

ITEM NO.303

COURT NO.7

SECTION PIL(W)

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

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

PUBLIC INTEREST FOUNDATION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

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

WITH

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

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

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

(With Office Report)

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

CORAM :

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

For Petitioner(s)

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

M/s. AP & J Chambers

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

Signature Not Verified

Digitally signed by

For Respondent(s)

VINOD LAKHINA

Date: 2016.03.10

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

10:11:35 IST

Reason:

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

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

Mr. Satya Narain, In-person

Mr. Suryanarayana Singh, Sr. Addl.AG  
Mr. Vikas Bansal, Adv.  
Mr. Mukul Singh, Adv.  
Ms. Pragati Neekhara, Adv.

Mr. Abhay Kumar, Adv.  
Mr. Tenzing Tsering, Adv.

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Ms. Monisha Handa, Adv.  
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Mr. Saurabh S. Sinha, Adv.

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Ms. Tulika Prakash, Adv.

Mr. V.G. Pragasam, Adv.  
Mr. S. Prabu Ramasubramanian, Adv.

Mr. Riku Sarma, Adv.  
Mr. Navnit Kumar, Adv.  
For M/s. Corporate Law Group

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

Mr. C.D. Singh, Adv.  
Ms. Sakshi Kakkar, Adv.  
Ms. Saumya Kalra, Adv.

Mr. Ashutosh Kumar Sharma, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.  
Mr. Mukesh Verma, Adv.

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

Mr. Gopal Singh, Adv.

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Mr. Shivam Singh, Adv.

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

Mr. Sudarshan Singh Rawat, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. Milind Kumar, Adv.

Ms. Hemantika Wahi, Adv.

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

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

Mr. Dharmendra Kumar Sinha, Adv.

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

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

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

One of the questions referred to the present

Bench is extracted below :

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

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

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

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

of the Constitution.

(Neetu Khajuria)  
Sr.P.A.

(Asha Soni)  
Court Master