



REDUCING THE ORIGINAL JURISDICTION OF THE SUPREME COURT

By *KJ Chendhil Kumar*
From *NALSAR University of Law, Hyderabad*

Introduction

The Supreme Court of India being the Apex Court is the final authority to decide and adjudicate on any matters owing to the reason of its finality of orders, as there can lie no appeals from this Court of record. It is to denote this reason that the Apex Court is also called as the Court of Last Resort.¹ The primary objective behind establishment of the Apex Court was to adjudicate over the matters pertaining to Constitutional importance and gross injustice. Sticking to this principle of Judicial Conservatism in the early cases like that of *State of Bihar v Union of India*², the Courts refused to take up cases that does not strictly fall into the text of the statute describing their Jurisdiction under Article 131.³ However, with the passage of time, the principles of Judicial Liberalism and Judicial Activism became more prevalent.

In a very famous US case of *Roe v. Wade*,⁴ the Court introduced the concept of Judicial Activism, which was then brought into Indian Jurisprudence through Socio-legal Judges like Justice Krishna Iyer in *Govind v*

State of Madhya Pradesh.⁵ This led to the high increase in the pendency rates of cases in the Supreme Court of India. Currently more than 50,000 cases are pending before the Supreme Court of India that needs to adjudicated.⁶ It is widely criticised that this is due to the liberal approach of the Supreme Court in accepting the cases.

Article 131 of the Constitution of India describes the Original Jurisdiction of the Supreme Court, where it limits the Original jurisdiction to matters of legal rights which is between the Government of India and one or more states or between States. However, the Courts have shown a welcoming attitude towards the upcoming cases and as a result added up its burden. This activism in a way, also leads to the disturbing the Montesquieu's doctrine of Separation of Powers between the three Organs of Government. Hence, there is a pressing need to reduce the Original Jurisdiction of the Supreme Court by either reading it down or any other appropriate means. This paper's primary aim to discuss around such aspects of the Indian Judiciary and increase its efficiency as a result.

Judicial Pronouncements Widening The Scope Of Article 131

A plain reading of Article 131 would make the fact clear that there are two basic requirements that needs to be met, in order to attract the article i.e., the parties should be Government of India and one or more states; or two different states and given that a legal

¹YeswantDeorao Deshmukh v. WalchandRamchand Kothari [950] S.C.R. 852; ChitturiSubbanna vs. KudapaSubbanna and Ors. [1965]2SCR661.

² (1970) 2 S.C.R. 522.

³ The Constitution of India, 1950.

⁴410 U.S. 113 (1973).

⁵(1975)2SCC148.

⁶Njdg.ecourts.gov.in. (2018). NJDG | National Judicial Data Grid. [online] Available at: http://njdg.ecourts.gov.in/njdg_public/main.php [Accessed 29 Sep. 2018].



right is in question. Initially the trends regarding the interpretation of the provision was very strict and narrowed to the text of the provision. In cases like *Ramgarh State v. Prov. Of Bihar*,⁷ *State of Bihar v. Union of India*⁸ and *Union of India v. State of Mysore*⁹ the courts followed a strict interpretation in regards with the parties to the suit, where it was held that private bodies or citizens or cannot be impleaded in the suit under Art.131¹⁰ and Union of India is not impleaded as a party.¹¹ It as also held that the enlarged definition of ‘State’ in Art.36 will not extend to Art.131.¹²

However, the same strict interpretation then transformed to be liberal ones, with the successive judgments. In *State of Rajasthan v Union of India*¹³(hereinafter referred to as “Rajasthan’s case”), when it was contended that the term “State” in the Article, does not include the “State Government” and the phrase “The Government of India” did not mean “The Union of India”, the majority rejected the contention. Beg C.J and the majority considered it unnecessary to delve into the scope of Art.131 and held that a restrictive or a hyper-technical view of the State’s rights should not be taken up.¹⁴It was also held that “Govt. of India” in Article 131 meant the “Union of India.”

In a subsequent case,¹⁵ while referring to the aforesaid decision, it was held that

Article 131 should be widely and generously interpreted.¹⁶ In the same case, it was also held that it is not necessary that always the State should be able to show that some legal right of it is breached.¹⁷ *H.M. Seervai*¹⁸ justifies the above judgment by calling the phrase “Govt. of India” as mere consequence of *inadvertent drafting error*.

The existence of a legal right and not a political right is the essential condition for any case to fall into the ambit of Art.131.¹⁹In a US case,²⁰the concept of Political question was widely discussed about, which is absolutely alien to Indian Jurisprudence. Similarly, a mention of ‘Political Thicket’ can also be found in Rajasthan’s case. In *Baker v Carr*, Brennan J. remarked that the Doctrine of Political Question was essentially a function of Separation of Powers.²¹Indian Judiciary declined to accept the question of political right of the States, owing to a fact that the Separation of Powers in US is very strict and rigid, whereas it is flexible in India which makes it difficult to adopt.

Indian Judiciary has indeed given a more liberal and broad interpretation to the phrase “legal right” which made it include questions like Central Government inquiring about the Corruption of Sate Ministers,²² questions of rights, duties, liabilities and immunities of the State Government and its

⁷ AIR 1939 FC 55.

⁸ (1970) 1 SCC 67.

⁹ (1976) 4 SCC 531.

¹⁰ Supra Note 8.

¹¹ Supra Note 9.

¹² Supra Note 8.

¹³ (1978) 1 SCR 1.

¹⁴ Ibid.

¹⁵State of Karnataka v. Union of India, (1978) 2 SCR 1.

¹⁶ Ibid. p. 127.

¹⁷ Ibid. p. 146.

¹⁸ H.M. Seervai, Constitutional Law of India, ed.4, vol.7, pg. 2628.

¹⁹ State of Rajasthan v Union of India, (1978) 1 SCR 1.

²⁰ Baker v Carr, (1962) 369 U.S. 186.

²¹ 369 U.S. at p. 217, 7 L.ed. 2d at pp.685-6.

²² State of Karnataka v. Union of India, (1977) 4 SCC 608.



agents;²³ questions of powers vested in State Ministers vis a vis Union Ministers;²⁴ right of Union Government to dissolve the State Assembly²⁵ and unconstitutional exercise of powers conferred upon by the Union by Art. 356.²⁶

The primary intention of the Constitution makers behind drafting of such a provision was to grant the Supreme Court the Exclusive Jurisdiction to entertain matters exclusively between the Govt of India and States and between States, when it comes to a Legal right (as laid down Article 131), which is why even the bar set by section 15 of Civil Procedure Code is not applicable in these cases. However, the liberal attitude of the Court is not in consonance with the legislative intent behind the Constituent Assembly, which in turn defeats the whole purpose of the presence of such an Article.

Should Original Jurisdiction Of The Supreme Court Be Read Down?

As it is being briefly discussed in the previous section there has been a shift from a restrictive interpretation of Article 131 to a more liberal interpretation, as a result of Judicial activism and socio-legal Judges like Justice Krishna Iyer, Justice Bhagawati etc. in the Indian Judiciary. Since then the court has shown a more public interest approach towards accepting pleas under Article 131 of the Constitution of India. However, the Court has failed to understand that the very

presence of such “Original Jurisdiction” is to give it the exclusive jurisdiction over certain subject matter, where no other Court can decide upon. The liberal approach of the Court completely does away with the primary object of drafting of this Article by the Constituent Assembly.

Secondly, in addition to being liberal in accepting pleas under Article 131, the court has also showed a liberal and welcoming approach rather an interventionist approach under Article 132-136 of the Constitution of India, while exercising its Appellate Jurisdiction and Special Leave Petitions. This amounts to a large number of insignificant cases coming upto the Supreme Court, wasting the time, money and energy. This point is further explained in the succeeding next two section that explains about the Appellate Jurisdiction and Special Leave Petition of the Supreme Court of India. Its current trend of functioning has further blurred the concept of separation of powers and it has emerged to be in a dictatorial role as against the system of Checks and Balances.

Thirdly, even if the Supreme Court has adopted a welcoming approach towards the upcoming cases in the interest of justice, they still remain undecided or unentertained. As on November 2017, there are 55,259 cases pending before the Supreme Court.²⁷ On 26th April, 2016, Justice T S Thakur, the then Chief Justice of India, broke down several times in front of the Prime Minister

²³ Union of India v. State of Rajasthan, (1984) 4 SCC 238.

²⁴ Supra Note 22.

²⁵ Supra Note 19.

²⁶ Supra Note 19.

²⁷ Sci.gov.in. (2018). Statistics | Supreme Court of India. [online] Available at: <https://www.sci.gov.in/statistics> [Accessed 29 Sep. 2018].



of India,²⁸ while talking about the inefficiency in the Judicial system and need for more Courts and Judges to dispatch the pending cases in the earliest. There is a famous saying which goes like “*Justice delayed is Justice denied.*” Thus, delay in the granting a hearing to cases, is nothing but denial of justice.

From the abovesaid incidents the fact that the Original Jurisdiction of the Supreme Court has been widely overused becomes more obvious. Therefore, it should be read down to make it narrower in terms of application. It has to be realised that a broad interpretation causes nothing but more harm than good that was deemed to be caused, which is inviting out own unnecessary troubles. The test to be laid down should be that, in order to attract Art.131, the case should strictly fall under the text of the statute. If it is not done so, the exclusivity guaranteed by the Original Jurisdiction of the Supreme Court would be lost, due to the presence of concurrence of jurisdictions. In addition to that, the over-usage of the said provision makes it lose its importance and significance, keeping which in mind the Constituent Assembly drafted such a provision, thus, defeating the whole purpose of the said provision.

Special Leave Petition

Article 136 of the Constitution of India guarantees for Special Leave Petitions to be

entertained by the Supreme Court of India. Like in the case of Article 131, even this provision comes with its own limitations, that the Supreme Court can only use its discretion to grant a special leave to cases that comes in the form of a judgement, decree, determination, sentence or order from a “*Court*” or “*Tribunal*”. However, the Courts seemed to have shown a more liberal attitude towards determining what constitutes a “*Court*” or a “*Tribunal*”.

The Supreme Court has broadly interpreted the term “tribunal” to be any quasi-judicial bodies, other than ordinary courts which have the trappings of a Court’.²⁹ In addition to that, the Supreme Court has also widened the scope of the term by holding that any tribunal against whose decision the Supreme Court has the Jurisdiction to issue the Writs of *Certiorari* and *Prohibition*, is a Tribunal for the purpose of Article 136.³⁰ Since then, a number of Boards,³¹ Commissions,³² the Central Government,³³ Educational institutions,³⁴ a State Government³⁵ etc, have been held Tribunals which is merely its own initiatives to welcome more and more unnecessary burden upon the functioning of the Supreme Court.

²⁸Rajgopal, K. (2016). CJI Thakur’s emotional appeal to Modi to protect judiciary. [online] The Hindu. Available at: <https://www.thehindu.com/news/national/CJI-Thakur%E2%80%99s-emotional-appeal-to-Modi-to-protect-judiciary/article14257126.ece> [Accessed 29 Sep. 2018].

²⁹ Associated Cement Companies v Sharma, P.N., 1956 (2) SCR 366.

³⁰ChattanathaKarayalar v. Ramachandra Iyer, (1955) 2 SCR 477; Muir Mills Co. Ltd. v. Suti Mills Mazdoor Union, 1955 (1) SCR 91.

³¹ Modi Rubber Ltd. v. Union of India, (1977) 7 SCC 13.

³² Commissioner of Income Tax v. Bhattacharjee, B.N., (1979) 4 SCC 121.

³³Harinagar Sugar Mills v. Shyam Sundar Jhunjhunwala, 1962 (2) SCR 339.

³⁴ Abhijit v. Govt. Medical College Dean, 1987 (3) SCC 478.

³⁵ Associated Cement Companies v Sharma, P.N., 1956 (2) SCR 366.



In one of the earliest cases,³⁶ Mahajan J. observed that this provision confers the Supreme Court with such powers that overrode the limitations contained in the previous articles (Art.131-135), on the Court's power to entertain appeals. It was further held that the Courts could grant leave to even Interlocutory Orders. Following this, in a subsequent case,³⁷ it was held that is not possible to define the limitations on the exercise of the discretionary powers vested in the Supreme Court by Article 136, hence giving it unfettered discretionary powers.

Since then, the Supreme Court has used copious amount of available limited time to interfere in the functioning of various High Courts. The Supreme Court has interfered in the fact-finding process of the High Court,³⁸ Suo-motto recalling of judgments given by the High Courts,³⁹ quashing FIRs,⁴⁰ bail matters,⁴¹ compounding of certain offences⁴² etc.

It has also interfered in the functioning of the executive and administrative bodies, by means of granting Special Leave to the appeals lying from them whenever it could. It includes interference in functioning of

Municipal Corporation,⁴³ findings of an Expert Committee,⁴⁴ Industrial tribunals,⁴⁵ Income Tax Appellate tribunals,⁴⁶ Custom authorities⁴⁷ etc. What is to be kept in mind is, when an expert body, that is solely established for the purpose of looking into the matter, then the courts should generally show a slow or no interference attitude towards it. Justice Krishna Iyer notes that when some expert bodies, with subject matter expertise entertain the petitions regarding their subject matter and pass orders as a result, then the Courts should be reluctant to re-entertain such petitions.⁴⁸ It over powers the Supreme Courts and establishes a regime of Supreme Court creating a kind of *reign of terror* of the Courts. This not only wastes its own time, but also blurs the line of distinction between Judiciary and Executive in one hand and Judiciary and Legislature on the other.

The Appellate Jurisdiction

The Appellate Jurisdiction of the Supreme Court is enunciated in four different articles of the Constitution of India. Articles 132, 133, 134 and 135 talks about the Appellate powers of the Supreme Court of India. Supreme court being the Apex Court of India, has the authority to decide in matters relating to Constitutional importance and interpretations under Article 132.⁴⁹ An

³⁶ Bharat Bank Ltd. v. Employees of Bharat Bank, (1950) SCR 459.

³⁷ Dhakeswari Cotton Mills' v. C.I.T., W.B., (1951) 1

³⁸ A.P.S.R.T.C. v. Satyanarayan Transports Pvt. Ltd., AIR 1965 SC 1303, 1307.

³⁹ S. Jamaldeen v. High Court of Madras, (1998) 2 SCC 705.

⁴⁰ Sunil Kumar v Escorts Yamaha Motors Ltd., (1999) 8 SCC 468 (para 8).

⁴¹ State of Maharashtra v. Ramesh Taurani, 91998) 1 SCC 537 (para 3).

⁴² O.P.Dholakia v. State of Haryana, (2000) 1 SCC 762 (para 3).

⁴³ Monarch Infrastructure (P) Ltd. v. Commissioner Ulhasnagar Municipal Corporation, (2000) 5 SCC 287.

⁴⁴ India Thermal Power Ltd. v. State of M.P. (2000) 3 SCC 379.

⁴⁵ Saran Motors v Vishwanath, 1962 (2) LLJ 139.

⁴⁶ Omar Salay Mohamed Sait v. I.T. Commr., AIR 1959 SC 1238.

⁴⁷ Minerals and Metals Trading Corpn. V. Union of India, (1972) 2 SCC 620.

⁴⁸ Raj Kapoor v. Laxman, (1980) 2 SCR 512.

⁴⁹ Syedna Taher v. State of Bombay, 1958 SCR 1010.



appeal should be competent under Art.132⁵⁰ for the Supreme Court to hear an appeal, in addition to the certificate from the respective High Court.⁵¹

In addition to that, Article 133 provides with appeals in Civil matters(proceedings under Article 226 which are not Criminal) which relates to those substantial questions of law of general importance.⁵² After this, Article 134 confers upon the Criminal Appellate powers upon the Supreme Court, which will be entertained if the respective High Court grants a certificate judicially after applying its mind,⁵³ to the accused or the parties concerned, explaining so as to what substantial principal of law is under question.⁵⁴ However, it is to be noted that appeal in this case exists as a *right* to the Supreme Court.⁵⁵

In the same given situation, comparison of the current situation of the appellate jurisdiction of the Supreme Court of United

⁵⁰ Four Conditions required to be satisfied: (1) Needs to a "judgement decree or final order"; (2) Civil, Criminal or Other proceeding including interpretation of Constitution; (3) There should be a question of law in relation to the Constitutional Interpretation; (4) The question should be a substantial one: T M Krisnaswami Pillai v Governor-General in Council, AIR 1947 FC 37; State of Mysore v. Chablani, AIR 1958 SC 325; Bhagwan Swarup v State of Maharashtra, (1964) 2 SCR 378.

⁵¹ State of Bombay v. Jaggmohandas, (1966) 2 SCR 277.

⁵² Nathoo v Durga Prasad, (1955) 1 SCR 51; Chunnilal Mehta v Century Spinning & M Company Limited, 1962 Supp (3) SCR 549.

⁵³ Narsingh v State of Uttar Pradesh, AIR 1954 SC 457.

⁵⁴ Mohinder Singh v. State, AIR 1935 SC 415; Chittaranjan v. State of West Bengal, (1964) 3 SCR 237.

⁵⁵ Chandra Mohan Tiwari v. State of Madhya Pradesh, (1992) 2 SCC 105.

States of America would be more apt. There is a more watered-down approach towards the Appellate jurisdiction of the Supreme Court of United States of America vis a vis Indian Supreme Court. The right to appeal is not absolute in the US and the appellant needs to convince the Court stating that the lower court has made any substantial or procedural error of application and interpretation of law, which is called "showing cause." It is wholly at the discretion of the state to allow for review.⁵⁶

There should necessarily be a presence of a "federal question" for the Supreme Court of America to entertain such appeals from the Supreme Courts of the respective State.⁵⁷ The appellate power of the Supreme Court of the US face three limitations over the federal question which are as follows: (a) Limitations in the Constitution where the court cannot decide moot,⁵⁸ academic,⁵⁹ or political questions;⁶⁰ (b) Limitations set up by the Congress through 28 U.S.C.A. section 1257; ⁶¹ (c) several self-imposed

⁵⁶ McKane v>Durston, 153 U.S. 684 (1894).

⁵⁷ Naim v. Naim, 350 U.S. 891 (1956).

⁵⁸ Southwestern Bell Telephone CO. v. Oklahoma, 303 U.S. 206 (1937).

⁵⁹ Colgrove v. Green, 328 U.S. 549 (1945).

⁶⁰ Ex parte Peru, 318 U.S. 578 (1942).

⁶¹ "Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favour of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question on



limitations by the Supreme Court itself.⁶² The discretionary writ of Certiorari, initiated by the Evarts Act of 1891 and the Judicial Code of 1911, by virtue of Rule 17 of the Supreme Court says that “a review on a writ of certiorari is not a right but of judicial discretion.

It is agreed that a check is required on the functioning of the lower Courts. But it should also be taken into consideration that the checking authority should also be under checks to strike a balance. The Union of India, being a quasi-federal country, should reflect at least some principles of federalism reducing the Union Judiciary’s powers to take decisions and its discretion to accept any cases from the lower courts. The idea that the High Courts are lower to the Supreme Court would hence change, where High Courts will be respected as same as Supreme Court. In the Indian case, the Supreme Court seems to be bullying upon the High Courts through wide powers conferred upon it by virtue of section 132, 136 of the Constitution of India. This inevitably creates a need and necessity for reducing the powers of the Supreme Court under the given Articles.

Examples From Other Countries

the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specifically set up or claimed under the Constitution, treaties, statutes of, or commission held or authority exercised by the United States.

⁶²Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 346-48 (1935).

United States of America

The Original Jurisdiction of the Supreme Court of United States is guaranteed by Article III Section 2 of the Constitution of and Title 28 of the United States Code, Section 1251. The Original Jurisdiction in United States is divided into two categories for the purpose of making Original Jurisdiction restrictive i.e., (i) Original and Exclusive Jurisdiction, and (ii) Original but not Exclusive Jurisdiction.⁶³ The only difference if for the latter one, both the lower federal courts and the Supreme Court of US shares concurrent jurisdiction. In order to restrict the jurisdiction furthermore, the Congress brought in a criterion of “federal question” in order for the petition to be entertained in the Supreme Court. To constitute within the category of Original Jurisdiction, the case must constitute a proper “controversy.”⁶⁴ The Supreme Court is the Court of Last resort, which does not take cases for which fact-finding had not been done.⁶⁵

Canada

In 1875, when the Constitution drafters of Canada wished to give Supreme Court an Original Jurisdiction only to hear Constitutional controversies, the federal government supported it. As a consequence, only Constitutional matters will be decided by the Supreme Court on request of the trial judge, who will then decide on non-Constitutional issues.⁶⁶ A dispute between

⁶³ 28 U.S.C. § 1251 (1982).

⁶⁴Mayland v. Louisiana, 451 U.S. 725, 735-736 (1981).

⁶⁵ Ohio v. Wyandotte, 401 U.S. 493, 498 (1971).

⁶⁶ Peter H. Russel, The Jurisdiction of the Supreme Court of Canada: Present Policies and a program for Reform, Osgoode Hall Law Journal, Vol. 6, Number 1 (October 1968).



Dominion and a province would be tried by Exchequer Court (with an appeal to the Supreme Court). Both Civil and criminal cases would be first decided by the provincial court first and then later an appeal shall lie to the Supreme Court. In Canada, the appellate jurisdiction itself restricts the Original Jurisdiction of the Supreme Court.⁶⁷

Philippines

The Constitution of Philippines guarantees for Original Jurisdiction under section 5(1), Article VIII, only when there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law.” This signifies that it should be approached as the last resort when there is no other possible alternative available. In order to be directly filed under the Supreme Court of Philippines under its Original Jurisdiction, the case should strictly fall under the finding of “grave abuse of discretion” on the part of respondents to the suit to justify favourable action on the petition. The standard of “grave abuse of discretion” is generally higher than the standard of “error of law”. The former phrase has been defined as ‘a capricious and whimsical exercise of judgement to lack of jurisdiction.’⁶⁸ Notwithstanding, the Supreme Court yet has the discretion to decline to entertain a case under its original jurisdiction.

Ireland

The Constitution of Ireland clearly states that the Original Jurisdiction of the Supreme Court of Ireland can be used only in two cases. These two cases are when either a Bill

is referred to by the President for the purpose of an opinion on whether or not the said Bill is Constitutional (Article 26); or when the Court has to determine under Article 12 of the Constitution whether the President has become incapacitated.

Conclusion

The issue that the instant paper briefly dealt with is whether the Original Jurisdiction of the Supreme Court should be read down, provided the prevailing circumstances and current trends in Judiciary. It is clear to an extent that lately, Judiciary is acting dictatorial, by placing itself above all the organs of the government. This court style procedures are obviously democratically illegitimate. One reason that could be attributed to this is, the Judiciary cannot simply interfere into the functioning of the Other Organs of the govt. for they are either directly or indirectly elected by the people, counting on them for their accountability. However, Judiciary being an independent Organ of the Government, cannot be held accountable for its actions. It is a matter of fact that there has been no successful impeachment motion against any Judge of a High Court or Supreme Court till now, owing to the reason that the impeachment procedure is very difficult and requires a high threshold to prove it.

If one understands the current trends of the Judiciary, it has been broadly or liberally interpreting all the provisions. Its jurisdictions (Original, Appellate, Special Leave and Advisory) are all liberally interpreted by the Court, that causes troubles to its own self and administrative inefficiency. The court can follow the system followed by countries like Singapore where there is no Original Jurisdiction at all,

⁶⁷ Ibid.

⁶⁸ William T. TOH v. HON. Court of Appeals and Decon Construction, G.R. No. 140274. November 15, 2000.



but only appellate jurisdiction, and the High Courts have the Original Jurisdiction. Due to its practical impossibility, a system of Canada can be adopted by India. As discussed earlier, the Appellate Jurisdiction of the Supreme Court limits the Original Jurisdiction. Considering that the Indian Constitution already provides for a wide appellate power of the Supreme Courts with respect to all subject matters, the Original Jurisdiction be essentially limited and restricted.

In short, the Supreme Court should only act as the Court of the last resort and particularly stick to the text of the provision and interpret it more narrowly. The Courts should go back in time and stat being the same strict as it was in the case of *State of Bihar v Union of India*.⁶⁹ The problems caused by the liberal interpretations is already briefly discussed in the above sections. Keeping in view such problems caused to the Indian Judiciary, one of the most essential and basic steps is to restrict the interpretation and avoid any concurrence of Jurisdictions. The Court should be approached as its last resort, or in the first instance, if it strictly falls under the terms of the provision. That is to say that it has to be read down.

⁶⁹ (1970) 1 SCC 67.