

***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 10th March, 2015

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W.P.(C) No.2138/2015 & CM No.3842/2015 (for stay)

MANOHAR LAL SHARMA

..... Petitioner

Through: Petitioner in person.

Versus

**THE REGISTRAR GENERAL,
SUPREME COURT OF INDIA & ANR.**

..... Respondents

Through: Mr. Siddharth Luthra, Sr. Adv. with
Mr. Anoopam N. Prasad, Adv. for
R-1.
Mr. Puneet Mittal, Adv. for R-2.

CORAM :-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

RAJIV SAHAI ENDLAW, J.

1. The petitioner, in this petition under Article 226 of the Constitution of India filed as a Public Interest Litigation (PIL), impugns, (i) Order IV Rule 1(c) (providing for, a party wanting to appear and argue the case in person to seek permission therefor and empowering the Registrar to require the Supreme Court Legal Services Committee to assign an Advocate to assist the Court on behalf of such person); and, (ii) Order XXXVIII Rule 12(2)(i)(a) (requiring the petitioners in PILs to *inter alia* disclose their Annual Income, PAN number and

National Unique Identity Card number if any in the petition itself of the Supreme Court Rules, 2013).

2. The objection of the petitioner to the first of the Rules aforesaid is that the same should not be applied to Advocates appearing in person either in their own cases or in PIL. It is contended that Order IV Rule 1(c) is being applied also to Advocates wanting to appear in person.

3. The objection of the petitioner to the requirement of disclosure of Annual Income, PAN number and National Unique Identity Card number if any in the petition itself in a PIL is that the same infringes the privacy of the PIL petitioner. The petitioner, during the hearing says that he has no objection if the requirement to disclose the said particulars is maintained but the same are kept confidential.

4. We did not find the petitioner to have made any representation with respect to the grievances urged in this petition before the Supreme Court. The Supreme Court Rules, 2013 have come into effect w.e.f. 19th August, 2014. The petitioner appearing in person also admitted that he had not raised the issue before the Supreme Court.

5. Mr. Siddharth Luthra, Sr. Advocate who appears on behalf of the Supreme Court in some matters was present in the Court. We enquired from him whether the Rules were made in consultation with the Advocates. The said thought accrued to us as the Bar of this Court has representation in the Rules Committee of this Court.

6. Mr. Luthra informed us that a writ petition challenging the Rules in entirety, on the ground of the same having been made without meaningful consultation with the Bar, was already pending in the Supreme Court.

7. The matter was passed over to enable Mr. Luthra to obtain instructions.

8. Mr. Luthra after lunch informed us that he has instructions to appear on behalf of the respondent in the matter. He also handed over a copy of Writ Petition (Civil) No.755/2014 preferred by the Supreme Court Bar Association in the Supreme Court *inter alia* for consideration of its representation dated 13th August, 2014 with respect to the said Rules and for suspension of operation of the Rules till then. The petitioner however insisted on arguing the matter and we after hearing him, reserved judgment.

9. It was the contention of the petitioner that the challenge in the Writ Petition (Civil) No.755/2014 before the Supreme Court is to the Rules in

general while he in this petition is challenging specific Rules. He thus contends that the said challenge be adjudicated here.

10. We are unable to agree. The petitioner on enquiry admitted that he is a Member of the Supreme Court Bar Association. Once the Bar Association has taken up the issue in the Supreme Court, the petitioner being one of the members cannot be allowed to open an independent front. The proper course for the petitioner would be to approach the Bar Association to also make a specific challenge to the subject Rule and / or avail of other remedies before the Supreme Court only. We also do not appreciate the petitioner rushing to this Court without even making any representation to the Supreme Court. If the petitioner had any grievance in the working of any Rule, as the case appears to be, the remedy of the petitioner was to first make a representation in that regard. In fact there is nothing before us to show that Order IV Rule 1(c) is being applied to Advocates also. Vis-à-vis the challenge to Order XXXVIII Rule 12(2)(i)(a), we may observe that the requirement for disclosure is qualified with “if any”. It is always open to the petitioner to make an application, furnishing the said particulars and requiring the same to be confidential. The petitioner, instead of doing any such thing, has rushed with this petition.

11. We, in the aforesaid facts and circumstances do not find any case for entertaining the present petition in public interest and dismiss the same with liberty of course to the petitioner to avail any of the remedies suggested by us.

No costs.

RAJIV SAHAI ENDLAW, J.

CHIEF JUSTICE

MARCH 10, 2015

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