

ITEM NO.303

COURT NO.7

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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

PUBLIC INTEREST FOUNDATION & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

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

WITH

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

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

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

(With Office Report)

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

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Dinesh Dwivedi, Sr. Adv.
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For Respondent(s) Mr. R. Balasubramaniam, Adv.
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Mr. Mukesh Verma, Adv.

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Mr. Sudarshan Singh Rawat, Adv.

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Mr. Sapam Biswajit Meitei, Adv.

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Ms. B. Khushbansi, Adv.

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

One of the questions referred to the present
Bench is extracted below :

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

Parliament under Article 120(e)?

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

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

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

(Neetu Khajuria)
Sr.P.A.

(Asha Soni)
Court Master