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INTRODUCTION.

Special Leave Petition in India (SLP) has an unmistakable situation in the Indian Legal executive and has been given as a "leftover force" inside the hands of the Supreme Court of India to be practiced uniquely in situations where there is a huge issue of law or gross injustice. It awards special authorization to the aggrieved party to be recognized in the Supreme court in appeal or appeal against any choice or request of any court or council inside the region of Bharat (except for a military get together and a court-military).

The Constitution of India, under the oversight of Article 136, presents on the Supreme Court of India, the apex court of the nation, with special position to allow special leave, to bring an appeal against any judgment or request or pronouncement in any issue or cause, passed or established by any court or council inside the purview of the Asian nation. It is to be utilized in case of any genuine sacred clash of law or gross injustice being submitted. Its optional authority is outright inside the Supreme Court of the Asian nation and consequently the Court can in its carefulness, decline to offer leave to the fascination. The aggrieved party cannot request special leave to appeal as per Article 136 as a right, yet it has the outright advantage, inside the Supreme Court of India, to give leave to appeal or not.

In common courts, a special leave to appeal under the management of this Clause would not be given except if there is a critical issue of law or overall population interest for the situation in question, and in criminal cases, the Supreme Court would not mediate under Article 136 except if there is realized that “considerable and genuine injustice has been perpetrated which the situation being referred to raises the possibility of a warrant being explored for the decision appealed against.”

Limitations

SLP might be taken against any choice or assertion or request of any High Court/Council in the ward of India, or SLP might be stopped if the High Court decreases to give a certificate of appropriateness or appeal to the Supreme Court of India. SLP might be taken against any choice of the court between ninety days from the date of the judgment; or SLP might be held up inside sixty days against the request for the court declining to give the certificate of qualification for appeal to the Supreme Court. Any aggrieved party will document a SLP administering against the judgment or request keeping the honor from getting the certificate.

This petition is fundamental to express all the subtleties important to correct the court to choose whether or not the SLP would be permitted to be allowed or not. It must be endorsed on paper by the Backer. Likewise, the petition will contain an affirmation that the offended party has not presented the other petition for the situation. It should be in the feeling of an authorized duplicate of the judgment tested against the legal archive by the applicant affirming the same, and furthermore with regards to all the records which a bit of the pleading in the court or the lower court is to be looked for.

The scope of power vested with the Supreme Court of India under Article 136

"The constitution of India vests discretionary power within the Supreme Court of India. The Supreme Court of India may in its discretion, grant special leave to be charmed by any judgment or decree or order in any matter or cause that has arisen or elapsed from any court or tribunal within the territory of India. The Supreme Court of India can by sweating its discretion, refuse to grant leave to charm."

An aggrieved party to a judgment or a judgment cannot demand special leave to be charmed as a right, but it's a privilege that the Supreme Court of India is absolute and that leave to be charmed is given exclusively by that party. The aggrieved party shall refer the matter to the Apex Court in compliance with Article 136 only if there is any constitutional or legal question that may be dealt with by the Supreme Court of that country. This can be described as a civil or criminal charm on the grounds of the situation.

The subject of forthcoming cases under the steady gaze of the nation's highest court is the verifiable truth of the working cycle of the Supreme Court of India. With the freedom of the country in 1947 and the making of the legal executive in 1950, the last by and by anticipates its autonomy in the genuine feeling of the word. The act of maltreatment of the appeals authority of the Supreme Court has brought about the overabundance of 2 crore cases forthcoming before it for removal and thus frantically requires another change worldview to facilitate the unfavourable detour.

The paper examinations the near subtleties of the cases forthcoming, the appeals submitted and dismissed by the Supreme Court and consequently makes the primary contention on the base of the issue, for example the unpredictable recording and endorsement pace of the Special Leave Petition (SLP). On the grounds of the reason that a generous number of cases appealed by the High Courts as a SLP are important for the decisions of the courts, notwithstanding the requirement for supplications to be submitted straightforwardly under the steady gaze of the

court, the courts are a critical supporter of the SLP documented under the watchful eye of the Supreme Court. The paper in this manner demonstrates that the structure and activity of the courts should be reconsidered to address the risk of unhindered documenting of the SLP. There is likewise a need to reexamine the objective of the legal executive to lessen the plundering of cases under the watchful eye of the Supreme Court.

The Supreme Court of India, or rather the apex court of 31 (30 judges 1 CJI) judges, is the last retreat for any aggrieved resident to look for justice in India. It was set up with the idea of being a supreme court answerable for the safeguard of basic liberties, in issues relating either to the perusing of the Constitution or to a considerable issue of law, to the mediation of contentions between the Middle State and the Between State. The lower courts and the High Courts have been discovered qualified for the agreement of justice. Notwithstanding, in uncommon conditions where there was an immediate hardship of justice, the Supreme Court was engaged to give special leave to appeal against the choice of any court or council.

As of late, nonetheless, it has lost its unique character (of being a Protected Court) by an extension of its ward, delivering itself an Overall Court of Appeal by routinely bringing special leave requests between defendants which do exclude critical sacred concerns or issues of law of general criticalness.

In this way the theory concerns one of the prickly aspects of the appeal of the Supreme Court gave on it as indicated by Article 136 of the Indian Constitution.

The Supreme Court (SC) has more than once confronted the topic of maltreatment of the different leave petition right. In that regard, this paper requires the mandates, choices, and finishes of the SC. It examinations the test, assesses plausible arrangement models applied in different wards, and builds a novel way to deal with assistance SC fortify conduits against unimportant SLPs.

Article 136, in its essence and depth, permits the maintenance of the most desirable principle in the common law framework, the rule of law. It is a symbol of the principle to the degree that it requires the Supreme Court to exercise its discretion within the limitations defined by itself. The court may, if it finds it necessary to invoke the Suo motu authority of Article 136, or may, at the hearing of the parties, lift the matter.

On several occasions, the Court acknowledged that it was the High Court that was meant to be the last court of appeal and that Article 136 was simply a requirement to guarantee that there was substantial justice.[1]

"Having said that the corollary, which can be corroborated by the decisions of the Supreme Court, is that the clause is to be used judiciously. A substantial number of special leave requests are lodged and summarily denied by the judge. Ironically, the backlog in cases vitiates the real purpose of the article. The wastage of the time of the Court contributes to an undue pause in the conclusions.[2]"

RESEARCH QUESTIONS

1. What are the issues regarding Special Leave Petitions?

2. What are the limitations imposed while filing a SLP?

3. What are the powers of the Court with respect to Article 136?

RESEARCH OBJECTIVES

1. To understand Article 136 mentioned in the Constitution in depth.

2. To analyse the various issues and misuse of SLPs.

3. To examine various case laws with regard to the subject.

RESEARCH PROBLEM

Consistent issues have been faced by the Courts, time and again, regarding the privilege of Special Leave Petition being misused. By way of this paper, the researcher aims to analyse this

[1] Dhakeshwari Cotton Mills V. Cit Air 1955 SC 65.
[2] Sanwant Singh V. State Of Rajasthan Air 1961 SC 715.

problem and delve into observations by the Court, suggest possible solutions against the frivolous SLPs.

STATEMENT OF HYPOTHESIS

The researcher hypothesizes the meaning of misuse of Special Leave Petition and the variety of judgments delivered by the Courts based on the same concept. Additionally, the researcher highlights the flaws in the concept.

REVIEW OF LITERATURE.

1. **ARTHAD KURLEKAR (2014),** Special Leave Petitions, An Impediment To Justice: Need For Structural Changes To Ensure Efficient Time Allocation Of The Court, On many occasions the Supreme Court (SC) has been faced with the violation of the right of separate leave. The paper asks for the SC's recommendations, decisions and conclusions. This study analyses the problem, tests viable solution models in other jurisdictions, and develops a new approach to help SC improve floods against frivolous SLPs. In order to comply with the procedural conditions and in substance, in legal matters and the opinion, we propose that the Board create the SC by means of enforcing rules based on its authority to review SLP requests both formally and in the light of their authority. The next move is to approach a senior lawyer in the case's merits. They will also reduce the backlog of lawsuits and integrate in-depth opinions of experienced legal minds, but would be purely complementary and not end in allocating the SC's responsibilities. In addition, the SLPs considered by the court to be trivial should be charged on a daily basis in order to establish dissuasion.

2. **JAMINI VYAS (2015),** Special Leave Petitions, an insight to the problem of exploiting the means of justice. The author in this paper talks about the misuse of SLPs by people and burdening the SC meanwhile. The has highlighted few very important provisions in regards of SLPs and how one can reduce the time invested on frivolous SLPs and save time of the Hon'ble Supreme Court. The author has also mentioned various proposed committees and suggestions as to how one can combat this situation of

misusing the laid provisions whose main motive is to grant justice to those who has felt they haven't been given the same.

3. **ASTHA MISHRA (2018),** All roads should not lead to Supreme Court, The issue of pending cases under the steady gaze of the nation's highest court is a verifiable truth of the working cycle of the Supreme Court of India. The act of maltreatment of the appeals authority of the Supreme Court has brought about the overabundance of 2 crore cases pending before it for removal and henceforth urgently requires another change worldview to facilitate the impossible barrier. The creator considered the models proposed by the Law Commission of India in its 229th Report to limit the outstanding task at hand of the Supreme Court and inferred that these models were not practicable, as they would add to the shirking of the very presence and quintessence of the Supreme Court. The paper analyses the comparative details of the cases pending, the appeals submitted and rejected by the Supreme Court and thus makes the main argument on the root of the issue, i.e. the indiscriminate filing and approval rate of the Special Leave Petition (SLP). On the grounds of the premise that a substantial number of cases appealed by the High Courts in the form of an SLP are part of the rulings of the courts, in addition to the requirement for pleas to be submitted directly before the court, the courts are a significant contributor to the SLP filed before the Supreme Court. The paper thus indicates that the structure and operation of the courts ought to be re-examined to address the danger of unrestricted filing of the SLP. There is also a need to rethink the goal of the judiciary to reduce the pillaging of cases before the Supreme Court.

4. **JEBA BOKTIAR (2019),** Special leave petitions: recent trends. The research entitled 'Special Leave Petition – Recent Developments' has been undertaken to investigate the latest and increasingly complicated process for special leave petitions from the courts and to see if it preserves the procedural powers of the court. The exceptional authority of the Court of Appeal under Article 136 is relevant because of its broad discretion. The current condition with respect to a special leave petition is that Article 136 of the Constitution of the Supreme Court is discretionary; it does not confer a right of appeal on a party to a dispute. It is given by the Supreme Court only to meet the need for justice. In the new tradition of filing a special leave petition against all sorts of orders of the High Court or other authorities, without even understanding the extent of Article 136, it would seem that Article 136 was never meant to be to a minimum, a regular

platform of attraction. There were only 19,000 unfinished lawsuits in the Supreme Court in 1997. There are now more than 55,000 unfinished cases. For a few years, the pendency may cross 100 thousand cases. In 2009, nearly 70,000 cases were taken before the Supreme Court where the extraordinary type was the Exceptional Leave Petition under Article 136.

5. **S. SANIYA (2020),** Special Leave Petitions in India. Special Leave Petition in India (SLP) has a popular position in the Indian Judiciary and has been given as a "residual power in the hands of the Supreme Court of India to be exercised only in cases where there is a serious issue of law or gross injustice. It grants special permission to the aggrieved party to be heard before the Apex court in an appeal against any judgment or order of any court or tribunal in the jurisdiction of India (with the exception of a military tribunal and a court of martial) The Constitution of India, pursuant to Article 136, confers on the Supreme Court of India, the apex court of the republic, the special right to grant special leave to appeal against any judgment or appeal. It is to be found in situations where there is a serious substantive conflict of rule or gross inequality. It is a discretionary right bestowed on the Supreme Court of India and the court can in its discretion, refuse to grant leave to appeal. The aggrieved party cannot demand exclusive leave to appeal pursuant to Article 136 as a right, but it is the duty bestowed on the Supreme Court of India to grant leave to appeal or not.

CHAPTERIZATION.

CHAPTER 1: THE ISSUE OF FRIVOLOUS SLP's AND INEFFICIENT TIME ALLOCATION.

Indiscriminate Filing of SLPs

A colossal number of SLPs are documented and denied on various procedural, specialized, and meaningful grounds each day. Undoubtedly the postponement caused to the court is counterproductive to the prosperity of the legal framework. As K.K. Venugopal had discovered just 19,000 cases pending under the watchful eye of this Court in 1997, yet now there are in excess of 55,000 cases pending. The pendency would cross one lakh occasion in a couple of years' time. In 2009, just about 70,000 cases were brought under the steady gaze of this Court, of which a considerable rate were special leave requests under Article 136. On the opposite side, the U.S. Every year the Supreme Court considers just between 100 to 120 cases and the Canadian Supreme Court catches wind of 60 cases. It is additionally discovered that the size of the issue in India is very gigantic. The privilege to a rapid preliminary is deciphered as a privilege under Article 21 and Article 14 of the section on basic freedoms of the Constitution of India. In 1987, Justice Venkataramaiah anticipated the current quandary. In **P.N. Kumar v. Municipal Corporation of Delhi**, filing a written petition pursuant to Article 32, he noted that:

"Today, still this Court has little time to resolve disputes that have to be resolved by it alone and by no other authority. A significant number of lawsuits are pending between 10 and 15 years. And if a new case is eventually brought to this Court, it will take longer than 15 years for Judges to dispose of all the cases pending."[3]

The gravity of the dilemma is obvious and the following statistics can be further explained. Complete pendency rose from 19,000 in 1997 to 53,221 in 2009, a growth of more than 150 percent in just 12 years. The growth at the same pace will raise the maximum incidence of cases to 1,25,000 over the next ten years.[4]

It is essential here to separate the authority of the writ from that of the special leave. The special leave permits the Supreme Court to allow a decision on the last judgment as well as on each

[3] (1987) 4 SCC 609.

[4] K.K. Venugopal, *supra* note 5.

request for the court. With that impact, Article 136 gives on the Supreme Court the power to review the decision of any court or authoritative substance, while the locale of the court under Article 32 is the first purview conceding such writ solutions for be brought under the watchful eye of the court. Article 32 is a matter of the right of the party before the court, while Article 136 is a matter of the discretion of the court. On many occasions, the Supreme Court has reiterated the purpose and established the sanctity of Article 136.

CHAPTER 2: THE SUPREME COURT'S VIEW IN THE MATTER OF FRIVOLOUS SLP's.

Before the Indian constitution, the Privy Council was agreed a similar carefulness as that offered on the Supreme Court in accordance with Article 136. Sir George Rankin brings up for the situation that to struggle with a legal conviction, there should be something so anomalous or so shameful as to stun the very premise of justice and that confusion thusly, surely abnormality as such would not do the trick and that there should be something which in the specific case, denies the blamed for the substance of a reasonable preliminary and the safeguard of the denounced. Justice Katju highlights this point by giving instances of situations where even the change of cases petitions is brought under the watchful eye of the Supreme Court. The possible misuse of Article 136 was quickly found out and taken into consideration in one of the first SLPs in the case of **Pritam Singh v State**,[5] The judgment suggested that "Article 136 should be used sparingly and exceptionally and introduced uniform guidelines for the use of SLPs. The following line of cases focused on the sparing use of the provisions of Article 136 but did not comply with the duty of Article 136. The outcome was stated in a private interview by Justice Dalvi. He said that the use of Article 136 for common uses was like asking a super-specialist doctor for generic medicines." This is the extent of misuse of SLPs.[6]

Bengal Chemicals Ltd. v. Their Workmen,[7] the court limited the application of the SLPs to cases where there was a breach of the rules of natural justice, which caused significant and severe prejudice to the parties. However, the following cases did not explicitly apply to this

[5] AIR 1950 SC 169.

[6] lnterview with Anil Dave, J., Supreme Court (May 16, 2011).

[7] AIR 1959 SC 633.

theory. The argument to be remembered here is that these values have not been overruled, although it may be argued that the case law on SLPs has taken the wrong turn.

Justice Krishna Iyer, in **P.S.R. Sadhanantam v. Arunachalam**,[8] justified the rationale for restricting the reach of the SLPs. He added, "The larger the power of discretion, the greater the exercise of discretion is saved. The Court has consistently found out that while the parties promise to 'provoke' this authority, the Court parsimoniously invokes that control. It is true that the strictest scrutiny over the misuse of the court procedure, particularly at the expensively elevated level of the Supreme Court, should be exercised and that 'visa' should not normally be issued to meddlers."

Within the constitutional system, the High Courts were supposed to fulfil the duties of the highest judicial body, and the Supreme Court was preferably put there as a supervisor. The action of the Supreme Court was perceived to be simply a correction of the High Courts in extraordinary situations.[9] The new role of the Court merely indicates that the rules of the SLP can be used sparingly only in exceptional cases, when a significant matter of law remains uncertain and unresolved, or where it seems to the Court that involvement by that Court is appropriate to fix the situation.[10]

CHAPTER 3: INEFFICIENCIES ASSOCIATED WITH FRIVOLOUS SLP's.

There are several reasons why proceedings have opened up: firstly, the Court is unable, when it comes to the formulation and execution of these guidelines, to include substantial and stringent guidelines for the submission of SLPs; secondly, the lack of confidence of the judiciary to achieve timely justice; thirdly, delay in the justice system and, fourthly, lack of effectiveness in handling cases.

Be it as it might, the theoretical erasure of "Article 136 is ineffective if decency is the indicated execution of the court. The purpose behind the arrangement of Article 136 can be offered on monetary grounds. The main case would be the place where there was no remittance for special leave under Article 136. In such a case, all appeals to the Supreme Court will be on the grounds

[8] AIR 1980 SC 856.

[9] Narpat Singh v. Jaipur Development Authority [2002] 3SCR365.

[10] J.P. Builders v. A. Ramadas Rao (2011) 1 SCC 429.

of a certificate from the High Court or an exceptionally restricted writ of purview under Article 32."

To that point, Article 136 establishes a Pareto-predominant option in that Article 136 accommodates a framework that takes into consideration the spread of justice or the adjustment of extreme injustice. Justice as such might be recorded as a non-rival property. What it experiences is the awfulness of the centre.' The recording of adversary SLPs is like the over-misuse of the (justice) resources bringing about lower proficiency. Thus, the current technique must be changed to expediently discard litigation to augment the nature of the organization of justice. This offers ascend to the requirement for a standard based model for the authorization of Article 136 of the Constitution of India.

Now, it is important to decide how the over-misuse of the legal executive will add to the crumbling of its adequacy and in this manner to its presentation. An expansion in the quantity of cases would without a doubt diminish the time assigned to one case, which would normally build the time needed to discard one case throughout some stretch of time. With less time accessible dependent upon the situation and an expansion in the quantity of trials, the brokenness and aggregate length of the case can add to critical injustice for the two players. In situations where a mistrial or inclination has existed for a long time and the charged is left discouraged by the justice framework (accepting that he is guiltless). For instance, an individual accused of homicide and declining bail is controlled to be non-guilty by the Supreme Court for so long that he may have spent the tallness of his life battling a trial on the grounds that, truth be told, he didn't do anything incorrectly. In any event, looking out for a survivor for quite a long time to look for justice can be an unpleasant exercise. It could be contended that by requiring a rapid trial if justice itself turns into a result of time, it delivers a compromise (snappier trial with a higher likelihood of blunder, a moderate trial with a lesser issue of mistake however which itself is unreasonable).

CHAPTER 4: PROPOSED MODELS AND COMPARATIVE PERSPECTIVES.

Theoretically, the court's jurisdiction starts as an appeal is lodged and lasts for the course of the trial. Thus the court may at any point either refuse or deny the petition. On one instance, the Supreme Court held that the filing of the SLP was equivalent to that of a person at the gate asking the gatekeeper to accept an entry.[11]

Therefore it is possible to create an alternative body for the care of SLPs because of the substance of the discretion used in admitting or refusing the SLP.

Various Proposed Models and Comparison

In a few previous instances, the development of structures to ease the immense pressure of the Supreme Court has been anticipated. In **Bihar Legal Support Authority v. Chief Justice of India**,[12] Justice Bhagwati suggested the "establishment of a National Court of Appeal, explicitly dealing with constitutional and public law with special leave powers."

The foundation of a public court of appeal would mean the giving of a fractional expert on the public court of appeal by the Supreme Court. The reason behind the foundation of a court of appeal, for example, that recommended by Justice Bhagwati, however honourable, would cause some hypothetical clashes. The first is simply the ability to hear special leave petitions themselves. Such authority is the sole right of the Supreme Court. Such authority is presented on the Court to change net imbalance and to guarantee the activity of the State based on the standard of law.

As referenced above, Article 136 is one of the methods of appearance of that power. The function of the Supreme Court can't be practiced by the Public Court of Appeal in a similar way as the commitment of the court to guarantee the standard of law. Without this, where simply the option to hear special leave requests is given, a philosophical question happens between the matchless quality of the court. The model recommended by the creators doesn't in any capacity reproduce or re-dole out the authority of the Supreme Court to hear the SLPs, however only permits the court to follow the cases and precisely appropriate its assets. It

[11] *Id*. at p. 503.

[12] (1986) 4 SCC 767.

basically spares the court time that may some way or another be squandered battling with infructuous SLPs.

The report recommends that four regional courts be formed as the highest competence for appeals. Special leaves and substantive issues will be heard by the Supreme Court. Such a model, though it might seem acceptable in the earliest possible circumstances to some, will once more be a conflict of competence for the Court of Appeal. The High Courts are generally adequate to handle matters and the Suprema Court may only engage in exemplary proceedings. If the Supreme Court would not intervene with the independent authority of the State Courts, the recommendation would create a situation somewhat close to that created in the case of **L. Chandra Kumar v Union of India,**[13] where the Court of Justice agreed that "it could not replace the authority of the Supreme Court. As mentioned above the model given simply complements the Court's power and effectively deprives the Supreme Court of its power."

The model proposes a sort of 'support' for cases which improves the efficiency of the Court by making additional time accessible to it by lessening its remaining task at hand. The Board doesn't have the position to excuse a lawsuit as that would be unlawful, so the legal flaws that it is expected to fix exist past the court, without burning through the hour of the court, subsequently permitting the court more opportunity to focus on the special leave and different issues that it actually has before it. Also, beside procedural slip-ups, the judgment of the individuals from the Load up, despite the fact that the warning part of the case would limit the time taken for the Judges to decide the benefits of the appeal, subsequently raising the ideal opportunity for the current cases.

[13] (1997) 3 SCC 261.

FINDINGS

Special leave petition substantially altered the authority of the Supreme Court in the case of **Pritim Singh v the State**,[14] it observed that a more or less universal standard for the granting of special leave should be adopted; still, it is so burdensome in the case of SLP in the Supreme Court, and the Supreme Court is opposed to all kinds of orders handed down by any court or tribunal.

While the Court acknowledges that the jurisdiction of appeal pursuant to Article 136 cannot be reversed by any constitutional clause, the Supreme Court itself has limited its jurisdiction in the case of **L. Chandrakumar v. The Indian Union**. This refusal is clarified by the way that a special leave appeal is not accessible or excessively expensive, and the record of the Supreme Court is loaded with decisions from courts which for generally little reasons were tested and were expected to fill in as the principal court of appeal. The Court at that point overburdened the High Courts with requests from independent courts and toppled the very support for their foundation by the courts. The Centre component of the Constitution is guideline under Article 136. No other comparable purview has such wide appeal advantages regarding courts. In this specific circumstance, when conceding and hearing appeals from the courts straightforwardly and making the court all the more successfully, it has gotten important to explore the activity of power.

[14] 1950 AIR 169.

CONCLUSION

It is in the interests of the courts to take steps such as these in order to minimize legal expenses, without breaching the authority of the courts and the rights of the person to natural justice when a monumental backlog is placed before the Court.

In Article 132-134, India's constitution allows the Supreme Court to appeal, where the residual authority is outside the remit of ordinary law and it is entrusted to it under Article 136 of its constitution. The Supreme Court can in some situations, explicitly appeal to it.

The thorny characteristic of the Supreme Court's attempts to issue and maintain special permits would give rise to a large number of pending cases. The course of justice was further slowed and more detailed. The idea of forming regulatory tribunals has slipped away slowly. The Article 136 quasi clause unlimited it by making other paragraphs of the chapter unlimited.

SUGGESTIONS

The authors advocate the formation, before they are brought to the Court, of a body (hereinafter referred to as the 'Panel') with the primary aim of legal and substantive review of the SLPs. Until referred to the Supreme Court, the proposed SLP will be referred to the panel. The Panel shall first review the request on procedural grounds only for technical errors after it has received such a request and shall advise the filing party to correct any such errors. Where such actions are not followed by the complainant, the SC cannot hear the appeal. For more information and interference, both sides shall have access to the judgment of the Panel. The advisory or forceful effect of such opinions shall not be regarded, however as binding upon the Court or as a final judgment of the merits of the case. The decision of the Board would allow the court to proceed without any legal problems. The powers of the Supreme Court pursuant to Article 136 shall remain under the competence of the Supreme Court.

Pursuant to **Sampath Kumar v. Union of India**[15] and **L. Chandra Kumar v Union of India**,[16] where it has been argued that "the position of the court can be complemented by

[15] AIR 1987 SC 386.

[16] (1997) 3 SCC 261.

another quasi-judicial entity, but cannot be replaced by it, under Article 136 of the judgment given to the Supreme Court, however the Panel is in no way entitled to assist the Court to mitigate any time spent on infertile, theoretically disabled and futile SLPs. This is why the authors suggest the Panel's consultative competence and not a definitive decision. In terms of the Board's opinion's advisory existence, the Board's opinions on the group making the petition will de facto be legally binding. This would mean that the objective likelihood of hearing the appeal from the Supreme Court would be significantly diminished if the party did not comply with the Council's recommendations."

Such a body, proposed by the creators, should be shaped by incorporation in the standards of the Supreme Court. In that regard, the Board will have the forces offered on it by the Supreme Court and will be administered by it which is fitting in light of the fact that the Board will conform to the optional intensity of the Supreme Court, and has no authoritative intercession at all. Any limitation of the optional position will be considered to be harsh and subsequently unlawful. For the reasons for the legal intensity of the Supreme Court in issues relating to the outlining of its laws, it comes past the structure of the State alluded to in Article 12. Hence if the Board is delegated in consistence with the principles of the Supreme Court, the arrangement of judges, the activity of the Board, and so on will be dependent upon protected rights and will likewise be clear and open to investigation.

It very well may be guaranteed that a warning assessment could be ignored as essentially administrative, however to pick up the Board's endorsement and judgment, any specialized deformities in the SLP more likely than not been managed and the Court should have the exhortation of judicially qualified people, for example, retd. Judges of the Supreme Court, take a gander at it and make their suppositions clear to the judges directing the case. This will naturally give the judge an understanding into a portion of the fundamental subtleties of the circumstance. One can charge bias and break of the privilege to a reasonable trial, yet that isn't the case either since even in an appeal case the judge has the judgment of the High Court and the Court of Justice, of the judicially instructed mind, consider. In spite of holding such a view, there are a few situations where the Supreme Court can't help contradicting the High Court. In the event that bias is guaranteed on account of the warning assessment of the Board, it is sensible that bias would in any case be affirmed in the appellate ward, which isn't the situation.

By and by, anyway the Supreme Court has full capacity to differ with the choice of the Board and to endorse or deny the SLP.

With respect to the selection of the members of the Commission, the authors recommend to 5-7 former judges of the Supreme Court, subject to the discretion of the court as to the condition that the SLPs be dealt with separately. The selection of the members would be made identical to the appointment of the judges of the court, without, of course, the provision of Presidential approval, provided that the body would be quasi-judicial.

Justifications of the Proposal

It could be argued that the procedure might lead to a delay in applying SLPs and that it could in the first place lead to more delays that could not lead to a new scenario. Such an assertion was not valid, however. In situations of emergency such as personal freedom, an invokation may be rendered in accordance with Article 32 of the original written authority of the Supreme Court. The Court cannot under the strict discretion of Article 136, refuse to recognize a constitutional right other than the Court's authority. The Court as a civil right, in the case of urgent situations, is bound by the Constitution. The High Court concerned can lodge an appeal in dire cases pursuant to Article 226. While it is understood that the Court has an administrative power, it is urgent to include adequate statutory requirements.

In addition, the Commission, in addition to the authority of the Supreme Court, will help in clearing the workload of the court when the time taken by the court correcting the legal specifics of the SLPs or hearing the unfounded SLPs will be redirected to clearing other appeal proceedings.

The second methodological problem that arises directly from Article 136 is that the terms "must be analysed at their discretion." The applicant would also not have the right to admit SLP if the provision states that the Supreme Court will grant. This had to be left to the court. The question therefore arises, what is the position 'in their discretion' of the words? The answer is that the Supreme Court can also deny the SLP without any excuse.

So why do we need guidance, or why should an SLP filing body be formed for examination? Without any argument, the Supreme Court will hereby reject all the SLPs that are still valid pending before it. What is the Board's position then?

The reaction to that question is that the Board does not mean to satisfy any meaningful expectation of the issue. What the Board intends to do is spare chance to make the hour of the court and the asset of justice more successful. On the off chance that the Supreme Court declines all the SLPs pending before it, that is neither the issue of the Board nor the purpose of the Board. The essential duty doled out to the Board is to demystify and put to the front certain situations where there is a genuine absence of justice and to discourage the trivial SLPs from being brought before it without stomping all over the locale of the Court.

Along these lines, giving an unmistakable body to review the SLPs to be put under the watchful eye of the courts on a procedural premise, bolsters the to-be petitioners in documenting petitions and holding fast to the principles set somewhere near the Supreme Court, and considers the possibility of the SLP to give the forthcoming petitioner a reasonable feeling of whether the SLP will undoubtedly come up short or succeed. It is here that the writers repeat for explanation that the blunders practically speaking considered by the Board and the Senior Advocate who marked the petition would be an amazingly surprising circumstance in which the Supreme Court, after all the means taken, should go into the matter of methodology.

Upon receipt of the opinion of the Board, the party filing the SLP would have to take advice from the High Representative of the Supreme Court. This is not a new procedure; it has been applied in the case of requests for consideration for the same reason in analysing the validity of the case. In addition, a fine can be levied on the SLPs which the court deems to be trivial, even after the two-step method has been taken, in order to establish dissuasion. That would mean that not only fewer advocates would continue to sue for baseless SLPs, but in reality members of the bar would lead to a decrease in the number of lawsuits, since they will offer constitutionally sound counsel on filing or not filing SLPs. A bona fide survivor of critical bad behaviour will not the slightest bit be deterred by the fine clause in view of some unacceptable done to him or in the public premium, however an individual with one or the other question or an individual who purposely documented an unjustifiable SLP after a 2-venture technique would in any event reconsider the choice to record a SLP in the fear of the fine demanded by the Court. The fine can be required, at the tact of the Judge, as a praiseworthy punishment to forestall the documenting of paltry SLPs. Such an exchange will, in spite of expanding the outstanding task at hand right now, make up for the dissuasive effect that a fine could have on the documenting of these unimportant SLPs.

The need for a senior lawyer makes matters simpler. In two cases it can be explained: Case 1, the Panel's positive feedback. In such case, the SLP is deemed strong and worthy to appear before the judge if the senior advocate gives positive feedback. But the SLP is still worth considering when the senior advocate declines to accept it, since there is a division of opinion. Case 2, where the judges have a negative response from the SLP, and the case will not be deserving of hearing even though the Senior Counsel provides constructive feedback. If the senior advocate continues to provide negative feedback, a certificate of appeal may then have been rejected, considering the negative feedback received from the Court and the senior advocate sends the Judges a clear suggestion that the time was meaningless and unfair.