

# MEASURING CONSTITUTIONAL CASE SALIENCE IN THE INDIAN SUPREME COURT

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*In recent years, the Indian Supreme Court has begun deciding many important constitutional cases in small benches, as opposed to benches of five or more judges - as the Constitution requires. In the context of the large docket of the Indian Supreme Court, this has presented a problem for scholars: examining 'constitution benches' no longer provides an adequate account of salient constitutional cases. Drawing upon literature on the United States Supreme Court, this article develops an alternative, exogenous measure of case salience based on the citation of Indian Supreme Court cases in the Times of India. The measure is deployed on a sample set of 251 cases across four years. This measure, it is argued, can constitute a valuable heuristic tool for scholars studying the Indian Supreme Court.*

## I. INTRODUCTION

The Indian Supreme Court occupies a distinctive place amongst its counterparts from across the world. It decides thousands of cases a year, encompassing many areas of law. Its onerous docket includes appeals from twenty-four state high courts, several administrative tribunals and matters that lie within the remarkably broad original jurisdiction of the Court. One of India's most prominent advocates recently described it as the 'busiest court in the world'.<sup>1</sup> As it stands, the Court has a maximum strength of thirty-one judges and normally sits in benches of two or three across about a dozen

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<sup>1</sup> ET Bureau, *Fali S. Nariman: Voting should be made compulsory throughout India*, THE ECONOMIC TIMES, November 23, 2014.

courtrooms.<sup>2</sup> The Indian Supreme Court, in other words, is overburdened and busy, and decision-making power within the Court is dispersed.

Any analysis of a court's institutional behavior must take into account the salient decisions of that court. Historically, constitutional scholars in India have thus focused on salient constitutional cases to expound upon the Court's approach to adjudication. This was once considered a relatively straightforward exercise: salient constitutional cases were decided by so-called 'constitution benches' consisting of five or more judges. Moreover, even amongst constitution benches, the salience of a case was considered as being directly proportional to the size of the bench deciding it. It is no wonder then, that no narrative of the Indian Supreme Court's constitutional jurisprudence was complete without the 'basic structure' case (decided by a bench of 13 judges)<sup>3</sup>, the Mandal Commission reservations case (9 judges)<sup>4</sup> or the Bommai case (9 judges)<sup>5</sup>.

Much of this has changed since the turn of the century. The proportion of constitution benches has declined significantly, prompting some scholars to describe them as 'an anomaly'.<sup>6</sup> Two or three judge benches regularly decide important constitutional cases<sup>7</sup>, sometimes inconsistently.<sup>8</sup> This has presented a challenge for researchers. Describing the Court's constitutional activity primarily in terms of constitution bench decisions is certainly under inclusive, and possibly even misleading. Post-millennium doctrinal scholarship on the Court endures the charge of cherry picking the 'suitable' from amongst the scores of two and three judge bench judgments that are available.<sup>9</sup> We therefore require an alternative measure of salience in order to fully understand the court's constitutional functioning. This is the objective that the article sets out to achieve.

<sup>2</sup> For details on the Supreme Court's structure and composition, see Abhinav Chandrachud, *An Empirical Study of the Supreme Court's Composition*, 46(1) ECON. & POL. W'KLY 71 (2011); Nick Robinson, *Structure Matters: The Impact of Court Structure on the Indian and US Supreme Courts*, 61 AM. J. COMP. L. 173 (2013).

<sup>3</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 : AIR 1973 SC 1461.

<sup>4</sup> *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : AIR 1993 SC 477.

<sup>5</sup> *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 : AIR 1994 SC 1918.

<sup>6</sup> Nick Robinson et al., *Interpreting the Constitution: Supreme Court Constitution Benches Since Independence*, 46(9) ECON. & POL. W'KLY 27 (2011).

<sup>7</sup> Amongst the most prominent examples are the gay rights litigation [*Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1 : AIR 2014 SC 563] and the narco-analysis litigation [*Selvi v. State of Karnataka*, (2010) 7 SCC 263].

<sup>8</sup> Chintan Chandrachud, *Interpretation*, in THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION (Sujit Choudhry et al. eds., OUP 2016); Madhav Khosla, *The Problem*, 642 SEMINAR 12 (2013). (According to Khosla, these small bench decision making on the Supreme Court threatens the doctrine of precedent and the rule of law).

<sup>9</sup> This is the charge that is often levelled against comparative scholarship: see RAN HIRSCHL, *COMPARATIVE MATTERS: THE RENAISSANCE OF COMPARATIVE CONSTITUTIONAL LAW* 187 (2014). (But the diffuse structure of the Indian Supreme Court and the sheer volume of decisions made by two judge and three judge benches makes the criticism applicable to it).

Distinguishing between two forms of case salience (legal and political), the article will focus on the *political salience* of *constitutional cases*. It will define a new measure of political case salience for Indian Supreme Court decisions – the Times of India measure. A sample set of 251 cases across four years (2010-2013) is examined based on this measure. All of these cases can be found in Table 1 of the Appendix. Table 2 contains the top 40 salient cases from the sample set, which were identified using the Times of India measure. Tables 3 and 4 show the differences in region-wise and subject-wise distribution between the sample set and the top 40 salient cases – of which, the possible implications are considered as the article progresses.

## II. DEFINING SALIENCE IN THE INDIAN CONSTITUTIONAL CONTEXT

Perhaps the most logical starting point is to ask what exactly is meant by ‘salience’.<sup>10</sup> A salient issue is one which relevant actors care more about. Salient issues are more likely to influence decisions both of citizens and of elite actors.<sup>11</sup> Research in a variety of contexts has shown that salience affects the choices that elite actors make. In the judicial context, case salience refers to cases that the judges, at the time of deciding them, consider to be more important than others. Scholars in the United States have relied upon case salience in diverse contexts: to show, for instance, that oral arguments and previous litigation experience of counsel matter less in salient cases<sup>12</sup>, that chief justices over assign salient cases to themselves<sup>13</sup>, that salient cases are less likely to produce unanimous or highly consensual opinions<sup>14</sup>, and that the public mood influences decision-making less in salient cases.<sup>15</sup>

<sup>10</sup> I have used the term ‘salience’ because it has become a widely accepted term of art in political science scholarship. The more accessible term that can take its place is ‘significance’.

<sup>11</sup> Todd A. Collins & Christopher A. Cooper, *Case Salience and Media Coverage of Supreme Court Decisions: Toward a New Measure*, 20 POL. RESEARCH QUARTERLY 1, 2 (2011).

<sup>12</sup> Andrea McAtee & Kevin T. McGuire, *Lawyers, Justices, and Issue Salience: When and How Do Legal Arguments Affect the U.S. Supreme Court?*, 41 LAW & SOC. REV. 259 (2007).

<sup>13</sup> Harold A. Spaeth, *Distributive Justice: Majority Opinion Assignments in the Burger Court*, 67 JUDICATURE 299 (1984); JEFFREY A. SEGAL & HAROLD J. SPAETH, *THE SUPREME COURT AND THE ATTITUDINAL MODEL* (1993).

<sup>14</sup> David A. Lewis & Roger P. Rose, *Case Salience and the Attitudinal Model: An Analysis of Ordered and Unanimous Votes in the Rehnquist Court*, 35(1) JUSTICE SYSTEM J. 27 (2014); PAMELA C. CORLEY, AMY STIEGERWALT & ARTEMUS WARD, *THE PUZZLE OF UNANIMITY* 131 (2013).

<sup>15</sup> Michael Giles, Bethany Blackstone & Richard L. Vining Jr., *The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision Making*, 70(2) J. OF POL. 293 (2008); Christopher J. Casillas, Peter K. Enns & Patrick C. Wohlfarth, *How Public Opinion Constrains the US Supreme Court*, 55(1) AM. J. POL. SCIENCE 74 (2011).

Two kinds of salience in the judicial context have been identified: political salience and legal salience.<sup>16</sup> Political salience refers to the importance of the case to the judges because of the issues or actors involved or the political context in which the case needs to be decided. Legal salience, on the other hand, refers to the importance of the case in terms of legal principle: for instance, if the court is faced with deciding a novel legal question, overturning settled precedent, or carving out an exception from a well-established rule. These categories may overlap. It is easy to see why the legal salience of a case may impact upon its political salience: for instance, a case may be considered politically salient precisely because of the nature of the legal questions that the court is faced with answering.<sup>17</sup>

The size of the bench or panel of judges deciding a case often provides a useful endogenous indicator of the salience of the case.<sup>18</sup> This endogenous indicator is naturally absent for courts that sit *en banc* or in uniform panels of judges.<sup>19</sup> In the Indian Supreme Court, bench size is underscored by two rules. First, Article 145(3) of the Constitution requires all substantial questions of law involving interpretation of the Constitution (an expression that is not defined by the text) to be decided by benches of no less than five judges (known as ‘constitution benches’). Second, for all cases (whether or not they are constitutional), larger benches of the Court bind smaller benches<sup>20</sup>, and a judgment of the Court can only be overruled by a bench of a larger size. The Chief Justice plays the leading role in setting rosters and making decisions

<sup>16</sup> Collins & Cooper, *supra* note 11. (It may also be possible to envisage a third form of salience: economic salience, which covers those cases that have important costs-implications or effects on redistribution of wealth. Cases that are economically salient need not be politically salient. A good example is *Manchester City Council v. Pinnock*, (2011) 2 AC 104 : (2011) 2 WLR 220 : (2011) 2 All ER 586, before the UK Supreme Court. This case was not considered politically salient, but was economically salient because it tasked the judges with deciding whether to allow Human Rights Act arguments into county court housing eviction cases, which would clog up the courts).

<sup>17</sup> It is also possible (though less likely) for the political salience of a case to influence its legal salience. For instance, if the importance of the actors involved exaggerate the importance or novelty of the questions that arise for the court’s consideration.

<sup>18</sup> DONALD R. SONGER, SUSAN W. JOHNSON, C.L. OSTBERG & MATTHEW E. WETSTEIN, *LAW, IDEOLOGY AND COLLEGIALLY: JUDICIAL BEHAVIOUR IN THE SUPREME COURT OF CANADA* 161 (2012); Benjamin R.D. Alarie & Andrew Green, *Education, Administration, and Justice: Essay in Honour of Frank Iacobucci*, 57 UTLJ 195 (2007) (in the context of the Supreme Court of Canada, ‘The Chief Justice determines the panel size and composition for each case based on a number of considerations, including (but not limited to) the nature and perceived public importance of the case...’); Burton M. Atkins, *Communication of Appellate Decisions: A Multivariate Model for Understanding the Selection of Cases for Publication*, 24 L. & SOC. REV. 1171, 1187 (1990).

<sup>19</sup> Perhaps this is one of the reasons for the extensive scholarship on case salience in the US Supreme Court, whose nine judges sit *en banc*.

<sup>20</sup> Chintan Chandrachud, *The Supreme Court’s Practice of Referring Cases to Larger Benches: A Need for Review*, 1 SCC (J) 37 (2010) (This holds true irrespective of the number of dissents, which means that dissenting opinions are effectively devalued).

about bench composition.<sup>21</sup> This effectively means that constitution benches form a subset of benches of five or more judges. All constitution benches consist of five or more judges, but not all benches with five or more judges are constitution benches.<sup>22</sup> For example, if a question of statutory interpretation decided by a bench of three judges requires reconsideration, it may need to be referred to a bench of five judges.

It is unclear whether constitution benches are an indication of legal salience, political salience, or both.<sup>23</sup> This is primarily because the Supreme Court has failed to articulate any authoritative criteria for the composition of constitution benches.<sup>24</sup> The textual requirement – that ‘substantial’ questions of law as to interpretation of the constitution be referred to such benches – makes it seem like a marker of legal salience. The Supreme Court has, on occasion, confirmed this by indicating that questions that have already been ‘finally or authoritatively decided’ will not be referred to constitution benches.<sup>25</sup> On other occasions though, the Court has lent credence to the notion that constitution benches should also decide questions that are politically salient.<sup>26</sup> Much depends on the level of abstraction at which questions are posed. A politically difficult or controversial question, for instance, which can be answered with the help of existing precedent covering the field, may be treated as a discrete question – and therefore, one which requires consideration by a constitution bench of the Supreme Court.

In spite of these ambiguities, bench size was an important filter of salience (both in the legal and political sense) for constitutional scholarship.

<sup>21</sup> Robinson, *supra* note 2, at 173.

<sup>22</sup> On occasion, the Supreme Court has referred to any bench of five or more judges as a constitution bench, irrespective of whether it had to decide any constitutional questions [*Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*, (2012) 9 SCC 552]. This is clearly a mischaracterisation.

<sup>23</sup> Contrast this with the United Kingdom, where the criteria for cases being heard by larger benches of the Supreme Court makes it clear that such cases are indicators of both legal and political salience. The following are the criteria listed on the UK Supreme Court website:

- If the Court is being asked to depart, or may decide to depart from a previous decision.
- A case of high constitutional importance.
- A case of great public importance.
- A case where a conflict between decisions in the House of Lords, Judicial Committee of the Privy Council and/or the Supreme Court has to be reconciled.
- A case raising an important point in relation to the European Convention on Human Rights.

See also Lorne Neudorf, *Intervention at the UK Supreme Court*, 2(1) CJICL 16, 28 (2013) (‘A larger panel size may be a way for the UK Supreme Court to send a signal, even if passively, to potential interveners of the importance of the case’).

<sup>24</sup> Nick Robinson et al., *supra* note 6, at 27, 28.

<sup>25</sup> *State of J&K v. Thakur Ganga Singh*, AIR 1960 SC 356, ¶ 8; *People’s Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399 : AIR 2003 SC 2363, ¶ 31-35.

<sup>26</sup> *Ravindra Kumar Dutta v. Union of India*, (1986) 3 SCC 587; *Madras Bar Assn. v. Union of India*, (2014) 10 SCC 1, ¶ 94.

Scholars could be certain that by focusing on constitution bench decisions, they were analyzing the cases that mattered most to elite actors in general, and judges in particular. However, the phenomenon of the constitution bench has been in sharp decline in the recent past. Anecdotaly, several scholars have lamented that two or three judge benches are now making important decisions that would previously have been assigned to constitution benches.<sup>27</sup> Cases concerning the constitutional validity of federal sodomy legislation<sup>28</sup>, freedom of information legislation<sup>29</sup>, as well as compulsory education legislation<sup>30</sup> were all decided by non-constitution benches. Empirical research confirms this claim. Robinson and others have found that the percentage of constitution benches on the Supreme Court dipped from 45.6% in the period between 1950 and 1954 to 6.4% in the period between 2005 and 2009.<sup>31</sup> As the authors note, ‘many cases, perceived to involve a ‘substantial question’ of constitutional law, have been settled by two or three-judge benches, especially in recent years’.<sup>32</sup> This means that constitution bench decisions can no longer be a conclusive indicator of case salience, in the legal or political sense. At best, they may constitute a starting point for determining salience. But the fall in the number of constitution benches requires us to examine other measures of salience for decisions taken by the Supreme Court.

### III. DEVELOPING A MEASURE OF POLITICAL CASE SALIENCE: THE TIMES OF INDIA MEASURE

Since constitution bench cases are no longer an adequate measure of salience, we need to consider alternatives. One major benefit of constitution benches as a measure of salience is that it emanates from the Court itself, implying that we do not require any proxy or surrogate for narrowing down to those cases which the elite actors in question are likely to consider salient. Indian Supreme Court judges consider it inappropriate to publicly discuss pending or recently concluded cases. In 1997, the Chief Justice circulated a statement of values amongst the judges, which specified that a judge is expected to let his judgments ‘speak for themselves’ and shall not give

<sup>27</sup> Pratap Bhanu Mehta, *India's Judiciary: The Promise of Uncertainty*, in THE SUPREME COURT VERSUS THE CONSTITUTION 167 (Pran Chopra ed., 2006); Nick Robinson, *Bigger bench, please*, THE INDIAN EXPRESS, June 8, 2012; Tarunabh Khaitan, *Koushal v. Naz: Judges Vote to Recriminalise Homosexuality*, 78(4) MLR 672 (2015); T.R. Andhyarujina, *Restoring the Supreme Court's Exclusivity*, THE HINDU, February 28, 2014.

<sup>28</sup> Indian Penal Code 1860, § 377; see *Suresh Kumar Koushal v. Naz Foundation*, (2014) 1 SCC 1 : AIR 2014 SC 563.

<sup>29</sup> Right to Information Act 2005; see *Namit Sharma v. Union of India*, (2013) 1 SCC 745; *Union of India v. Namit Sharma*, (2013) 10 SCC 359.

<sup>30</sup> Right of Children to Free and Compulsory Education Act 2009; see *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 : AIR 2012 SC 3445.

<sup>31</sup> Robinson et al., *supra* note 6, at 27, 28.

<sup>32</sup> Robinson et al., *supra* note 6, at 27, 28.

interviews to the media.<sup>33</sup> The Bar Council of India Rules forbid advocates from engaging in private communications with a judge relating to a pending case.<sup>34</sup> Thus, no comparable endogenous indicator of salience is available. As Epstein and Segal observe, since judges cannot be surveyed or interviewed about current cases, this is a problem that judicial scholars face that their counterparts in mass behaviour do not.<sup>35</sup> Some US Supreme Court scholars have relied on transcripts of oral arguments to determine salience<sup>36</sup>: a resource that is simply unavailable for the Indian Supreme Court. The only other possible endogenous measure of salience is citation (by way of approval or otherwise) of a case in future decisions. This measure is inappropriate, because it is heavily contingent on the nature of cases that arise before the court going forward. In the age of search engines<sup>37</sup>, where legal research tends to be highly targeted, placing reliance on future citations would stack the odds in favour of the cases that have analogues in the near future.

We therefore need to use an exogenous measure for case salience: one that acts as a proxy for the views of the judges. As with most other recent studies on case salience, I focus on political salience rather than legal salience. Media-based measures are the most common proxy for political case salience, since the views of newspaper editors, as elite actors, are likely to correspond with those of the judges.<sup>38</sup> Epstein and Segal's 'New York Times measure'<sup>39</sup> is the most widely accepted measure of political case salience for the US Supreme Court. According to this measure, political case salience is to be ascertained based on whether a decision (that is orally argued and decided with an opinion) is reported on the front page of the New York Times: (i) the day after it is handed down and (ii) as the lead (headlined) case in the story. Epstein and Segal note that since the New York Times is the most nationally oriented newspaper, this measure minimises regional biases. Further, it provides an indication of contemporaneous salience (salience as evaluated by the actors at the time of the event) rather than retrospective salience (an assessment of salience by elite actors with the benefit of hindsight).

<sup>33</sup> CHIEF JUSTICE OF INDIA, *RESTATEMENT OF VALUES OF JUDICIAL LIFE* (1997).

<sup>34</sup> Bar Council of India Rules, part VI, ch II, s I.

<sup>35</sup> Lee Epstein & Jeffrey A. Segal, *Measuring Issue Salience*, 44(1) AM. J. POL. SCIENCE 66, 67 (2000).

<sup>36</sup> Ryan C. Black, Amanda C. Bryan & Timothy R. Johnson, *An actor-based measure of issue salience: Information acquisition and the case of the United States Supreme Court*, in *ISSUE SALIENCE IN INTERNATIONAL POLITICS* 246 (Kai Opperman et al. eds., 2011).

<sup>37</sup> See Marina Lao, *Search, Essential Facilities, and the Antitrust Duty to Deal*, NORTHWESTERN J. OF TECH. & INTELL. PROPERTY 275, 280 (2013) ('...search engines help users locate information on the Internet on practically any topic [read case] no matter how obscure').

<sup>38</sup> Of course, as Lewis and Rose observe, '[i]f the broader public considers a case important, it is likely that the justices do as well' –Lewis & Rose, *supra* note 14, at 27, 28; See also Michael P. Fix, *Does Deference Depend on Distinction? Issue Salience and Judicial Decision-Making in Administrative Law Cases*, 35(2) JUSTICE SYSTEM J. 122, 128 (2014).

<sup>39</sup> Epstein & Segal, *supra* note 35, at 66.

Nevertheless, scholars have discovered inadequacies in the New York Times measure. The measure provides a binary account of salience: it only tells us whether or not a case is politically salient, and avoids questions of degree. It suffers from a 'multiple case day' bias: when the US Supreme Court hands down more than one decision on a single day, the decisions compete for the front page.<sup>40</sup> Then, there is the 'big news day' bias: on the day following a major national event or catastrophe, cases that would have otherwise made it to the front page would struggle to do so.<sup>41</sup> There also remain concerns about whether the measure is biased towards cases affecting regional interests.<sup>42</sup>

The Times of India, an English daily, is the most widely circulated newspaper in India amongst newspapers of all languages.<sup>43</sup> I will use the 'Times of India measure' for ascertaining the political salience of Indian Supreme Court decisions. By this measure, political case salience is determined according to the number of citations of a decision in all editions of the Times of India within one year from the date of the decision. Citation of a case may be in the form of a headline or an incidental citation. In other words, a news piece bearing the title 'The majoritarian Supreme Court' (citing a number of cases) and one bearing the title 'Supreme Court upholds anti-gay law' (citing one of those cases), would both be counted (equally) as a citation of the case which is common to the two articles. Citation anywhere across the newspaper, and whether in a 'news' piece or in an 'opinion' piece, is assigned equal weight. Further, citation may not necessarily be (and very often, is not) by the formal case name as it is found in the law reports.<sup>44</sup> Several citations of a case within the same news article are treated as a single citation. There are fifty city editions of the Times of India and very often, the same article is printed in multiple city editions. Therefore, 'duplicate' articles are excluded from the analysis: in other words, when the same article citing a Supreme Court decision is printed in several city editions, they are treated as a single citation.

This measure satisfies the six conditions laid down by Collins and Cooper for establishing a good measure of salience.<sup>45</sup> First, it is based on *contemporaneous* salience, since it considers citations of a case within a relatively short period of the event. By not considering citations after one year following

<sup>40</sup> Saul Brenner & Theodore S. Arrington, *Measuring Salience on the Supreme Court: A Research Note*, 43(1) JURIMETRICS 99, 103 (2002).

<sup>41</sup> *Id.*, 104. See also Vanessa Baird, ANSWERING THE CALL OF THE COURT: HOW JUSTICES AND LITIGANTS SET THE SUPREME COURT AGENDA 91 (2008).

<sup>42</sup> Black et al., *supra* note 36, at 242.

<sup>43</sup> This figure comes from the last report of the Audit Bureau of Circulations for 2013, which is available here: <http://www.auditbureau.org/news/view/17> (last visited May 5, 2015). The second and third positions belong to Hindi newspapers.

<sup>44</sup> For example, the case reported as *Nandini Sundar v. State of Chhattisgarh*, (2011) 13 SCC 46 (where the Supreme Court declared a state-aided civilian militia called 'salwa judum' unconstitutional and is generally referred to as the salwa judum case).

<sup>45</sup> Collins & Cooper, *supra* note 11, 3-4.

the decision, it avoids retrospective analyses made with the benefit of a long period of hindsight.<sup>46</sup> Second, it is *replicable*, since researchers have fairly easy access to the archives of the Times of India.<sup>47</sup> Third, it is easily *transportable* across different types of studies. Fourth, it reflects a *range of salience*. By employing a one-year (rather than a one-day) time scale, this measure avoids the problem faced by the New York Times measure. It allows us not only to determine whether a case is politically salient, but also how politically salient it is in comparison to other cases. Fifth, it reflects the *national mood*, a factor that judges anticipate in the decision-making process.<sup>48</sup> Sixth, it is free from *systematic biases*. The ‘big news day’ bias is largely avoided by considering citations not just on the front page, but also across the rest of the newspaper. The ‘multiple case day’ bias is also mitigated by the fact that decisions delivered on the same day have not a single page, but the whole of the newspaper to compete for - in other words, the pie is larger. Regional biases are restricted by the breadth of the Times of India’s coverage compared to that of other English newspapers.

In the Indian context, any media-based measure of this kind confronts an additional challenge: linguistic diversity. India is amongst the most linguistically diverse nations in the world. The Indian Constitution refers to 22 languages<sup>49</sup>, each of which has several dialects. This may lead us to question why an English newspaper should be used to measure political case salience. Yet, this difficulty does not seriously impact the Times of India measure. The proceedings of the Supreme Court are conducted, and its judgments delivered, exclusively in English. As a prominent journalist observed, English is ‘effectively the official language of the central government’.<sup>50</sup> English has traditionally been considered the language of the elites<sup>51</sup>, and thus, it is not inappropriate to consider citation in an English language newspaper as a proxy for cases that judges consider politically salient.

#### IV. APPLYING THE MEASURE: SALIENT CONSTITUTIONAL CASES FROM 2010-2013

I applied the Times of India measure to ascertain politically salient constitutional cases in the Supreme Court for four calendar years, from 2010 to 2013. My focus was on those constitutional cases that were not decided by

<sup>46</sup> Of course, considering citations over a longer period of time may be useful for a different kind of project – for example, one that looks at political salience in the historical context.

<sup>47</sup> The Times of India archives from 1986 onwards are available on Factiva. Archives from 2001 onwards are available on the Times of India website.

<sup>48</sup> Collins & Cooper, *supra* note 11, at 1, 4.

<sup>49</sup> INDIA CONST. Eighth Sched.

<sup>50</sup> Mark Tully, *Will English Kill Off India’s Languages?*, BBC NEWS, November 29, 2011.

<sup>51</sup> Krishna Sen, *Post-Colonialism, Globalism, Nativism: Reinventing English in a Post-Colonial Space*, in *IDENTITY IN CROSSROAD CIVILISATIONS* 117 (Erich Kolig et al. eds., 2009).

constitution benches. In order to do this, I used the Manupatra legal search engine's classification to shortlist 'constitutional' cases. The more appropriate methodology would have been to look at all the Supreme Court decisions during this period and to self-classify the 'constitutional' amongst them based on specific criteria. This was, however, unfeasible because of the enormous case load of the Supreme Court. Manupatra results shows over 97000 decisions taken by the Supreme Court in this period, and this is almost certainly an underestimate. The best alternative, therefore, was to rely on Manupatra's classification of constitutional cases as a starting point. This did cause some problems associated with excluding cases that might have been considered constitutional<sup>52</sup> and including others whose link to constitutional law was tenuous. Nevertheless, such cases were mostly marginal, and it is unlikely that the 'mistaken' exclusions or inclusions would significantly affect my findings. My research takes into account both judgments and orders of the Supreme Court during this period. The reason for not focusing on judgments of the Supreme Court alone is that the Court deals with many cases by passing short interim orders rather than final, conclusive judgments - a strategy which enables it to supervise implementation of its decisions.<sup>53</sup> Excluding this category would have amounted to overlooking an important part of the Court's constitutional activity.

Before moving to the findings of my research, it is worth considering another methodological issue. As I mentioned earlier, the Times of India measure *counts* references to cases through terminology other than the reported case title. This is essential, since the Times of India reports cases for public consumption, and often does not refer to them by their formal case names. This meant that the process of searching for Times of India citations was far from linear. Depending on the case being searched for, combinations of search terms, and very often multiple searches, were relied upon. The process was relatively straightforward for some cases. For example, it seemed implausible that the judgment<sup>54</sup> in which the Supreme Court declared a state-aided civilian militia called 'salwa judum' unconstitutional could be reported without the words 'Supreme Court' and 'salwa judum'. It was undoubtedly more challenging for other cases which did not afford such obvious search terms - in such cases, I relied on multiple searches with different search term combinations in order to minimise inaccuracies.

<sup>52</sup> The notable exclusion was the Supreme Court's judgment in the narco-analysis case *Selvi v. State of Karnataka*, (2010) 7 SCC 263, which Manupatra does not classify as constitutional.

<sup>53</sup> Well known examples are the right to food case (see *People's Union for Civil Liberties v. Union of India*, (2011) 14 SCC 561), the night shelters case (see *People's Union for Civil Liberties v. Union of India*, (2011) 15 SCC 289) and the exploitation of children in orphanages case (see *Exploitation of Children in Orphanages in State of T.N., In re*, (2011) 15 SCC 348). For commentary, see SANDRA FREDMAN, *HUMAN RIGHTS TRANSFORMED* ch 5 (2008).

<sup>54</sup> *Nandini Sundar v. State of Chhattisgarh*, (2011) 13 SCC 46.

Results on Manupatra showed that, excluding constitution bench decisions, the Supreme Court decided 251 cases classified as constitutional between 2010 and 2013. These cases are set out in Table 1 of the Appendix. Of these, a vast majority (209) were decided by two-judge benches and 42 were decided by three-judge benches. My findings show that there are significant variations in the number of Times of India citations for the decisions examined (and thus, major variations in the levels of political salience). Perhaps the first important statistic to note, however; is that a majority of Supreme Court constitutional decisions (58%) were never cited. This indicates that a majority of the Court's small-bench constitutional decisions fall into obscurity, without notice or acknowledgement. The Indian Supreme Court's huge caseload suggests that cases are not salient merely because they have reached that Court.<sup>55</sup> Thus, in a relative sense, the 58% of cases that were never cited need to be considered in this context.

On the other hand, the decisions that were most politically salient, at the top end of the scale, were cited remarkably often – in some cases, by more than one article a day on average. Four cases, less than 2% of the sample set, received more than 100 citations. The '2G Spectrum Case'<sup>56</sup>, in which the Supreme Court cancelled several telecom licenses on the basis that they were awarded arbitrarily, received the most citations, at 477. This is unsurprising, since the wrongdoing brought to light by the case became an intensely political election issue running up to the general elections of 2014. The Supreme Court's anti-gay rights judgment in *Suresh Kumar Koushal v. Naz Foundation*<sup>57</sup> (reversing a Delhi High Court decision reading down sodomy legislation) came in second, with 386 cites. The third most salient case from the sample set was *Devender Pal Singh Bhullar v. State (NCT of Delhi)*<sup>58</sup>, one of the most well-funded death penalty cases in the Supreme Court. This was another politically charged case in which the Court refused to commute the death sentence of a convicted terrorist, holding that, for those convicted of terrorist offences, undue delay in the execution of a death sentence could not be one of the factors to be taken into consideration for commutation. The fourth most politically salient case, and the last case with over a hundred cites, was the decision<sup>59</sup> upholding the constitutional validity of the Right to Free and Compulsory Education Act 2009, with 114 cites.

<sup>55</sup> Contrast this with the US Supreme Court – Tom S. Clark, Jeffrey R. Lax & Douglas Rice, *Measuring the Political Salience of Supreme Court Cases*, 3(1) J. L. & COURTS 37 (2015).

<sup>56</sup> Reported as *Centre for Public Interest Litigation v. Union of India*, (2012) 3 SCC 1 : AIR 2012 SC 3725.

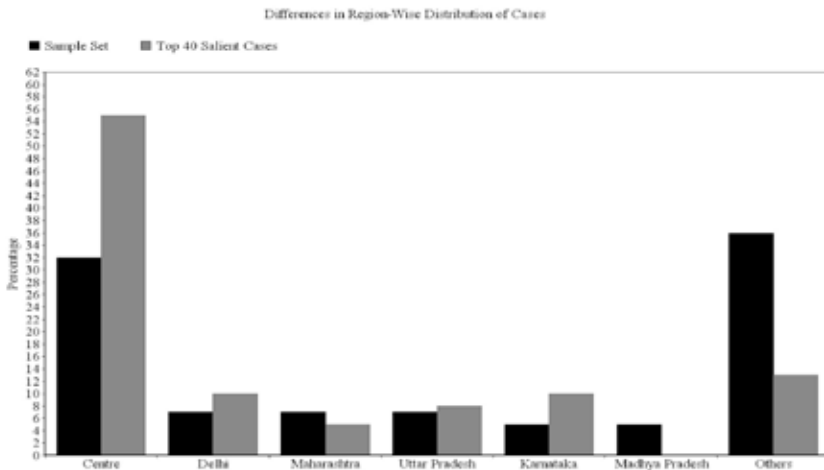
<sup>57</sup> (2014) 1 SCC 1 : AIR 2014 SC 563.

<sup>58</sup> (2013) 6 SCC 195 : AIR 2013 SC 1975.

<sup>59</sup> *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1 : AIR 2012 SC 3445.

Overall, 40 decisions (about 16%) of the 251 examined were cited on five or more occasions in the Times of India within one year – these are set out in Table 2 of the Appendix. Some of these were orders rather than judgments, including: (i) a decision issuing directions for regulating the sale of acid (cited 24 times)<sup>60</sup> (ii) a decision prohibiting the President of the Cricket Board from assuming responsibilities in the event of his re-election (cited 10 times)<sup>61</sup> (iii) a decision requiring the central government to reserve food grains for distribution to districts most affected by poverty (cited 5 times).<sup>62</sup>

I also examined the regional distribution and subject-wise distribution of politically salient cases. In order to do this, my focus was on comparing the distribution within the 40 most politically salient cases, cited on five or more occasions, with that in the whole sample set. This technique was used in order to minimise possible biases associated with Manupatra's classification of constitutional cases.



**Figure 1:** Difference in Region-Wise Distribution of Cases

The sample set contained 81 cases (32%) which I classified as ‘central’, dealing with federal issues or matters affecting more than a single state.<sup>63</sup> Delhi (7%) and large states (Maharashtra – 7%, Uttar Pradesh – 7%, Madhya Pradesh – 5%, Karnataka – 5%) were next in line. However, amongst the 40

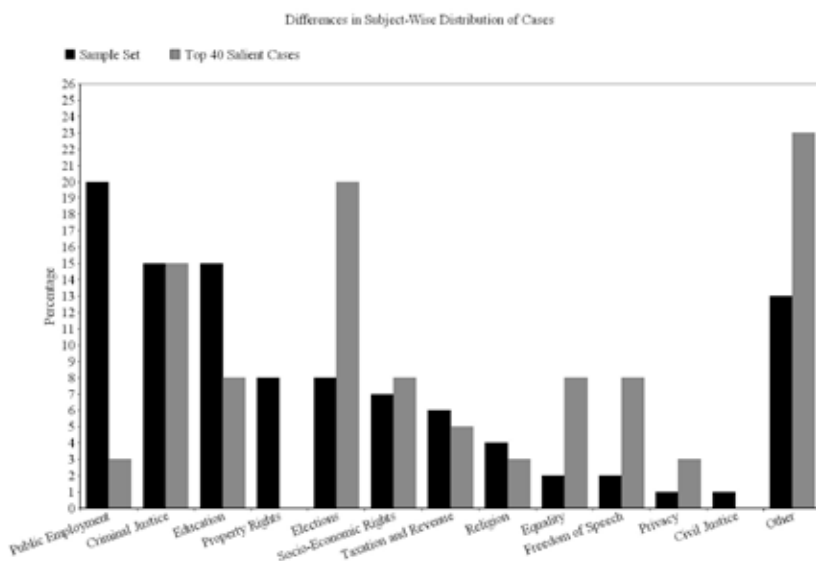
<sup>60</sup> *Laxmi v. Union of India*, (2014) 4 SCC 427.

<sup>61</sup> *Cricket Assn. of Bihar v. Board of Control for Cricket in India*, (2014) 7 SCC 394.

<sup>62</sup> *People's Union for Civil Liberties (PDS Matters) v. Union of India*, (2013) 2 SCC 684.

<sup>63</sup> Where the Supreme Court was hearing an appeal from a single High Court, I classified the case as belonging to the state from which the appeal arose. Where appeals from more than one High Court were clubbed together, I classified the case as central.

most politically salient cases, 22 (55%) were central cases – a sharp proportionate rise from the sample set. While cases from other regions constituted 36 percent of the sample set, they were only 13 percent of the top 40 salient cases. These figures suggest that the Supreme Court considers those matters that affect wider national interests most politically salient. Other regional distribution figures remained relatively stable, except that not a single of the top 40 cases was from Madhya Pradesh, while the proportion of Karnataka cases in the top 40 doubled. A tabular representation of the region wise distribution of cases can be found in Table 3 of the Appendix.



**Figure 2:** Differences in Subject-Wise Distribution of Cases

The cases in the sample set were also classified by subject. The subject-wise distribution of politically salient cases gave rise to some interesting findings (a tabular representation of these can be found in Table 4 of the Appendix). The highest proportion of cases in the sample set were in the public employment category – often labelled as “service law” cases (20%), followed by criminal justice and education (15% each). The sample set was replete with cases filed by employees of government departments or government-controlled companies about their appointment, promotion and terms of service. However, the proportion of public employment cases in the top 40 salient cases was drastically lower, at just 3%. These figures indicate that although

public employment cases form a staple part of the Supreme Court's constitutional docket, a large proportion of them tend not to be politically significant or garner public attention. This resonates with the Supreme Court's description of such cases many years previously: "questions concerning wages and the like, mundane they may be, are yet matters of vital concern to [those that bring] them and it is there, if at all that the equality clauses of the Constitution have any significance to them."<sup>64</sup> The proportion of property rights cases and education cases also fell from the sample set to the top 40 salient cases.

On the other hand, the proportion of election cases rose drastically from the sample set, of which they were 8%, to the top 40 politically salient cases, of which they were 20%. These figures give us a useful glimpse of the Supreme Court's role in the Indian political context. Although the Court's education and socio-economic rights jurisprudence is widely acclaimed, it still remains central to democratic discourse in India – deciding, for example, whether elections are valid, who can contest them, and how they ought to be contested. The numbers suggest that the Supreme Court's electoral jurisprudence tends to figure very prominently amongst the politically salient cases that the Court decides. Free speech cases, which comprised only 2% of the sample set, figured more prominently amongst the top 40 politically salient cases (8%).

## V. CONCLUSION

The Indian Supreme Court is no longer transparent about which cases on its docket are, in a relative sense, salient. The absence of a measure of salience - legal or political - has been an impediment to scholarly research on the Supreme Court, particularly since the decline of constitution benches. This article has sought to devise a measure to ascertain the political salience of Indian Supreme Court judgments. There is, of course, no uniform measure for salience and the measure that researchers rely on should depend on the nature and purpose of the project undertaken. Experience from United States also shows that developing a robust measure of salience is an incremental exercise, so this article may be a step in that direction.

Measuring political case salience will effectively enable us to better understand the Indian Supreme Court. Political case salience based on the Times of India measure bears the potential of being an important heuristic tool for constitutional scholarship. It will open up a universe of possibilities for both 'intra' and 'inter' studies. 'Inter' studies could consider, for example, whether legal argument plays a greater or lesser role in salient cases, whether precedents are harder or easier to dislodge in salient cases, whether unanimity is more (or less) likely in salient cases, and whether the Chief Justice's participation proportionately increases for salient cases. 'Intra' studies, on the

<sup>64</sup> *Randhir Singh v. Union of India*, (1982) 1 SCC 618 : AIR 1982 SC 879, ¶ 8.

other hand, could examine matters such as whether judges behave differently amongst salient cases across different subjects. To avoid the charge of cherry picking that is now only too familiar to the Indian constitutional scholar, contemporary research that develops a narrative of the Supreme Court's functioning must take the Court's politically salient decisions into account.

## VI. APPENDIX

**Table 1:** Sample Set

| Case                                                                                             | Subject              | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|--------------------------------------------------------------------------------------------------|----------------------|------------------|------------------------------------------|
| <b>2010</b>                                                                                      |                      |                  |                                          |
| <i>A.D.N. Bajpai v. State of M.P.</i> , Civil Appeal No. 471 of 2010, decided on 12-1-2010 (SC)  | Education            | Madhya Pradesh   | 0                                        |
| <i>Union of India v. Rakesh Kumar</i> , (2010) 4 SCC 50 : AIR 2010 SC 3244                       | Other                | Jharkhand        | 1                                        |
| <i>Sharda Kailash Mittal v. State of M.P.</i> , (2010) 2 SCC 319 : AIR 2010 SC 3450              | Other                | Madhya Pradesh   | 0                                        |
| <i>State of Uttaranchal v. Balwant Singh Chauhan</i> , (2010) 3 SCC 402 : AIR 2010 SC 2550       | Public Employment    | Uttaranchal      | 0                                        |
| <i>G. Vallikumari v. Andhra Education Society</i> , (2010) 2 SCC 497 : AIR 2010 SC 1105          | Public Employment    | Delhi            | 0                                        |
| <i>Manish Goel v. Robini Goel</i> , (2010) 4 SCC 393 : AIR 2010 SC 1099                          | Religion             | Delhi            | 0                                        |
| <i>Sarva U.P. Gramin Bank v. Manoj Kumar Sinha</i> , (2010) 3 SCC 556 : AIR 2010 SC 2491         | Public Employment    | Uttar Pradesh    | 0                                        |
| <i>Dr. Zakir Hussain Primary Teachers Training College v. State of Bihar</i> , (2010) 12 SCC 517 | Education            | Bihar            | 0                                        |
| <i>M. Nagaraj v. Union of India</i> , (2010) 12 SCC 526                                          | Public Employment    | Karnataka        | 0                                        |
| <i>Mohd. Shahabuddin v. State of Bihar</i> , (2010) 4 SCC 653                                    | Criminal Justice     | Bihar            | 3                                        |
| <i>Exploitation of Children in Orphanages in State of T.N., In re</i> , (2010) 15 SCC 297        | Criminal Justice     | Tamil Nadu       | 0                                        |
| <i>Jenany J.R. v. S. Rajeevan</i> , (2010) 5 SCC 798 : AIR 2010 SC 1622                          | Public Employment    | Kerala           | 0                                        |
| <i>MRF Ltd. v. Manohar Parrikar</i> , (2010) 11 SCC 374                                          | Taxation and Revenue | Maharashtra      | 0                                        |

<sup>65</sup> Source: Factiva.

| Case                                                                                                        | Subject                 | State/<br>Region      | Times<br>of India<br>Cites <sup>65</sup> |
|-------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------|------------------------------------------|
| <i>Goa Glass Fibre Ltd. v. State of Goa</i> , (2010) 6 SCC 499                                              | Taxation<br>and Revenue | Maharashtra           | 0                                        |
| <i>State of Orissa v. State of A.P.</i> , (2010) 5 SCC 674                                                  | Property<br>Rights      | Centre                | 0                                        |
| <i>A.K. Behera v. Union of India</i> , (2010) 11 SCC 322                                                    | Public<br>Employment    | Centre                | 0                                        |
| <i>Mohd. Ashif v. State of Bihar</i> , (2010) 5 SCC 475                                                     | Public<br>Employment    | Bihar                 | 0                                        |
| <i>All India Railway Recruitment Board v. K. Shyam Kumar</i> , (2010) 6 SCC 614                             | Public<br>Employment    | Andhra<br>Pradesh     | 1                                        |
| <i>Cannanore District Muslim Educational Assn. v. State of Kerala</i> , (2010) 6 SCC 373 : AIR 2010 SC 1955 | Education               | Kerala                | 0                                        |
| <i>Union of India v. B. Anil Kumar</i> , (2010) 6 SCC 419                                                   | Public<br>Employment    | Andhra<br>Pradesh     | 0                                        |
| <i>T. Narasimhulu v. State of A.P.</i> , (2010) 6 SCC 545                                                   | Public<br>Employment    | Andhra<br>Pradesh     | 0                                        |
| <i>Neeti Malviya v. Rakesh Malviya</i> , (2010) 6 SCC 413                                                   | Religion                | Centre                | 0                                        |
| <i>Rajasthan Pradesh Vaidya Samiti v. Union of India</i> , (2010) 12 SCC 609 : AIR 2010 SC 2221             | Other                   | Centre                | 1                                        |
| <i>Fuljit Kaur v. State of Punjab</i> , (2010) 11 SCC 455 : AIR 2010 SC 1937                                | Property<br>Rights      | Punjab and<br>Haryana | 1                                        |
| <i>Indu Bhushan Dwivedi v. State of Jharkhand</i> , (2010) 11 SCC 278 : AIR 2010 SC 2472                    | Public<br>Employment    | Jharkhand             | 0                                        |
| <i>U.P. Land Development Corpn. v. Mohd. Khursheed Anwar</i> , (2010) 7 SCC 739 : AIR 2010 SC 2287          | Public<br>Employment    | Uttar<br>Pradesh      | 0                                        |
| <i>Charanjit Lamba v. Army Southern Command</i> , (2010) 11 SCC 314 : AIR 2010 SC 2462                      | Public<br>Employment    | Maharashtra           | 0                                        |
| <i>Union of India v. Jagdish Pandey</i> , (2010) 7 SCC 689 : AIR 2010 SC 3019                               | Public<br>Employment    | West Bengal           | 0                                        |
| <i>Sanatan Naskar v. State of W.B.</i> , (2010) 8 SCC 249 : AIR 2010 SC 3570                                | Criminal<br>Justice     | West Bengal           | 0                                        |
| <i>Malayala Manorama Co. Ltd. v. CCT</i> , (2010) 11 SCC 758                                                | Taxation<br>and Revenue | Kerala                | 0                                        |
| <i>Amicus Curiae v. Prashant Bhushan</i> , (2010) 7 SCC 592                                                 | Freedom of<br>Speech    | Centre                | 1                                        |

| Case                                                                                                   | Subject               | State/<br>Region   | Times<br>of India<br>Cites <sup>65</sup> |
|--------------------------------------------------------------------------------------------------------|-----------------------|--------------------|------------------------------------------|
| <i>Mohd. Ayub Dar v. State of J&amp;K</i> , (2010) 9 SCC 312 : AIR 2010 SC 2864                        | Criminal Justice      | Jammu and Kashmir  | 2                                        |
| <i>Mahatma Gandhi University v. Sherin</i> , Civil Appeal No. 5894 of 2010, decided on 23-7-2010 (SC)  | Education             | Kerala             | 0                                        |
| <i>Musamiya Imam Haiderbux Rizvi v. State of Gujarat</i> , (2010) 13 SCC 752                           | Property Rights       | Gujarat            | 0                                        |
| <i>State of Karnataka v. M.L. Kesari</i> , (2010) 9 SCC 247 : AIR 2010 SC 2587                         | Public Employment     | Karnataka          | 0                                        |
| <i>Satimbla Sharma v. St Paul's Senior Secondary School</i> , (2011) 13 SCC 760                        | Public Employment     | Himachal Pradesh   | 0                                        |
| <i>State of Assam v. Union of India</i> , (2010) 10 SCC 408                                            | Other                 | Centre             | 2                                        |
| <i>Exploitation of Children in Orphanages, In re</i> , (2014) 2 SCC 180                                | Criminal Justice      | Tamil Nadu         | 1                                        |
| <i>M. Chandra v. M. Thangamuthu</i> , (2010) 9 SCC 712 : AIR 2011 SC 146                               | Elections             | Tamil Nadu         | 1                                        |
| <i>Punjab National Bank v. K.K. Verma</i> , (2010) 13 SCC 494 : AIR 2011 SC 120                        | Public Employment     | Punjab and Haryana | 0                                        |
| <i>Voice of India v. Union of India</i> , Writ Petition (Civil) 263 of 2010, decided on 20-9-2010 (SC) | Socio-economic rights | Centre             | 1                                        |
| <i>Villayati Ram Mittal (P) Ltd. v. Union of India</i> , (2010) 10 SCC 532 : AIR 2011 SC 301           | Taxation and Revenue  | Delhi              | 0                                        |
| <i>R.D. Gardi Medical College v. State of M.P.</i> , (2010) 10 SCC 225                                 | Education             | Madhya Pradesh     | 0                                        |
| <i>Samjuben Gordhanbhai Koli v. State of Gujarat</i> , (2010) 13 SCC 466                               | Criminal Justice      | Gujarat            | 0                                        |
| <i>State of Uttaranchal v. Sandeep Kumar Singh</i> , (2010) 12 SCC 794                                 | Public Employment     | Uttaranchal        | 0                                        |
| <i>Mahamudul Hassan v. Union of India</i> , (2010) 15 SCC 239                                          | Criminal Justice      | Centre             | 0                                        |
| <i>State of Punjab v. Viney Kumar Khullar</i> , (2010) 13 SCC 481                                      | Education             | Punjab and Haryana | 0                                        |
| <i>State of U.P. v. Bhupendra Nath Tripathi</i> , (2010) 13 SCC 203 : AIR 2011 SC 63                   | Education             | Uttar Pradesh      | 0                                        |
| <i>Prakash Singh v. Union of India</i> , (2011) 14 SCC 26                                              | Criminal Justice      | Centre             | 1                                        |
| <i>Mehar Singh Saini, In re</i> , (2010) 13 SCC 586                                                    | Public Employment     | Centre             | 0                                        |

| Case                                                                                        | Subject                      | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|---------------------------------------------------------------------------------------------|------------------------------|------------------|------------------------------------------|
| <i>Transport &amp; Dock Workers Union v. Mumbai Port Trust</i> , (2011) 2 SCC 575           | Public<br>Employment         | Maharashtra      | 1                                        |
| <i>Ram Deo Chauhan v. Bani Kanta Das</i> , (2010) 14 SCC 209 : AIR 2011 SC 615              | Criminal<br>Justice          | Centre           | 0                                        |
| <i>Budha Prathmik Technical Training College v. State of Bihar</i> , (2010) 13 SCC 572      | Education                    | Bihar            | 0                                        |
| <i>Geeta v. State of U.P.</i> , (2010) 13 SCC 678 : AIR 2011 SC 414                         | Elections                    | Uttar<br>Pradesh | 0                                        |
| <i>State of U.P. v. Sangam Nath Pandey</i> , (2011) 2 SCC 105                               | Public<br>Employment         | Uttar<br>Pradesh | 0                                        |
| <i>Centre for Environment and Food Security v. Union of India</i> , (2011) 5 SCC 668        | Socio-<br>economic<br>Rights | Centre           | 3                                        |
| <i>D.N. Jeevaraju v. D. Sudhakar</i> , (2010) 14 SCC 69 : AIR 2011 SC 1158                  | Elections                    | Karnataka        | 1                                        |
| <b>2011</b>                                                                                 |                              |                  |                                          |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 14 SCC 349             | Socio-<br>economic<br>Rights | Centre           | 0                                        |
| <i>Shanker Raju v. Union of India</i> , (2011) 2 SCC 132                                    | Public<br>Employment         | Centre           | 0                                        |
| <i>People's Union for Civil Liberties (I) v. Union of India</i> , (2011) 14 SCC 721         | Socio-<br>economic<br>rights | Centre           | 0                                        |
| <i>Exploitation of Children in Orphanages in State of T.N., In re</i> , (2011) 15 SCC 348   | Education                    | Centre           | 0                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 14 SCC 561             | Socio-<br>economic<br>Rights | Centre           | 0                                        |
| <i>Environmental &amp; Consumer Protection Foundation v. Delhi Admn.</i> , (2011) 13 SCC 48 | Education                    | Centre           | 0                                        |
| <i>Bhim Singh v. Union of India</i> , (2011) 13 SCC 94                                      | Criminal<br>Justice          | Centre           | 0                                        |
| <i>Safai Karamchari Andolan v. Union of India</i> , (2011) 15 SCC 606                       | Equality                     | Centre           | 1                                        |

| Case                                                                                                                          | Subject               | State/<br>Region   | Times<br>of India<br>Cites <sup>65</sup> |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------|------------------------------------------|
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 15 SCC 289                                               | Socio-economic rights | Centre             | 0                                        |
| <i>Nandini Sundar v. State of Chhattisgarh</i> , (2011) 13 SCC 46                                                             | Criminal Justice      | Chhattisgarh       | 1                                        |
| <i>Centre for PIL v. Union of India</i> , (2011) 15 SCC 533                                                                   | Religion              | Centre             | 0                                        |
| <i>Aruna Ramachandra Shanbaug v. Union of India</i> , (2011) 4 SCC 524                                                        | Other                 | Centre             | 1                                        |
| <i>Prafull Goradia v. Union of India</i> , (2011) 2 SCC 568                                                                   | Religion              | Centre             | 1                                        |
| <i>National Council for Teacher Education v. Shri Shyam Shiksha Prashikshan Sansthan</i> , (2011) 3 SCC 238 : AIR 2011 SC 932 | Education             | Rajasthan          | 0                                        |
| <i>Joydeep Mukharjee v. State of W.B.</i> , (2011) 2 SCC 706 : AIR 2011 SC 1169                                               | Property Rights       | West Bengal        | 0                                        |
| <i>State of Orissa v. Mamata Mohanty</i> , (2011) 3 SCC 436                                                                   | Public Employment     | Orissa             | 0                                        |
| <i>Zafaruddin Khan v. Aligarh Muslim University</i> , (2011) 14 SCC 127                                                       | Education             | Uttar Pradesh      | 0                                        |
| <i>Narayan Dutt v. State of Punjab</i> , (2011) 4 SCC 353 : AIR 2011 SC 1216                                                  | Criminal Justice      | Punjab and Haryana | 4                                        |
| <i>Exploitation of Children in Orphanages in State of T.N., In re</i> , (2011) 15 SCC 350                                     | Education             | Centre             | 0                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 12 SCC 673                                               | Socio-economic Rights | Centre             | 0                                        |
| <i>State of U.P. v. Bharat Singh</i> , (2011) 4 SCC 120                                                                       | Public Employment     | Uttar Pradesh      | 0                                        |
| <i>LIC v. Suresh Kumar</i> , (2011) 7 SCC 491                                                                                 | Civil Justice         | Rajasthan          | 0                                        |
| <i>Ranjana Mishra v. State of Bihar</i> , (2011) 4 SCC 192 : AIR 2011 SC 1383                                                 | Education             | Bihar              | 0                                        |
| <i>Centre for Environment &amp; Food Security v. Union of India</i> , (2011) 14 SCC 252                                       | Other                 | Orissa             | 0                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 14 SCC 393                                               | Socio-economic Rights | Centre             | 0                                        |
| <i>Suraz India Trust v. Union of India</i> , (2012) 13 SCC 497                                                                | Public Employment     | Centre             | 2                                        |

| Case                                                                                                    | Subject               | State/<br>Region   | Times<br>of India<br>Cites <sup>65</sup> |
|---------------------------------------------------------------------------------------------------------|-----------------------|--------------------|------------------------------------------|
| <i>State of Uttaranchal v. Golden Forest Co. (P) Ltd.</i> , (2011) 15 SCC 127 : AIR 2011 SC 1723        | Property Rights       | Uttar Pradesh      | 0                                        |
| <i>Union of India v. Tania Construction (P) Ltd.</i> , (2011) 5 SCC 697                                 | Property Rights       | Bihar              | 0                                        |
| <i>Ajfal Imam v. State of Bihar</i> , (2011) 5 SCC 729                                                  | Public Employment     | Bihar              | 0                                        |
| <i>Amrik Singh Lyallpuri v. Union of India</i> , (2011) 6 SCC 535                                       | Civil Justice         | Delhi              | 0                                        |
| <i>NOIDA Entrepreneurs Assn. v. NOIDA</i> , (2011) 6 SCC 508 : AIR 2011 SC 2112                         | Criminal Justice      | Uttar Pradesh      | 2                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2011) 14 SCC 556                         | Socio-economic rights | Centre             | 0                                        |
| <i>State of M.P. v. Narmada Bachao Andolan</i> , (2011) 7 SCC 639 : AIR 2011 SC 1989                    | Property Rights       | Madhya Pradesh     | 3                                        |
| <i>APM Terminals B.V. v. Union of India</i> , (2011) 6 SCC 756                                          | Taxation and Revenue  | Maharashtra        | 1                                        |
| <i>Amar Singh v. Union of India</i> , (2011) 7 SCC 69                                                   | Right to Privacy      | Centre             | 11                                       |
| <i>Indian Medical Assn. v. Union of India</i> , (2011) 7 SCC 179 : AIR 2011 SC 2365                     | Education             | Delhi              | 3                                        |
| <i>Balchandra L. Jarkiholi v. B.S. Yeddyurappa</i> , (2011) 7 SCC 1                                     | Elections             | Karnataka          | 41                                       |
| <i>Democratic Youth Federation of India v. Union of India</i> , (2011) 15 SCC 530                       | Socio-economic rights | Centre             | 17                                       |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2013) 2 SCC 684                          | Socio-economic rights | Centre             | 5                                        |
| <i>State of Punjab v. Nirbhay Singh</i> , (2011) 15 SCC 494                                             | Other                 | Punjab and Haryana | 2                                        |
| <i>Rahul Kumar v. State of Jharkhand</i> , SLP (Crl.) CRLMP No. 11342 of 2011, decided on 1-6-2011 (SC) | Criminal Justice      | Jharkhand          | 0                                        |
| <i>Ajay K. Agrawal v. Manmohan Singh</i> , (2011) 14 SCC 700                                            | Freedom of Speech     | Delhi              | 16                                       |
| <i>Ram Jethmalani v. Union of India</i> , (2011) 8 SCC 1                                                | Right to Privacy      | Centre             | 63                                       |
| <i>Nandini Sundar v. State of Chhattisgarh</i> , (2011) 7 SCC 547 : AIR 2011 SC 2839                    | Criminal Justice      | Chhattisgarh       | 68                                       |

| Case                                                                                                                        | Subject              | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------|------------------|------------------------------------------|
| <i>Barot Vijaykumar Balakrishna v. Modh Vinaykumar Dasrathlal</i> , (2011) 7 SCC 308 : AIR 2011 SC 2829                     | Public Employment    | Gujarat          | 0                                        |
| <i>P.D. Dinakaran v. Hon'ble Judges Inquiry Committee</i> , (2011) 15 SCC 402 : AIR 2011 SC 3711                            | Public Employment    | Karnataka        | 7                                        |
| <i>Delhi Jal Board v. National Campaign for Dignity &amp; Rights of Sewerage &amp; Allied Workers</i> , (2011) 8 SCC 568    | Other                | Delhi            | 1                                        |
| <i>Mohd. Hamid v. Badi Masjid Trust</i> , (2011) 13 SCC 61                                                                  | Other                | Maharashtra      | 2                                        |
| <i>Narmada Bachao Andolan v. State of M.P.</i> , (2011) 12 SCC 333 : AIR 2011 SC 3199                                       | Property Rights      | Madhya Pradesh   | 0                                        |
| <i>Eastern Coalfields Ltd. v. Tetulia Coke Plant (P) Ltd.</i> , (2011) 14 SCC 624                                           | Taxation and Revenue | West Bengal      | 0                                        |
| <i>Exploitation of Children in Orphanages in Tamil Nadu, In re</i> , (2011) 15 SCC 500                                      | Education            | Tamil Nadu       | 0                                        |
| <i>Puneet Gulati v. State of Kerala</i> , (2011) 12 SCC 722 : AIR 2011 SC 3571                                              | Education            | Kerala           | 0                                        |
| <i>P.V. Indiresan (2) v. Union of India</i> , (2011) 8 SCC 441                                                              | Education            | Delhi            | 4                                        |
| <i>Prakash Jha Productions v. Union of India</i> , (2011) 8 SCC 372                                                         | Freedom of Speech    | Uttar Pradesh    | 13                                       |
| <i>P. Parthasarathy v. State of Karnataka</i> , (2011) 12 SCC 183                                                           | Property Rights      | Karnataka        | 0                                        |
| <i>Federation of A.P. Minority Educational Institutions v. Admission &amp; Fee Regulatory Committee</i> , (2011) 12 SCC 358 | Education            | Andhra Pradesh   | 0                                        |
| <i>State of Rajasthan v. Sanyam Lodha</i> , (2011) 13 SCC 262                                                               | Criminal Justice     | Rajasthan        | 0                                        |
| <i>P.D. Dinakaran (2) v. Judges Inquiry Committee</i> , (2011) 8 SCC 474 : AIR 2011 SC 3777                                 | Public Employment    | Karnataka        | 2                                        |
| <i>Mohd. Murtaza v. State of Assam</i> , (2011) 12 SCC 413                                                                  | Property Rights      | Gauhati          | 3                                        |
| <i>State of Maharashtra v. Vijay C. Puljal</i> , (2012) 10 SCC 599                                                          | Property Rights      | Centre           | 0                                        |
| <i>Union of India v. J.D. Suryavanshi</i> , (2011) 13 SCC 167 : AIR 2011 SC 3605                                            | Other                | Madhya Pradesh   | 0                                        |

| Case                                                                                                | Subject               | State/<br>Region   | Times<br>of India<br>Cites <sup>65</sup> |
|-----------------------------------------------------------------------------------------------------|-----------------------|--------------------|------------------------------------------|
| <i>Friends of Victoria Memorial v. Howrah Ganatantrik Nagarik Samity</i> , (2011) 13 SCC 55         | Other                 | West Bengal        | 3                                        |
| <i>State of Punjab v. State of Haryana</i> , (2011) 12 SCC 726                                      | Property Rights       | Punjab and Haryana | 0                                        |
| <i>Ram Jethmalani v. Union of India</i> , (2011) 9 SCC 751                                          | Taxation and Revenue  | Centre             | 4                                        |
| <i>State of H.P. v. Union of India</i> , (2011) 13 SCC 344                                          | Other                 | Centre             | 6                                        |
| <i>Sampurna Behura v. Union of India</i> , (2011) 9 SCC 801                                         | Criminal Justice      | Centre             | 0                                        |
| <i>Union of India v. Nitdip Textile Processors (P) Ltd.</i> , (2012) 1 SCC 226                      | Taxation and Revenue  | Gujarat            | 1                                        |
| <b>2012</b>                                                                                         |                       |                    |                                          |
| <i>V.K. Naswa v. Union of India</i> , (2012) 2 SCC 542                                              | Other                 | Centre             | 6                                        |
| <i>Virendra Pratap v. Union of India</i> , (2012) 11 SCC 764                                        | Elections             | Centre             | 4                                        |
| <i>West U.P. Sugar Mills Assn. v. State of U.P.</i> , (2012) 2 SCC 773                              | Other                 | Uttar Pradesh      | 1                                        |
| <i>Rameshbhai Dabhai Naika v. State of Gujarat</i> , (2012) 3 SCC 400                               | Religion              | Gujarat            | 2                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2012) 12 SCC 357                     | Socio-economic rights | Centre             | 1                                        |
| <i>Bangalore Development Authority v. Aircraft Employees' Coop. Society Ltd.</i> , (2012) 3 SCC 442 | Other                 | Karnataka          | 0                                        |
| <i>Sudhakar (2) v. D.N. Jeevaraju</i> , (2012) 2 SCC 708                                            | Elections             | Karnataka          | 6                                        |
| <i>Jeevan Chandrabhan Idnani v. Divl. Commr.</i> , (2012) 2 SCC 794 : AIR 2012 SC 1210              | Elections             | Maharashtra        | 0                                        |
| <i>Centre for Public Interest Litigation v. Union of India</i> , (2012) 3 SCC 1 : AIR 2012 SC 3725  | Taxation and Revenue  | Centre             | 477                                      |
| <i>Ramlila Maidan Incident, In re</i> , (2012) 5 SCC 1                                              | Freedom of speech     | Delhi              | 45                                       |
| <i>K.B. Nagur v. Union of India</i> , (2012) 4 SCC 483 : AIR 2012 SC 1774                           | Other                 | Centre             | 0                                        |

| Case                                                                                                               | Subject               | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|--------------------------------------------------------------------------------------------------------------------|-----------------------|------------------|------------------------------------------|
| <i>Postmaster General v. Living Media India Ltd.</i> , (2012) 3 SCC 563 : AIR 2012 SC 1506                         | Other                 | Delhi            | 1                                        |
| <i>Karuna Singh v. State (NCT of Delhi)</i> , (2012) 5 SCC 407 : AIR 2012 SC 2814                                  | Criminal Justice      | Delhi            | 0                                        |
| <i>Society for Unaided Private Schools of Rajasthan v. Union of India</i> , (2012) 6 SCC 1 : AIR 2012 SC 3445      | Education             | Centre           | 114                                      |
| <i>U.P. Power Corpn. Ltd. v. Rajesh Kumar</i> , (2012) 7 SCC 1 : AIR 2012 SC 2728                                  | Employment            | Uttar Pradesh    | 33                                       |
| <i>Avishek Goenka v. Union of India</i> , (2012) 5 SCC 321                                                         | Criminal Justice      | Centre           | 79                                       |
| <i>Tejas Constructions &amp; Infrastructure (P) Ltd. v. Municipal Council, Sendhwa</i> , (2012) 6 SCC 464          | Property Rights       | Madhya Pradesh   | 0                                        |
| <i>Union of India v. Rafique Shaikh Bhikan</i> , (2012) 6 SCC 265 : AIR 2012 SC 2453                               | Religion              | Centre           | 27                                       |
| <i>State of M.P. v. Rakesh Kohli</i> , (2012) 6 SCC 312 : AIR 2012 SC 2351                                         | Property Rights       | Madhya Pradesh   | 1                                        |
| <i>Village Panchayat, Calangute v. Director of Panchayat</i> , (2012) 7 SCC 550 : AIR 2012 SC 2697                 | Other                 | Maharashtra      | 5                                        |
| <i>Andaman &amp; Nicobar Admn. v. Bare Foot Inns &amp; Leisure (P) Ltd.</i> , (2012) 11 SCC 709 : AIR 2012 SC 2548 | Other                 | West Bengal      | 5                                        |
| <i>Subhash Popatlal Dave v. Union of India</i> , (2012) 7 SCC 533 : AIR 2012 SC 3370                               | Criminal Justice      | Centre           | 1                                        |
| <i>Rashid Kapadia v. Medha Gadgil</i> , (2012) 11 SCC 745                                                          | Criminal Justice      | Maharashtra      | 0                                        |
| <i>Union of India v. Rafique Shaikh Bhikan</i> , (2013) 4 SCC 804                                                  | Religion              | Centre           | 3                                        |
| <i>Bar Council of India v. Union of India</i> , (2012) 8 SCC 243 : AIR 2012 SC 3246                                | Equality              | Centre           | 3                                        |
| <i>Rajoo v. State of M.P.</i> , (2012) 8 SCC 553 : AIR 2012 SC 3034                                                | Criminal Justice      | Madhya Pradesh   | 1                                        |
| <i>Bhopal Gas Peedith Mahila Udyog Sangathan v. Union of India</i> , (2012) 8 SCC 326 : AIR 2012 SC 3081           | Socio-economic rights | Madhya Pradesh   | 2                                        |
| <i>Ranjan Dwivedi v. CBI</i> , (2012) 8 SCC 495 : AIR 2012 SC 3217                                                 | Criminal Justice      | Delhi            | 2                                        |

| Case                                                                                                            | Subject           | State/<br>Region  | Times<br>of India<br>Cites <sup>65</sup> |
|-----------------------------------------------------------------------------------------------------------------|-------------------|-------------------|------------------------------------------|
| <i>State of Kerala v. Tribal Mission</i> , (2012) 8 SCC 775                                                     | Education         | Kerala            | 2                                        |
| <i>Baba Tek Singh v. Union of India</i> , (2012) 12 SCC 623                                                     | Religion          | Punjab            | 0                                        |
| <i>Arvind Gupta v. Union of India</i> , (2013) 1 SCC 393                                                        | Other             | Centre            | 4                                        |
| <i>Environmental &amp; Consumer Protection Foundation v. Delhi Admn.</i> , (2012) 10 SCC 197 : AIR 2013 SC 1111 | Education         | Centre            | 10                                       |
| <i>Usha Mehta v. Govt. of A.P.</i> , (2012) 12 SCC 419 : AIR 2013 SC 132                                        | Property Rights   | Andhra Pradesh    | 0                                        |
| <i>Sabeeha Faikage v. Union of India</i> , (2013) 1 SCC 262                                                     | Other             | Centre            | 0                                        |
| <i>Medha Kotwal Lele v. Union of India</i> , (2013) 1 SCC 297 : AIR 2013 SC 93                                  | Criminal Justice  | Centre            | 4                                        |
| <i>Ayaubkhan Noorkhan Pathan v. State of Maharashtra</i> , (2013) 4 SCC 465 : AIR 2013 SC 58                    | Public Employment | Maharashtra       | 0                                        |
| <i>State of Punjab v. Gian Chand</i> , (2012) 13 SCC 505 : AIR 2013 SC 599                                      | Public Employment | Punjab            | 0                                        |
| <i>Amarnath Shrine, In re</i> , (2013) 3 SCC 247                                                                | Criminal Justice  | Jammu and Kashmir | 5                                        |
| <i>Indian Oil Corpn. Ltd. v. Ashok Shankarlal Gwalani</i> , (2012) 13 SCC 260                                   | Property Rights   | Maharashtra       | 0                                        |
| <b>2013</b>                                                                                                     |                   |                   |                                          |
| <i>Orissa Legislative Assembly v. Utkal Keshari Parida</i> , (2013) 11 SCC 794 : AIR 2013 SC 1181               | Elections         | Orissa            | 0                                        |
| <i>Kshiti Goswami v. Subrata Kundu</i> , (2013) 11 SCC 618                                                      | Public Employment | West Bengal       | 0                                        |
| <i>Vijay Kumar Thakur v. State of Karnataka</i> , 2013 SCC OnLine SC 194 : (2013) 5 Kar LJ 32                   | Criminal Justice  | Karnataka         | 0                                        |
| <i>J. Sundramma v. State of Karnataka</i> , (2014) 15 SCC 350                                                   | Property Rights   | Karnataka         | 0                                        |
| <i>State of Uttarakhand v. Amita Singh</i> , (2013) 4 SCC 129                                                   | Public Employment | Uttarakhand       | 0                                        |
| <i>Manoj H. Mishra v. Union of India</i> , (2013) 6 SCC 313 : AIR 2013 SC 2809                                  | Public Employment | Gujarat           | 0                                        |

| Case                                                                                                      | Subject              | State/<br>Region      | Times<br>of India<br>Cites <sup>65</sup> |
|-----------------------------------------------------------------------------------------------------------|----------------------|-----------------------|------------------------------------------|
| <i>Rushi Guman Singh v. State of Orissa</i> , (2013) 11 SCC 266                                           | Public<br>Employment | Orissa                | 0                                        |
| <i>Devender Pal Singh Bhullar v. State (NCT of Delhi)</i> , (2013) 6 SCC 195 : AIR 2013 SC 1975           | Criminal<br>Justice  | Delhi                 | 218                                      |
| <i>Union of India v. Rafique Shaikh Bhikan</i> , (2013) 4 SCC 699                                         | Religion             | Bombay                | 0                                        |
| <i>Jatya Pal Singh v. Union of India</i> , (2013) 6 SCC 452                                               | Public<br>Employment | Centre                | 0                                        |
| <i>Sukhdev Singh v. Union of India</i> , (2013) 9 SCC 566 : AIR 2013 SC 2741                              | Public<br>Employment | Multiple              | 0                                        |
| <i>Markio Tado v. Takam Sorang</i> , (2013) 7 SCC 524                                                     | Elections            | Arunachal<br>Pradesh  | 0                                        |
| <i>Sambhavana v. University of Delhi</i> , (2013) 14 SCC 781                                              | Education            | Delhi                 | 2                                        |
| <i>Isaac Isanga Musumba v. State of Maharashtra</i> , (2014) 15 SCC 357                                   | Criminal<br>Justice  | Maharashtra           | 0                                        |
| <i>Kalpana Dilip Bahirat v. Pune Municipal Corpn.</i> , (2014) 15 SCC 654                                 | Elections            | Maharashtra           | 0                                        |
| <i>N. Sengodan v. State of T.N.</i> , (2013) 8 SCC 664                                                    | Criminal<br>Justice  | Tamil Nadu            | 0                                        |
| <i>Kamal Jora v. State of Uttarakhand</i> , (2013) 9 SCC 396 : AIR 2013 SC 2242                           | Other                | Uttarakhand           | 0                                        |
| <i>Essar Teleholdings Ltd. v. Delhi High Court</i> , (2013) 8 SCC 1                                       | Criminal<br>Justice  | Delhi                 | 0                                        |
| <i>Makarand Dattatreya Sugavkar v. Municipal Corpn. of Greater Mumbai</i> , (2013) 9 SCC 136              | Property<br>Rights   | Maharashtra           | 0                                        |
| <i>Vikram Singh v. Union of India</i> , (2013) 16 SCC 450                                                 | Criminal<br>Justice  | Punjab and<br>Haryana | 2                                        |
| <i>K.C. Bajaj v. Union of India</i> , (2013) 14 SCC 533                                                   | Public<br>Employment | Centre                | 0                                        |
| <i>Maharishi Mahesh Yogi Vedic Vishwavidyalaya v. State of M.P.</i> , (2013) 15 SCC 677                   | Education            | Madhya<br>Pradesh     | 0                                        |
| <i>State of Karnataka v. Associated Managements of Primary &amp; Secondary Schools</i> , (2013) 11 SCC 72 | Education            | Karnataka             | 7                                        |
| <i>S. Subramaniam Balaji v. State of T.N.</i> , (2013) 9 SCC 659                                          | Elections            | Tamil Nadu            | 8                                        |

| Case                                                                                                      | Subject               | State/<br>Region   | Times<br>of India<br>Cites <sup>65</sup> |
|-----------------------------------------------------------------------------------------------------------|-----------------------|--------------------|------------------------------------------|
| <i>State of Gujarat v. PWD Employees Union</i> , (2013) 12 SCC 417                                        | Public Employment     | Gujarat            | 0                                        |
| <i>Lily Thomas v. Union of India</i> , (2013) 7 SCC 653                                                   | Elections             | Centre             | 11                                       |
| <i>Basant Kumar Chaudhary v. Union of India</i> , 2013 SCC OnLine SC 600                                  | Elections             | Bihar              | 0                                        |
| <i>Chief Election Commr. v. Jan Chaukidar</i> , (2013) 7 SCC 507                                          | Elections             | Bihar              | 7                                        |
| <i>Khela Banerjee v. City Montessori School</i> , (2013) 7 SCC 615 : AIR 2013 SC 3776                     | Property Rights       | Uttar Pradesh      | 0                                        |
| <i>Modern Dental College &amp; Research Centre v. State of M.P.</i> , (2013) 14 SCC 241                   | Education             | Madhya Pradesh     | 0                                        |
| <i>Kuchchh Jal Sankat Nivaran Samiti v. State of Gujarat</i> , (2013) 12 SCC 226 : AIR 2013 SC 2657       | Other                 | Gujarat            | 1                                        |
| <i>State of Maharashtra v. Indian Hotel &amp; Restaurants Assn.</i> , (2013) 8 SCC 519 : AIR 2013 SC 2582 | Equality              | Maharashtra        | 51                                       |
| <i>State of Kerala v. R. Sudha</i> , 2013 SCC OnLine SC 627 : (2013) 3 WLN 144                            | Socio-economic Rights | Kerala             | 0                                        |
| <i>Laxmi v. Union of India</i> , (2014) 4 SCC 431                                                         | Criminal Justice      | Centre             | 3                                        |
| <i>Manohar Lal Sharma v. Union of India</i> , (2014) 3 SCC 166                                            | Taxation and Revenue  | Centre             | 0                                        |
| <i>Laxmi v. Union of India</i> , (2014) 4 SCC 427                                                         | Criminal Justice      | Centre             | 24                                       |
| <i>Union of India v. Rajesh Kumar Gond</i> , (2014) 13 SCC 588                                            | Public Employment     | West Bengal        | 0                                        |
| <i>Sinhgad Technical Education Society v. Union of India</i> , (2013) 10 SCC 550                          | Education             | Centre             | 0                                        |
| <i>Ehsan Khalid v. Union of India</i> , (2014) 13 SCC 356                                                 | Other                 | Centre             | 0                                        |
| <i>Nikhil Himthani v. State of Uttarakhand</i> , (2013) 10 SCC 237                                        | Education             | Uttarakhand        | 0                                        |
| <i>Manohar Lal Sharma v. Principal Secy.</i> , (2014) 3 SCC 169                                           | Taxation and Revenue  | Centre             | 3                                        |
| <i>Nihal Singh v. State of Punjab</i> , (2013) 14 SCC 65 : AIR 2013 SC 3547                               | Public employment     | Punjab and Haryana | 0                                        |

| Case                                                                                                                     | Subject                      | State/<br>Region      | Times<br>of India<br>Cites <sup>65</sup> |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|------------------------------------------|
| <i>Pt. Ravishankar Shukla University v. Gopal Mishra</i> , (2014) 14 SCC 680                                             | Education                    | Chhattisgarh          | 0                                        |
| <i>Rameshwar Prasad Goyal, Advocate, In re</i> , (2014) 1 SCC 572                                                        | Other                        | Centre                | 1                                        |
| <i>State of Uttaranchal v. Shiv Charan Singh Bhandari</i> , (2013) 12 SCC 179                                            | Public<br>Employment         | Uttar<br>Pradesh      | 0                                        |
| <i>Advocates Assn. v. Union of India</i> , (2013) 10 SCC 611                                                             | Other                        | Karnataka             | 2                                        |
| <i>Swamy Devi Dayal Hospital &amp; Dental College v. Union of India</i> , (2014) 13 SCC 506 : AIR 2014 SC 284            | Education                    | Punjab and<br>Haryana | 0                                        |
| <i>Manohar Lal Sharma v. Principal Secy.</i> , (2014) 2 SCC 711                                                          | Taxation<br>and Revenue      | Centre                | 0                                        |
| <i>Aneesh D. Lawande v. State of Goa</i> , (2014) 1 SCC 554                                                              | Education                    | Goa                   | 0                                        |
| <i>Devendra Patel v. Ram Pal Singh</i> , (2013) 10 SCC 801 : AIR 2014 SC 404                                             | Elections                    | Madhya<br>Pradesh     | 0                                        |
| <i>State of Maharashtra v. Namdeo</i> , (2013) 14 SCC 225                                                                | Public<br>Employment         | Maharashtra           | 0                                        |
| <i>Kulmeet Kaur Mahal v. State of Punjab</i> , (2014) 13 SCC 756                                                         | Education                    | Punjab and<br>Haryana | 0                                        |
| <i>Manohar Lal Sharma v. Medical Council of India</i> , (2013) 10 SCC 60                                                 | Education                    | Punjab and<br>Haryana | 0                                        |
| <i>Mohd. Haroon v. Union of India</i> , (2013) 9 SCC 328                                                                 | Socio-<br>economic<br>Rights | Uttar<br>Pradesh      | 1                                        |
| <i>Resurgence India v. Election Commission of India</i> , (2014) 14 SCC 189 : AIR 2014 SC 344                            | Elections                    | Centre                | 7                                        |
| <i>H.P. Scheduled Tribes Employees Federation v. H.P. Samanaya Varg Karamchari Kalayan Mahasangh</i> , (2013) 10 SCC 308 | Public<br>Employment         | Himachal<br>Pradesh   | 0                                        |
| <i>Educare Charitable Trust v. Union of India</i> , (2013) 16 SCC 474 : AIR 2014 SC 902                                  | Education                    | Kerala                | 0                                        |
| <i>Dr B.R. Ambedkar Medical College v. Union of India</i> , (2013) 10 SCC 280                                            | Education                    | Centre                | 0                                        |
| <i>University Grants Commission v. Neha Anil Bobde</i> , (2013) 10 SCC 519                                               | Education                    | Maharashtra           | 3                                        |
| <i>Mohd. Haroon v. Union of India</i> , (2013) 9 SCC 328                                                                 | Socio-<br>economic<br>rights | Uttar<br>Pradesh      | 6                                        |

| Case                                                                                                       | Subject                      | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|------------------------------------------------------------------------------------------------------------|------------------------------|------------------|------------------------------------------|
| <i>Ranjana Kumari v. State of Uttarakhand</i> , (2013) 14 SCC 710                                          | Public<br>Employment         | Uttarakhand      | 0                                        |
| <i>Eastern Coalfields Ltd. v. Bajrangji Rabidas</i> , (2014) 13 SCC 681                                    | Public<br>Employment         | West Bengal      | 0                                        |
| <i>Govt. of India v. S. Raju</i> , Transfer Petition (Civil) Nos. 47-48 of 2013, decided on 23-9-2013 (SC) | Other                        | Centre           | 0                                        |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2013) 10 SCC 1                              | Elections                    | Centre           | 74                                       |
| <i>Cricket Assn. of Bihar v. Board of Control for Cricket in India</i> , (2014) 7 SCC 394                  | Other                        | Centre           | 10                                       |
| <i>Govt. of Bihar v. Madheshwar Dhari Singh</i> , 2013 SCC OnLine SC 1216                                  | Public<br>Employment         | Bihar            | 0                                        |
| <i>Cricket Assn. of Bihar v. Board of Control for Cricket in India</i> , (2014) 7 SCC 394                  | Other                        | Centre           | 8                                        |
| <i>Subramanian Swamy v. Election Commission of India</i> , (2013) 10 SCC 500 : AIR 2014 SC 18              | Elections                    | Centre           | 6                                        |
| <i>Ratan N. Tata v. Union of India</i> , (2014) 1 SCC 93                                                   | Other                        | Centre           | 5                                        |
| <i>State of U.P. v. Jaiprakash Associates Ltd.</i> , (2014) 4 SCC 720                                      | Taxation<br>and Revenue      | Uttar<br>Pradesh | 0                                        |
| <i>Asharam Bapu v. Union of India</i> , (2013) 10 SCC 37                                                   | Criminal<br>Justice          | Centre           | 11                                       |
| <i>Centre For Public Interest Litigation v. Union of India</i> , (2013) 16 SCC 279 : AIR 2014 SC 49        | Socio-<br>economic<br>Rights | Centre           | 2                                        |
| <i>Central Electricity Supply Utility of Odisha v. Dhobei Sahoo</i> , (2014) 1 SCC 161 : AIR 2014 SC 246   | Public<br>Employment         | Orissa           | 0                                        |
| <i>Chanda C. Kadam v. Collector</i> , (2013) 16 SCC 371 : AIR 2014 SC 363                                  | Property<br>Rights           | Maharashtra      | 0                                        |
| <i>Beenu Rawat v. Union of India</i> , (2013) 16 SCC 430 : AIR 2014 SC 538                                 | Criminal<br>Justice          | Delhi            | 1                                        |
| <i>State of Jharkhand v. Harihar Yadav</i> , (2014) 2 SCC 114                                              | Public<br>Employment         | Centre           | 2                                        |
| <i>K.C. Bajaj v. Union of India</i> , (2014) 3 SCC 777                                                     | Public<br>Employment         | Delhi            | 0                                        |
| <i>Satish Chandra v. Lok Sabha</i> , (2014) 2 SCC 178                                                      | Elections                    | Centre           | 2                                        |

| Case                                                                               | Subject                 | State/<br>Region | Times<br>of India<br>Cites <sup>65</sup> |
|------------------------------------------------------------------------------------|-------------------------|------------------|------------------------------------------|
| <i>Laxmi v. Union of India</i> , (2014) 13 SCC 743                                 | Criminal<br>Justice     | Centre           | 2                                        |
| <i>Swami Achyutanand Tirth v. Union of India</i> , (2014) 13 SCC 314               | Criminal<br>Justice     | Centre           | 0                                        |
| <i>State of Rajasthan v. Basant Agrotech (India) Ltd.</i> , (2013) 15 SCC 1        | Other                   | Rajasthan        | 0                                        |
| <i>Rajeshwar Singh v. Subrata Roy Sahara</i> , (2014) 14 SCC 257 : AIR 2014 SC 476 | Other                   | Centre           | 6                                        |
| <i>Abbay Singh v. State of U.P.</i> , (2013) 15 SCC 435 : AIR 2014 SC 427          | Equality                | Centre           | 17                                       |
| <i>Suresh Kumar Koushal v. Naz Foundation</i> , (2014) 1 SCC 1 : AIR 2014 SC 563   | Equality                | Delhi            | 386                                      |
| <i>Samta Aandolan Samiti v. Union of India</i> , (2014) 14 SCC 745                 | Education               | Centre           | 0                                        |
| <i>A. Marx v. State of T.N.</i> , (2014) 13 SCC 329                                | Education               | Tamil Nadu       | 0                                        |
| <i>Exploitation of Children in Orphanages, In re</i> , (2014) 2 SCC 180            | Criminal<br>Justice     | Tamil Nadu       | 2                                        |
| <i>Manohar Lal Sharma v. Principal Secy.</i> , (2014) 2 SCC 532                    | Taxation<br>and Revenue | Centre           | 4                                        |

**Table 2:** Cases with 5 or more cites (Top 40 Politically Salient Cases)

| Case                                                                                                          | Subject                 | Region | Times<br>of India<br>cites |
|---------------------------------------------------------------------------------------------------------------|-------------------------|--------|----------------------------|
| <i>Centre for Public Interest Litigation v. Union of India</i> , (2012) 3 SCC 1 : AIR 2012 SC 3725            | Taxation<br>and Revenue | Centre | 477                        |
| <i>Suresh Kumar Koushal v. Naz Foundation</i> , (2014) 1 SCC 1 : AIR 2014 SC 563                              | Equality                | Delhi  | 386                        |
| <i>Devender Pal Singh Bhullar v. State (NCT of Delhi)</i> , (2013) 6 SCC 195 : AIR 2013 SC 1975               | Criminal<br>Justice     | Delhi  | 218                        |
| <i>Society for Unaided Private Schools of Rajasthan v. Union of India</i> , (2012) 6 SCC 1 : AIR 2012 SC 3445 | Education               | Centre | 114                        |
| <i>Avishek Goenka v. Union of India</i> , (2012) 5 SCC 321                                                    | Criminal<br>Justice     | Centre | 79                         |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2013) 10 SCC 1                                 | Elections               | Centre | 74                         |

| Case                                                                                                            | Subject               | Region        | Times of India cites |
|-----------------------------------------------------------------------------------------------------------------|-----------------------|---------------|----------------------|
| <i>Nandini Sundar v. State of Chhattisgarh</i> , (2011) 7 SCC 547 : AIR 2011 SC 2839                            | Criminal Justice      | Chhattisgarh  | 68                   |
| <i>Ram Jethmalani v. Union of India</i> , (2011) 8 SCC 1                                                        | Right to Privacy      | Centre        | 63                   |
| <i>State of Maharashtra v. Indian Hotel &amp; Restaurants Assn.</i> , (2013) 8 SCC 519 : AIR 2013 SC 2582       | Equality              | Maharashtra   | 51                   |
| <i>Ramlila Maidan Incident, In re</i> , (2012) 5 SCC 1                                                          | Freedom of Speech     | Delhi         | 45                   |
| <i>Balchandra L. Jarkiholi v. B.S. Yeddyurappa</i> , (2011) 7 SCC 1                                             | Elections             | Karnataka     | 41                   |
| <i>U.P. Power Corpn. Ltd. v. Rajesh Kumar</i> , (2012) 7 SCC 1 : AIR 2012 SC 2728                               | Employment            | Uttar Pradesh | 33                   |
| <i>Union of India v. Rafique Shaikh Bhikan</i> , (2012) 6 SCC 265 : AIR 2012 SC 2453                            | Religion              | Centre        | 27                   |
| <i>Laxmi v. Union of India</i> , (2014) 4 SCC 427                                                               | Criminal Justice      | Centre        | 24                   |
| <i>Abhay Singh v. State of U.P.</i> , (2013) 15 SCC 435 : AIR 2014 SC 427                                       | Equality              | Centre        | 17                   |
| <i>Democratic Youth Federation of India v. Union of India</i> , (2011) 15 SCC 530                               | Socio-economic rights | Centre        | 17                   |
| <i>Ajay K. Agrawal v. Manmohan Singh</i> , (2011) 14 SCC 700                                                    | Freedom of Speech     | Delhi         | 16                   |
| <i>Prakash Jha Productions v. Union of India</i> , (2011) 8 SCC 372                                             | Freedom of Speech     | Uttar Pradesh | 13                   |
| <i>Lily Thomas v. Union of India</i> , (2013) 7 SCC 653                                                         | Elections             | Centre        | 11                   |
| <i>Asharam Bapu v. Union of India</i> , (2013) 10 SCC 37                                                        | Criminal Justice      | Centre        | 11                   |
| <i>Amar Singh v. Union of India</i> , (2011) 7 SCC 69                                                           | Right to Privacy      | Centre        | 11                   |
| <i>Cricket Assn. of Bihar v. Board of Control for Cricket in India</i> , (2014) 7 SCC 394                       | Other                 | Centre        | 10                   |
| <i>Environmental &amp; Consumer Protection Foundation v. Delhi Admn.</i> , (2012) 10 SCC 197 : AIR 2013 SC 1111 | Education             | Centre        | 10                   |
| <i>S. Subramaniam Balaji v. State of T.N.</i> , (2013) 9 SCC 659                                                | Elections             | Tamil Nadu    | 8                    |

| Case                                                                                                               | Subject               | Region            | Times of India cites |
|--------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|----------------------|
| <i>Cricket Assn. of Bihar v. Board of Control for Cricket in India</i> , (2014) 7 SCC 394                          | Other                 | Centre            | 8                    |
| <i>State of Karnataka v. Associated Managements of Primary &amp; Secondary Schools</i> , (2013) 11 SCC 72          | Education             | Karnataka         | 7                    |
| <i>Chief Election Commr. v. Jan Chaukidar</i> , (2013) 7 SCC 507                                                   | Elections             | Bihar             | 7                    |
| <i>Resurgence India v. Election Commission of India</i> , (2014) 14 SCC 189 : AIR 2014 SC 344                      | Elections             | Centre            | 7                    |
| <i>P.D. Dinakaran v. Hon'ble Judges Inquiry Committee</i> , (2011) 15 SCC 402 : AIR 2011 SC 3711                   | Public Employment     | Karnataka         | 7                    |
| <i>Mohd. Haroon v. Union of India</i> , (2013) 9 SCC 328                                                           | Socio-economic rights | Uttar Pradesh     | 6                    |
| <i>Subramanian Swamy v. Election Commission of India</i> , (2013) 10 SCC 500 : AIR 2014 SC 18                      | Elections             | Centre            | 6                    |
| <i>Rajeshwar Singh v. Subrata Roy Sahara</i> , (2014) 14 SCC 257 : AIR 2014 SC 476                                 | Other                 | Centre            | 6                    |
| <i>V.K. Naswa v. Union of India</i> , (2012) 2 SCC 542                                                             | Other                 | Centre            | 6                    |
| <i>D. Sudhakar (2) v. D.N. Jeevaraju</i> , (2012) 2 SCC 708                                                        | Elections             | Karnataka         | 6                    |
| <i>State of H.P. v. Union of India</i> , (2011) 13 SCC 344                                                         | Other                 | Centre            | 6                    |
| <i>Ratan N. Tata v. Union of India</i> , (2014) 1 SCC 93                                                           | Other                 | Centre            | 5                    |
| <i>Village Panchayat, Calangute v. Director of Panchayat</i> , (2012) 7 SCC 550 : AIR 2012 SC 2697                 | Other                 | Maharashtra       | 5                    |
| <i>Andaman &amp; Nicobar Admn. v. Bare Foot Inns &amp; Leisure (P) Ltd.</i> , (2012) 11 SCC 709 : AIR 2012 SC 2548 | Other                 | West Bengal       | 5                    |
| <i>Amarnath Shrine, In re</i> , (2013) 3 SCC 247                                                                   | Criminal Justice      | Jammu and Kashmir | 5                    |
| <i>People's Union for Civil Liberties v. Union of India</i> , (2013) 2 SCC 684                                     | Socio-economic Rights | Centre            | 5                    |

**Table 3:** Differences in Region-Wise Distribution of Cases

| Subject        | Sample Set |            | Top 40 Politically Salient Cases |            |
|----------------|------------|------------|----------------------------------|------------|
|                | Number     | Percentage | Number                           | Percentage |
| Centre         | 81         | 32         | 22                               | 55         |
| Delhi          | 18         | 7          | 4                                | 10         |
| Maharashtra    | 18         | 7          | 2                                | 5          |
| Uttar Pradesh  | 17         | 7          | 3                                | 8          |
| Karnataka      | 13         | 5          | 4                                | 10         |
| Madhya Pradesh | 13         | 5          | 0                                | -          |
| Others         | 91         | 36         | 5                                | 13         |

**Table 4:** Differences in Subject-Wise Distribution of Cases

| Subject               | Sample Set |            | Top 40 Politically Salient Cases |            |
|-----------------------|------------|------------|----------------------------------|------------|
|                       | Number     | Percentage | Number                           | Percentage |
| Public Employment     | 50         | 20         | 1                                | 3          |
| Criminal Justice      | 38         | 15         | 6                                | 15         |
| Education             | 38         | 15         | 3                                | 8          |
| Property Rights       | 20         | 8          | 0                                | -          |
| Elections             | 19         | 8          | 8                                | 20         |
| Socio-economic Rights | 17         | 7          | 3                                | 8          |
| Taxation and Revenue  | 14         | 6          | 2                                | 5          |
| Religion              | 9          | 4          | 1                                | 3          |
| Equality              | 5          | 2          | 3                                | 8          |
| Freedom of speech     | 4          | 2          | 3                                | 8          |
| Privacy               | 2          | 1          | 1                                | 3          |
| Civil Justice         | 2          | 1          | 0                                | -          |
| Other                 | 33         | 13         | 9                                | 23         |