

The mechanism of listing of appeals / SLPs as followed by Supreme Court Registry, alertness expected from Commissioners and marking of cases to the Counsels

In this regard, it is relevant to understand about the 'Lists' issued by Registry of the Supreme Court and the procedure adopted by the Central Agency Section for settlement of cases on such lists. The said lists are available on the websites www.indiancourts.nic.in or www.court.nic.in. The Directorate (A reference to the Directorate here means the Directorate of Legal Affairs adequately described in Annexure VI) had occasions to circulate the Terminal list and has even placed it on the www.cbec.gov.in under the general heading of "Supreme Court matters–Cause lists / heard cases". This list is generally issued in the month of July every year and contains the list of admitted cases which may be taken up during the year. It reflects the position of cases that have already been admitted and are likely to be listed for hearing in the Supreme Court during the year. In the event of the Directorate not circulating the list or putting it on the web, it would be incumbent upon the Commissioners to carefully surf the Supreme Court website to download the relevant portion of the said terminal list. Once the Commissioner has listed out the cases relating to his charge, he should have a system in place so that a well conversant officer could rush with case records at short notice to assist and brief the Senior Counsel or Law Officer.

2. The Supreme Court Registry issues several lists but two lists, viz, (i) Advance List and (ii) Weekly List are particularly relevant. Both these are also available on the websites sited supra and the Directorate has placed them on www.cbec.gov.in as well. Commissioners should visit the aforesaid website on regular basis to find out the cases pertaining to their jurisdiction which are likely to be listed during the coming days / week. Once the cases are identified, they should keep track of developments in the appeals against the connected matters (Refer Proforma "D") as they may be asked to inform the same at very short notice. The Commissionerates can get ready with all relevant materials as they may later be called for briefing by the Counsels at a very short notice or may on their own report in coordination with the Directorate for briefing depending upon the importance of the matter.

(a) Advance List: This list is normally issued 10 days in advance from the actual date of listing of the case. This list is meant for the cases, which come on Mondays and Fridays. In other words, these are admission matters. This list, however, does not contain the information relating to the Court and Item No., under which the case is to be listed. Therefore, the Registry issues another list, which is called 'List of Business', wherein besides other details, the information regarding the Court and Item No. is also given. This 'List of Business' is normally issued by the Registry of the Supreme Court 2 to 3 days in advance from the actual date of listing of the case, i.e. for Monday's matters the list is issued on Thursday evening and for Friday's matters, list is issued on Monday evening.

(b) Weekly List: This list is also normally issued on Saturday, i.e. 2 days in advance from the actual date of listing of the case. This list is meant for the cases, which come on

Tuesdays, Wednesday and Thursday. In other terms, these are regular matters, which were earlier admitted by the Court. This list, however, does not contain the information regarding the Item No. but serial number 1 to 20 will virtually be item 101 to 120 under which the case is to be listed. It is relevant to add here that actual List of Business for Wednesday and Thursday is issued only in the late evening of the previous day i.e. for Wednesday matters it is issued on Tuesday; for Thursday matters it is issued on Wednesday and for Tuesday matters it is issued on Saturday evening.

3. Marking and allocation of cases to the Law officers and Panel Counsels is done by the Central Agency Section (or the senior most Law Officer), based on the actual List of Business normally 1 or 2 days in advance by the said officers and not on the basis of Advance List. After the settlement of Advocates, who will be pleading the CBEC cases before the Supreme Court, "Briefs" are sent by the said office to the Counsel so as to enable them to go through the same for effective presentation of the case before the Hon'ble Court. The Brief is normally handed over to the Counsel on the day of the settlement or the next day. But the time left between the receipt of brief and date of listing of the case ordinarily remains very short. The Directorate, therefore, can provide the briefing requirement details etc. to the concerned Commissionerate only when the names of Advocates have been finalized by the Central Agency Section and Briefs have been delivered to the Counsel. Effectively DLA gets 1 to 3 days time which may include holidays to take action on briefing requirement.

4. Thus, in view of unavoidable difficulties and system of marking of cases adopted by the CAS as brought out supra, it is imperative for the Commissioners to regularly log on to the website www.courtnic.in or www.indiancourts.nic.in besides the CBEC website to see the various developments including the listing of their cases on the said site. As the Court's orders are also normally uploaded on the said site, concerned Commissionerate may also take timely action for compliance accordingly.