seeks a direction to the learned Additional Chief Judicial Magistrate, Prayagraj, to decide, within a fixed time frame, Case No. 2080 of 2010, *State v. Rajendra Prasad Mishra and others*, arising out of Case Crime No. 105 of 2009, under Sections 406, 419, 420, 504 and 506 of the Indian Penal Code, registered at Police Station Naini, District Prayagraj.

50. In order to appreciate what was called for by this Court and what was in fact furnished by the court below, the relevant excerpts of the order dated 16.12.2025 are reproduced hereunder:

“....3. Learned counsel for the petitioner submits that the proceedings in the present case have been pending since 2009 without any substantial progress. It is contended that upon completion of the investigation, the charge-sheet was duly submitted and thereafter cognizance was taken by the learned court concerned on 27.01.2010. However, despite more than 16 years having passed, charges have yet to be framed against the accused persons.

3.1. It is further submitted that applications seeking personal exemption have been allowed repeatedly, without assigning any reasons, thereby contributing to the inordinate delay in the proceedings.

4. The record suggests that on 27.1.2010, the case was registered and summons were issued to the accused persons. The case was listed 18 times while the accused were in jail, and thereafter 160 times after their release from jail. During this prolonged period, one of the co-accused has died, and the other accused, namely, Umesh Tiwari, hardly appeared on few occasions.

5. This is not an isolated instance where the trial court has failed to frame charges despite the lapse of more than 16 years since the filing of the charge-sheet. This Court is frequently confronted with matters of a similar nature. Indeed, petitions seeking expeditious disposal are routinely placed before this Court in cases where charges have not been

framed even after two decades from the date of filing of the charge-sheet.

6. Even though the matter was heard and disposed of, while dictating the order in chamber, this Court finds it necessary, in the larger interest of effective judicial administration and the orderly dispensation of justice, to seek certain factual details from the courts subordinate to it.

7. This Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, possesses the inherent authority to supervise the functioning of the trial courts within its territorial jurisdiction and to call for their records. Accordingly, information is called for from the following courts functioning within the respective judgeships of Uttar Pradesh: (i) the learned Additional Sessions Judge, and /or Special Court; (ii) the learned Chief Judicial Magistrate; (iii) the learned Additional Chief Judicial Magistrate; (iv) the learned Judicial Magistrate; (v) the Juvenile Justice Board; and any other court conducting trials in criminal cases.

7.1. The details shall be furnished year-wise, in descending order, for the last twenty years, i.e., from 2004 to 2024, in the manner indicated herein below of each Court separately. For the purpose of clarity and illustration, the following table is provided to demonstrate the format in which the information is required to be submitted, year-wise, as directed by this Court.

For illustration, the following table has been prepared.

Total number of charge-sheets filed by the police during before the CJM, ACJM, JM , and the Juvenile Justice Board. The data shall include both original and supplementary charge-sheets	50	1. In 10 cases charges have been framed (provide details year-wise)	In the year 1998-5 cases; In the year 1999-2 cases; In the year 2002-3 cases.
		2. In 25 cases charge (s) have ‘not’ been framed.	
		3. 15 cases were triable by the Sessions Court.	
		3.1 Out of 15, 05 cases have been committed to the Session (year-wise committal).	02 cases in 2006; 03 cases in 2008.
		3.2. 10 cases are still lying with the Court.	
Total number of charge-sheets filed by the police	20	1. In 10 cases in which the charges have been	In 01 case in the year 2008,

before the Court of Session and/or the Special Court. The data shall include both original and supplementary charge-sheets.		framed	In 05 cases in the year 2009, In 04 cases in the year 2010.
		In 10 cases charge (s) have ' <i>not</i> ' been framed yet.	

51. The particulars were called for from each court separately, year-wise and in descending order, for the twenty years from 2004 to 2024, in the manner indicated in the table set out in paragraph -7.1 of the order dated 16.12.2025. For clarity, a specimen table was also provided to demonstrate the format in which the information was to be furnished. It was clarified immediately below the table that the particulars were to be furnished in the manner so indicated for the year 2004 and for each subsequent year up to 2024. It was further directed that where any case instituted prior to the year 2004 remains pending before the courts below and charge has not been framed therein, particulars of such cases were also to be furnished in the same manner.

52. The report was to be submitted through the learned District Judge concerned, within one week of receipt of a copy of the order dated 16.12.2025, and was to be transmitted to this Court through the Registrar General. The learned District Judges were required to ensure strict compliance with the directions, in letter and spirit.

53. The learned District Judges were also reminded that this Court is conscious that quarterly inspections of the courts are conducted each year by the judicial officers concerned; that the learned District Judge undertakes an annual inspection of all the courts within the Judgeship; and that an annual inspection is also carried out by the learned Administrative Judge of the district. Having regard to these periodic inspections, the particulars called for ought to have been readily available with every court concerned.

54. The Director General of Police, Uttar Pradesh, was also directed to furnish year-wise and district-wise particulars of the number of charge-sheets filed during the last five years before the courts referred to above, namely, the Special Courts, the Courts of Session, the Chief Judicial Magistrates, the Additional Chief Judicial Magistrates, the Judicial Magistrates, and the Juvenile Justice Boards.

55. On the next date of hearing, that is, 11.02.2026, this Court observed that the directions contained in the order dated 16.12.2025 were explicit and self-explanatory, and for that reason they were not reproduced in the order of that date. Notwithstanding this, the directions have not been complied with. The relevant excerpts of the order dated 11.02.2026 are set out hereunder:

“....3. Pursuant thereto, reports have been received from 49 out of 75 districts, while two districts namely Gonda and Bareilly sought extension with regard to the compliance of order dated 16.12.2025. Upon scrutiny, the reports submitted by the learned District Judges of Agra, Bulandshahr, Farrukhabad, and Ayodhya are found to be in due compliance with the terms of the order dated 16.12.2025, learned District Judge Agra has made commendable efforts and needs appreciation.

4. In respect of the remaining 45 districts from which reports have been received, it is observed as follows: (i) The reports submitted by the learned District Judges of Hamirpur, Mathura, Banda, Amroha, Hapur, Pilibhit, Unnao, Azamgarh, Muzaffarnagar, Bhadohi, Sultanpur, Raebareli, and Maharajganj are incomplete and do not fully satisfy the directions contained in the order dated 16.12.2025, particularly year-wise, the total number of charge-sheets in which the charges have not been framed by respective criminal courts (separately) has not been mentioned, and (ii) The reports submitted by the learned District Judges of Basti, Ambedkar Nagar, Chitrakoot, Fatehpur, Orai, Lucknow, Mirzapur, Moradabad, Saharanpur, Siddharthnagar, Hardoi, Auraiya, Mau, Kushinagar, Kannauj, Bahraich, Balrampur, Rampur, Aligarh, Lalitpur, Sant Kabir Nagar, Shrawasti, Sitapur, Ghaziabad, Mahoba, Ghazipur, Lakhimpur, Kanpur, and Bijnor are in complete disregard of the specific directions issued by this Court. The total number of cases pending unattended, in which charges have not been framed since

couple of decades, have not been mentioned and it seems to be done deliberately.

5. Prima facie, the nature of the reports reflects either a failure to properly comprehend the clear and unambiguous directions issued by this Court or a failure to furnish the requisite information in the manner directed. In either eventuality, such conduct has serious institutional implications, as it affects judicial discipline, the hierarchy of courts, and the orderly administration of justice, which are foundational to the rule of law.

6. It was specifically directed that the report be submitted by the respective learned District Judge, being the head of the district judiciary and responsible for maintaining judicial discipline, recording confidential reports, and recommending departmental proceedings where warranted. However, the reports from Unnao, Kushinagar, Kannauj, Sant Kabir Nagar, Shrawasti, Sitapur, Ghaziabad, and Hapur have been submitted through an Officer-in-Charge, purportedly under delegated authority. Whether such action amounts to dereliction of duty or constitutes contempt of the order of this Court shall be considered at an appropriate stage, after affording the concerned officers an opportunity of hearing.

7. With regard to the remaining 26 districts, no report has been received. The respective learned District Judges except of District Bareilly and Gonda, have neither sought extension of time nor complied with the directions issued vide order dated 16.12.2025. Though the conduct prima facie warrants appropriate action, this Court, in the 'larger institutional interest', grants one further opportunity of one week to comply strictly with the directions contained in the order dated 16.12.2025. The issue with regard to non-compliance shall be considered thereafter, whether the learned District Judges require upgradation of administrative and judicial capabilities or otherwise.

8. Paragraphs 7.1 and 7.2 of the order dated 16.12.2025 clearly mandate that each criminal court within the district shall furnish, inter alia, the total number of charge-sheets in which charges have not been framed from the year 2004 to 2024, along with a year-wise break-up for each court in the district. The reports received indicate that in several instances the directions have not been understood or implemented in their true letter and spirit. This Court refrains from making further

observations regarding administrative or judicial capacity; however, it is observed that the learned District Judges may, if necessary, seek guidance from the learned District Judge, Agra, whose report has been found upto the mark. The learned District Judge, Agra, may extend assistance if approached in that regard.

9. The question as to whether submission of a report by an Officer-in-Charge, in the face of a specific direction to the learned District Judge by a Constitutional Court, constitutes negligence or contempt is left open for determination at an appropriate stage.

10. Except for the learned District Judges of Agra, Bulandshahr, Farrukhabad, and Ayodhya, all other learned District Judges shall furnish a report strictly in terms of the order dated 16.12.2025 on or before 27.02.2026.

11. Insofar as the learned District Judge, Amethi, has informed this Court that since 30.08.2011, the District Court has not been functioning from its own building and that the foundation stone for the new District Court building was laid on 17.01.2026, no report is presently required from the District Court, Amethi.

12. List on 27.02.2026 at 02:00 p.m., as fresh and tied up.

13. The Registrar (Compliance) is directed to transmit a copy of this order to all the learned District Judges of the Uttar Pradesh except Agra, Bulandshahr, Farrukhabad, and Ayodhya forthwith for compliance.

14. Ms. Pratima Vishwakarma, Advocate & Ms. Juveriya Kazmi, Advocate are hereby appointed as Amicus Curiae to assist the Court in the matter, and shall coordinate with Mr. Jatin Rana, Research Associate.”

56. Upon a perusal of the reports submitted by the learned District Judges, it emerges that four cases instituted in the year 1981 remain pending in the district of Mirzapur. The position for the succeeding years, in which charge has not been framed and which remain pending before the courts of the learned Magistrates, is as follows: 1983- 10 cases; 1984- 5; 1985- 8; 1986- 7; 1987- 9; 1988- 14; 1989- 25; 1990- 13; 1991- 21; 1992- 33; 1993- 29; 1994- 37; 1995- 40; 1996- 110; 1997- 110; 1998- 122; 1999- 184; 2000- 230; 2001- 314; 2002- 414; and 2003- 434.

57. A further examination of the particulars discloses that 14,08,134 cases instituted since the year 1981 are pending trial before the Chief Judicial Magistrates, the Additional Chief Judicial Magistrates and the Judicial Magistrates, and that 2,07,521 cases are pending before the Courts of District and Sessions Judge, in which charge has not yet been framed. The year-wise break-up from the year 1981 is set out in the table below:

Consolidated Data on Cases in the State of Uttar Pradesh Where Charges Have Not Been Framed

S. No.	Sessions Court	Magisterial Court	Total Pending Cases	Year
1.	0	4	4	1981
2.	0	10	10	1983
3.	0	5	5	1984
4.	0	8	8	1985
5.	0	7	7	1986
6.	0	9	9	1987
7.	0	14	14	1988
8.	0	25	25	1989
9.	0	13	13	1990
10.	0	21	21	1991
11.	0	33	33	1992
12.	0	29	29	1993
13.	0	37	37	1994
14.	0	40	40	1995
15.	0	110	110	1996
16.	0	110	110	1997
17.	0	122	122	1998
18.	0	184	184	1999
19.	0	230	230	2000
20.	0	314	314	2001
21.	0	414	414	2002
22.	0	434	434	2003
23.	72	12,967	13,039	2004
24.	87	12,571	12,658	2005
25.	149	14,597	14,746	2006
26.	328	17,279	17,607	2007
27.	558	21,077	21,635	2008
28.	732	22,690	23,422	2009
29.	644	28,047	28,691	2010
30.	947	29,419	30,366	2011

31.	1658	38,343	40,001	2012
32.	2644	39,029	41,673	2013
33.	2672	35,500	38,172	2014
34.	3660	48,759	52,419	2015
35.	11,139	59,102	70,241	2016
36.	12,461	58,968	71,429	2017
37.	20,326	79,883	1,00,209	2018
38.	29,955	97,843	1,27,798	2019
39.	14,838	1,06,945	1,21,783	2020
40.	19,889	1,27,689	1,47,578	2021
41.	20,538	1,55,565	1,76,103	2022
42.	27,719	1,91,645	2,19,364	2023
43.	36,505	2,08,043	2,44,548	2024
Total	2,07,521	14,08,134	16,15,655	

58. In compliance therewith, the office of the Director General of Police has submitted its report. The report discloses that, during the period from 01.01.2021 to 31.12.2025, charge-sheets were filed before the courts in Uttar Pradesh in the following numbers: District Judges- 13,408; Additional District Judges- 1,34,499; Chief Judicial Magistrates- 5,25,547; Additional Chief Judicial Magistrates- 7,85,784; Judicial Magistrates- 5,70,991; Juvenile Justice Boards- 39,169; and other courts- 1,82,231. The zone-wise break-up is set out in the table below:

Details of the charge- sheets filed by police between 01.01.2021-
31.12.2025

Sl. No.	Zone	DJ	ADJ	CJM	ACJM	JM	JJB	Other Courts	Total
1.	Meerut	9798	21387	40266	60045	40420	4539	24493	200948
2.	Agra	202	11372	58414	69804	59304	2993	16988	219077
3.	Kanpur	190	8109	44317	35649	40626	1403	15002	145296
4.	Bareilly	9	14941	71320	102774	121034	2586	9879	322543
5.	Lucknow	398	22517	81617	154065	72969	5957	31754	369277
6.	Gorakhpur	430	14042	74874	96532	93431	8214	16915	304438
7.	Prayagraj	192	7873	34324	26638	37479	1296	12870	120672
8.	Varanasi	500	13409	46486	58666	63887	6191	24726	213865

Sl. No.	Commissionerate	DJ	ADJ	CJM	ACJM	JM	JJB	Other Courts	Total
1.	Lucknow	821	3886	10702	34634	6162	1604	4280	62089
2.	Gautam Buddh Nagar	0	4025	14314	26386	3513	757	1278	50273
3.	Kanpur Nagar	87	3145	12127	17401	10600	698	6558	50616
4.	Varanasi	210	2009	1787	13953	4148	770	6417	29294
5.	Prayagraj	475	1583	4694	28596	3927	823	1874	41972
6.	Agra	3	2647	14220	24958	6882	653	3059	52422
7.	Ghaziabad	0	2862	14918	29338	5995	608	2430	56151

	DJ	ADJ	CJM	ACJM	JM	JJB	Other Courts	Total
GRP	93	692	1167	6345	614	77	3708	12696

	DJ	ADJ	CJM	ACJM	JM	JJB	Other Courts	Total
State of Uttar Pradesh	13408	134499	525547	785784	570991	39169	182231	2251629

III - *Sarfraj Ahmad v. State of U.P. and Another*

59. A First Information Report No. 1044 of 2008, under Sections 147 and 427 of the Indian Penal Code, was registered against the petitioner at Police Station Loni, District Ghaziabad, on dated 26.07.2008. Upon completion of the investigation, a charge-sheet was filed against him on 11.05.2010 in the court of the First Additional Chief Judicial Magistrate, Ghaziabad, under Sections 147, 148, 149, 307, 332, 336, 353, 427, 435, 441 and 504 of the Indian Penal Code, read with Section 7 of the Criminal Law Amendment Act, 1932, and Section 3/4 of the Prevention of Damage to Public Property Act, 1984. Since the filing of the charge-sheet, the case

has been listed on 143 occasions, but has not reached the stage of framing of charge.

60. The petitioner-accused has approached this Court seeking a direction to the learned trial court to frame charge and to conclude the trial at the earliest.

IV- *V.S. Palitube v. State of U.P. and Another*

61. The present petition has been filed seeking a direction to the learned trial court to decide, within a fixed time frame, Complaint Case No. 1738 of 2013, *V.S. Palitube, through its Partner Vinod Kumar Prajapati v. Shekhar Sachan*.

62. Shri Rajeev Sawhney, learned counsel for the petitioner, submitted that a complaint under Section 138 of the Negotiable Instruments Act, 1881, registered as Complaint Case No. 1738 of 2013, was instituted on 18.04.2013 against respondent no. 2, and that, notwithstanding the lapse of considerable time, no effective order has been passed therein. The petitioner accordingly approached this Court by Application under Section 482 No. 16588 of 2023, which was disposed of by order dated 26.05.2023, directing the learned trial court to decide the complaint case preferably within six months of the production of a certified copy of that order, and without granting unnecessary adjournment to either party.

63. It is further contended that the learned trial court was duly apprised of the order dated 26.05.2023 by an application dated 29.08.2023. Even then, no effective order has been passed, and the matter is still at the stage of summoning the accused.

64. Upon hearing learned counsel for the petitioner, and upon a perusal of the record, this Court, vide order dated 03.11.2025, directed the learned trial court to furnish the following particulars in tabular form, through the Registrar General of this Court:

(i) the date of registration of the complaint;

(ii) the dates on which the matter was listed;

- (iii) the orders passed on each such date;
- (iv) particulars of the report or reports of the process server received pursuant to the summons issued to the respondent;
- (v) the reasons which prevented compliance with the direction contained in the order dated 26.05.2023; and
- (vi) the legal impediment, if any, in the way of such compliance.

65. No report was filed in compliance with the order dated 03.11.2025. The Registrar (Compliance) was therefore directed once again to communicate a copy of that order to the learned trial court, so as to enable it to furnish the particulars called for. The office report indicates that no compliance report had been submitted till 08.12.2025. Accordingly, by order dated 09.12.2025, this Court directed the learned District Judge, Kanpur Nagar, to appear through video conferencing, together with the officer before whom Complaint Case No. 1738 of 2013 is pending, to explain the reasons for the non-compliance. The judicial officers were heard in chamber and tendered an unconditional apology, whereupon he was excused from further appearance.

66. By subsequent orders, learned counsel for the petitioner was directed to place on record certified copies of all the orders passed in the complaint case from 18.04.2013 to date, together with true typed copies thereof. Shri Rajeev Sawhney, learned counsel for the petitioner, has accordingly filed the certified copies by way of a supplementary affidavit dated 10.02.2026.

67. The report submitted by the learned Magistrate discloses that the complaint case was registered on 18.04.2013 and has since been listed on more than 100 occasions.

The examination of the position disclosed in *Pappu Met*

68. Pursuant to the communications of the Registrar General dated 20.12.2025 and 24.12.2025, district-wise data was compiled in respect of orders granting bail passed after 12.08.2025 in apparent non-compliance

with *Smt. Bacchi Devi (supra)*. The compiled data discloses that, in 9,775 orders granting anticipatory bail and 1,56,155 orders granting regular bail passed after that date, the accused were directed to furnish two sureties by the judicial officers.

69. The district-wise position discloses that the departure was not confined to any one part of the State. Among the higher figures returned are Ghaziabad (1,024 orders of anticipatory bail), Lucknow (625 such orders), Sitapur (5,959 orders of regular bail), Bulandshahr (4,825 such orders) and Saharanpur (4,170 such orders).

70. Of the districts from which reports were called for, only 25 submitted reports at all, and those were largely incomplete notwithstanding repeated reminders. Only eight learned District Judges - of Prayagraj, Mirzapur, Raebareli, Kannauj, Maharajganj, Bahraich, Jaunpur and Etawah - furnished material that was satisfactory, and that too confined to the month of November 2025. The reports received from the remaining districts were deficient.

71. Even after the corrective measure adopted on 17.01.2026 pursuant to the orders of this Court, the deficiencies persisted. Remands contrary to the directions in *Smt. Bacchi Devi (supra)* were reported in 36 cases in Hamirpur, in 07 cases in Ghaziabad and in one case in Gonda, alongside a failure to conduct judicial training and legal awareness programmes in several districts. Significantly, the reports do not disclose full compliance with paragraphs 38(x) and 38(xi) of *Smt. Bacchi Devi (supra)* in any district.

The examination of the position disclosed in *Urmila Mishra case*

72. The directions contained in the order dated 16.12.2025 met with a similar response. Of the 75 learned District Judges, only 04 furnished complete data; 23 furnished none at all; and 45 furnished material that was defective. It became necessary to pass a further order on 11.02.2026, whereafter the number of districts responding rose to approximately 60. Even so, 10 learned District Judges did not furnish, in the prescribed

format, the year-wise and court-wise data of cases in which charge has not yet been framed.

73. Taken together, the material discloses a structural difficulty of considerable magnitude. In all, 16,15,655 cases are pending in which charge has not been framed- 14,08,134 before the Magistrates and 2,07,521 before the Courts of Session- the pendency extending back to the year 1981.

74. Against this, the police filed 22,51,629 charge-sheets in the 05 years between 2021 and 2025. The comparison indicates a widening gap between the volume of cases entering the criminal courts and the rate at which charge is framed in them, and points to an institutional capacity that has not kept pace with the burden placed upon it.

75. The individual cases before this Court reflect the same position. In *Sarfraj Ahmad*, the First Information Report was registered on 26.07.2008 and the charge-sheet was filed on 11.05.2010; the case has since been listed on 143 occasions without charge being framed. In *V.S. Palitube*, a complaint under Section 138 of the Negotiable Instruments Act, 1881 instituted in the year 2013 has been listed on more than 100 occasions, and remains at the stage of summoning the accused, notwithstanding the direction of this Court dated 26.05.2023 that it is to be decided within six months.

76. The data and the illustrations, read together, disclose not isolated lapses but a persistent difficulty in securing timely compliance, the framing of charge, and the progression of criminal trials to their logical end, besides other infrastructural and judicial behaviour patterns.

COMPARATIVE INSTITUTIONAL ANALYSIS

Examining the correlation between judicial behaviour, legal traditions and social impact, as it emerges from the empirical data gathered from the courts below:

77. Two intertwined concerns emerge from the facts of the cases discussed hereinabove, from the compliance reports furnished by the

learned District Judges, from the empirical data examined, and from the records and orders perused. The first is the manner in which information called for by this Court has been responded to by the courts below, coupled with an apparent difficulty in comprehending and applying the judgments of the constitutional courts. The second is that these difficulties are compounded by wider structural factors - among them the limitations of judicial self-governance, the vulnerabilities arising from internal dependence, deficiencies in institutional resources, and the absence of a congenial atmosphere for a coherent work culture.

78. The difficulty experienced by a trial court in comprehending and applying the judgments of the constitutional courts is not merely an individual shortcoming. It is a systemic issue, rooted in institutional arrangements, legal education, the design of judicial training programmes, and institutions' behavioural patterns. A principal reason lies in systemic institutional constraints and psychological and behavioural patterns that to shape and contribute judicial behaviour.

79. The material suggests that judicial officers tend to adhere to established practice and precedent rather than to adopt a fresh constitutional interpretation, particularly where such interpretation would materially alter procedural or customary practices. In some instances a constitutional precedent may have been overlooked; in others, an overly cautious approach appears to have been taken, so as to minimize the risk of reversal in appeal. In yet others, constitutional judgments have been cited formally without their reasoning being applied, resulting in mechanical rather than substantive compliance.

80. There may well be further reasons. An examination of this difficulty enables this Court to:

(i) draw attention to a larger issue requiring the consideration of those charged with the administration of justice, by studying the comparative judicial behaviour of judicial officers in the light of scholarly writing, research, and the views of jurists and judges, and by reference to the empirical data;

(ii) examine the reasons for the persistent problem of delay, which lie in inadequate infrastructure, in the absence of effective capacity-building and training and learning programmes, and in an ineffective supervisory mechanism;

(iii) examine the extent to which this Court has been able to discharge the responsibility cast upon it by Article 227 of the Constitution; and

(iv) consider why it has become necessary to address, on the judicial side, matters that ordinarily fall within the administrative functioning of this Court.

81. These issues touch the foundation of the procedure established by law, and bear upon the standing of the courts and of the judicial hierarchy. For a nation that aspires to the status of a developed country, such judicial inertia and institutional apathy are not merely administrative or attitudinal lapses; they go to the core of the judicial system.

82. A thorough examination of these issues is required, together with their redressal, by analyzing judicial behaviour and the incidental challenges faced by our judicial system, in comparison with the experience of other jurisdictions. The resolve of the Government to provide infrastructure, both material and human, plays a pivotal role in strengthening the justice delivery system, as does the commitment of judges to the Bangalore Principles of Judicial Conduct, 2002¹².

¹² *The Bangalore Principles of Judicial Conduct* are an internationally recognized statement of the standards of ethical conduct expected of judges. They originated in a draft code prepared at a meeting of Chief Justices convened in Bangalore in February 2001 under the auspices of the Judicial Group on Strengthening Judicial Integrity, a body formed under the United Nations. The draft was revised in consultation with judges of both the common law and civil law traditions, and was adopted in its final form at a Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, in November 2002. The United Nations Economic and Social Council, by Resolution 2006/23, invited member States to encourage their judiciaries to take the Principles into consideration in formulating rules of professional conduct. The Principles rest upon six values; (i) independence, (ii) impartiality, (iii) integrity, (iv) propriety, (v) equality, and (vi) competence and diligence.

83. To address the larger issue, briefly outlined hereinabove, it is useful to refer to *‘Oxford Handbook of Comparative Judicial Behaviour’*¹³, which provides a structured overview of common trends in courts across the world, encompassing the approaches of judges to: (i) data, methods and technologies; (ii) court staffing, advocacy, litigation and appellate review; (iii) judicial opinions and institutional relations within and among courts; (iv) judicial independence, both internal and external; (v) the relationship between courts and society, including public support and political and social acceptance; (vi) judicial hierarchy; (vii) judicial accountability; and (viii) emerging frontiers in comparative judicial behaviour.

84. The reference to the seminal work rooted in the comparative study of judicial behaviour, once the sole province of political scientists of the United States, has now become a global research enterprise, drawing upon law, administration, history, economics and psychology to illuminate ‘how and why judges make the choices they do, and the consequences of those choices for society’. Such study opens a window upon the goals and domains of fair adjudication and institutional functioning, and upon the securing of timely, impartial and accessible justice in accordance with the procedure established by law.

(emphasis supplied)

85. The relevant reference from *‘The Oxford Handbook of Comparative Judicial Behaviour’* may assist our various elements of government and judicial training institutes in formulating national policy for administration of justice, independent of judicial pronouncements

¹³ *The Oxford Handbook of Comparative Judicial Behaviour* is the work of 59 jurists and professors from around the world. This Handbook is edited by Lee Epstein, Gunnar Grendstad, Urška Šadl and Keren Weinshall, and published by Oxford University Press. This book shows us something important: a judge's behaviour is not shaped by law alone. It is also shaped by race, caste, religion, and identity. It is shaped by how a judge thinks - their cognitive perspective. And society is shaped by the choices judges make. In turn, the way judges behave and make choices influences the nation's ideological orientation, and thus shapes society.

from time to time. It is to be noticed that the judicial structure and its components have largely developed in India through the pronouncements of the constitutional courts¹⁴, and that no scientifically designed policy and programmes have been framed after considering the views of the several stakeholders - litigants, research scholars, jurists, economists, data and social scientists, non-governmental organizations and others. A reference to the aforesaid work may therefore assist in arriving at a meaningful conclusion.

86. The significance of the research compiled in *The Oxford Handbook of Comparative Judicial Behaviour* lies principally in its systematic approach to understanding judicial behaviour. It examines the factors that influence judicial decision-making, the role of institutional arrangements in shaping judicial choices, and the broader impact of judicial conduct on society. The research underscores that judicial institutions are not shaped by rules and structures alone, but also by the conduct, values and professional capacities of those who serve within them. It therefore highlights the importance of sustained judicial training, continuous learning, capacity-building and appropriate mechanisms of accountability in fostering a judiciary that is independent, impartial, competent and responsive to its institutional responsibilities.

¹⁴ The Supreme Court has, in *All India Judges Association v. Union of India*, W.P. (C) No. 1022 of 1989, exercised a continuing supervision since 1989 over the service conditions, infrastructure and efficiency of the district judiciary.

Malik Mazhar Sultan v. U.P. Public Service Commission, (2008) 17 SCC 703. By order dated 04.01.2007, the Supreme Court prescribed a uniform, time-bound framework for filling vacancies at every level of the subordinate judiciary. Subsequently, by order dated 22.10.2018, in exercise of its powers under Article 142 of the Constitution, the Court directed all High Courts and State Governments to report the manner in which vacancies were being filled, and whether the process would be completed within the time schedule so prescribed. Both the petitions are pending consideration before the Supreme Court and various directions have been issued with respect to administration of justice and judicial establishment.

87. In their quest to explain ‘judicial choices’, the scholars and contributors to *‘Oxford Handbook of Comparative Judicial Behaviour’* laboured within five key approaches comprising:

(i) Legalism (traditional version; judges find the meaning of legal rules in true- politically- neutral methods; *law– as– an–inst.* law (broadly defined) constrains judges from acting on their personal preferences, institutions, biases, and emotions;

(ii) Attitudinal Model (political science, psychology)-judges’ votes reflect their policy preferences towards case facts;

(iii) Rational Choice Accounts (economics, political science): Labour Market Model- judges are motivated and constrained by (mostly) non-pecuniary costs (e.g. effort, criticism) and benefits (e.g. esteem, influence, self-expression); Strategic Analysis: Judges are strategic actors who realize that their ability to achieve their goals depends on the preferences of other actors, the choices they expect others to make, and the institutional context in which they interact;

(iv) Identity Accounts (psychology, sociology): Judges’ biographies, professional backgrounds, personal characteristics, and identities affect their choices; and

(v) ‘Thinking Fast’ Judging (psychology, behavioural economics): Judges rely on heuristics, intuitions, and the choices (e.g. ‘hunches’) to make fast and effortless decisions.

88. In India, judges by and large follow the traditional ‘legalist approach’. It is therefore apt to refer to the introductory chapter of the Handbook for an analysis of that approach, its implications for the justice delivery system, and its bearing upon the outcome of cases.

89. The Handbook draws upon Jowett's account of the trial of Socrates, who, on trial for his life, declined to appeal to the ‘emotion’ of judges, believing that the judge *‘has sworn that he will judge according to*

*the laws and not according to his own good pleasure*¹⁵. That outlook is described as ‘legalism’. In its simplest form, legalism holds that law exists independently of judges, free of morals and politics; that legal rules are determinate; and that the legal system is complete’¹⁶.

(emphasis supplied)

90. The traditional conception of the legalist outlook requires judges to ‘find’ or discover the meaning of legal rules through politically neutral methods, independent of career considerations, ideology and emotion - just as Socrates proclaimed. It engages scholars, particularly within the civil law tradition, in the construction of a rationalized ideal: the systematic organization of legal sources, including judicial decisions, into a coherent, unified whole.

91. Legalism continues to permeate theories of judicial behaviour, though usually in a weaker or more modern form. The dominant approaches today tend to reject the stronger legalist assertion that the rationality, neutrality and objectivity of law alone guide judicial choice. Contemporary accounts - described by the editors of the Handbook as ‘*law-as-an-institution*’ approaches - proceed upon the footing that law ‘matters’, but with a qualification: law, broadly defined to include constitutional provisions, statutes and past judicial decisions, is one among several institutions that structure judicial behaviour, whether by constraining choice or by shaping shared judicial preferences.

92. Further study is required of how, why and in what circumstances ‘law’ shapes judicial decisions across national legal systems and international regimes, and of how the weight of precedent may be measured - proceeding upon the understanding that law is not a static or formalistic concept but a dynamic institution that structures and constrains judicial reasoning.

¹⁵ *Jowett, Benjamin, trans. 2020*. ‘The Apology of Socrates’. The Center for Hellenic Studies, Harvard University, Washington, DC.

¹⁶ *Maitland, Frederic William. 1898*. ‘A Prologue to a History of English Law’. *Law Quarterly Review* 14:13-33.

93. The path-breaking research of Gretchen Helmke¹⁷ on the Supreme Court of Argentina illustrates the value of ‘vote’ and ‘outcomes studies’. She demonstrates that, although both the Argentine and US Constitutions allow judges to ‘hold their office during good behaviour,’ the rule is a parchment in the Argentine; ‘good behaviour’ does not mean life tenure as understood and practiced in the US, but tenure for life in the appointing regime. Helmke observes that incoming Governments of Argentina routinely get rid of their predecessors’ judges despite constitutional guarantees. She theorized and empirically demonstrated that Argentine judges, fearing for their jobs or even their lives, rationally anticipate the threat and ‘strategically defeat’, that is, what against the existing regime once it begins losing power. Therefore, there may be a different ‘outcome’ based on the value of ‘vote’.

94. The Handbook also engages with the study of judicial institutions - the formal and informal rules and procedures governing the selection and retention of judges, and the means by which judicial decisions may be undone. Constitutional arrangements ordinarily provide the mechanism for the appointment of judges and prescribe the procedures by which judicial decisions may be displaced. The comparative study of constitutional provisions, appointment mechanisms, statutes, treaties and case law suggests that the choices made by judges shape their decisions, and that those choices in turn influence the appointment procedures themselves, which thereafter bear upon the decisions that follow.

¹⁷ **Helmke, Gretchen. 2002.** ‘The Logic of Strategic Defection: Court-Executive Relations in Argentina Under Dictatorship and Democracy.’ *American Political Science Review* 96:291-303.

Helmke, Gretchen. 2005. *Courts Under Constraints: Judges, Generals, and Presidents in Argentina*. Cambridge: Cambridge University Press.

Gretchen Helmke is the Thomas H. Jackson Distinguished University Professor in the department of Political Science at the University of Rochester. Helmke’s research spans political institutions, judicial politics and the rule of law, informal institutions and norms and democratic erosion in Latin America and the United States.

95. Other work on judicial behaviour considers the consequences of internal institutional arrangements - such as rules permitting the Chief Justice to determine the size and composition of a Bench, as in the Supreme Courts of India and Canada; norms that permit, and indeed encourage, dissent, as in the Supreme Courts of the United States and Australia¹⁸; and the manner in which control of the docket shapes judicial behaviour¹⁹. Here again, the idea is to explore how institutions drive judicial choices and, ultimately, what effect those choices have on society and on judicial institutions themselves.

96. Among other concerns, one issue that has emerged in the aforesaid cases²⁰ is the non-compliance by trial court judges with orders passed by constitutional courts. A critical examination of judicial hierarchy, with reference to the Handbook, would help explain why trial court judges may hesitate to follow such orders in letter and spirit. Hierarchical logic manifests across diverse contexts - in both the design and operation of the judicial process and in shaping the drivers of judicial behaviour.

97. Hierarchy is everywhere in the administration of justice. Indeed, any structural formulation of adjudication as a principal-agent scenario expresses the understanding that an agency ‘problem’ is inherent in the hierarchy of justice. While this is mostly framed as a systemic bug to be minimised, can the structural differentiation between higher and lower courts be framed as a feature to be optimised, if not maximised? An inversion of the fundamental judicial pyramid can be traced in the diverse strategies that lower-court judges may exploit to avoid or disregard upper-court review. Tracing these strategies reveals a murkier institutional reality than the one gleaned from pyramidal depictions of judicial systems.

¹⁸ *Alarie, Benjamin, and Andrew J. Green. 2014. ‘Policy Preferences and Expertise in Canadian Tax Adjudication.’ Canadian Tax Journal 62:985-1027*

¹⁹ *Skiple, Jon Kare, Mark Jonathan McKenzie, and Henrik Litlere Bentsen. 2021. ‘How Docket Control Shapes Judicial Behaviour: A Comparative Analysis of the Norwegian and Danish Supreme Courts’. Journal of Law and Courts 9 (1):111-36.*

²⁰ *Pappu Met (supra) and V.S. Palitube (supra)*

98. The lower court judges have similar interpretive leeway in applying High Court decrees to future decisions²¹. When the High Court corrects a specific legal error in a certain case and remands for re-adjudication under the corrected norms, and when it sets a general precedent for a class of future cases, trial judges are the ones entrusted with effectuating the High Court's mandate. They can thus selectively cite, distinguish, or interpret it to more closely satisfy their understanding of the legal issue or their competing policy preferences²².

99. In some systems, upper court judges also affect, and sometimes govern, judicial selection and promotion, impacting the extent of what terms 'internal judicial independence'²³. The judicial leadership positions may affect colleagues' decision-making behaviour and this has been evident in the tendency and capacity of chief judges to promote consensus in their courts to bolster their legitimacy and improve internal working relations²⁴. On specific panels, the positions of presiding judges have been shown to have an outsize effect on the votes of other panel members²⁵.

100. Hierarchy in the judiciary differs from hierarchies in other branches of state power- hierarchical executive bodies-cabinets,

²¹ **Reynolds, G. H., and B. P. Denning. 2000.** 'Lower Court Readings of Lopez, or What If the Supreme Court Held a Constitutional Revolution and Nobody Came'. *Wisconsin Law Review* 2000 (2): 369-402

²² **Baum, L. 1978.** 'Lower-Court Response to Supreme Court Decisions: Reconsidering a Negative Picture.' *The Justice System Journal* (3): 208-19.

Baum, L. 1994. 'Specialization and Authority Acceptance: The Supreme Court and Lower Federal Courts.' *Political Research Quarterly* 47(3): 693.

²³ **Rios-Figueroa, J. 2019.** 'Independence in Judicial hierarchies: Civil Law Systems'. In *Research Handbook on Law and Courts*, S.M. Sterett and L. D. Walker, 105-13. Cheltenham: Cheltenham: Edward Elgar Publishing.'

²⁴ **Bentsen, H. L., and J. K. Skiple. 2023.** 'Leadership in Courts'. In *The Oxford Handbook of Comparative Judicial Behaviour*, edited by L. Epstein, G. Grendstad, U. Sadl, and K. Weinshall. Oxford: Oxford University Press.

²⁵ **Eisenberg, T., T. Fisher, and I. Rosen-Zvi. 2013.** 'Group Decision Making on Appellate Panels: Presiding Justice and Opinion Justice Influence in the Israel Supreme Court' *Psychology, Public Policy, and Law* 19(3): 282-96.

ministries, agencies, municipalities, militaries, police forces - reflect in their structure the location of political legitimacy with the topmost principal, which is then devolved to its multiple agents (be it the initial design or the result of centralized processes). This means that any act of an agent within a public organization-high-level manager and street-level bureaucrat alike- is perceived as if it were signed off by the organization's principal, who can instruct the agent on the decision to be taken, decide to revoke or replace it, and is ultimately publicly (and sometimes legally) accountable for it.

101. *Ori Aronson*²⁶ in Chapter 32 of '*The Oxford Handbook of Comparative Judicial Behaviour*', writes about 'Hierarchies of Justice', and observes that the judicial power works differently: it is presumably located, in its entirety, with each judge and each court individually. The validity of a trial court's decision is not contingent upon appellate court approval. The appellate court cannot instruct the trial court on how to decide a pending case, nor is it held accountable for the trial court's decision. This means that hierarchy in adjudication impacts judicial behaviour.

102. Hierarchies generate economies of power, status, and effort that are reflected in judicial behaviour. Given the complex purposes underlying judicial hierarchy and the intricate mechanisms through which it operates, it is important to examine how this hierarchy shapes decision-making in both superior and subordinate courts. While hierarchical structures confer authority, they also shape the incentives and constraints within which judges' function.

103. Ostensibly, judges of higher courts enjoy comparatively less institutional accountability than those in lower courts, as they are not

²⁶ *Ori Aronson* is an associate professor of law at the Bar-Ilan University Faculty of Law, where he also serves as the deputy director of the Menomadin Center for Jewish and Democratic Law and the co-director of the Program for the Advancement of Arab Law Students. Ori served as clerk and legal assistant to the Chief Justice of the Israel Supreme Court, Aharon Barak, and as law clerk to Second Circuit U.S. Court of Appeals Judge, Jon Newman.

subject- at least not to the same extent- to further review by a superior forum, a notion reflected in the observation of Jackson, J., in *Brown v. Allen* 344 US 443 (1953): “*We are not final because we are infallible, but we are infallible only because we are final.*” Yet, higher court judges remain concerned with the effective implementation of their decisions, which depends significantly on compliance by lower courts. This interdependence makes subordinate courts an important audience for appellate rulings, encouraging higher courts to craft clear, precise, and easily applicable opinions. Such clarity not only facilitates compliance but also signals to prospective litigants the likely outcomes of similar appeals, thereby helping manage appellate caseloads.

104. At the same time, lower court judges are not merely passive recipients within this hierarchy. They possess certain avenues to avoid or subtly circumvent appellate review, particularly because appeals tend to focus on legal determinations. Trial judges may frame their decisions through fact-specific findings and contextual nuances, thereby shaping the practical application of higher court directives. Consequently, judicial hierarchy operates not as a rigid chain of command, but as a dynamic system of interaction, negotiation, and influence across different levels of the judiciary²⁷.

105. There is another element which affects the judicial behaviour - ‘judicial independence’ - the concept finds its roots in both the forces that motivate and those that discourage court-curbing. On the one hand, motivations for court-curbing include ideological pillarisation, political self-defence, the pursuit of court-curbing policies irrespective of their realistic prospects of enactment, and broader public and scholarly concerns often framed in terms of “populism.” On the other hand, several factors operate to discourage court-curbing, including constitutional

²⁷ *Baum, L. 1978.* ‘Lower-Court Response to Supreme Court Decisions: Reconsidering a Negative Picture.’ *The Justice System Journal* (3): 208-19.

Westerland, C., J. A. Segal, L. Epstein, C. M. Cameron, and S. Comparato. 2010. ‘Strategic Defiance and Compliance in the U.S.’ *Courts of Appeals. American Journal of Political Science* 54 (4): 891-905

impediments, the presence of veto players, political fragmentation, and sustained public support for the judiciary. Courts around the world have been found to enjoy high levels of public esteem relative to the political branches²⁸.

106. Public support for the judiciary is often expected to insulate judges from court-curbing attacks, at least in consolidated democracies where political elites need to worry about winning popular elections²⁹. This expectation presumes that the judiciary enjoys some instrumental legitimacy (also known as ‘diffuse support’) that is relatively robust to fluctuations in public (dis-)satisfaction with judicial decisions. There is some evidence to show that, despite political polarization, widespread commitments to broader democratic and constitutional values underpin public support for the US Supreme Court³⁰.

107. *Frans van Dijk*³¹ in the 35th Chapter- ‘Conceptualizing and Measuring Judicial Independence’ - of the Handbook describes independence as a state forward notion. The independence of the judiciary apparently matters to people. In the European Union, an annual survey of the general public and companies is conducted specifically on this topic. The survey shows that people often have strong opinions about judicial

²⁸ *Gibson, James L., Gregory K. Caldeira, and Vanessa A. Baird. 1998.* ‘On the Legitimacy of National High Courts’. *American Political Science Review* 92(2): 343- 358.

²⁹ *Vanverg, Georg. 2015.* ‘Constitutional Courts in Comparative Perspective: A Theoretical Assessment’. *Annual Review of Political Science* 18: 167- 85.

³⁰ *Gibson, James L., Gregory K. Caldeira, and Vanessa A. Baird. 1998.* ‘On the Legitimacy of National High Courts’. *American Political Science Review* 92(2): 343- 358.

Gibson, James L., Gregory K. Caldeira. 2011. ‘Has Legal Realism Damaged the Legitimacy of the U.S. Supreme Court?’. *Law & Society Review* 45(1): 195- 219.

³¹ *Frans van Dijk* is professor of Empirical Analysis of legal systems at Montaigne Centre of Utrecht University, advisor of the Netherlands Council of the Judiciary and project leader, Independence and Accountability of the European Network of Councils for the Judiciary'.

independence. Judicial independence is captured in a multi-dimensional profile to assess the performance of the judicial system. Judiciaries, governments, and non-governmental organisations highlight the need for multidimensional insight into the independence of judiciaries in a regional context (ABA 2022; EC 2022; ENCJ 2023, page 781).

108. Dijk considers that independent behaviour and independent decisions are two components that help to measure judicial independence. Whether judges are guided solely by the law and not by political and economic interests should be demonstrated in court through how they treat the parties in court, their procedural decisions, and their final judgments should be free from any improper influence, and they should appear show to be so reasonable observer and, more generally, to the parties/societies in general. Independence in the sense of authority should be shown by the actual implementation of judgements by the parties. The common approach to measurement is surveying the perceptions in society on those matters, either of general population or of specific group, or of experts.

(emphasis supplied)

109. In addition, European Network of Councils for the Judiciary (ENCJ) organizes regularly (currently every three years) a survey among the judges of Europe about their independence. It contains questions on how they rate their own independence and that of all judges in their country, their perception of the implementation of judicial decisions by government that is against its interests and asks judges about the respect for judicial independence of political actors, parties/lawyers in procedures, and the leadership of the judiciary. In addition, it addresses intermediate results, such as whether judges are appointed solely based on knowledge and experience. These surveys are restricted to the professional judges. A separate survey has been conducted about the perceptions of independence of lay judges. The perceptions of professional and lay judges proved similar. The ENCJ has also organized surveys among lawyers, together with the Council of Bars and Law Societies of Europe.

(emphasis supplied)

110. The comparative study of judicial behaviour, as set out, underscores that judicial independence is not a monolithic ideal but the product of institutional arrangements that balance autonomy against accountability. In the Indian context, the ‘collegium system’ has strengthened external independence by insulating appointments from political influence. It has, at the same time, given rise to questions concerning internal independence, it being suggested that the concentration of the appointing power in a small body of senior Judges may not sufficiently provide for transparency and institutional accountability.

111. In contrast, judicial appointment processes in the United States and Europe, and other developed countries reflect different calibrations of this balance. In the United States, the model combines executive nomination with legislative confirmation, embedding democratic accountability within the process while exposing it to overt politicization. European jurisdictions, by contrast, often rely on judicial councils or hybrid bodies that include judges, legal professionals, and lay members, thereby diffusing power and promoting transparency. These systems recognize that while judicial independence is essential, it must coexist with procedural legitimacy and public confidence - values that are reinforced through clear, rule-based mechanisms rather than informal, fluid conventions or shifting norms.

112. With utmost respect and reverence for the powers vested in the Supreme Court under Articles 129, 141, 142, and 144 of the Constitution of India, and other similarly situated provisions, alongwith judicial innovations made in *Supreme Court Advocates-on-Record Association v. Union of India*³², *In Re: Presidential Reference*³³, and *Supreme Court Advocate-on-Record Assn. Case (2015)*³⁴, which collectively reinforce the doctrines of binding precedent and judicial discipline, the sole objective

³² (1993) 4 SCC 441

³³ (1998) 7 SCC 739

³⁴ (2015) SCC OnLine SC 964

is rather to identify underlying causes through a considered engagement with national and international standards governing the establishment and functioning of courts.

113. In India, the independence of the judiciary is not merely an institutional arrangement but a foundational constitutional value, embedded in doctrines such as the ‘basic structure principle³⁵’ and reinforced through judicial innovations in public interest litigation. However, unlike the relatively stable and homogeneous political environments often examined in Western scholarship, the Indian judiciary operates amid complex social hierarchies, economic disparities, and administrative challenges. Consequently, while Epstein’s comparative jurisprudence highlights how courts calibrate their behaviour strategically, Indian courts often adopt an expansive and interventionist role, stepping into governance gaps to uphold rights and ensure accountability.

114. Another unique feature of Indian judiciary is that when the political branches lack the wherewithal to overturn their constitutional court’s decision or otherwise retaliate against the court and its judges, perhaps because of gridlock or disagreement over the ‘right course of action,’ judges ignore the government and the public. In *Indira Nehru Gandhi v.*

³⁵ **The Kesavananda Bharti** judgment, delivered on 24th April, 1973, is a landmark judgment of the Supreme Court of India. The case was filed by Sri Kesavananda Bharti, the head of Hindu religious Mutt in Kerala, challenging the constitutional validity of the 24th, 25th and 29th Amendments to the Indian Constitution, which sought to curtail the powers of the judiciary and the fundamental rights of citizens. The significance of the Kesavananda Bharti case lies in the fact that it established the doctrine of basic structure of the Indian constitution. The basic structured doctrine holds that certain fundamental features of the Constitution, such as supremacy of the Constitution, the rule of law, and the independence of the judiciary, cannot be amended or abrogated by the Parliament through a constitutional amendment. The Kesavananda Bharti case has thus had far - reaching consequences for the constitutional development of India, making it one of the most significant case in Indian constitutional law. 1973 SCC OnLine SC 156.

Raj Narain³⁶, the Supreme Court struck down clause (4) of Article 329-A, introduced by the Constitution (Thirty-ninth Amendment) Act, 1975, which sought to place the election of the Prime Minister beyond judicial scrutiny. In ***Minerva Mills Ltd. v. Union of India***³⁷, the Supreme Court struck down clauses in the 42nd Amendment that conferred unlimited amending power of constitution to the Parliament and excluded judicial review.

115. Likewise, the Constitution (Ninety-Ninth Amendment) Act, 2014, commonly known as the National Judicial Appointments Commission (NJAC) Act³⁸, received the President's assent on 31.12.2014 and was struck down by the Supreme Court in ***Supreme Court Advocates-on-Record Assn. v. Union of India (supra)***. The Constitutional Bench judgment suggests that it has exhibited a historic level of independence, not only a strong penchant for judicial supremacy, but also a high degree of institutional independence in the matter of judicial appointments and establishment, and deference to constitutionalism and the rule of law.

116. The Supreme Court has been consistent in holding that, while performing its judicial function *stricto sensu*, the judiciary is not to be equated with the other organs of the State, namely, the executive and the legislature. That position accords with the doctrine of separation of powers, and leaves the courts free to examine dispassionately the constitutionality of State action said to curtail fundamental rights, those guaranteed by the Constitution. Accordingly, while acting on the judicial

³⁶ 1975 Supp. SCC 1

³⁷ (1980) 3 SCC 625

³⁸ The Constitution (Ninety-ninth Amendment) Act, 2014 (NJAC) was passed by the Lok Sabha on 13.08.2014 and by the Rajya Sabha on 14.08.2014, and was thereafter ratified by sixteen State Legislatures. ***In each House it was passed with near-unanimous support cutting across party lines, no vote being recorded against it.*** Under Article 368 of the Constitution, an amendment of this description requires a majority of the total membership of the House and a majority of not less than two-thirds of the members present and voting, besides ratification by the Legislatures of not less than one-half of the States; each of these requirements was satisfied.

side, the courts are not comprehended within the definition of "the State" under Article 12. It is only when the courts deal with their employees, or act in other matters in a purely administrative capacity, that they fall within that definition³⁹.

117. At the same time, the increasing globalization of law and commerce necessitates that Indian courts remain attentive to international best practices. The demands of a modern economy - particularly strict regulatory compliance, reliable enforcement of mercantile and commercial contracts, and the efficient resolution of disputes - require a judiciary that is not only independent but also institutionally effective and responsive with strong judicial character.

118. Persistent issues such as judicial delays, procedural inefficiencies, and inconsistencies in enforcement of contracts⁴⁰ continue to undermine confidence of international business community in Indian judiciary. Moreover, the effective functioning of arbitration regimes and the creation of a predictable, investor-friendly legal environment depend on the courts exercising restraint, respecting party autonomy, and ensuring minimal interference, time-bound arbitral processes, and unquestionable integrity of arbitrators⁴¹.

³⁹ Naresh Shridhar Mirajkar v. State of Maharashtra, AIR 1967 SC 1 (nine-Judge Bench), reaffirmed in Rupa Ashok Hurra v. Ashok Hurra, (2002) 4 SCC 388 (five-Judge Bench). See also Riju Prasad Sarma v. State of Assam, (2015) 9 SCC 461

⁴⁰ **In Ease of Doing Business**, India improved its position by 79 places, moving from 142nd in 2014 to 63rd in the World Bank's Ease of Doing Business Ranking 2020. However, **Enforcing Contracts** remains a significant weak spot, with India ranking at 163 out of 190 countries: **Reference**; Ministry of Law and Justice, Government of India; <https://dashboard.doj.gov.in/eodb/#>.

⁴¹ **In 2025, Queen Mary University of London's School of International Arbitration, in collaboration with White & Case LLP**, conducted a survey on the most preferred seats of arbitration. The survey reveals that the most preferred seat is *London (34%), followed by Singapore and Hong Kong (31% each), Beijing (20%) and Paris (19%). Approximately 2% of respondents in the Queen Mary and White & Case LLP survey identified India as a preferred seat of arbitration.* At the same time, Indian parties routinely rank among the highest-volume foreign users of the

119. Arbitration is not merely a process of alternative dispute resolution. It is also a measure of the confidence which the international business community reposes in our judicial system, and of the respect commanded by our constitutional institutions.

120. Thus, the challenge for institutional development in India lies in reconciling its unique constitutional and social context with the imperatives of a globalized legal order. While comparative judicial behaviour scholarship provides valuable insights into how courts function within systems of power, the Indian experience demonstrates that judicial independence must also be responsive to developmental needs and societal expectations. Strengthening institutional capacity, ensuring timely dispensation of justice, maintaining law and order, and fostering a coherent legal framework for commerce are essential for aligning India's judiciary with both domestic aspirations and global standards.

121. Comparative research indicates that judicial behaviour in turn influences the development of the law and of judicial institutions. In India, judges select judges and set norms for the judges. The entire mechanism of selection, performance, and outcome is controlled and supervised by the Judges. The infrastructure, structural, and human resource issues are managed by the various committees constituted by the Chief Justice. The judges are not only independent in the dispensation of justice but also in the appointment of judges and in setting norms for the functional judicial establishment. A distinctive feature that has emerged through judicial innovation, grounded in the choices of judges who have administered - and continue to administer - justice. Therefore, an inference can be drawn that the choices judges made have shaped, and continue to shape, the society. It may safely be concluded that India's judicial establishment

Singapore International Arbitration Centre (SIAC), established in 1991.

Reference: 2025 International Arbitration Survey, The Path Forward: Realities and Opportunities in Arbitration; Queen Mary University of London, School of International Arbitration, White & Case;

<https://www.qmul.ac.uk/arbitration/media/arbitration/docs/White-CaseQMUL-2025-International-Arbitration-Survey-report.pdf>.

today is the outcome of the choices made by our judges, who were charged with, and responsible for, the development of the judicial institutions.

122. The question of judicial appointments in India lies at the intersection of constitutional design, democratic legitimacy and judicial interpretation. The Constitution originally envisaged a consultative process between the executive and the judiciary for the appointment of Judges. The collegium system, evolved through the decisions in the *Second and Third Judges cases*⁴², altered that balance, the Supreme Court holding that primacy in the matter of appointments rests with the judiciary, as an incident of the independence of the judiciary forming part of the basic structure. The arrangement has been the subject of academic and institutional comment, and proposals for reform have been advanced from time to time. It is not necessary, for the purposes of the present case, to enter upon that question.

123. In the Indian context, particularly with reference to the High Court of Judicature at Allahabad, it is argued that the High Court's administrative machinery largely operates through unwritten norms and confidential deliberations, that struggles to meet these standards of transparency and institutional clarity. The absence of formal rule-bound procedure, the non-disclosure of reasons, and the lack of external oversight and internal independence have led to criticisms that the system perpetuates elitism and undermines diversity within the judiciary. Moreover, the Chief Justice's control over appointments and internal administration of the High Court consolidates significant institutional power, raising questions about the separation of powers and the potential erosion of checks and balances. Jurists and students of law also recognize this duality, noting that while the judiciary espouses internal equality, institutional realities often reflect a centralized administrative model.

124. The Law Commission of India has prepared a number of reports, which do not appear to have received the consideration they merit. The Commission is ordinarily chaired by a former Chief Justice of India, or by a former Judge of the Supreme Court. The reasons for the limited

⁴² (1993) 4 SCC 441 & (1998) 7 SCC 739

engagement with its reports merit examination, as does the question why recommendations made by the same individuals carry differing weight according to the office they hold at the time.

125. The Chief Justice of a High Court is regarded as *primus inter pares* - first among equals - within the collegiate structure of the judiciary. This conception reflects the constitutional design under Articles 214-231 of the Constitution of India, which does not confer adjudicatory superiority of the Chief Justice over companion judges. However, in practice, the institutional functioning of High Courts tends to be markedly Chief Justice-centric. The Chief Justice exercises exclusive administrative prerogatives; this concentration of administrative control, coupled with influence over judicial assignments and the management of the court's resources, renders the office structurally dominant (over-centralized), thereby creating a functional hierarchy that is incompatible with the formal ideal of judicial equality and constitutional morality.

126. The management of internal administrative affairs by the Chief Justice of the High Court further complicates this landscape. While administrative autonomy is a necessary component of judicial independence, excessive centralization within the higher judiciary can blur the distinction between independence and insulation. International standards - reflected in instruments such as the basic principles on the independence of the judiciary - emphasize not only freedom from external interference but also the need for objective criteria, transparency, and accountability in judicial governance. From this perspective, the Indian system appears to fall short, as it relies heavily on fluid conventions rather than codified rules and procedures.

127. The challenge for India, therefore, lies in re-imagining a system that preserves the core of judicial independence while aligning with global standards of transparency, accountability, and procedural fairness. Comparative experience suggests that no single model offers a perfect solution; rather, effective systems balance competing values through institutional design. Incorporating elements such as independent

commissions, clearly articulated selection criteria established in accordance with due procedure based on codified rules, greater public disclosure, and effective participation by all homogeneous sections of society could help bridge the gap between independence and accountability.

128. Our judicial system, though evolved judicially, lacks a clear constitutional or statutory framework and operates largely through internal fluid conventions. This insularity limits external oversight and weakens formal mechanisms of accountability. At the same time, the judiciary's role in developing procedural norms and institutional practices through case law means it effectively acts as both a rule-maker and an adjudicator. In such a system, traditional democratic checks - such as legislative scrutiny or executive control - are intentionally minimized to protect independence. Still, the absence of rule-based internal accountability mechanisms creates a structural imbalance.

129. In conclusion, our judicial system illustrates both the possibilities of judicial independence and the pitfalls of judicial self-governance. While it has fortified external independence, it has also exposed vulnerabilities in internal independence and institutional legitimacy. As India engages with global legal norms and seeks to strengthen its rule of law framework, reforming judicial appointments and internal governance remains an urgent priority - one that must reconcile constitutional principles with the demands of a modern, transparent, and accountable judiciary.

130. The question of judicial accountability in India becomes particularly complex considering two structural features: the collegium system of appointments and the judiciary's expansive role in shaping development through its own pronouncements. Together, these create a system in which the judiciary not only interprets the law but also significantly determines its own institutional composition and evolution. While this has been justified as essential for preserving independence, it raises a difficult question: when outcomes fall short, whether in terms of

efficiency, transparency, or alignment with international standards - who shall bear the responsibility?

131. When we comparatively analyze international standards of judicial independence, the result is a paradox: our judiciary is constitutionally independent but institutionally insulated. When our courts struggle to meet international standards, such as timely justice delivery, efficient contract enforcement, or predictable legal processes, the diffusion of responsibility becomes evident. The executive may cite judicial backlog; the judiciary may point to inadequate infrastructure or legislative gaps. Yet, in a system where the judiciary controls appointments and significantly influences internal institutional norms, the judiciary cannot entirely disclaim responsibility.

132. Ultimately, accountability in such a framework must be re-conceptualized not only as shared but also as structured responsibility. The judiciary must strengthen internal transparency and adopt clearer criteria and processes, while the legislature and executive must support institutional capacity without encroaching on independence. Without such re-calibration, the risk remains that independence, instead of enabling institutional excellence, may inadvertently shield systemic inefficiencies from meaningful reform.

133. There is another aspect, “who judges the judge,” where judges act in an administrative capacity and are alleged to have exercised discretion in an arbitrarily or discriminatory manner, thereby undermining standards of internal judicial independence. In the Indian context, administrative powers - such as roster allocation, case listing, conduct of the business of the High Court through its Committees, non-adherence to the High Court Rules by the Chief Justice and Members of the Administrative Committee of the High Court or unfit recommendations within the collegium system- are largely insulated from external and internal review on the ground that judicial independence must be preserved from executive or legislative interference. However, this insulation creates a doctrinal gap: while judicial decisions are subject to appeal and review, judges' administrative

decisions often escape structured scrutiny, even when they have profound consequences for fairness, equality, and institutional integrity. As a result, accountability for erroneous or discriminatory administrative conduct is largely internal, resting on conventions of self-regulation, peer scrutiny, and the ethical expectations of the office.

134. From a normative and comparative perspective, this concentration of administrative authority without corresponding accountability mechanisms raises concerns about the erosion of internal judicial independence, where judges within the system may themselves be subject to opaque or unequal treatment. As scholars Lee Epstein, Gunnar Grendstad, Urska Sadl, and Keren Weinshall highlight in their seminal work, ‘*The Oxford Handbook of Comparative Judicial Behaviour*,’ institutional legitimacy depends not only on independence from external actors but also on transparent, rule-bound governance within the judiciary. Courts around the world have been found to enjoy higher public esteem relative to the political branches. In a participatory democratic framework, the extent of political and social acceptance of the courts serves as a benchmark for assessing their effectiveness and the degree of public reverence they command.

135. In the absence of formal review structures, the burden of judging the judge shifts informally to the institution itself - through full-court deliberations, internal checks, and, increasingly, public scrutiny. Yet such diffuse accountability is often insufficient. A more credible framework would require the development of clearly articulated administrative standards, reason-giving obligations, and limited but meaningful review mechanisms based on rule-bound procedure, ensuring that the exercise of judicial discretion, even in administrative matters, remains consistent with constitutional values of equality and fairness.

136. The High Court’s administrative business is discharged in accordance with the *Allahabad High Court Rules, 1952*. These Rules are made by the High Court of Judicature at Allahabad in exercise of the powers conferred by Article 225 of the Constitution of India and all other

powers enabling it in that behalf. *Chapter-III* deals with the executive and administrative business of the Court, wherein there are rules for appointment of Administrative Judges, Administrative Committee, allocation of Administrative work, matters to be placed before the Chief Justice, Administrative Judges, Administrative Committee and the Full Court.

137. For illustration, Chapter III(d) of the Allahabad High Court Rules pertains to matters relating to the affairs of the 'Full Court'. Rule 8 of Chapter III mandates that the Chief Justice shall convene a meeting of the Full Court once every three months, excluding the summer vacation. It further provides that if a request is made to the Hon'ble Chief Justice by not less than five Judges to call such a meeting, the same shall be convened within one week of the request.

(emphasis supplied)

138. However, over the past ten years, only 16 Full Court meetings have been convened by the Hon'ble Chief Justice. The High Court Rules mandate that general policy matters and matters affecting the powers and status of the Court, as well as the consideration of the general annual report on the administration of justice to be submitted to the Government, shall be placed before the Full Court, at least quarterly. However, for last ten years no general policy matter affecting the powers and status of the Court has ever been placed before the 'Full Court'⁴³ meetings. Likewise, the general annual reports on the administration of justice have neither been laid before the Full Court nor forwarded to the Government, as required under the Rules. This fact alone is sufficient to indicate the

⁴³ It was given an impression that last two Full Court meetings of this Court were stage-managed in the manner of a government whipping its members through a confidence vote, and this affronts the dignity of a Judge's office. It is also to be noticed that the proceedings of the Full Court do not record the concurrence or dissent of individual Judges. Where a collegiate body resolves without recording the views of its members, the deliberation which the forum exists to secure is not evidenced on its record.

prevailing state of functioning, working, and administrative culture in the High Court.

139. The rationale behind convening the Full Court is founded on the principle of 'mutual recognition⁴⁴' of the individual views of its Judges.

140. The chilling effect of the unstructured discretion vested in the office of the Chief Justice is that the learned senior most Judge of this Court was entrusted with the charge- the Chairman- of 18 Committees⁴⁵

⁴⁴ **Gillian Rose-** A British social philosopher developed her own version of recognition rooted in the work of George Hegel- has suggested a comparable, very strong interpretation of the concept of 'mutual recognition', according to which it designates a relationship 'which does not dominate or suppress but recognizes the difference and sameness of the other'. *See, The Struggle for Recognition- The Moral Grammar of Social Conflicts by Axel Honneth* (The MIT Press, Cambridge, Massachusetts; Published in 1996); Gillian Rose, Hegel contra Sociology (London: Athlone, 1981), p.69.

⁴⁵ (i) The Administrative Committee, (ii) Committee for the Designation of Senior Advocates, (iii) Rules Committee, (iv) Committee constituted to Monitor the progress of the matters of the High Court and the courts sub-ordinate of the High Court of Judicature at Allahabad pending with the State Government, (v) Security Committee for the Allahabad, (vi) Museum and Archives Committee at Allahabad, (vii) Committee for the Management and Arbitration Centre at Allahabad and Lucknow, (viii) Committee to Explore the possibility of developing a robust and fail safe software for automatic listing of cases, (ix) Committee to examine the status and progress of Infrastructure in District Judiciary to ensure compliance of the directions of Hon'ble Apex Court and this Court, (x) Committee for the maintenance of Convention Centre, Museum and Arbitration Centre at Allahabad, (xi) Expenditure Committee, (xii) Budget and Finance Committee, (xiii) State Court Management Committee, (xiv) Committee to consider the transfer of Staff from Allahabad to Lucknow and vice- versa, (xv) Committee to deal with the following subjects: A. HJS Selection and Appointments, B. Committee of Judges constituted under Rule 27 of the UP Judicial Officers Rules, 2001, C. Examine the Matter of *inter-se* seniority of the HJS officers, (xvi) Committee to deal with following matters: A. Grant of Super Times Scales to the Officers in the HJS Cadre, B. Grant of Selection Grade to the Officers in HJS Cadre, C. Grant of Financial Benefits to Judicial Officers, including advance increments to the Officers with LL.M. Degree, grant of ACP Scales, and grant of 1st increment, D. Vigilance, E. To

out of 76 Committees, who was subsequently elevated as Chief Justice of a High Court.

141. The minutes of these Committees, or any of the Committee constituted by the Hon'ble Chief Justice have never been communicated to the 'Full Court', giving the impression that their functioning is independent of the High Court itself. Consequently, there exists no institutional forum within the High Court to raise such issues, except by addressing them through judicial orders. Otherwise, the Judges would left to endure and lead a frustrating professional life in an environment that is neither conducive to judicial work nor reflective of the dignity of this great institution.

142. The next chilling effect of this unstructured discretion on the administration of justice in Uttar Pradesh is reflected in the acute shortage of staff in the District Judiciary, which is functioning with a shortfall of 7,834 vacancies against a sanctioned strength of 28,552 posts, along with 31 additional/ad-hoc posts in the cadres of stenographers and drivers. The vacancies include 5,253 posts in the clerical/office cadre, 520 in the stenographer cadre, 75 in the driver cadre, and 1986 in the Group-D cadre.

143. As per the September 2026 position, the total existing sanctioned strength in the Judicial Officer cadre is 4,625, including 900 newly sanctioned posts in September 2026, whereas the present working strength

designate Additional District Judges as District Judges, Note: Matters pertaining to counting of previous services, fixation of pay and equalization of pay of judicial officers will also be dealt by above mentioned Committee, **(xvii)** Committee for Monitoring the situation of strike/abstinence from judicial work by learned Advocates of all the District Bar Associations in the State of Uttar Pradesh-constituted vide order dated 6.1.2025 of the Hon'ble the Chief Justice in the light of para-9 of the order dated 20.12.2024 passed in SLP (Civil) No.19804-19805 of 2024, **(xviii)** Committee for ensuring the construction and availability of separate toilet facilities for males, females, PwD and Transgender persons in the Court premises and Tribunals with Principal Secretary Law & LR, Chief Secretary Government of UP, Finance Secretary Government of UP, PWD Secretary Government of UP, Registrar (J) Infrastructure- High Court, Registrar (J) Infrastructure- District Court, Secretary High Court Bar Association of Allahabad.

is 2,603. There are 1,122 vacancies in the Judicial Officers cadre. If all 900 newly sanctioned posts are treated as presently unfilled, the corresponding vacancy figure would be 2,022. The 900 newly sanctioned judicial posts comprise 237 HJS posts, 391 Civil Judge (Senior Division) posts, and 272 Civil Judge (Junior Division) posts.

144. As on September, 2026, so far as the High Court is concerned, the High Court Registry's total sanctioned strength is 4,138. The sanctioned strength comprises 2,904 posts in the General Office Cadre, 652 in the Private Secretary Cadre, 465 in the Bench Secretary Cadre, 37 in the Computer Cadre, and 80 in the Miscellaneous Cadre. Against the sanctioned strength of 4,138, the Registry is presently functioning with 2,742 officers and employees across the aforesaid cadres. There is a vacancy of 949 posts in the General Office Cadre, 255 in the Private Secretary Cadre, 131 in the Bench Secretary Cadre, 14 in the Computer Cadre, and 47 in the Miscellaneous Cadre. Thus, a total of 1,396 vacancies exist in the High Court Registry against the sanctioned strength of 4,138. The Private Secretary Cadre alone accounts for 255 vacancies against a sanctioned strength of 652, with a present working strength of 397.

145. As on September 2026, there are a total of 10,352 vacancies in the High Court Registry and the District Judiciary, comprising 1,122 vacancies in the Judicial Officers cadre, 7,834 vacancies in the District Judiciary staff, and 1,396 vacancies in the High Court Registry.

146. Approximately 27 per cent of the sanctioned posts across all cadres of the district judiciary staff remain unfilled. In the High Court Registry, approximately 34 per cent of the sanctioned posts are vacant. Within that overall figure, the shortfall is most acute in the Private Secretary Cadre, where 39 per cent of the posts remain unfilled, and in the Bench Secretary Cadre, where 28 per cent are vacant – both are essential components, and thus the lifeline of the courts.

147. No appointment has been made in the Private Secretary, Registry, Review Officer, Assistant Review Officer and Computer Assistant cadres since the year 2022. The last advertisements in respect of these vacancies

were issued on 17.08.2021 and 20.09.2021, and the final results were declared on 02.03.2022 and 03.12.2022 respectively. Recently, advertisements have been issued on 12.03.2026 and 01.06.2026 for recruitment to the posts of Private Secretary, Grade-I (2026) and of Review Officer, Assistant Review Officer and Computer Assistant, for 195 and 543 posts respectively. It is, however, to be noticed that few recruitment was undertaken in the years 2022 and 2024 for the posts of Stenographer, Group-C, Driver Grade-IV and Group-D.

148. In the HJS Cadre, 83 posts for direct recruitment were notified on 22.12.2023, and the written examination was conducted in August 2026; the result of the written examination is awaited. No appointment in the HJS Cadre has been made since 12.09.2022, pursuant to a notification issued on 18.01.2021. It took 19 months and 25 days to complete the recruitment cycle. The last notification for Civil Judge (Junior Division) was issued on 10.12.2022 for 303 posts, and the result was declared on 30.08.2023. No recruitment has been conducted for Civil Judge (Junior Division) since 30.08.2023.

149. There are certain Administrative Committees in the High Court in respect of which no meeting regarding the business entrusted to those Committees has been held for the last more than three and a half years, for reasons best known to their respective Chairmen.

150. In Uttar Pradesh, in many districts, the Judicial Magistrates still write orders by hand. One Stenographer is provided to an Additional District and Sessions Judge, and, in case of leave, the Stenographers are shared among Judges.

151. The position stands in instructive contrast to the procedure for the appointment of Judges of the High Court, which is accorded institutional priority. During the same period in which recruitment to the establishment of the High Court Registry and to the district judiciary made no progress, the process relating to the appointment of Judges continued without interruption: four meetings of the collegium have been held since 2022,

and six Judges of this Court have been appointed as Chief Justices of High Courts.

152. The point is not why those appointments were made; they were made in accordance with the settled procedure, and no question concerning them arises here. The point is that the institution has been able to sustain one process and not the other. The appointment of Judges is indispensable, but a Judge cannot function without a Bench Secretary, a stenographer, a record-keeper, other clerical staff, besides court rooms and other establishment as per their entitlement. Where 1,396 posts of a sanctioned 4,138 lie vacant in the High Court Registry, and no appointment has been made in several cadres since 2022, the attention given to the one side of the institution has plainly not been given to the other.

153. The new High Court Complex at Lucknow, was inaugurated on 19.03.2016, it spans in 40 acres and houses 57 court rooms, and half of the court rooms lying unused since 2016, whereas the Principal Bench at Prayagraj has been facing serious issues with respect to infrastructure. There is no vacant space of court room. This disparity highlights the fact that institutional processes have not kept pace with the development of institutional infrastructure.

154. The foregoing details demonstrate that the absence of a structured framework governing the exercise of administrative discretion has significant consequences, including its bearing upon the administration of justice in the High Court and in the District Courts.

155. No administrative machinery could be set to be effective and efficient, which is based on unfettered and unconstrained discretion and works on the pleasure of the administrator. *Following John Adams' dictum that the government should be "of laws, and not of men", the rule of law is normally taken to prohibit various forms of arbitrariness in the use of state power.*

(emphasis supplied)

156. In the international context, the United Nations has defined the rule of law even more broadly;

“For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the States themselves, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency⁴⁶.”

157. In the words of **Philip Pettit**⁴⁷, there is an inherent tension between discretion and justice, because the only thing that can defeat the arbitrariness, in his view, is some kind of democratic procedure. The most sustained philosophical discussion of discretion to date has been by **Robert Goodin**⁴⁸, who also views it as deeply problematic and calls for curtailing it whenever possible. He outlines four specific objections;

(emphasis supplied)

158. **Goodin’s** *first* concern is that discretion serves as an illicit source of power for administrative officials, which they may use to manipulate or

⁴⁶ The Machinery of Government by Joseph Heath, Chapter VI (Administrative Discretion and Rule of Law, **page 254**)

⁴⁷ **Philip Pettit** is L.S. Rockefeller University Professor of Human Values at Princeton University and Distinguished Professor of Philosophy at Australian National University. A fellow of the American Academy of Arts and Sciences and Companion of the Order of Australia, he works in moral and political theory. Distinguished author, and his recent books include *The Robust Demands of the Good* (OUP 2015), *The Birth of Ethics* (OUP 2019), and *The State* (PUP 2023).

⁴⁸ **Robert Goodin** is a distinguished professor of philosophy at the Research School of the Social Sciences at the Australian National University, where he has taught since 1989. Prior to that, he spent a decade teaching government at the University of Essex.

exploit citizens. *Goodin's second* major objection is that administrative officials are not obliged to give reasons for their decisions, which makes it impossible to ensure that the decisions are justifiable or even rational. The *third concern* is that discretion also has the potential to make administrative decisions unpredictable, which undermines legal certainty, and finally, Goodin expresses the concern that discretion frees public officials from having to respect individual privacy.

159. Lon L. Fuller's⁴⁹ account of the internal morality of law carries the point further. Among the eight principles he identified, the eighth is congruence between the rule as declared and the rule as administered. A system may promulgate clear and prospective rules and still fail, because those who apply them do not in fact apply them. Fidelity to law, in Fuller's sense, is not knowledge of the rule but the disposition to be bound by the rule one has found, including where the result is unwelcome. That disposition is a quality of persons, not of texts.

160. The repercussions of unfettered, unguided discretion have had a devastating effect on the administration of justice. "Discretion" necessarily implies good faith in discharging public duty; there is always a perspective within which a statute is intended to operate; and any clear departure from its lines or objects is just as objectionable as fraud and corruption⁵⁰....

(emphasis supplied)

⁴⁹ **Lon Luvois Fuller** (June 15, 1902- April 8, 1978) was an American legal philosopher best known as a proponent of a secular and procedural form of natural law theory. Fuller was a professor of law at Harvard Law School for many years, and is noted in American law for his contributions to both jurisprudence and the law of contracts.

⁵⁰ Excerpt from "The Machinery of Government- Public Administration and Liberal State" by Joseph Heath, p. 209; Ivan Rand, J.E. Bickenbach, Keith C. Culver, and Michael Giudice, *Canadian Cases in the Philosophy of Law*, 5th ed. (Peterborough: Broadview Press, 2018).

161. As a result, “discretion, in practice, amounts to what is commonly known as discrimination”⁵¹.

162. With utmost respect, the purpose is not to test the ‘*subjective satisfaction*’ of the Chief Justice, nor to cast any aspersion on the working of the office of Chief Justice. The sole concern of this Court is the manner in which the High Court discharges its administrative functions in defiance of the provisions of the Allahabad High Court Rules, 1952, and the need to streamline them by adopting a rule-bound procedure with greater transparency and objectivity.

163. There is another aspect attached to this proposition, namely, the ‘*personal identity*’ and ‘*dignity*’ associated with the office of a Judge. When these are compromised, they may influence judicial behaviour. Instances of disregarding the Rules of Court, 1952, and failing to record individual concurrence or dissent in Full Court meetings may give rise to a perception of disrespect towards an individual’s personal identity and dignity. If such instances are not addressed with restraint, they carry the potential risk of eroding institutional discipline and undermining the rule of law. Any tendency to respond on the basis of personal affront or subjective considerations of identity may lead to arbitrariness, bias, and a departure from established legal norms. Such reactions are incompatible with the principles of procedural fairness and natural justice and may ultimately weaken public confidence in judicial institutions.

164. As we see, a person’s ‘*honour*’, ‘*dignity*’, or, to use the modern term, ‘*status*’ refers to the degree of social esteem accorded to their manner of self-realization within a society’s inherited cultural horizon. In psychoanalytic terms, this means that what is negatively affected by the action-inhibiting violation of a moral norm is not the superego⁵² but the

⁵¹ M. P. Baumgartner, “The Myth of Discretion”, in Keith Hawkins, ed., *The Uses of Discretion* (Oxford: Clarendon Press, 1992), pp. 129-162 at 157

⁵² **Superego** is the psychoanalytic theory of Sigmund Freud. It is the ethical component of the personality and provides the moral standards by which the ego operates.

subject's ego-denials. In Honneth's view, lack of recognition is a real injustice that must be addressed⁵³.

165. Although the foregoing paragraphs are not directly relevant to the disposition of the present petition, but they may illuminate how administrative decisions in the High Court influence judicial functioning of District Courts. The behaviour of the Judges responsible for carrying out the administrative affairs of the High Court shapes the institution's judicial behaviour. These administrative choices, in turn, establish behavioral patterns that define the judicial institution itself.

166. Despite explicit directives from both the Supreme Court and this Court, District Court judges have consistently failed to comply. Again, this non-compliance reflects a fundamental institutional reality: although the judicial hierarchy operates as a rigid, centralized structure, it remains vulnerable to informal resistance and manipulation at lower levels. Compliance failures therefore originate not from simple oversight, but from behavioral patterns embedded in the institutional culture itself.

167. If we take the capacity of lower courts, and all stakeholders, seriously to produce valuable normative information- through experimenting in doctrinal innovation, identifying social pathologies, flagging legal inconsistencies, and reflecting local knowledge and sensibilities- the Court system can be reimaged as a discursive learning network. In the long run, learning from 'mistakes' could be more valuable than eliminating them⁵⁴.

168. The central impediment to India's judicial system is not only limited to huge pendency of cases, shortage of judges, or lack of infrastructure and establishment. Rather, it also lies in institutional behaviour and judicial innovations: specifically, the discretionary choices judges make

⁵³ **Personal Identity-** A reference from Chapter 6, Personal Identity and Disrespect from 'The Struggle for Recognition- The Moral Grammar of Social Conflict' by Axel Honneth.

⁵⁴ Box- Steffensmier et al. 2016, pg.718 oxford handbook.

and their institutional consequences. The behavioral patterns of the Judges of the Constitutional Courts determine the system's functional capacity.

169. The institution remains Chief Justice-centered, with little space for participative governance. The judiciary, being a self-regulated institution, must maintain effective checks and balances on its administrative side to ensure that administrative discretion is never misused and is exercised strictly in accordance with the procedure established by law and duly notified rules. This becomes all the more necessary in view of the criticism that civil society often directs at us-criticism rooted in concerns over dynastic privilege, nepotism, casteism, and feudal patronage influencing judicial appointments, compounded further by excessive ambition among judges themselves.

170. The prevailing Chief Justice-centric model of High Court administration requires recalibration in favour of a more deliberative and institutionally balanced approach. The marginal role of puisne judges in administrative matters runs counter to broader administrative theories that emphasise participatory decision-making and institutional accountability.

171. Participative management is a *sine qua non* of collective decision-making, bringing economy, efficiency and transparency to the judicial and administrative working of the Court. The proposition is not novel. In *Leadership and Organization: A Behavioral Science Approach*⁵⁵, **Robert Tannenbaum, Irving Weschler and Fred Massarik** advanced the view that leadership is not a fixed attribute of office but a range of behaviours, extending from decisions announced by the person in authority to decisions arrived at through the participation of those who must carry them out. Their contribution lay in demonstrating that the choice between these modes is not merely a question of style. Participative decisions draw upon a wider body of information, anticipate difficulties of implementation and secure the commitment of those responsible for giving them effect, whereas decisions announced from above may be

⁵⁵ Robert Tannenbaum, Irving R. Weschler and Fred Massarik, *Leadership and Organization: A Behavioral Science Approach* (McGraw-Hill, 1961)

reached more quickly but are often based on incomplete information and more frequently encounter resistance in their implementation.

172. A High Court is not an organization in which authority descends through a chain of subordinates. Its Judges are equals in the discharge of the judicial function, and the administrative decisions taken in its name - including the allocation of work, the framing of policy and the management of establishment and infrastructure - directly affect the manner in which every Judge performs that function. Participative management, therefore, assumes particular significance in the institutional framework of a High Court, where collective deliberation enables the diverse experience and perspectives of its Judges to inform administrative decisions. It promotes transparency, fosters institutional confidence and facilitates the effective implementation of decisions, while ensuring that the administration of the Court remains consistent with the collective character of its judicial institution.

173. As **Simon**⁵⁶ articulated, administrative behaviour is not merely a function of formal authority but also involves navigating constraints, processing information, and making reasoned choices within complex institutional settings. The exclusion of puisne judges from meaningful participation in administrative processes is therefore inconsistent with these well-established principles of modern administrative governance.

174. The law's delay is among the ills that Hamlet enumerates in the "To be, or not to be" soliloquy, listed alongside the oppressor's wrong and the insolence of office⁵⁷. The Prince of Denmark, contemplating the nature of existence, asks why people bear the wrongs they do - oppression, the contumely of the proud, unrequited love, the law's delay, and the arrogance of authority - and concludes that it is the fear of what lies

⁵⁶ **Herbert A. Simon**, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization* (Macmillan, 1947; 4th edn., The Free Press, 1997). Herbert A. Simon was awarded the Nobel Memorial Prize in Economic Sciences in 1978 for his research into decision-making within economic organisations.

⁵⁷ **William Shakespeare**, *Hamlet*, Act III, Scene

beyond death that makes them endure lives of misery rather than end them. Four centuries later, the same frustration finds expression in the familiar lament of dates followed by dates followed by dates. The two forms of expression are far removed from one another, yet they are united in articulating a single grievance: that justice delayed is justice denied.

175. Time is of the essence, and litigants such as *Urmila Mishra* cannot be left waiting indefinitely, asking even for the framing of charges.

176. The purpose of taking the discussion to the next level is not to cast aspersions on any individual or to undermine the authority vested in the office of the Chief Justice, but to initiate a constructive dialogue aimed at reaching a logical conclusion informed by fresh perspectives and new ideas.

177. This concern finds resonance in *George Grote's* concept of '*constitutional morality*,' developed in his book '*A History of Greece*' - a paramount reverence for the forms of the constitution, sustained not by natural instinct but by deliberate cultivation. Dr. B.R. Ambedkar, invoking this very idea before the Constituent Assembly, reminded us that constitutional morality is not a natural sentiment; it has to be cultivated, and our people have yet to fully learn it. Constitutional morality, therefore, is not merely a principle to be professed - it must be reflected in our conduct. The relevance of good conduct and righteous thought can be best traced from our own civilizational heritage.

178. Kautilya, in the *Arthashastra*⁵⁸, identifies four sources of law: *dharma*, *vyavahara*, *charitra*, and the *edicts of the King*. Of these, *vyavahara* - settled procedure and the usage of the courts - and *charitra*, the customary established practice of a community, furnish the foundation upon which 'judicial character' is built, shaped in turn by accountability and by sustained training and learning directed at securing consistency, clarity and coherence in adjudication, without fear or favour, affection or

⁵⁸ **Kautilya's Arthashastra**, painstakingly compiled in Sanskrit and first brought to the world by Dr. R. Shamasastri in 1909, translated into English in 1915

ill will. What the modern State describes as ‘constitutional morality’ rests upon the same understanding.

179. Returning to the issue from where this Court started, and at the cost of repetition, certain facts merit reiteration for clarity. The empirical record summoned from the trial court in *Pappu Met @ Pappu* vividly demonstrates that, despite the binding precedent in *Smt. Bacchi Devi (supra)* and repeated administrative directions, trial courts across Uttar Pradesh continued to insist on two sureties in 9,775 anticipatory bail and 1,56,155 regular bail orders. Notably, only 25 districts responded, of which merely 8 reflected limited compliance, while 49 submitted deficient reports. No District Judge has complied with paragraphs 38(x) and 38(xi) of *Smt. Bacchi Devi case (supra)*, despite two reminders issued by the Registrar General pursuant to orders of the High Court.

180. The necessity of a second judicial intervention in *Urmila Mishra* case underscores deeper structural concerns. The scale of delay itself reveals entrenched determinants of judicial behaviour: 16,15,655 cases remain pending without charge framing (including 14,08,134 before Magistrates), with pendency in some instances dating back to 1981. This is further compounded by a disconnect between investigation and adjudication, notwithstanding the filing of 22,51,629 charge sheets between 2021 and 2025. Micro-level instances mirror this systemic pattern: in *Sarfraj Ahmad*, 143 listings occurred without charges being framed, while in *V.S. Palitube*, over 100 hearings followed despite a High Court directive to conclude proceedings within six months, without any effective order.

181. Institutional deficiencies aggravate these concerns. The High Court and the courts below continue to function amid acute shortages of staff, particularly of stenographers and record-keepers, and with inadequate infrastructure. According to the National Judicial Data Grid, approximately 1.43 crore cases are pending before the district courts in Uttar Pradesh, the highest for any State in the country. Of the cases pending for more than ten years, about 82 per cent are criminal cases.

Approximately 12 lakh cases are pending before this Court. The position is grim, but it is capable of improvement through consultative and concerted effort, guided by a larger institutional vision and a commitment to the institution. That requires aligning judicial behaviour with the expectations of the institution, and placing the interests of the institution above those of the individual.

182. The data set out hereinabove is intended solely to highlight the concern, and every possible endeavour has been made to provide correct details in the foregoing paragraphs. Any discrepancy or mismatch in the data, if found, may be attributable to the non-availability of accurate and complete information and to limitations in the information available.

183. This Court places on record its appreciation of the assistance rendered by Ms. Pratima Vishwakarma and Ms. Juveriya Kazmi, learned *Amici Curiae*, and by Shri Jatin Rana, Research Associate, attached to this Court.

184. Inspired by the words of Dushyant Kumar⁵⁹, this Court concludes by taking the liberty of expressing it thus, in its own words, which may resonate profoundly in the present context: It's aim is not merely to create an uproar, but to rouse this judicial inertia into motion. If not through its judgment, then through yours- wherever it may arise - let there be a true awakening: a sense of responsibility joined with accountability. The flame must endure; it must continue to ignite.

185. His lines are not a call by a rebel, an empty rhetoric; they are a call to conscience - urging that change must not remain an abstract ideal but become a living force, kindled in every heart willing to bear responsibility and act with accountability.

⁵⁹ **Dushyant Kumar** (1933–1975)- a leading voice of modern Hindi poetry. He is celebrated for his powerful, socially conscious verse that challenged complacency and stirred a spirit of awakening. Writing primarily in the form of the Hindi *ghazal*, he brought poetry closer to the concerns of ordinary people- the common man- following lines call for meaningful change rather than empty noise- urging that the “fire” of awareness, courage, and action must exist somewhere, in someone, to transform society.

ORDER AND OPERATIVE DIRECTIONS - CASE-WISE***I. Pappu Met @ Pappu v. State of U.P. and Others***

The prayer made in the petition has already been allowed by order dated 11.12.2025, whereby the impugned order dated 18.11.2025 was directed to be modified to the extent that the petitioner be released upon his executing a personal bond of Rs. 5,000/- and furnishing one surety in the like amount, to the satisfaction of the court concerned. The petition accordingly stands allowed.

II. Urmila Mishra v. State of U.P. and four Others

The learned Additional Chief Judicial Magistrate, Prayagraj, is directed to decide Case No. 2080 of 2010, *State v. Rajendra Prasad Mishra and others*, arising out of Case Crime No. 105 of 2009, under Sections 406, 419, 420, 504 and 506 of IPC, Police Station Naini, District Prayagraj, in a time-bound manner, subject to the following:

(i) Applications for personal exemption filed by an accused shall be disposed of by reasoned orders. Repetitive applications for personal exemption be not entertained in a routine manner, and where filed, shall be dismissed with reasonable costs.

(ii) If the situation so warrants, the bail bonds of the accused(s) shall be forfeited, and, upon the accused being taken into judicial custody, the trial court shall proceed to conclude the trial at the earliest within a reasonable period.

(iii) Necessary action shall also be taken against the erring police officers responsible for the failure to effect proper service of summons, bailable warrants and non-bailable warrants upon the accused.

(iv) With the aforesaid directions, the petition stands allowed.

III. Sarfraj Ahmad v. State of U.P. and Another

The trial shall be conducted in accordance with the directions contained in *Urmila Mishra* (supra). The petition accordingly stands disposed of.

IV. *V.S. Palitube v. State of U.P. and Another*

The learned trial court is directed to expedite the trial of Complaint Case No. 1738 of 2013, under Section 138 of the Negotiable Instruments Act, 1881, and to conclude the same at the earliest, subject to the following:

- (i) The accused shall be bound down to appear before the trial court on each date fixed, or as may be directed.
- (ii) In the event the accused fails to appear, the Senior Superintendent of Police, Kanpur Nagar, shall ensure his presence before the learned trial court.
- (iii) If, after exhausting the procedure prescribed for a summary trial, the accused still fails to appear, the trial shall be concluded after taking the accused into judicial custody.
- (iv) With the aforesaid directions, the petitions stand allowed.

186. This Court concludes this judgment by referring to the first paragraph of *Dr. Jaya Thakur and Others v. Union of India and others*, wherein Dipankar Datta, J., the Hon'ble Judge of the Supreme Court, speaking for the Bench, began the judgment thus: "It is a foundational principle of our constitutional scheme that ours is a government of laws, not of men, where the rulers are bound by the law; they can never be above the law. It is in this larger constitutional context that the implications of the present opinion must necessarily be weighed. While the significance of a judicial opinion is not always to be measured by the controversy that occasions it, the present matter calls for an approach alive to the possibility that the opinion of this Court may well outlive the immediate controversy."⁶⁰

(emphasis supplied)

187. This Court, thus, takes the opportunity of requesting **Hon'ble the Chief Justice** to explore the necessity of convening Full Courts, and of opening the dialogue for ensuring compliance with the High Court Rules,

⁶⁰ *Dr. Jaya Thakur and others v. Union of India and others; Writ Petition (Civil) No.14 of 2024.*

1952. This is not something novel that this Court is requesting. The issues raised and deliberated upon in the foregoing paragraphs have been opined upon time and again by Judges of this Court, and, once again, this Court simply endorses the opinion. Given that resolving constitutional issues - constitutional morality and judicial character - is the primary task of the Judges of this Court, it must remain our Court's priority. Pendency of cases for more than twenty years, awaiting charges to be framed, and in some cases for more than forty years to be decided, does not reflect well on our institution. It is time that the institution addressed the issue with the urgency and promptitude it deserves.

188. The Registrar (Compliance) is directed to place a copy of this judgment, through the Registrar General of this Court, before the Hon'ble the Chief Justice, for His Lordship's kind perusal and for such further steps as His Lordship may deem fit and appropriate in respect of the issues noticed herein.

189. A copy of this judgment shall also be transmitted to the Secretary, Department of Justice, Ministry of Law and Justice, Government of India, who may place the same, together with such note as may be prepared upon the issues noticed in the foregoing paragraphs, before the Hon'ble Minister of State (Independent Charge) for Law and Justice, for consideration; and a copy of the note may also be forwarded to the Cabinet Secretary, Union of India.

190. The Registrar General is directed to ensure that the entire record of these cases is digitized, including the particulars furnished by the learned trial courts and by the State, the case files, and such other documents as form part of the record.

Order Date: 28.09.2026

Anil K. Sharma

(Vinod Diwakar, J.)