Georgia State University
ScholarWorks @ Georgia State University

Political Science Theses | Department of Political Science

6-9-2006

Caste and the Court: Examining Judicial Selection Bias on Bench Assignments on the Indian Supreme Court

Shyam Krishnan Sriram

Follow this and additional works at: http://scholarworks.gsu.edu/political_science_theses

Recommended Citation
Sriram, Shyam Krishnan, "Caste and the Court: Examining Judicial Selection Bias on Bench Assignments on the Indian Supreme Court" (2006). *Political Science Theses.* Paper 6.

This Thesis is brought to you for free and open access by the Department of Political Science at ScholarWorks @ Georgia State University. It has been accepted for inclusion in Political Science Theses by an authorized administrator of ScholarWorks @ Georgia State University. For more information, please contact scholarworks@gsu.edu.

CASTE AND THE COURT:
EXAMING JUDICIAL SELECTION BIAS ON BENCH ASSIGNMENTS IN THE INDIAN SUPREME COURT

by

SHYAM K. SRIRAM

Under the Direction of Robert Howard

ABSTRACT

This paper is a study on the effect of caste on bench assignments on the Indian Supreme Court. The objective was to determine whether the Chief Justices have historically assigned associate justices to benches based on their individual castes – Brahmin or Non-Brahmin – in order to tilt the bias of the Court in either an elitist (Brahmin) direction or a non-elitist (Non-Brahmin) direction. Based on a probability analysis of panel assignments, I created a new model to determine the extant of caste-based judicial selection bias on the Indian Supreme Court. Using a random sample of cases from 1950 to 2000, a two-sample test of proportionality was employed to test whether any bias was present in the Chief Justice's bench assignments. No caste bias was discovered in either the fifty-year period of the Court or in a smaller data set of cases between 1977 and 2000 (a period after the emergency between 1975 and 1977).

INDEX WORDS: India, Indian Supreme Court, judicial behavior, judicial selection, caste, Brahmin, Emergency

CASTE AND THE COURT:

EXAMING JUDICIAL SELECTION BIAS ON BENCH ASSIGNMENTS IN THE INDIAN SUPREME COURT

by

SHYAM K. SRIRAM

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

Copyright by
Shyam Krishnan Sriram
2006

CASTE AND THE COURT:

EXAMING JUDICIAL SELECTION BIAS ON BENCH ASSIGNMENTS IN THE INDIAN SUPREME COURT

by

SHYAM K. SRIRAM

Major Professor: Robert Howard
Committee: Kim Reimann
Scott Graves

Electronic Version Approved:

[ ]
Office of Graduate Studies
College of Arts and Sciences
Georgia State University
May 2006

DEDICATION

This thesis is dedicated to five educators at Purdue University who have left their indelible mark on me and who are constant sources of inspiration, even today, almost four years after graduation: Sonia Barash, Rosalee Clawson, Judson Jeffries, Robert Melson and Kip Robisch.

ACKNOWLEDGEMENTS

This thesis would not have been possible without the support and dedicated interest of my committee – Robert Howard, Scott Graves and Kim Reimann. I must also acknowledge the extraordinarily helpful comments from Charles Hankla (my unofficial committee member), S. Rashid Naim, Balaprasad Erramilli and Satish Joshi.

LIST OF FIGURES

Figure 1: Religious Breakdown on the Court (1950 to the present) 15

Figure 2: Caste Breakdown on the Court (1950 to the present) 16

Figure 3: Two-Sample Test of Proportionality Between 1950 and 1977 26

Figure 4: Two-Sample Test of Proportionality Between 1977 and 2000 27

TABLE OF CONTENTS

DEDICATION …… iv

ACKNOWLEDGEMENTS …… v

LIST OF FIGURES ……. vi

CHAPTER

1 INTRODUCTION ……. 2

2 DEFINING CASTE AND CASTE EFFECTS …….. 3

3 CASTE AND THE INDIAN CONSTITUTION ……. 6

4 THE STRUCTURE OF THE INDIAN CONSTITUTION …….. 8

5 BACKGROUND CHARACTERISTICS OF THE JUSTICES OF THE INDIAN SUPREME COURT …… 12

6 DEVELOPING A THEORY OF BENCH ASSIGNMENT ON THE COURT ……. 16

7 HYPOTHESES AND METHODOLOGY …… 20

8 RESEARCH RESULTS AND CONCLUSION …… 23

REFERENCES (OR WORKS CITED) …… 27

APPENDICES …….. 31

A INDIAN SUPREME COURTS CASES USED IN ANALYSIS ……..

Caste: "The most thoroughgoing attempt known in human history to introduce absolute inequality as the guiding principle in social relationship." – Davis (1951)

I. Introduction

The Indian Supreme Court is considered to be one of the most important political entities within Indian government. At a little over 50 years old[1], the Court has achieved a strong reputation in a remarkably short period of time as being one of the most activist courts in the world. As Indian Nobel Laureate Amartya Sen wrote (along with Jean Dreze, "In terms of democratic institutions, India has done remarkably well … It is often forgotten how radical the [Indian] Constitution was in those days, especially in light of the limited reach of democracy elsewhere in the world" (2002, 347). The institution enjoys high levels of public support in a country obsessed with "judicial salvation" (Epp 1998, as quoted in Moog 1998, 126). Of the justices, Gadbois (1970, 1) wrote, "They are highly esteemed by the public. More than any other segment of this [the Indian] elite, they are viewed as exemplars of honesty and integrity in public office."

One of the most pronounced arguments for the success of the Indian Supreme Court has been the theory that the Indian Constitution laid the bedrock for a strong activist court, whose most important function was to be the protection of fundamental and civil rights of all Indians, but most importantly, those of historically disadvantaged groups. According to Austin (2004), this has happened because the Constitution consists of three interwoven components that have formed the pillars of Indian democracy. These components are, "protecting and enhancing national unity and integrity; establishing the

[1] Although India became independent in 1947, the Indian Supreme Court did not assume a functional role till 1950.

institutions and spirit of democracy; and fostering a social revolution to better the lot of the mass of Indians" (Austin 2004, 6).

Like the United States Supreme Court, the Indian Court owes its formal existence to similar provisions in the Constitution. However, the Indian Court is vastly different in terms of structure and jurisdiction. Perhaps the most striking difference – and one that provides the background for the main argument in this paper – is the Court's inability to control its docket. The result of this is an annual caseload of over 70,000 cases and an average of 167,000 *pending* cases at the end of each year (Moog 1998, 128), making what Dreze and Sen (2002, 351) have called a "virtually paralyzed" Court. According to Hardgrave and Kochanek (1986, 94), the Court has only added to its work by granting special leave of appeal to many more cases (as quoted in Reddick 1995, 12). To adjudicate effectively, the Chief Justice of India assigns the vast majority of cases to judicial benches. These benches consist of three to eleven judges; are stable for only six weeks or so; and simultaneously hear civil appeals, criminal appeals and constitutional cases (Reddick 1995, 12).

What factors are taken into account for bench assignments? With such an astonishingly high caseload, one might infer that cases are simply assigned to benches for convenience and no thought is given by the Chief Justice to the associate justices' background characteristics and previous voting behavior. I argue the contrary – the Chief Justice *does* take into account the background of the individual justices on one important area – caste identification.

I propose a study of the Indian Supreme Court to determine if caste identification influences or biases the judicial selection decisions of the Chief Justice in making bench

assignments i.e. Has the Court tiled in an elite direction (pro-Brahmin) or non-elite direction (pro-lower castes)? The argument is that the Chief Justice uses the power of bench assignments to assign more Non-Brahmin justices to panels. And having more Non-Brahmin justices on panels implies that the Court is biased in favor of protecting the rights of the underprivileged.

If there is any bias, it would seem that the best cases to examine would involve federal constitutional caste reservations and the policies and programs surrounding these controversial topics.[2] Using a previously compiled data set of caste identification among justices, a study of caste identification in a random sample of cases is possible and can easily be undertaken to determine whether a justice's caste – Brahmin or Non-Brahmin – has *any* bearing on the Chief Justice's bench assignments dealing primarily with federal caste reservations. If the protection of the rights of the underprivileged is one that is institutionalized within the Indian Supreme Court and specifically among the justices, then the Indian Judiciary has indeed carried out the mission and ideals of the Indian Constitution's framers.

However, before undertaking such a research design, I must clarify some of the issues and terms being discussed, including the definition of caste, the structure of the Indian constitution and the structure and processes of the Indian Supreme Court.

II. Defining Caste and Caste Effects

The terms "caste" and "India" are heard so often together that the immediate perception for many people is that caste *is* India, as much as India *is* caste. Although caste systems have existed for thousands of years in various cultures (Revankar 1971,

[2] 'Reservations' is another way of saying 'quotas' and refers to affirmative-action programs for the historically oppressed and "backward" castes and classes in Indian society.

21), nowhere has caste played such a role in modern times than as in India. There is little agreement among scholars as to the exact definition of caste[3], especially when there is debate over who exactly represents the "Backward Classes" (Galanter 1984, Revankar 1971, Wood 1987). For the purposes of this paper, I define a caste in India as a traditional clan of members wholly unified to some degree by filial relation; religion; and/or occupation.[4] According to Mayer (1998), the caste system originally not only set up a division of labor within society, but also regulated how different classes of people interacted with each other. Describing the Indian caste system, circa 1950, Mayer (1998), wrote, "Constituting a by no means entirely rigid system of caste groups, caste also provided one of the avenues through which change could occur, notably through efforts by members to improve the status or gain political power" (32).

There are four main castes or 'varnas' in Hinduism. Originally, members of each 'varna' were only allowed to have certain occupations, which has changed dramatically over time. At the highest level are the *Brahmins*, traditionally considered the scholarly and priest class. Next came the *Kshatriyas*, the warrior class; followed by the *Vaishnavas*, the artisans and merchants; and finally, the *Sudras*, the peasants and working class people. Below the *Sudras* are the Dalits, sometimes referred to as the Untouchables and most famously as the Harijan or 'God's Children' by M.K. Gandhi.

Each caste contains numerous, sometimes hundreds, of sub-castes, referred to as 'jatis,' which means literally, 'birth group.' So, for example the 'chamars' and 'darjis' are

[3] From the Portugese word 'casta' meaning lineage or breed.
[4] Since this paper is focused on the simple demarcation between *Brahmins*, who are the most elite caste, and all others, classified as *Non-Brahmins*, this definition should have no effect on the analysis presented here. What is important to remember is that the idea of an individual's caste or the multi-layer structure of castes, originated within Hindu culture. Therefore, all non-Hindu individuals are classified as Non-Brahmins.

both considered *Sudras*, but the former refers to the sub-caste of leather-workers/tanners and the latter, the sub-caste of tailors. The term "Scheduled Castes" (SC) was originally used for the descendents of *Sudras* and now, *Sudras* are part of the "Other Backward Classes" (OBC) (Cunningham 1999, 25). Another category is "Scheduled Tribes" (ST). For this paper, all three categories have been combined into the "Backward Classes."

The biggest caste-related issue in India in the last twenty years has been the development of quotas or reservations, similar to affirmative action programs, after the implementation of the findings in 1991 of a decade-long commission to determine the need for quotas in public jobs and educational institutions for the backward castes[5]. The Mandal Commission Report recommended, "27% of positions in the central administration and public corporations be reserved for other backward classes (OBCs)" (Jacobsohn 2005, 155). Ironically, as Dreze and Sen (2004), have pointed out the Constitution *allows* for the reservation of government jobs and seats in public schools for the Backward Classes, which made India at the time, one of the earliest countries to combat the past influence of social inequalities.

The Mandal decision was met with widespread violence – including a couple of now infamous acts of self-immolation - and opposition by Brahmins and other high-caste Hindus across India.[6] Chaudhary (2002) has gone as far to label caste reservations as "reverse discrimination" and has said, "it can only result in degeneration of education"

[5] The report was titled the Mandal Commission Report. For the full text of the commission's findings, please refer to the website for the National Commission for Backward Classes (NCBC) at http://ncbc.nic.in/html/guideline.htm.

[6] Two unexpected side effects of the agitation on the part of high-caste Hindus were not only an increased opposition to secularism, but a result in large numbers fleeing the Congress Party to take refuge in the Bharatiya Janata Party (BJP), a Hindu nationalist party. These events have led some scholars, most notably Prashad (2002) and Varshney (2002) to believe that it was the objections to the Mandal Commission Report, coupled with the destruction of the Babri Masjid mosque in 1992, which led to the first boom in popularity of Hindu nationalism in India in the early '90s.

(29). The findings of the Mandal Commission resulted in the case of *Indira Sawhney v. Union of India* (1992)[7] - considered by many legal scholars including Bakshi (1993), Chaudhary (2002) and Jacobsohn (2005) to be the most contentious and controversial case in the history of the Court because it used the language of the report in its decision to articulate the need for such high-percentage reservations.

III. Caste and the Indian Constitution

When India became independent from the British on Aug. 15th 1947, the task of incorporating caste into Indian culture was left to the framers of what would become India's Constitution. The framers of the Constituent Assembly made a particular point of including a freedom of religion clause in the draft constitution. Soon afterwards, India and Pakistan were partitioned amid a great amount of Hindu-Muslim violence. Despite this turmoil, the clause was not removed and eventually made its way to the final Constitution (Ghouse 1973, 1). In his final address to the Constituent Assembly, Dr. Ambedkar, one of the writers of the Constitution said,

> "On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy, which this Assembly has so laboriously built up" (as quoted in Krishna Iyer (2004, 132)).

According to the Indian Constitution, no citizen can be discriminated against by any other citizen or the government on the basis of sex, race, religion or caste (Singh 1982, 49). More importantly, the framers allowed the states to make any provisions they deemed fit for "the advancement of any socially and educationally backward classes of

[7] Bakshi (1993) presents the case, all concurring and dissenting opinions and commentary by many prominent jurists.

citizens or for the Scheduled Castes and the Scheduled Tribes" (Singh 1982, 49). Additionally, under Article 46 of the Directive Principles of State Policy[8], the economic interests of the SC, ST and OBC would be protected by the states in question, who would also protect these deprived groups from injustice and exploitation (Wood 1987, 411). Many scholars have labeled this "caste reservation" or "compensatory discrimination" (Galanter 1984) and have compared it to American policies on affirmative action for African-American and other minority groups (Cunningham 1999). Jacobsohn (2005) and Galanter (1989) identify this controversy as one o the central components of the debate over national identity.

The notion of India as a *secular* nation also plays heavily into the debate on caste and social advancement. In his recent work on the Indian Court, Gary Jacobsohn (2005) refers to the Indian Constitution as being based on the concept of 'ameliorative secularism.' According to Jacobsohn, "the Constitution seeks an amelioration of the social conditions of people long burdened by the inequalities of religious-based hierarchy, but also embodies a vision of inter-group comity" (2005, 94). The Constitution states that no discrimination shall take place on the basis of religion. This point is first mentioned in the Preamble to the Constitution, "We, the People of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular Democratic Republic" (Singh 1982, 1). This allowance for reservations would occupy the Justices for the next five decades as they attempted to interpret the law. According to Galanter (1989), "In India, the courts face quite as many problems in ascertaining religion in general and a great deal more in the way of fixing particular religious" (229).

[8] This section of the Constitution was adopted from a similar area in the Irish Constitution.

For purposes of this paper, the two most important sections of the Indian Constitution to keep in mind are Part III, "Fundamental Rights," and Part IV, "Directive Principles of State Policy." According to Part III, Article 14, "The State[9] shall not deny to any person equality before the law or the equal protection of the laws within the territory of India" (Baxi 2005, 16). The other two most famous statements are from Article 15:
Article 15 (1): "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place or birth or any of them" and Article 15 (4): "Nothing in this article … shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or of the SC and the ST" (Baxi 2005, 26).

Another unique feature of the Indian Constitution are the "Directive Principles of State Policy." These directives are not legally enforceable, but are considered guidelines for the successful implementation of policies at the federal and state level, to ensure their compliance with maintaining fundamental rights for everyone. According to Article 37, "The provisions contained in this Part shall not be enforceable by any Court, but the principles themselves laid down are nevertheless fundamental in the government of the country and it shall be the duty of the state to apply these principles in making laws" (Baxi 2005, 84).

IV. The Structure of the Indian Supreme Court

The judiciary system in India is structured in an apex. At the highest and federal level is the Indian Supreme Court. Then, at the state level are the High Courts. These are followed by the District Courts within the states. Similar to the U.S. Supreme Court, the

[9] Capitalized in original text.

ideology of the Indian Supreme Court has changed over time, though the convention to name the Court after the Chief Justice (e.g. the Rehnquist Court named after William Rehnquist) doesn't exist in India.[10] The Indian Court has been characterized by ideologies depending on the decade and the events that might have triggered changes in ideologies or judicial realignments.

According to Reddy (2001, 5), the first two decades of the Court – the 1950s and 1960s – were marked by the Court's repeated attempts at striking down legislation that interfered with the Constitution's right of property, much to the ire of the other branches of government including then Prime Minister Jawaharlal Nehru, who was described as being "dissatisfied" with the Court.[11]

With the 1970s, came the rule of Prime Minister Indira Gandhi, who became at odds early with the judiciary when she circumvented the chain of seniority in 1973 and appointed A.N. Ray chief justice ahead of three more senior justices.[12] Then later, in response to proposed no-confidence motions in three states where her party had control of the government, she declared a national state of emergency on June 26th 1975 that created havoc within the judiciary and the rest of the country. The Emergency[13] was a unique, albeit tragic period in Indian politics, when the Constitutional machinery of the Indian state was suspended to preserve the government of then Prime Minister Gandhi.[14]

[10] This is ascertained from the literature where different Courts are not associated with the Chief Justice, but with different periods of activism. E.g. 'post-Emergency Court.'
[11] Nehru's reaction was very similar to that of President Franklin D. Roosevelt who believed the U.S. Supreme Court was so out of line that he proposed "packing" the Court to ensure decisions were favorable to the administration.
[12] The three more senior justices were J.M. Shelat, A.N. Grover and K.S. Hegde. Hegde and Grover promptly resigned amid a flurry of protest of Gandhi's handling of the situation.
[13] The phrase is capitalized in all references.
[14] Some of the suspended rights included the enforcement of equal protection (Article 14); right to life and liberty (Article 21); and detention without due process (Article 22).

According to Gandhi, in a Lok Sabha[15] speech, a month after the formal declaration, "This action is totally within our constitutional framework and it was undertaken not to destroy the Constitution, but to preserve the Constitution; to preserve and safeguard our democracy" (as quoted in Austin 1999, 293). Despite landmark rulings in the 1970s including *Keshavananda Bharati v. State of Kerala* (1973), *Maneka Gandhi v. Union of India* (1978) and *Hussainara Khatoon (I to VI) v. Home Secretary, Bihar* (1979), this decade was remembered for more for the lack of civil rights and liberties than any other characteristic of the legal culture.

As if in response to the 'dark' 1970s, the Indian Court changed drastically in the 1980s with its reinvention as the "activist court" (Reddy 2001). Thanks to the work of justices like K.V. Krishna Iyer and Y.V. Chandrachud, the Indian Court became much more attuned to working for the people and overturning legislation and pushing for public policy that ameliorated the lives of most Indians. According to Reddy (2001), judicial activism emerges when the judiciary and not legislative or executive branches, assumes the role of a policy maker and a "monitor to oversee the implications of its directions" (5).

This shift in direction can also be seen in the formal introduction - in the early 1980s - and use of Public Interest Litigation (PIL) to allow for an, "institutional mechanism by which the poor could take advantage of progressive legislation" (Sapra 2005, 2). PIL is based on the American legal concept of 'locus standi' (Sathe 2002, 6). However, several

[15] Lower house of the Indian Parliament.

scholars have pointed to a decline in the efficacy of the PIL system, especially in the 1990s and a post-liberalization phase (Bhushan 2004, Sapra 2005 and Sathe 2002).[16]

The Indian Supreme Court also differs from its American counterpart on a few key issues (so determined based on the relevancy for this paper). One of the most important is the number of justices. Originally, the Constitution allowed for "not more than seven" Associate Justices besides the Chief Justice. When the case load became too high, the Court was expanded to 13, 17 and now 25 justices (Singh 1982 300). According to the Constitution, the President of India appoints justices at his or her discretion. However, Gadbois (1969) has shown that the Prime Minister of India usually makes the appointment and only after consultation in almost every case with the Chief Justice (222).

As mentioned previously, the assignment of benches is done by the Chief Justice to ensure the hearings of more cases than one bench could accomplish. Although some cases are heard individually in chambers, the cases decided in benches are of the most importance for the research presented in this paper. Each bench contains 3 to 11 justices. Though this custom was derived from British rule, its need and implementation becomes clear when one sees the caseload for the Court (Moog 1998). "As the number of judges have increased, they have sat in smaller benches of twos and threes – coming together in larger benches of five or more only when required to do so or to settle a difference of opinion or controversy," wrote Dhavan 2000 (18).

Lastly, the Courts differ in terms of original and appellate jurisdiction, with the Indian Court having an additional role not established for the U.S. Court. The Indian Supreme Court has two types of original jurisdiction. First, there is jurisdiction in any case

[16] Cited cases from these authors that point to this decline include *BALCO Employees Union v. State of India* (2002), *Centre for Public Interest Litigation v. Union of India* (1995) and finally, *Narmada Bachao Andolan v. Union of India* (1999).

involving the Government or the States. Secondly, there is original jurisdiction over any claimed infringement of the "Fundamental Rights" (Gadbois 1969, 221). The Court also has appellate jurisdiction to hear appeals from any state high courts on civil, criminal and constitutional matters and also appeals from any tribunal or high court (Dhavan 2000, 14). Lastly, the Court has an advocacy capacity and "answers reference by the President of India on any questions of law or fact" (Dhavan 2000, 14). According to Dhavan, "The Supreme Court established by the Constitution was empowered with a jurisdiction far greater than that of any comparative court anywhere in the world" (2000, 14).

V. Background Characteristics of Justices on the Indian Supreme Court

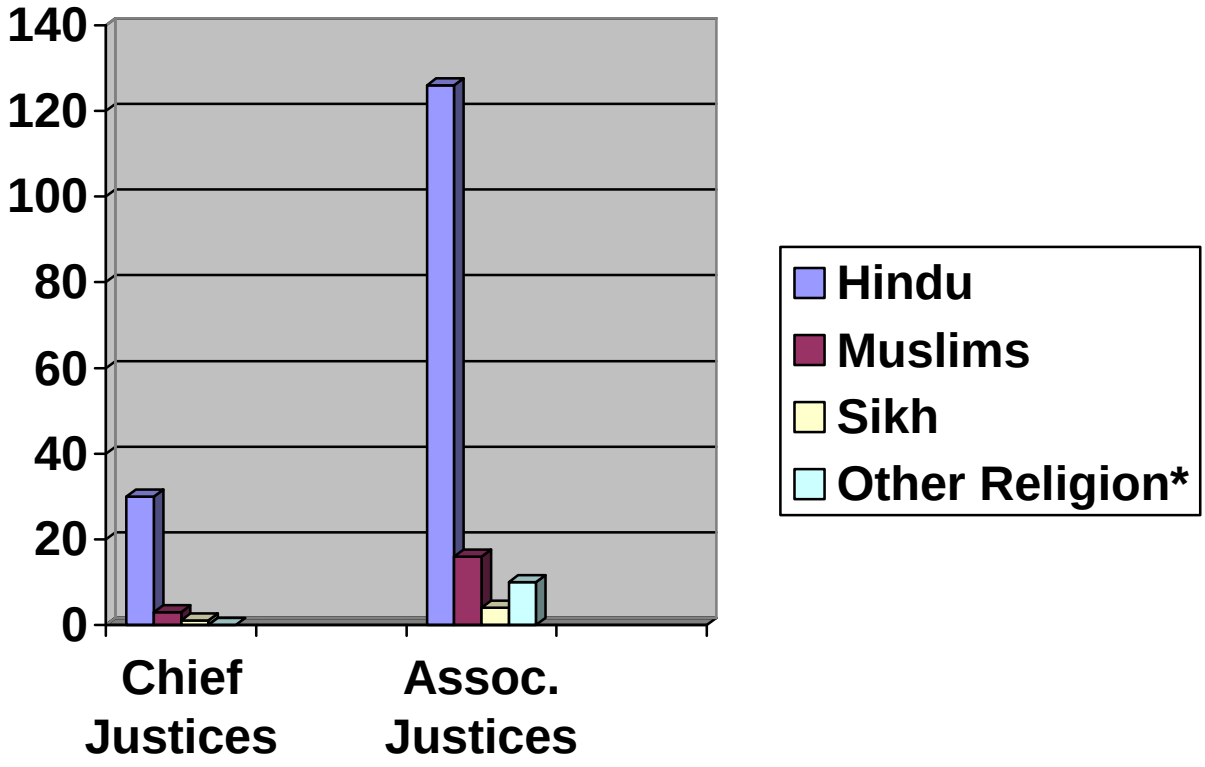
Gadbois (1968, 1969) was perhaps the first scholar to examine the background characteristics of the Indian justices and is the only scholar to perform any comprehensive examination of the selection process and characteristics of the Justices, using data from 1950 to 1967. He found that, unlike in the United States, partisanship was not a factor in the selection and appointment of justices in India. Rather, Gadbois (1969) argued that communal links are given the most consideration, even though the majority of Justices were Hindu, there was always an attempt to appoint at least one if not two, non-Hindu members, usually Muslim, but also Christian, Sikh, Jain, etc. Justices are also chosen based on regional[17] ties in order to represent all the major Indian states, with a definite preponderance to selecting Justices from key state High Courts (Gadbois 1969, 225).

[17] Most of India's states were created based on linguistic boundaries. Hindi may be the national language, but almost every state has its own language. For example Tamil is the language in the southern state of Tamil Nadu and Marathi is the language of Maharashtra.

Gadbois (1969) spends a considerable amount of time on the background characteristics of the Justices of the first nine years of the Court. According to his research, 18 of the 23 Justices studied were Hindu with four Muslims and one Christian (1969, 224). Of most importance is his analysis of caste. Of the 18 Hindus, nine were Brahmins, a disproportionate number compared to the actual population[18] at the time (Gadbois 1969, 233). In his second batch of results (Gadbois 1968) taken from studying the Court's composition between 1950 and 1967, the ratios are approximately the same. 31 of the 36 were Hindu; four were Muslim and one Christian. Of the 31 Hindu Justices, 14 were Brahmin (Gadbois 324-325). I have built upon Gadbois' original research and determined the caste and religion of every justice between 1950 and 2000 (see Appendix A). Some statistics on religion and caste are presented as follows:

[18] 1/15 of the population.

Chief Justice	Associate Justices
Hindus: 30 (88.23%)	Hindus: 126 (80.76%)
Muslims: 3 (8.82%)	Muslims: 16 (10.25%)
Sikh: 1 (2.94%)	Sikh: 4 (2.56%)
Other Religions: 0	Other Religions: 10 (6.41%)



Note: "Other Religion" is a category for all Christian, Zoroastrian (Parsi), Buddhist and Jain justices.

Figure 1

Religious Breakdown on the Court (1950 to the present)

Chief Justices: **Associate Justices**

Brahmins: 16 (47.05%)
Non-Brahmins: 18 (52.95%)

Brahmins: 51 (40.47%)
Non-Brahmins: 75 (59.53%)

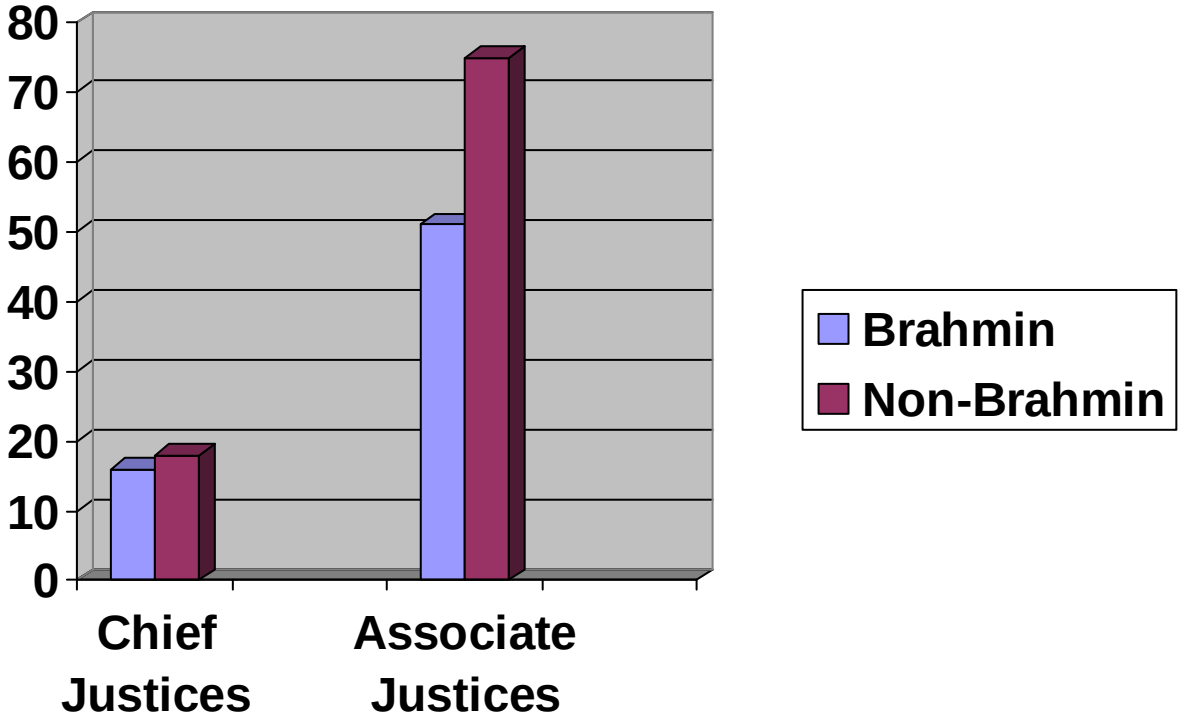


Figure 2

Caste Breakdown on the Court (1950 to the present)

VI. Developing a Theory of Bench Assignment on the Court

Two key questions need to be asked in order to make a case for a non-elitist bias of the Chief Justice when making bench assignments. First, what is the responsibility of the Court to protect fundamental rights and have the Chief Justices been affected by this responsibility? And in trying to maintain such an ideology, have the Chief Justices allowed caste identification to influence their choices in picking associate justices for certain federal reservation cases? I attempt to answer both questions in this section.

If one believes that the Court was designed and introduced with the citizens of India in mind, then it is possible to theorize that the Court - as an institution and through its justices - has a responsibility to protect the rights of all Indians. In fact, Article 32 (1) of the Constitution states as much: "The judicial branch of the Indian system, especially the Supreme Court, has always been vigilant about the liberties and rights of the people" (as quoted in Sapra 2005, 3). Sathe (2000) has also pointed that the justices of the Court have always been aware of their responsibility to strike down legislation that interfered with the maintenance of "fundamental rights." "The law-making function of the Court, said Sathe (2000, 196), "was never disguised." For late Justice Krishna Iyer, judicial activism was, "a constitutional command and the Court's constituency [was] the people 940 million strong" (2004, 134). And according to former Chief Justice A.S. Anand, "The Court has always been aware of its special responsibility towards the weaker sections of the society, who due to poverty, ignorance and illiteracy find it difficult to access the Court for justice," (as quoted in Verma and Kusum 2001, v).

Other scholars have offered their own theories about the voting behavior of Justices. For Moog (1998), even though Justices are assigned to cases based on their expertise,

they become specialists on a Court where there is a greater need for generalists. All this does is impede the progress of the Court as a whole. Another effect of the caseload on the justices is the compartmentalization of cases into legal categories to deliver quicker judgments. Justices also rely more on verbal skills and opinions are frequently delivered orally (Galanter 1984, 483).

The Justices' own works offer insight into the style of decision-making on the Indian Supreme Court. Both Justices Hidayatullah (1966) and Sinha (1985) explain their duties as the formal interpretation of law based on legal precedent from India and other countries. As Hidayatullah said,

"You will notice that what the judiciary does, it does from *within* [italics added] the Constitution. It has no will of its own. It can only reasonably expose the inner meaning of the brief words, which it does, keeping in view the future evolution of society and the limits set by the Constitution" (1966, 69).

Reddick's (1995) paper on voting behavior on the Indian Supreme Court stands as the only journal or conference paper to apply formal modeling to judicial behavior on the Indian Supreme Court. Using data from decisions on the Court between 1954 and 1982, the author coded these decisions as being liberal or conservative, using Spaeth's United States Supreme Court Judicial Database. She examined several background characteristics what might affect voting including political party in power at time of judicial appointment; judicial, prosecutorial and political experience; region of appointment[19]; and place of education (1995, 17).

Unfortunately, Reddick's (1995) model does not hold up once the regression was performed. She admits that a major limitation, which did have a serious impact on the

[19] This was a dichotomous variable coded for region of appointment being North or South India. The theory is similar to Tate's (1981) South/Non-South variable and Tate and Sittiwong's (1989) Quebec/Non-Quebec variable.

data, was that, "only twenty of the 67 justices participated in twenty or more of the sampled cases" (1995, 18). This becomes evident when one examines her results. Not only did her modeled variables explain less than 7 percent of the variance[20], but only two variables attained any level of significance – prosecutorial experience (at the .05 level) and place of education (at the .10 level).

With the exception of Reddick (1995), Gadbois (1968, 1969, 1987) and the contributions of Neal Tate to the discipline (Tate 1981, Tate and Sittiwong 1989), there is no other research available on social background theory in the comparative courts literature to account for the factors that might affect bench assignments on the Indian Supreme Court. To date, no one has examined the effect of caste on judicial behavior or judicial selection. One reason for this paucity in research is the backlash against social background models within the discipline. According to Reddick,

"While many political scientists have enjoyed success in establishing linkages between background characteristics and judicial decision making, others have cautioned of the dangers of inferring influences of the personal attitudes of judges on their decisions from the fact there is a relationship between some social background characteristics of judges and the patterns of their decisions" (1995, 9).

Another way to understand what factors affect the Chief Justice's bench assignments may not be to view it is an effect of social background characteristics, but more as a strategic move on the part of a rational actor to shift the ideology and, literally, "pack the Court." The idea of controlling the ideological direction of any Court is not a new one – that is indeed the primary reason for presidential appoints and why, at least in the U.S., judicial selection is such a contentious issue. Indeed, the case of President Franklin D. Roosevelt and his attempt to blatantly "pack the Court" is legendary. But, as Comiskey

[20] Adjusted $r^2 = .07$. However, this is not the most accurate number since adjusted R^2 is a penalized measure.

(1990), has argued, FDR's strategy, though ultimately a failure, had three very specific goals – acquiring support for the New Deal; securing the Court's role as a protector of individual rights; and finally, "a Court supportive of wartime executive authority" (118).

In their famous study, Atkins and Zavoina (1974) showed that in the case of one Court of Appeals[21], the Chief Justice had indeed "purposefully gerrymandered the panel [bench] assignments in order to assure pro-civil rights decisions" (701). Why did he do this? The authors reason that like other judges, Chief Justice Tuttle, was a policy-oriented decision-maker who wanted the Court to support a pro-minority position and felt that it was within his power to assign judges with liberal records to these cases in order to get the most purposeful outcomes.

Wrote Atkins and Zavoina (1974),

"The administrative head of the court, the chief judge oversees the panel assignments within the circuit, making requests for and assigns senior (semi-retired) circuit judges to panels in order to alleviate the burden upon the active judges, makes requests for the temporary assignment of circuit judges from other circuits to his own when the case backlog is particularly acute and controls the assignments to three-judge district courts" (702).

An important difference to note here is the party in question being examined in the different cases. For the Indian-Supreme Court, Non-Brahmin justices actually outnumber Brahmin justices (see previous section). This is a different approach than those studies that seek the explain the voting or representation of a minority on group on a Court, like the voting of liberals (Atkins and Zavoina 1974); substantive representation of minorities for district court appointments (Segal 2000); and representation of African-Americans and Latinos on the federal bench (Gryski, Zuk and Barrow 1994).

[21] U.S. Court of Appeals, Fifth Circuit.

VII. Hypotheses and Methodology

As an activist court in a country whose Constitution offers and guarantees fundamental rights to the most oppressed and downtrodden of its citizens, the Indian Supreme Court is in the role of ensuring the protection of civil rights to all Indians. As such, it seems the Court – or the Chief Justice – would be more likely to assign judges to cases not based solely on their jurisprudential experience, but more on their caste identification in order to obtain the most welcome outcomes in terms of a Court tilted more in favor of Non-Brahmins (non-elites) instead of Brahmin justices (elites).

This bias might have become even more distinct after the period of the Emergency between 1975 and 1977, when most civil liberties were suspended by then Prime Minister Indira Gandhi's government. As specified previously, the post-Emergency period of Indian law was characterized by the advent of Public Interest Litigation (PIL) as well as a more pro-active stance of the Indian judiciary on behalf of the under-privileged of Indian society.

If we can split the data set into two distinct groupings, cases before and after the Emergency and look at cases with and without the influence of the Chief Justice's caste, we will have a comprehensive understanding of how the Court attempts to be activist one.

As such, we have four proposed hypotheses:

H_1: "Among all bench assignments for sampled federal caste reservation cases between 1950 and 1977, the Chief Justice will be more likely to assign non-Brahmin justices than Brahmin justices."

H_2: "Among all bench assignments for sampled federal caste reservation cases between 1950 and 1977, non-Brahmin Chief Justices will be more likely to assign non-Brahmin justices than Brahmin justices."

H_3: "Among all bench assignments for sampled federal caste reservation cases between 1977 and 2000, the Chief Justice will be more likely to assign non-Brahmin justices than Brahmin justices."

H_4: "Among all bench assignments for sampled federal caste reservation cases between 1977 and 2000, non-Brahmin Chief Justices will be more likely to assign non-Brahmin justices than Brahmin justices."

The methodology was a five-part research design employing several techniques. The first component was the use of caste identification. To that end, I had the previously compiled caste database. That list was compiled using one legal web site[22] and one Government of India site[23] and expanded greatly upon Gadbois' research and identified the religion and caste for every justice from 1950 to the present. Like Gadbois, caste was assigned for each justice with much "trepidation" (1968, 319) because even native Indians have trouble identifying an individual's caste solely by looking at their name.[24] However, this method has been used by many scholars to determine an individual's caste. In her description of "costless" identity cues for the Indian electorate, Chandra (2004) has argued that Indian names are "packed with data about an individual's ethnic membership" (38). She also comments that Indian names could potentially denote region of origin (North versus South India); language of derivation (and potentially, the mother tongue of the speaker); social class; caste; and religion (2004, 38-39).

The second component involved the actual compilation of cases for a representative sample. Without an Indian equivalent of Shepherd's, I relied on the official website for

[22] http://www.supremecourtonline.com
[23] http://judis.nic.in
[24] Religion and caste can usually be ascertained simply by looking at an individual's name. However, there is so much variation within caste names and within individual castes that an accurate rendering of this information could only be possible by asking the justices in person or retrieving the information from sources *in* India. Where scholarship failed me, I relied on my family in India for help in identifying a justice's caste.

the Supreme Court of India[25] to look up cases involving "caste reservation." Using these search terms, 192 cases were returned between January 1st 1950 and January 1st 2005. Using random tables, a sample of 73 cases were originally drawn and then further truncated to only allow for cases between 1950 and 2000, for which the caste identifications of the justices was available[26].

The next step in the research design was the re-coding of cases so that every justice on every panel was coded as being either Brahmin (0) or Non-Brahmin (1). This variable for caste identification was termed, J_CASTE. Further variables included the year of the case; name of the case; and a null variable, to predict the bench assignment presuming there was no bias on the Court. A caste dummy variable was also used for the Chief Justice's caste (Brahmin (0) or Non-Brahmin (1)).

The fourth step, the calculation of the null variable for every justice for every sampled case, was a challenge. In order to accurately predict the number of Brahmin and Non-Brahmin justices sitting on the whole court in any given year, I previously calculated the number of justices on the Court every year (which changed when the size of the Court was expanded) and then the proportions of Brahmin and Non-Brahmin justices on the Court for each year. For example, there were nine justices on the Indian Supreme Court in 1951, of which four were Brahmin and five Non-Brahmin. This means that for 1951, the chance of randomly selecting a Brahmin justice was 4/9 or .44 and the chance of randomly selecting a Non-Brahmin justice was 5/9 or .55. These proportions were then multiplied by the bench size for the cases in the sample, to determine the null value of

[25] http://judis.nic.in

[26] Although a random sample of cases was drawn, the years in question sampled were not as representative as expected, owing to a greater number of cases involving caste reservation from the 1980s on. Whereas this may not represent every year on the Court, the sample was chosen randomly, which is more of a significant criteria for political science research.

Brahmin and Non-Brahmin justices *expected* to be on the bench at that time. So, using the example of 1951 again, one of the cases in the sample was *The State of Madras v. Srimathi Champakam Dorairajan and the State of Madras* (1951). In this case, there were 7 justices on the panel. So, by multiplying the expected proportions by the actual number of justices, we would expect there to be 3.08 (3) Brahmin Justices and 3.92 (4) Non-Brahmin Justices.

Like Atkins and Zavoina (1974), we began with the assumption that the benches picked to hear caste reservation cases are randomly selected by the Chief Justice i.e. Every justice had an equal opportunity of being picked for a bench. Just as the authors wrote, "We are thus able to calculate the expected frequency of any panel's [bench's] bloc composition and then compare it to the observed distribution of panels" (704). With our null variables for every justice and for every case in the sample, four separate two-sample tests of proportionally were conducted using the proportions test [prtest] function on STATA. The function of this test is to compare the equality of proportions across groups in large populations.

VIII. Research Results and Conclusion

[INSERT FIGURE 3]

[INSERT FIGURE 4]

Despite the exhaustive literature review and theoretical support for the possibility of an institutional bias on the Indian Supreme Court, such a result does not appear in either of the tests conducted. There is no significant bias on the Indian Supreme Court for the random sample of cases between 1950 and 1977 or in the data set of post-Emergency

cases from 1977-2000. These findings do not change either while controlling for the caste of the Chief Justice. Furthermore, even though there have been Non-Brahmin justices appointed to the Supreme Court than Brahmin justices, according to the results in Figures 3 and 4, the proportion of Brahmin justices is actually *higher* than the proportion of Non-Brahmin justices. None of the models are statistically significant with the particularly shocking finding that there is in fact a perfect random assignment of justices to benches in the 1977-2000 period (no difference in means between actual and predicted assignments). Drawing on the hypotheses, none of the four can be proved with the results presented herein because there is no significant difference in the number of Non-Brahmin to Brahmin justices in the cases used for the statistical analysis.

Ultimately, all academic research hinges on sufficiently answering the question, "So what?" Determining whether caste influences judicial selection to benches on the Indian Court Despite such a finding, this paper had an objective, which can be considered achieved – more analysis has been undertaken and accomplished towards building up scholarship on judicial behavior on the Indian Supreme Court, particularly at the quantitative level. Furthermore, like much of political science research, null findings can be as important and significant as substantial findings because they add to our body of knowledge about what factors affect - or in this case, don't affect - judicial behavior. Taken from an overview, this paper has contributed to the scholarship not just within Law and Courts, but also within Public Law and also political behavior because it sought to examine whether a social institution, in this case caste, could have an effect on a government institution.

Model	Normal	With Inclusion of Caste of Chief Justice
	Mean (Standard Error)	**Mean (Standard Error)**
Variable		
J_CASTE	.5789474 (.0566345)	.5925926 (.0945607)
NULL	.6184211 (.0557221)	.5714286 (.070696)
Difference in Means	- .0394737	.021164
Z‡ =	- .50	.18
P > z =	.620	.858
Number of Observations =	76	76

† Test was performed using the 'prtest' and 'prtest, by ()' functions in STATA.

‡ There was no significant difference between either groups for each of the time periods in question.

Figure 3: Two-Sample Test of Proportionality†
Between 1950 and 1977

Model	Normal	With Inclusion of Caste of Chief Justice
	Mean (Standard Error)	**Mean (Standard Error)**
Variable		
J_CASTE	.5423729 (.0458631)	.5409836 (.063803)
NULL	.5423729 (.0458631)	.5438596 (.0659713)
Difference in Means	0	- .002876
Z‡ =	0	.03
P > z =	1.000	.975
Number of Observations =	118	118

† Test was performed using the 'prtest' and 'prtest, by ()' functions in STATA.

‡ There was no significant difference between either group for each of the time periods in question.

Figure 4: Two-Sample Test of Proportionality†
Between 1977 and 2000

REFERENCES

Atkins, Burton M. and William Zavoina. 1974. "Judicial Leadership on the Court of Appeals: A Probability Analysis of Panel Assignments in Race Relations Cases on the Fifth Circuit." *American Journal of Political Science*, 18 (4): 701-711.

Austin, Granville. 2004. *Working a Democratic Constitution: A History of the Indian Experience*, 2nd ed. New Delhi: Oxford University Press.

Bakshi, P.M. 1993. *Supreme Court on Mandal Commission Case, 1992.* New Delhi: Orient Law House.

Baxi, P.M. 2005. *The Constitution of India*, 6th ed. New Delhi: Universal Law Publishing Co. Pvt. Ltd.

Bhushan, Prashant. 2004. "Supreme Court and PIL: Changing Perspectives Under Liberalization." *Economic and Political Weekly*, 1-11.

Chandra, Kanchan. 2004. *Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India*. Cambridge: Cambridge University Press.

Chaudhary, V.K.S. 2002. *The Ivory Tower: 51 Years of the Supreme Court of India.* New Delhi: Universal Law Publishing Co. Pvt. Ltd.

Comiskey, Michael. 1990. "Can a President Pack – or Draft – the Supreme Court? FDR and the Court in the Great Depression and World War II." In *The Supreme Court in American Society*, ed. Kermit L. Hall. New York: Garland Publishing, Inc.

Dhavan, Rajeev. 2000. *The Supreme Court of India: Sentinel of Freedom.* New Delhi: Supreme Court of India.

Dreze, Jean and Amartya Sen. 2002. *India: Development and Participation*, 2nd ed. Oxford: Oxford University Press.

Dubois, Philip L. 1988. "The Illusion of Judicial Consensus Revisited: Partisan Conflict on an Intermediate State Court of Appeals." In *American Journal of Political Science*, 32 (4): 946-967.

Cunningham, Clark D. 1999. "Affirmative Action: India's Example." in *Civil Rights Journal* (Fall): 22-27.

Davis, K. 1951. *The Population of India and Pakistan*. Princeton: Princeton University Press.

Epp, Charles. 1998. *The Rights Revolution: Lawyers, Activists and the Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press

Gadbois, George H. 1968. "Indian Supreme Court Judges: A Portrait." in *Law & Society Review* 3 (2): 317-336.

Gadbois, George H. 1969. "Selection, Background Characteristics and Voting Behavior of Indian Supreme Court Judges, 1950 – 1959." in *Comparative Judicial Behavior*, eds. Glendon Schubert and David J. Danelski. New York: Oxford University Press.

Gadbois, George H. 1970. "Indian Judicial Behavior." In *Economic and Political Weekly*, 5: 1-11.

Gadbois, George H. 1987. "The Institutionalization of the Supreme Court of India." In *Comparative Judicial Systems*, ed. John R. Schmidhauser. Boston: Butterworths.

Galanter, Marc. 1984. *Competing Equalities: Law and the Backward Classes in India*. London: University of California Press.

Galanter, Mac. 1989. *Law and Society in Modern India*. New Delhi: Oxford University Press.

Ghouse, Mohammad. 1973. *Secularism, Society and Law in India*. New Delhi: Vikas Publishing House Pvt. Ltd.

Gryski, Gerard S., Gary Zuk and Deborah J. Barrow. 1994. "A Bench That Looks Like America? Representation of African-Americans and Latinos on the Federal Courts." *Journal of Politics*, 56 (4): 1076-1086.

Hidayatullah, M. 1966. *Democracy in India and the Judicial Process*. New York: Asia Publishing House.

Jacobsohn, Gary J. 2005. *The Wheel of Law: India's Secularism in Comparative Constitutional Context*. Princeton: Princeton University Press.

Krishna Iyer, V.R. 2004. "Marginalized Indian Humanity: Do the Bells of the Constitution Toll For Them?" *Legally Speaking*, 2nd ed. New Delhi: Universal Law Publishing

Mayer, Adrian. 1997. "Caste in an Indian Village: Change and Continuity 1954 – 1992." In *Caste Today*, ed. C.J. Fuller, 2nd ed. New Delhi: Oxford University Press.

Prashad, Vijay. 2000. *The Karma of Brown Folk.* Minneapolis: University of Minnesota Press.

Reddick, A. Malia. 1995. "A Social Background Model of Decision Making on the Supreme Court of India, 1954-1982." Paper presented at the *1995 Midwest Political Science Association Conference.*

Reddy, G.B. 2001. *Judicial Activism in India.* Hyderabad: Gogia Law Agency.

Revankar, Ratna G. 1971. *The Indian Court: A Case Study of Backward Classes*. NJ: Farleigh Dickinson University Press.

Sathe, S.P. 2001a. *Judicial Activism in India*. New Delhi: Oxford University Press.

Sathe, S.P. 2001b. "Judicial Activism: The Indian Experience." *Journal of Law and Policy*, 6 (29).

Sapra, Sonalini Kaur. 2005. "The Myth of Judicial Bias Post-Liberalization in India: A Comparative Study of the Indian Judicial System." Seminar Paper. Vanderbilt University.

Segal, Jennifer A. 2000. "Representative Decision Making on the Federal Bench: Clinton's District Court Appointees." *Political Research Quarterly*, 53 (1): 137 – 150.

Singh, D.K. 1982. *Constitution of India.* 7th ed. Lucknow, India: Eastern Book Co.

Sinha, B.P. 1985. *Reminiscences and Reflections of a Chief Justice*. New Delhi: B.R. Publishing Co.

Tate, C. Neal. 1981. "Personal Attributes Model of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economic Decisions, 1946-1978." In *American Political Science Review*, 75: 355-367.

Tate, C. Neal and Panu Sittiwong. 1989. "Decision Making in the Canadian Supreme Court: Extending the Personal Attributes Model Across Nations." In *Journal of Politics*, 51: 900-916.

Varshney, Ashutosh. 2002. *Ethnic Conflict and Civic Life: Hindus and Muslims in India*. New Haven: Yale University Press.

Verma, S.K. and Kusum. 2001, 2nd ed. *Fifty Years of the Supreme Court of India: Its Grasp and Reach*. New Delhi: Oxford University Press.

Walker, Thomas G. 1973. "Behavioral Tendencies in the Three-Judge District Court." In *American Journal of Political Science*, 17 (2): 407-413.

Wood, John R. 1987. "Reservations in Doubt: The Backlash Against Affirmative Action in Gujarat, India." in *Pacific Affairs* 60(3): 408-430.

APPENDIX A: Indian Supreme Court Cases Used in Analysis

A.I.I.M.S. Student Union v. A.I.I.M.S. and Others (2001)
Air India Statutory Corporation v. United Labor Union and Others (1996)
Ajyurvidya Prasarak Mandal and Another v. Mrs. Geeta Bhaskar Pendse and Others (1991)
Akhil Bhartiya Soshit Karamchari Sangh v. Union of India, Ministry of Railway (1996)
Ashish Batham v. State of Madhya Pradesh (2002)
Ashok Kumar Gupta, Vidya Sagar Gupta and Others v. State of U.P. and Others (1997)
Ashoka Kumar Thakur v. State of Bihar and Others (1995)
Auditor General of India v. G. Ananta Rajeswara Rao (1993)
Baburam v. C.C. Jacob and Others (1999)
Bandhua Mukti Morcha v. Union of India and Others (1983)
Chandigarh Administration and Another v. Surinder Kumar and Others (2004)
Charles K. Skaria v. Dr. C. Matthew (1980)
Chitra Ghosh and Another v. Union of India and Others (1969)
Comptroller and Auditor General of India and Others v. Mohan Lal Mehrotra and Others (1991)
D.M. Nanjappa (Dead) by Lawyers v. S.A. Ramappa and Others (2000)
D.P. Doshi v. The State of Madhya Bharat and Another (1955)
E.V. Chinnaiah v. State of Andhra Pradesh and Others (2004)
Ex-Capt. Ashok Kumar Sawhney v. Union of India and Others (1982)
Government of Andhra Pradesh v. P.B. Vijayakumar and Another (1995)
Government of Tamil Nadu and Others v. S. Balasubramaniam and Others (1995)
I.C. Gokalnath and Others v. State of Punjab and Another (1967)
Indira Sawhney v. Union of India and Others (1999)
Institute of Human Resource Development and Others, Etc., Etc. v. T.R. Rameshkumar and Others, Etc. (1995)
Islamic Academy of Education and Another v. State of Karnataka and Others (2003)
Jagdish Negi, President, Uttarkand, Jan Morcha and Another v. State of U.P. and Another (1997)
K. Ameer Khan and Another v. A. Gangadharan and Others (2001)
Karam Chand v. Haryana State Electricity Board and Others (1988)
Kasambahi F. Ghanchi v. Chandubhai D. Rajput and Others (1997)
Madhu Kishwar and Others, Etc. v. State of Bihar and Others (1996)
M.C.D. v. Veena and Others (2001)
Minerva Mills Ltd. And Others v. Union of India and Others (1980)
Minor P. Rajendran v. State of Madras and Others (1967)
M.R. Balaji and Others v. State of Mysore (1962)
Mukesh Bhai C. Patel v. Jt. Agri and Marketing Advisor (1994)
Nain Sukh Das and Another v. The State of Uttar Pradesh and Others (1953)
National Federation of S.B.I. and Others, Etc. v. Union of India and Others (1995)
N.T.R. University of Health Services, Vijayawada v. G.Babu Rajendra Prasad and Another (2003)
O.P. Singla and Another Etc. v. Union of India and Others (1984)

Post-Graduate Institute of Medical Education and Research v. Faculty Association and Others, M.L. Sehgal and Orsk. Sivan (1998)
Post Graduate Institute of Medical Education and Research v. K.L. Narasimhan and Another, Etc. (1997)
Principal, Guntur Medical College, Guntur v. Y. Mohan Rao (1976)
R. Vishwanatha Pillai v. State of Kerala and Others (2004)
S. Rajendran v. Union of India and Others (1998)
S. Renuka and Others v. State of A.P. and Another (2002)
Rudra Kumar Sain and Others v. Union of India and Others (2000)
Saraswathi Devi v. Smt. Shanti Devi and Others (1996)
Satbir Singh v. State of Haryana and Another (1997)
Shri V.V. Giri v. Dippala Suri Dora and Others (1959)
Sri Kant Tripathi and Others v. State of U.P. and Others (2001)
Shri Ram Prasad Etc. Etc. v. Shri D.K. Vijay and Others, Etc., Etc. (1999)
Soosai Etc. v. Union of India and Others (1985)
S. Rangarajan Etc. v. P. Jagjivanram (1989)
State of Andhra Pradesh and Others v. U.S.V. Balram Etc. (1972)
State of Bihar and Another v. Bal Mukund Shah and Others (2000)
State of Kerala v. A. Lakshmikutty and Others (1986)
State of Maharashtra v. Milind and Others (2000)
State of Punjab v. Hiralal and Others (1970)
State of Uttar Pradesh v. Dr. Dina Nath Shukla and Another (1997)
State of Uttar Pradesh v. Pradip Tandon and Others (1974)
State of Uttar Pradesh v. Raja Anand Brahma Shah (1966)
State of U.P. and Another, Etc. v. C.O.D. Chheoki Employees Co-Operative Society Ltd. And Others, Etc. (1997)
Suresh Kumar and Others, Dalmia Cement (Bharat) Ltd. And Another, Etc. v. Union of India and Others (1996)
Thapar Institute of Engineering and Technology Patiala Tech v. State of Punjab and Another Maharishi Dayanand University (1996)
The Chairman, Railway Board and Others v. Mrs. Chandrima Das and Others (2000)
The General Manager, Southern Railway v. Rangachari (1961)
The Scheduled Castes and Scheduled Tribes Officers Welfare Corporation v. State of Uttar Pradesh and Another (1996)
The State of Madras v. Srimathi Champakam Dorairajan and the State of Madras (1951)
The Vice Chancellor, University of Allahabad and Others v. Dr. Anand Prakash Mishra and Others (1996)
T.M.A. Pai Foundation and Others, Etc., Etc. v. State of Karnataka and Others, Etc., Etc. (2002)
T.M.A. Pai Foundation and Others, Etc. v. State of Karnataka and Others, Etc. (2002)
Umesh Chandra Shalka Etc. Etc. v. Union of India and Others (1985)
Vijay Lakshmi v. Punjab University and Others (2003)
Virendra Singh and Others v. The State of Uttar Pradesh (1954)