

High Court Office :
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Yatin N. Oza
Senior Advocate

4th July, 2017.

To,

Respected Shri J. S. Khehar

Hon'ble The Chief Justice of India

Supreme Court of India

Tilak Marg,

Delhi 110201

Respected Sir

I hope this letter finds you in the best of your health and happiness.

At the outset I make it absolutely and abundantly clear that this letter is not aimed against any person but against the system.

Sir, I had attended the closing ceremony of 150th anniversary celebrations of the Allahabad High Court on 2nd April which was presided by the Hon'ble Prime Minister of India, since, I had a matter in the Hon'ble Allahabad High Court on the 3rd of April, 2017. I had heard the speech of the Hon'ble Prime Minister as well Your Lordships very carefully. The speech delivered by Hon'ble Prime Minister and Your Lordships was focused on the subject as to how the justice delivery system be put into motion so as to see that the citizen get speedy justice and arrears are cleared at the earliest. Before I decided to write the letter, I gave a very anxious thought as to whether it is at all possible to achieve the goal as desired by Hon'ble Prime Minister and Your Lordships. Sir, whatever steps one suggests or implements it is impossible to achieve the

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goal unless we i.e. the lawyers and judges and the Government introspect in deep because the answer lies from within and not outside.

By way of this letter it is my endeavour to enlighten the nation about some hard realities. I think that after the nation comes to know about the below stated facts which are proven by record, it shall look at the judiciary with utmost contempt and before that happens, it is high time that we take curative steps and remedial measures.

Such as:-

- People of this country do not know that Hon'ble Supreme Court works only for 191 days in a year and is shut for 174 days. 2017 is not yet over, but if we look at Your Lordships' Court calendar of the year 2016 and previous years, they fully confirm my above statement.
- In 2016 Dr. Ambedkar Jayanti and Ram Navami were shown as working days and at the last minute Hon'ble Chief Justice of India issued a notification and declared both the days as holidays. For last at least 15-20 years, Hon'ble Supreme Court calendar shows Dr. Ambedkar Jayanti as working day and at the last minute, by a notification is being declared a holiday. Thus 191 working days were brought down to 189 in the year 2016. The biggest and unpardonable fraud practised by the Hon'ble Supreme Court against the nation was by shutting down the court for 3 working days without reasons. Three holidays declared as Bakri Eid, Ramzaan Eid and Eid Ul Fitr got changed because of visibility of moon. The entire nation, i.e. the Central Government, all state governments all Union Territories all High Courts so much so that even schools and colleges changed the holidays or continued with the notified holiday and

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worked on the day which was subsequently notified as holiday. In short every single institution, government or private, observed holiday only for one day, either on the date earlier notified or subsequently changed. However, Hon'ble Supreme Court continued already notified holidays and declared three days by notification, as holidays i.e. Actual celebrated holidays. Meaning thereby for each Eid, Hon'ble Supreme Court closed its shutters for 2 days. One or two High Court definitely added holidays as per the change, but declared coming Saturday as working day. Thus, in 2016 you further brought down working days to 186.

- Moreover, January 25th and August 19th in your Lordships' court's Calendar of 2016 are shown as local holidays, I have verified the calendars, of the Delhi Government and the central Government. So also, inquired from different schools and colleges of Delhi, all were working. Which are those local holidays is known to none. To satisfy myself I inquired from all states and UTs as to whether there was any local holiday in any of the State or UT on the above two days. And the answer is negative. Above two dates are not shown as local holiday by any state or Union Territory or Union government. The only purpose and reason for doing so was to have a long weekend as much as January 25 was Monday and Republic day was Tuesday, Similarly, Rakshabandhan was on August 28 which was a Thursday and so called Local Holiday was on Friday. Thus, to enjoy long weekends two working days were sacrificed.
- Entire media team (Print and electronic) are always present on every working day of the Hon'ble Supreme Court and it is within their knowledge that every working Monday and Friday is a Miscellaneous

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day. No court works on miscellaneous day after the miscellaneous list is over. Though the court timings of the Hon'ble Supreme Court are 10.30 am to 4.00 pm with one hour lunch break on each Monday and Friday out of 186 working days, court rooms are locked after 1 p.m. and Hon'ble Judges go home and have their lunch. Why is media silent and doesn't come out and apprise the people of the country about the same. Why should Hon'ble Judges not work after the miscellaneous work is over? Why should they retire either in the chamber or go home after the Miscellaneous list gets exhausted? Where average time allotted to a matter is not more than 2.5 minutes (maximum). Your Lordships Court's electronic record would prove the fact by showing the status against the Court numbers as "Not in session" after 12:30 – 1:30 p.m. on each Monday and Friday. However, under fear of facing the contempt, Media is afraid to bring out such facts before the citizens of this country

Where is that urgency to lock the court room before 4 on every working Monday and Friday?

Why should, regular hearing matters or final disposal matter, not be taken up on Monday and Friday? Why should Hon'ble Supreme Court work for only 4.5 hours a day when Mufassil and district courts work for 7 hours and High Court for atleast 5 hours? I saw the notification issued by your Lordships as to which matters will qualify to be taken up in the vacation and which will not. The List exhibits sorry state of affairs in as much as people would remain in jail without judicial consideration for luxurious 8 weeks summer vacation i.e. from 9 may to 2nd July, if we start from the first date of English calendar, Hon'ble Supreme Court enjoys following vacations

Holi - one week

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Summer - 7 weeks (almost 8 weeks)(2017)

Pooja - 1week

Diwali - 1 week

Christmas - 17 to 20 days.

Poor illiterate citizens will never know this. Billions of Rupees are being spent on discussion to wipe out arrears and speedy redressal of disputes. Every year two meetings in New Delhi between the Hon'ble Prime Minister, Hon'ble Law Minister, all Hon'ble Chief Ministers of the States and Hon'ble Chief Justices of the Hon'ble High Courts and all Hon'ble Judges of Hon'ble Supreme Court. But no introspection take place. Sometimes it becomes so intolerable when answers like Hon'ble Supreme Court judges have to read the Special Leave Petitions, they don't dictate judgement in the open court, they dictate it at their residence are nothing but poor excuses to befool the poor people of India. At least if nothing else please work up to 4 o'clock on all working days and be little lenient in according hearing to poor citizens and to the learned advocates appearing before Hon'ble Supreme Court,

Following are the words of **O. Chinnappa Reddy, J** in **Randhir Singh vs Union Of India & Ors** reported in **1982 AIR 879/ 1982 SCC (1) 618** where in the petitioner was a Driver-Constable in the Delhi Police Force under the Delhi Administration and had invoked the jurisdiction of this Court under Art. 32 and has asked to direct the respondents to give him his due, the same as they have given others like him. He says "*True, he is the merest microbe in the mighty organism of the State, a little clog in a giant wheel. But, the glory of our Constitution is that it enables him to a directly approach the highest Court in the land for redress. It is a matter of no little pride and satisfaction to us that he has*

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done so. Hitherto the equality clauses of the Constitution, as other articles of the Constitution guaranteeing fundamental and other rights, were most often invoked by the privileged classes for their protection and advancement and for a 'fair and satisfactory' distribution of the buttered leaves amongst themselves. Now, thanks to the rising social and political consciousness and the expectations roused as a consequence, and the forward- looking posture of this Court, the underprivileged also are clamouring for their rights and are seeking intervention of the Court with touching faith and confidence in the Court. The judges of the Court have a duty to redeem their constitutional oath and do justice no less to the pavement dweller than to the guest of the five star hotel."


Regards,

Yatin Oza

Senior Advocate

C.C.:

To,

1. Shri Narendra Modi,

Hon'ble Prime Minister of India

2. Shri Ravishankar Prasad

Hon'ble Law Minister of India

3. All the Hon'ble Judges of the Supreme Court

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4. All the Hon'ble Members of The Parliament (Including Nominated to Upper House)

N.B. 1 – My earnest request to All Hon'ble Members of the Parliament to please take up the issue in the larger public good.

5. All Media (print and electronic)

N.B. 2 - My earnest request to media (Print and Electronic) that in the interest of Nation, please highlight this issue in the larger interest of the poor people of India who await justice for decades. I assure you, to publish truth based on record cannot constitute any contempt.