

PAI AMIT
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25.04.2020

To,
Chief Justice Sharad Bobde,
Hon'ble the Chief Justice of India,
The Supreme Court of India,
5, Krishna Menon Marg,
New Delhi 110001.

Subject: Mention of Caste in the cause title

My Lord,

I am writing this to bring to Your Lordship's attention an issue that has deeply disturbed me. And perhaps an issue that is contrary to the very cherished principle of equality.

As Your Lordship is aware, even the small happening of an event is widely publicized by the social media these days. Likewise, there was an incident of an advocate appearing by video conference before the Hon'ble Rajasthan High Court, Jaipur Bench, dressed inappropriately. While that may be disturbing, it is more disturbing to note that the cause title of the case reads "*Lalaram S/o Shyojiram, By Caste Gurjar v. State of Rajasthan*". I am annexing herewith the Order of the High Court for Your Lordship's perusal.

Right from the history of the drafting of our Constitution, to the judgments of this Hon'ble Court and the Hon'ble High Courts, and also the learning in law school, we are taught that the principle of equality is most fundamental and that caste has no place in our system of law and the Constitution. While this is so, the mention of the caste of a party in the cause title, undoes this salient principle. During my brief stint of the practice of law in this Hon'ble Court, having had to deal with petitions seeking leave to appeal from a few High Courts, the mention of caste or religion on affidavits or the memo of parties has sometimes been mentioned. This is, to say the least, extremely disturbing.

The mention of the caste/religion of litigants, in my submission, has absolutely no place in the administration of justice by the rule of law. Perhaps, this practice of the mention of the caste/religion is an expression of the deep-rooted prejudice that still exists in society, 70 years after "We, the people of India" "gave to ourselves the Constitution". This is completely, in my submission, unnecessary. I, therefore, thought it fit to bring to Your Lordship's notice, as the head of the Indian Judiciary this unfortunate and disturbing aspect, with a prayer that Your Lordship may act, as Your

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Lordship thinks appropriate. It is, in my submission, extremely important that such references of caste/religion must necessarily done away with – for they send the wrong and regressive message.

Thanking you,

With respect and regards,



Amit Pai

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No.758/2020

Lalaram S/o Shyojiram, By Caste Gurjar

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s) : Mr. Ravindra Kumar Paliwal
For Respondent(s) : Mr. S.S. Ola, PP

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

24/04/2020

Learned counsel for the petitioner was contacted through video conferencing he was found to be wearing *Baniyan*. This court has already observed that during this pandemic where court functioning is being done through video conferencing, lawyers must appear in proper uniform. Even through video conferencing a decorum of the court is required to be maintained. The Advocates Act provides for lawyers to wear uniform while pleading case for their clients.

Keeping in view that the petitioner's counsel was not in proper uniform, this matter is adjourned.

List this case again on 5th May, 2020.

(SANJEEV PRAKASH SHARMA),J