IN THE SUPREME COURT OF INDIA [ORDER XXXVIII-B RULE 12(1)(d)] CIVIL ORIGINAL JURISDICTION

[WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA BY WAY OF PUBLIC INTEREST LITIGATION]

WRIT PETITION (CIVIL) NO. 1245 OF 2021

IN THE MATTER OF:

ARDHENDUMAULI KUMAR PRASAD

...Petitioner

Versus

THE SUPREME COURT OF INDIA & ORS.

...Respondents

WITH

I.A. No. ____ of 2021

Application seeking permission to appear and argue in person

<u>PAPER – BOOK</u>

(FOR INDEX KINDLY SEE INSIDE)

PETITIONER-IN-PERSON: ARDHENDUMAULI KUMAR PRASAD

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PROFORMA FOR FIRST LISTING

SECTION X

The case pertains	to	(Please	tick/	checl'	k th	ne correct	box):
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Central Act: (Title) Constitution of India

Section: Articles 14, 19, 21

Central Rule: (Title) N.A

Rule No (s): N.A.

State Act (Title): N.A.

Section: N.A.

State Rule: (Title) N.A

Rule No (s): N.A.

Impugned Interim Order: N.A.

Impugned final Order/Decree: N.A.

High Court: N.A.

Names of Judges: **N.A**Tribunal/Authority: **N.A**

4	Nature of matter:	Cri	minal [Civil
1	i inathre of matter.	1 1 { ri	minai i	H.IVII

- 2. (a) Petitioner/appellant No.1: ARDHENDUMAULI KUMAR PRASAD
 - (b) e-mail ID: ardhendu@ardhendumauli.com
 - (c) Mobile phone number: **9818612800**
- 3. (a) Respondent No.1: THE SUPREME COURT OF INDIA
 - (b) e-mail ID: Not Known
 - (c) Mobile phone number: Not Known
- 4. (a) Main category classification: **08 Letter Petition & PIL**

Matter

- (b) Sub classification: **0812 Others**
- 5. Not to be listed before: N. A.
- 6. (a) Similar disposed off matter with citation, if any, & Case

Details: No similar matter disposed off.

(b) Similar pending matter with Case Details:

No similar matter is pending.

		"A-2	2"
7.	Crin	minal Matters: No	
	a)	Whether accused/convict has surrendered: Yes No	o□
	b)	FIR No. N.A Date: N.A	
	c)	Police Station: N.A	
	d)	Sentence Awarded: N. A.	
	e)	Sentence Undergone: N. A.	
8.	Land	d Acquisition Matters: N. A.	
	a) D	Pate of Section 4 notification: N. A.	
	b) D	Pate of Section 6 notification: N. A.	
	c) D	ate of Section 17 notification: N. A.	
9.	Tax	Matters: State the tax effect: N. A.	
10.	Spec	cial Category (first petitioner/appellant only):	
		or citizen>65 years	
	SC/S	Т	
	Woma	an/child	

11. Vehicle Number (in case of Motor Accident Claim matters): N.

A.

Date: **08.11.2021**

In custody

Disabled Legal Aid case

AOR for petitioner(s)/appellants(s)

ARDHENDUMAULI KUMAR PRASAD

Petitioner in Person ardhendu@ardhendumauli.com

SYNOPSIS

The present Writ Petition in public interest litigation is being filed by the Petitioner herein under Article 32 of the Constitution of India praying for an order/direction in the nature of Writ of Mandamus directing the respondent departments/ministries of the Union of India (a) to prepare the lay out and execute the work of construction of "Judicial Vista" over the land adjoining the present premises of this Hon'ble Court enabling access to better and dignified working conditions for the Hon'ble Judges, the members of the Bar and the officials of the registry of this Hon'ble Court as well as to provide better facilities to the litigants visiting the premises of this Hon'ble Court for hearing of their cases, and (b) to direct the Government of India to Constitute an independent Central Authority for the sole purposes of judicial infrastructure exclusively funded by the Consolidated Funds of India, for the purpose of ensuring that the infrastructure in the Courts/Tribunals in India is adequate for the Judges, Advocates and the Litigants, so as to ensure that the quality of dispensation of justice is further improved. The present matter is being filed in public interest, raising several important issues that are faced by the Court, the Registry and the Advocates primarily

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practicing at the Supreme Court of India. The present petition is seeking the realisation of the rights guaranteed under Article 14/19(1)(g)/21 of the Advocates, the staff and the Litigants at large.

The Present writ petition in public interest is being filed in view of the infrastructural deficit in this Hon'ble Court in terms of the space and other infrastructure for the smooth functioning of this Hon'ble Court, keeping in mind the needs of the Judges, the Registry and its staff, the Senior Advocates, Advocates on Record and the Advocates, their staff, and most importantly the Litigants, and seeks a direction for the construction and development of a "Judicial Vista".

Further, the writ jurisdiction of this Hon'ble Court in public interest is invoked in the interest of the infrastructural independence of the Judiciary across the country by the establishment of a independent Central Authority under the Administrative Control of Hon'ble the Chief Justice of India (or his nominee) for the purposes of catering to the infrastructural requirements of the judiciary across the country, including the High Courts, the Subordinate Judiciary, the Statutory Tribunals, etc. It will further allow such central

authority to create the judicial infrastructure as per its peculiar needs and demands.

NEED FOR JUDICIAL VISTA

The Registry and the Bar are an integral and inseparable part of justice delivery system, who aid and assist the Hon'ble Courts in discharging its core function of dispensation of justice. The right to earn livelihood and right to dignity have been recognized by this Hon'ble Court as a fundamental right guaranteed under Article 21 of the Constitution of India. Although these are negative rights, but facilitating adequate enabling infrastructure for earning livelihood in a dignified manner is the responsibility of the State. Further, the right to proper judicial facilities for the Apex Court of the country are in furtherance of Article 14, Article 21 read with Article 32.

The infrastructure that is available at this Hon'ble Court is disproportionate to the growth of the Court in terms of number of Judges, the Registry, the Bar, and most importantly the volume of cases. The present Supreme Court complex constructed in 1958, and renovated from time to time is highly inadequate for the purposes of the present size and volume of the Court. With a long term goal on the needs of this Hon'ble Court, the present petition filed in public interest seeks to highlight

the need for a "Judicial Vista", to ensure that the needs of the Court, the Registry, the Bar and the Litigants as met, in the following manner:

- 1. Construction of a large Multi-Level Complex of Court Rooms with 45 to 50 Court Rooms, with Video Conferencing Facility, and adequate seating facility for the Members of the Bar and the Litigants as well as Law Clerks and interns and proportionate personal chambers for Hon'ble Judges;
- Construction of a Multi-Level Complex having around 5000 chambers for the Senior Advocates, Advocates on Record,
 Advocates along with requisite facilities;
- 3. Substantial space for the various Officers, Sections and Staff of the Registry;
- 4. Underground multi-level parking for about 10,000 Cars and other vehicles;
- 5. Office Space for the Law Officers of the Central Government;
- 6. Dedicated office space for the Standing Counsel for all the States similar to the Central Agency Section;
- 7. Proportionate cubicles for the use of Members of the Bar for conferences, etc.;

- 8. Working Space for younger members of the Bar;
- 9. Waiting lounge for Senior Advocates;
- 10. Dedicated waiting lounge for women advocates;
- 11. Dedicated waiting area for Litigants;
- 12. Several Libraries with books to cater to the need of the Bar;
- 13. Proportionate photocopying, printing facilities, typing pool, designated area for notaries public, etc.
- 14. Offices for the Bar Council of India, and both the Supreme Court Bar Association and the Supreme Court Advocates on Record Association
- 15. Large office space for the Central Agency Section
- 16. Dedicated space for Supreme Court Clerks' Association, and the registered Clerks of the Senior Advocates/ Advocates on Record/ Advocates in the Supreme Court
- 17. Proportionate creche facilities to cater to the several women working in the Registry, and women lawyers
- 18. Food Courts, Canteens, Cafeteria for Advocates, Litigants, etc.
- 19. Adequate security facilities for the entire Judicial Vista complex;

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20. Adequate Medical Facilities including Emergency services
At present, it is submitted that the area situated between Bhagwandas
Road, Tilak Marg, Tilak Lane, Purana Qila Road and Mathura Road,
which is a government land, over which old government
accommodations are situated, besides, the two New Lawyers'
Chambers (M.C. Setalvad Chamber Block and C.K. Daphtary
Chamber Block), Indian Law Institute (ILI) and Indian Society for
International Law (ISIL), and surrounding area including Bungalows
for the Government of India, Foreign Press Correspondents Club, etc.
can be used for the creation of the "Judicial Vista" with a long term
goal of adequate infrastructure for decades to come.

INFRASTRUCTURAL INDEPENDENCE OF THE JUDICIARY

The infrastructural deficit of the judiciary causes a hinderance to the cherished goal of independence of the judiciary, which is a quintessential part of the rule of law, and a part of the basic structure of the Constitution. As per the details available on the website of the Ministry of Law and Justice, while there is a sanctioned strength of 24,291 Judicial Officers in the country, there are only 20,115 Court

Halls available, only 17,705 residential units for the Judges of the Subordinate Judiciary.

It is submitted that there is a grave need for a Central Authority dedicated to the infrastructural needs of the Judiciary at the Apex level, the High Court level, the Subordinate Judiciary level, the Statutory Tribunal level etc. Such an authority must be funded wholly from the Consolidated Fund of India, and ought to be under the administrative control of Hon'ble the Chief Justice of India. It is submitted that the Judicial Vista and other projects ought to be undertaken by such authority, in furtherance of the peculiar and specific need for judicial infrastructure. Such an authority would be in consonance with the rights guaranteed under Article 14 of the Constitution, and in the interest of the judicial infrastructure, which is an inseparable part of the justice delivery system, and in the interest of the ultimate consumer of the justice delivery system, the Litigant.

Therefore, the present writ petition under Article 32 of the Constitution of India is being filed, in public interest, seeking a direction to the Respondents No. 2 and 3 for the redevelopment and construction of a "Judicial Vista" in consultation with Respondent

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No. 1, and for a direction to the Respondents No. 2 and 3 to constitute a Central Authority, fully funded by the Consolidated Fund of India, to cater to the needs of judicial infrastructure at the Subordinate Judiciary, Statutory Tribunal, Hon'ble High Courts and this Hon'ble Court, under the Administrative Control of Hon'ble the Chief Justice of India.

LIST OF DATES

Date

Particulars

28.01.1950 As provided under Article 124 of the Constitution of India, Supreme Court of India was inaugurated ceremonially on 28th January, 1950 with a strength of 6 Hon'ble Judges. At that time, this Hon'ble Court started functioning in Princes' Chamber of Parliament House, as a make-shift arrangement, and since the Federal Court had been functioning in the same premises till then. It is relevant to mention here that this Hon'ble Court had 6 Hon'ble Judges. As per the records available to the petitioner, in year 1950, a little above 1000 cases were filed before this Hon'ble Court and this Hon'ble Court rendered judgments in about 50 cases.

The strength of this Hon'ble Court was increased from 8 to 11 Hon'ble Judges in year 1956 due to the increasing work-load. Therefore, five Court rooms were available for 11 Hon'ble Judges.

A necessity of a separate building for this Hon'ble Court was felt and the present premises of this Hon'ble Court was constructed and this Hon'ble Court started functioning in the present premises since year 1958.

When the work-load increased further, the strength of this Hon'ble Court was accordingly increased from 11 to 14 Hon'ble Judges in year 1960. However, no additional infrastructure was provided.

It transpires from the records that the work-load increased with the passage of time by manifolds, and accordingly, by 1977, the strength of the of Hon'ble Judges was increased from 14 to 18 (after a gap of nearly 18 years) in year 1977.

However, the respite was short-lived and the work-load further increased within a short span by year 1981, and was consistently increasing, which further persuaded

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the legislature to increase the strength of Hon'ble Judges from 18 to 26 in year 1986.

Thereafter, the work-load kept increasing due to various reasons including the conferment of certain exclusive statutory appellate jurisdictions upon this Hon'ble Court as well as ease of travel and access to the Hon'ble Court. In view of increasing work-load, the strength of Hon'ble Judges has been increased twice, firstly from 26 to 31 (after a gap of nearly 22 years) in the year 2008

The strength of the Hon'ble Court was again increased from 31 to 34 in 2019, in accordance with the increase in the volume of the work in the Hon'ble Court.

However, the infrastructure of the Hon'ble Court has continued to be in the same premises which was constructed more than 60 years ago, with some increase in infrastructural capacity. However, the same is disproportionate to the volume of the growth of this Hon'ble Court, and the number of matters, as well as the number of Advocates.

It is submitted that the infrastructure presently available at this Hon'ble Court for the Court, the Registry and the staff, the Senior Advocates, Advocates on Record, the Advocates, their staff, and most importantly the litigants is inadequate for the present, and for the years to come. It

- 31.03.2021 As per the data available on the website of the Ministry of Law and Justice, there is deficit in the infrastructural needs of the Subordinate Judiciary, and while there is a sanctioned strength of 24,291 Judicial Officers in the country, there are only 20,115 Court Halls available, only 17,705 residential units for the Judges of the Subordinate Judiciary.
- O8.11.2021 Hence the present Writ Petition in public interest under Article 32 of the Constitution of India, for realisation of the rights under Article 14/19(1)(g)/21 of the Registry, the Advocates and the Litigants and for redevelopment of land adjoining the present Supreme Court Complex as Judicial Vista.

IN THE SUPREME COURT OF INDIA [ORDER XXXVIII-B RULE 12(1)(d)] CIVIL ORIGINAL JURISDICTION

[WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA BY WAY OF PUBLIC INTEREST LITIGATION]

WRIT PETITION (CIVIL) NO. 1245 OF 2021

IN THE MATTER OF:

1. ARDHENDUMAULI KUMAR PRASAD,

S/o Shri Chandramauli Kumar Prasad, R/o A-52, Sector 17, NOIDA District – Gautam Budha Nagar, Uttar Pradesh 201301

...Petitioner

Versus

1 THE SUPREME COURT OF INDIA

Through Secretary General, Tilak Marg, New Delhi 110001.

...Respondent

No. 1

2 UNION OF INDIA,

Through The Secretary,

Ministry of Law & Justice,

Government of India, ...Respondent

4th Floor, A-Wing, Shastri Bhawan, No. 2

New Delhi – 110 001

3. UNION OF INDIA,

Through the Secretary,

Ministry of Housing and Urban ...Respondent

Affairs, Government of India,

No. 3

Nirman Bhawan,

New Delhi – 110 001

(All are Contesting Respondents)

TO,
HONBLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA
THE HUMBLE PETITION ON BEHALF
OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. The present Writ Petition in public interest litigation is being filed by the Petitioner herein under Article 32 of the Constitution of India praying for an order/direction in the nature of Writ of Mandamus directing the

respondent departments/ministries of the Union of India (a) to prepare the lay out and execute the work of construction of "Judicial Vista" over the land adjoining the present premises of this Hon'ble Court enabling access to better and dignified working conditions for the Hon'ble Judges, the members of the Bar and the officials of the registry of this Hon'ble Court as well as to provide better facilities to the litigants visiting the premises of this Hon'ble Court for hearing of their cases, and (b) to direct the Government of India to Constitute an independent Central Authority for the sole purposes of judicial infrastructure exclusively funded by the Consolidated Funds of India, for the purpose of ensuring that the infrastructure in the Courts/Tribunals in India is adequate for the Judges, Advocates and the Litigants, so as to ensure that he quality of dispensation of justice is not compromised. The present matter is being filed in public interest, raising several important issues that are faced by the Court, the Registry and the Advocates primarily practicing at the Supreme Court of India. The present petition is seeking the realisation of the rights

guaranteed under Article 14/19(1)(g)/21 of the Advocates, the staff and the Litigants at large.

- It is submitted that the independence of the judiciary is 2. a part of the basic structure of the Constitution, and an important facet of a rule of law governed country. Further, it is submitted that the lack of judicial infrastructure, i.e., Court Rooms, basic amenities, etc. for Judges, Advocates and the Litigants across the country, in the Subordinate Judiciary and Tribunals, is a very serious issue, and the lack of autonomy of the Judiciary in the matter, and the dependence on the Central Government and the State Government, defeats the cause of judicial independence. Further, it is submitted that the judicial infrastructural independence is quintessential for the furtherance of the cause of judicial independence, and hence the need to set up a National Judicial Infrastructure Authority, and falls within the most basic fundamental rights under Article 14/19(1)(g)/21 of the Constitution.
- 3. It is further submitted that the proposed "Judicial Vista" is in furtherance of the infrastructural autonomy of this

Hon'ble Court, and therefore the independence of the judiciary, which is a quintessential part of the rule of law and part of the basic structure of the Constitution, guaranteed by Article 14, as well aimed at a dignified work place for the thousands of Advocates practicing at this Hon'ble Court, as protected by Article 21 of the Constitution. The proposed "Judicial Vista", it is submitted, would cater to the needs of the Court, the Registry of the Court, the Advocates, their staff and the ultimate consumer of Justice, i.e. the litigant for decades to come.

PROFILE OF THE PETITIONER

4. That the Petitioner is a citizen of the India residing at the above address and is a practicing Advocate-on-Record of this Hon'ble Court. The petitioner joined legal profession in year 2003 being enrolled on the rolls of State Bar Council of Bihar, Patna and started practicing as a lawyer before this Hon'ble Court. Initially, the petitioner joined the Chamber of Shri Rana Mukherjee, Advocate (now a Senior Advocate designated by this Hon'ble Court). Thereafter, the

General for India Shri. Soli J. Sorabjee as his chamber junior, and remained so till 2008. Thereafter, the petitioner qualified and enrolled on the rolls of this Hon'ble Court as an Advocate on Record on 20th December, 2010. The petitioner has been continuously practicing before this Hon'ble Court, various High Courts and Tribunals.

1.	Name	Ardhendumauli Kumar Prasad
2.	Father's Name	Shri Chandramauli Kumar Prasad
3.	Email ID	ardhendu@ardhendumauli.com
4.	Phone No.	+91 9818612800
5.	Proof of Identity	True copies of PAN, Aadhar Car
		Driver License
6.	Permanent Residence	R/o A-52, Sector – 17A, NOIDA
		District – Gautam Budh Nagar,
		UṬTAR PRADESH
7.	Aadhar No.	229851846148
8.	PAN	ALWPP1621R
9.	Driving License	UP16 20200018536

Above 15 lakhs

10.

Annual Income

It is submitted that the Petitioner herein has no private interest or any direct benefit from the reliefs sought in the present matter. The Petitioner is only espousing the cause of judicial independence, i.e., infrastructural autonomy of the Judiciary, as well as the Court, the Registry of the Court, the Advocates, their staff and the litigant, in his capacity as an officer of the Court.

PROFILE OF RESPONDENTS

5. Respondent No. 1 is the Supreme Court of India through the Secretary General, who is the Administrative head of the Registry of the Supreme Court. Respondent No. 2 is the Ministry of Law and Justice through the Secretary, which is the nodal ministry for the Judiciary. Respondent No. 3 is the Ministry of Housing and Urban Affairs through the Secretary, which is the nodal ministry for Housing and Urban Development, and the reliefs sought come within the domain of Respondent No. 2 and 3 in consultation with Respondent No.1.

6. It is submitted that the Petitioner is filing the present petition in public interest, in the interest of the judicial infrastructural independence, so as to make the working conditions of the Hon'ble Court, the Registry of the Court, the Advocates practicing in this Court, their Clerks and other staff, and the ultimate consumers of Justice, the litigants. For the aforesaid, it is submitted that there is a need for a central body, exclusively dealing with the infrastructural needs of the Hon'ble Supreme Court and the Hon'ble High Courts, as well as the Subordinate Judiciary.

BRIEF FACTUAL MATRIX

- 7. The brief factual background leading to the filing of the present writ petition in public interest is as follows:
- 7.1 India became independent on 15th August, 1947 and became republic on 26th January, 1950 and the Constitution of India was implemented to govern the Country.
- 7.2 However, despite more than 70 years of the coming into force of the Constitution, the judicial organ is dependent.

- 7.3 As provided under Article 124 of the Constitution of India, Supreme Court of India was inaugurated ceremonially on 28th January, 1950 with a strength of 6 Hon'ble Judges. At that time, this Hon'ble Court started functioning in Princes' Chamber of Parliament House, as a make-shift arrangement, and since the Federal Court had been functioning in the same premises till then. It is relevant to mention here that this Hon'ble Court had 6 Hon'ble Judges. As per the records available to the petitioner, in year 1950, a little above 1000 cases were filed before this Hon'ble Court and this Hon'ble Court rendered judgments in about 50 cases.
- 7.4 However, necessity of a separate building for this Hon'ble Court was felt and the present premises of this Hon'ble Court was constructed and this Hon'ble Court started functioning in the present premises since year 1958. Initially, only five Court Rooms (Court Room Nos. 1 to 5) were constructed. In the meanwhile, the strength of this Hon'ble Court was increased from 8 to 11 Hon'ble Judges in year 1956 due to the increasing

- work-load. Therefore, five Court rooms were available for 11 Hon'ble Judges.
- 7.5 When the work-load increased further, the strength of this Hon'ble Court was accordingly increased from 11 to 14 Hon'ble Judges in year 1960. However, no additional infrastructure was provided.
- 7.6 It is relevant to note that the number of Advocates practicing before this Hon'ble Court were a few hundred, most of whom were regular practitioners of some High Court and used to visit this Hon'ble Court only for the hearing of their matters. However, only Agents (Advocates who could file pleadings before this Hon'ble Court) were required to regularly attend the Court, but the infrastructure available in the premises was sufficient to cater to their needs.
- 7.7 It transpires from the records that the work-load increased with the passage of time by manifolds, and accordingly, by 1977, the strength of the of Hon'ble Judges was increased from 14 to 18 (after a gap of nearly 18 years) in year 1977.
- 7.8 In year 1979, scarcity of space was felt and two wings

 (East and west wings) were added to the existing

building to provide adequate infrastructure for functioning of this Hon'ble Court. With the addition of these wings, several new Court rooms were added and several other offices working under this Hon'ble Court were accommodated.

- 7.9 However, the respite was short-lived and the work-load further increased within a short span by year 1981, and was consistently increasing, which further persuaded the legislature to increase the strength of Hon'ble Judges from 18 to 26 in year 1986.
- 7.10 Thereafter, the work-load kept increasing due to various reasons including the conferment of certain exclusive statutory appellate jurisdictions upon this Hon'ble Court as well as ease of travel and access to the Hon'ble Court. In view of increasing work-load, the strength of Hon'ble Judges has been increased twice, firstly from 26 to 31 (after a gap of nearly 22 years) in the year 2008 and again from 31 to 34 in the year 2019. However, the infrastructure enhanced was not proportionate to the growth of the Court, the work-load and the practicing Bar. It is submitted, the structure built in 1958 for a much smaller Court is presently

catering to a much larger Court. It is submitted that the work load in this Hon'ble Court is amongst the largest in the World, and the regularly practicing Bar is one of the highest for any Apex Court globally.

- 7.11Presently, this Hon'ble Court, apart from having a full working strength of 34 Judges, has more than 2000 Advocates on the Rolls of the Court as Advocates on Record, several hundred Senior Advocates, other regularly practicing Advocates. Further, the there are thousands of people employed in the Registry of the Court, Members of the Media, apart from Clerical and other staff of the Advocates on Record/ Senior Advocates/Advocates. The Court is also a learning ground for interns, who are training in the law.
- 7.12On any Miscellaneous day (i.e. Mondays and Fridays), thousands of people enter the high security zone, and attend the proceedings, during the pre-pandemic times. The Court Rooms, the Corridors, Entry Gates, Parking, Library, Cafeteria/Canteen, etc. are always crowded, and many times, Senior a Advocates/Advocates/ Clerks/Litigants have had to push through the crowd.

- 7.13 With utmost respect, the infrastructure of the Hon'ble Court has not proportionately expanded with the growth of litigation and work load, except a few new Court rooms have been carved out in the old structure. However, these new Court Rooms, do not have adequate space for lawyers even to stand before the Court.
- 7.14Even though the Court of Hon'ble the Chief Justice of India has the largest Court Room, it does not adequately accommodate the members of the Bar and their staff, due to lack of space. The problem of space if often faced in the Court of Hon'ble the Chief Justice of India during the hearing of several constitutionally important matters, as well as during Oath Ceremonies of Hon'ble Judges or Full Court References. Further, the waiting area outside Court Rooms No. 6/7 and 8/9 is extremely congested, and do not have a proper area for the members of the Bar or litigants to wait while awaiting their matters. Some of the Courts Rooms have pillars in the middle of the Court Room, which does not allow even a proper standing place for appearing counsel. Further, some of the Court Rooms are

extremely small in size, and do not have adequate space for Advocate/litigants, especially in batch matters.

- 7.15While, it is submitted, the infrastructure of the Court was adequate at the time when it was made, the same has become completely inadequate due to the passage of time, and the exponential increase in work-load of the Court as well as the growth of the number of regular practitioners of this Hon'ble Court. It is often experienced that one cannot walk from the entrance of the court room to dais with ease without pushing through the crowds.
- 7.16That as on today, certain sections/part of registry has been moved to the additional building complex, which is far away for access on foot, and remaining registry is functioning from the old building complex with the deficient infrastructure.
- 7.17It is submitted that Advocates have been most affected by lack of infrastructure, which may be summarized as under:-
- 7.17.1 The initial facilities for lawyers created in the beginning has not been substantially improved with the increasing number of lawyers.

- 7.17.2 When the present building complex was constructed, sufficient provision was made to provide Chamber facilities to more than a hundred lawyers out of a strength of a few hundred, however despite nearly manifold increase in the number of lawyers practicing before this Hon'ble Court and exponential increase in the work-load of this Hon'ble Court, no commensurate expansion of infrastructure has been made.
- 7.17.3 Lack of proper medical facility for lawyers in the premises has been felt on several occasions. The present dispensary of Government of Delhi functioning in the Supreme Court premises is unable to entertain a patient in emergency, as there is no proper facility available. Since a substantial number of people are present in the premises on any working day, a fully functional hospital with all emergency facilities is required within the premises of this Hon'ble Court.
- 7.17.4 The sizes of the Courtrooms are now proving to be inadequate to accommodate all the persons attending the Court and a lawyer is often compelled to push through the crowd to reach the dais to address the Hon'ble Court.

- 7.17.5 The present premises are not sufficient to provide even sitting facilities to lawyers due to lack of space.

 The present sitting facilities provided for lawyers within the main Court Building is barely able to cater to a fraction of the lawyers visiting the Court premises as on today and the number of lawyers is increasing every year.
- 7.17.6 Since the regularly practicing lawyers do not have chamber accommodation, many of the lawyers are compelled to carry a mini-office in their cars for an urgent situation and they lack the opportunity of their intellectual development, when they are in the Court premises to attend a matter.
- 7.17.7 Besides, there is lack of proper dining facility, proper parking facility, recreational facility, etc. which are basic facilities to be accessible to any human being for a dignified living.
- 7.17.8 There is a grave lack of parking space for cars of the Advocates practicing before this Hon'ble Court.
- 7.17.9 There is insufficient ear-marked space for the women members of the Bar.

- 7.17.10 There is no functional crèche for the working women advocates and women staff of the lawyer, to tender to young babies of such working women advocates/staff.
- 7.17.11 A lawyer's work requires meeting with clients, various paper works and maintaining and storing case-records of clients, provision for safe-keeping of regularly required law-books, etc. within or in vicinity of the Court premises, while majority of them are compelled to roam from here to there for these petty works only on account of lack of an allotted space within the Court premises.
- 7.17.12 There are only four libraries with periodicals, etc. in the Court premises which are available for use to the thousands of lawyers practicing at the Supreme Court, which is extremely inadequate.
- 7.17.13 There is no separate ear-marked space for Senior Advocates to sit and wait for their matters.
- 7.17.14 The Association of the Registered Clerks of the Advocates practicing in this Hon'ble Court has hardly any space or infrastructure.

- 7.17.15 Further, there is no dedicated space for the female staff working with lawyers.
- 7.17.16 There is a grave inadequacy of space for typists and Notaries' Public, and at present they are functioning from small spaces within the chamber block or open spaces near the UCO Bank/Litigants Canteen.
- 7.17.17 Even the Law Officers of the Union of India, including their junior colleague and staff have a severe inadequacy of space. Further, the Central Agency Section is congested and packed with files, briefs, etc.
- 7.17.18 There is also a need for a requirement of a dedicated space for the Standing Counsel for the various States/UTs, for the purposes of service and general ease of working.

The Apex Court constitutes not only of the Hon'ble Judges, but also of the officers of the Registry, the Bar (Senior Advocates, Advocates on Record and other Advocates with their supporting staff), and the Litigants. For the smooth functioning of the judiciary, all the aforementioned persons ought to be catered to.

Moreover, the Respondent No. 1 must not be dependent on Respondents No. 2 and 3, and there is a grave need for infrastructural autonomy of this Hon'ble Court. It is submitted that the proposed "Judicial Vista" is aiming at a substantial step forward in ensuring a wholesome realization of the independence of the judiciary.

"JUDICIAL VISTA" FOR BETTER ADMINISTRATION OF JUSTICE

- The Registry and the Bar are an integral and inseparable 8. part of justice delivery system, who aid and assist the Hon'ble Courts in discharging its core function of dispensation of justice. The right to earn livelihood and right to dignity have been recognized by this Hon'ble Court as a fundamental right guaranteed under Article 21 of the Constitution of India. Although these are negative rights, but facilitating adequate enabling infrastructure for livelihood in a dignified manner is the responsibility of the State. Further, the right to proper judicial facilities for the Apex Court of the country are in furtherance of Article 14, Article 21 read with Article 32.
- 9. As enumerated above, the infrastructure of the Hon'ble

 Court is completely disproportionate to the growth of

the Court in terms of number of Judges, the Registry, the Bar, and most importantly the volume of cases. The present Supreme Court complex constructed in 1958, and renovated from time to time is highly inadequate for the purposes of the present size and volume of the Court.

- 10. Further, the environment surrounding a person certainly effects his work efficiency as well as his general personality and the facilities created for a handful of people decades ago are certainly deficient to cater the present need, where work-force has increased manifold owing to the increased work-load. In view of the above, it is evident that the learned Advocates as well as all others working under the aegis of this Hon'ble Court dignified facilities for earning their livelihood.
- 11. Most importantly, the ultimate consumer of Justice is the litigant, who has absolutely no facilities in the Court complex. The litigants have no waiting area in the high security zone. The Litigants Cafeteria is inadequate to cater to the need of the large number of litigants who come to this Hon'ble Court to seek justice.

- 12. The present premises are surrounded by the government lands all around. The additional premises in Appu Ghar is not very practically feasible as it is away from the main Court building.
- 13. That adequate land is situated between Bhagwandas Road, Tilak Marg, Tilak Lane, Purana Qila Road and Mathura Road, which is a government land, over which old government accommodations are situated, besides, the two New Lawyers' Chambers (M.C. Setalvad Chamber Block and C.K. Daphtary Chamber Block), Indian Law Institute (ILI) and Indian Society for International Law (ISIL), and surrounding including Bungalows for the Government of India, Foreign Press Correspondents Club, etc. This area is adequate to construct a new building for this Hon'ble Court, having larger Courtrooms, adequate office spaces for Registry and working spaces for Advocates and their clerks (Chambers for lawyers), as well as the waiting areas and cafeterias for the Litigants. A true copy of the google map of the said area proposed for construction and development of the Judicial Vista is annexed herewith and marked as Annexure P - 1

[Pages <u>38</u>]

- 14. Besides, the area is sufficient enough to provide for adequate basic facilities for all visiting the premises of this Hon'ble Court for any reason, such as underground multi-level parking, adequate dining are/food-plaza, a fully equipped medical facility, -recreational facilities, etc. This proposed area is outside the restricted zone and vertical construction is possible, hence the entire offices of the registry can be accommodated in one single building with adequate space to each section or department. Large court-rooms would decongest the working conditions. Further, there is a serious problem with regard to parking of vehicles of the Advocates, their staff, as well as the Litigants.
- 15. The present petition seeks to create infrastructure, for the judiciary with a view to cater to the needs of the Bar and the Bench for several decades to come.
- of the Court, the Registry, the Bar and the Litigants ought to be met in the following fashion, with a view to cater to the expansion of the Bar and the Volume of work in the years to come:
- 16.1. Construction of a large Multi-Level Complex of Court
 Rooms with 45 to 50 Court Rooms, with Video

Conferencing Facility, and adequate seating facility for the Members of the Bar and the Litigants as well as Law Clerks and interns and proportionate personal chambers for Hon'ble Judges;

- 16.2. Construction of a multi-Level complex having around 5000 chambers for the Senior Advocates, Advocates on Record, Advocates along with the requisite facilities.
- 16.3. Substantial space for the various Officers, Sections and Staff of the Registry.
- 16.4. Underground multi-level parking for about 10,000 Cars and other vehicles;
- 16.5. Office Space for the Law Officers of the Central Government;
- 16.6. Dedicated office space for the Standing Counsel for all the States similar to the Central Agency Section;
- 16.7. Proportionate cubicles for the use of Members of the Bar for conferences, etc.
- 16.8. Working Space for younger members of the Bar
- 16.9. Waiting lounge for Senior Advocates
- 16.10. Dedicated waiting lounge for women advocates;
- 16.11. Dedicated waiting area for Litigants;

- 16.12. Several Libraries with books to cater to the need of the Bar;
- 16.13. Proportionate photocopying, printing facilities, typing pool, dedicated space for notaries public, etc.
- 16.14. Offices for the Bar Council of India, and both the Supreme Court Bar Association and the Supreme Court Advocates on Record Association;
- 16.15. Large office space for the Central Agency Section;
- 16.16. Dedicated space for Supreme Court Clerks'

 Association, and the registered Clerks of the

 Senior Advocates/ Advocates on Record/

 Advocates in the Supreme Court;
- 16.17. Proportionate creche facilities to cater to the several women working in the Registry, and women lawyers;
- 16.18. Food Courts, Canteens, Cafeteria for Advocates,
 Litigants, etc.
- 16.19. Adequate security facilities for the entire Judicial

 Vista complex
- 16.20. Adequate Medical Facilities including Emergency services

INFRASTRUCTURAL INDEPENDENCE OF THE JUDICIARY

- 17. It is submitted that the independence of the judiciary is a part of the basic structure of the Constitution, and the identity of the Judiciary reflected from the Constitution.
- independence of the Judiciary, the infrastructural independence has to be inferred. While the preceding paragraphs only deal with the infrastructural need of the Hon'ble Supreme Court, there is an urgent need to assess the infrastructural need of all the High Courts, the Subordinate Judiciary, the Statutory Tribunals, etc., as well as the Bar practicing in these Courts, the Litigants who have their matters before these Courts, etc.
- 19. Recently, there was a serious lapse on the security of the Court Room in the Rohini Courts in New Delhi, which led to the murder of an accused. The security infrastructure of the Hon'ble Courts is also a very serious concern, and fall within the meaning of independence of the judiciary.

- 20. It is submitted that the infrastructural independence of the Judiciary, especially the Apex Court of the country is quintessential for its functioning, and to achieve the cherished goals enshrined in the Constitution, as thought of by our founding fathers. Apart from the Apex Court, there are 25 Hon'ble High Courts in the country. Subordinate Judiciary, several Statutory Tribunals. etc. which have a serious lack of infrastructure. There is, therefore, a grave need for an independent Central Authority to exclusively cater to the infrastructure of the judiciary wholly funded by the Consolidated Fund of India, under the Administrative control of Hon'ble the Chief Justice of India.
- 21. For proper administration of justice, and for the protection of the rights under Article 14, 21 read with Article 32/226, of the Hon'ble Judges of this Hon'ble Court and the Hon'ble High Court, and the Judicial Officers of the Subordinate Judiciary, Tribunals, etc, and the members of the Bar, the Litigants, the Officers and staff of the Registry and the staff of the Members of the Bar, the present writ petition in public interest is being preferred.

GROUNDS

- 22. The present writ petition in public interest is being preferred on the following grounds:
- of the Constitution, and is the basis for the Rule of Law, which is enshrined in Article 14 of the Constitution. Having proper and adequate infrastructure for the Apex Court of the country, with its growing volume of work, and the growing Bar is essential for the realization of the rule of law.
- 22.2The Supreme Court of India is a Court of Record, and is the principal Court guaranteeing the right of judicial review under Article 32 (as well as Article 136) of the Constitution. For the realization of the right, there is an urgent need for sufficient and adequate infrastructure to be available to the Judges, the Registry, the Bar, their staff and most importantly, the Litigants. This is in furtherance of the rights guaranteed in Part III of the Constitution, as well as the rights guaranteed under various Statutes/Common Law.
- 22.3The lack of adequate infrastructure for the members of the Bar is in direct conflict with their right to

livelihood guaranteed under Article 21. There is a severe lack of requisite infrastructure for the members of the Bar in terms of Chambers for the Senior Advocates, Advocates on Record, Advocates. Further there is no adequate space for photocopying, typing pool, etc. The members of the Bar do not have adequate space to park their cars/vehicles, which also affects their working. These aspects are required to be urgently addressed, in view of the right to practice with dignity guaranteed under Article 21 of the Constitution.

- 22.4The Senior Advocates/Advocates on Record/ Advocates as also adversely impacted by the congestion of the corridors and the Court rooms, and have to jostle through the crowd when their matters are called out, which is in contravention of the rights guaranteed under Article 21 of the Constitution, and the right to practice with dignity.
- 22.5Further, the staff of Senior Advocates, the Advocates on Record and Advocates have difficulty in view of the congestion to carry files, books, etc. which are all essential part of the practice of law.

- 22.6The lack of adequate infrastructure at the Supreme Court Registry needs to be rectified with an aim to further the rights under Article 14/21 of the staff of the Registry, as the working environment is essential to the working of the Officials and the Staff of the Registry.
- 22.7The litigants are the most important in the system of administration of justice, as they are the consumers of justice. However, the lack of infrastructure as enumerated above, without adequate waiting facilities, canteen facilities, etc., which are contrary to the rights guaranteed under Articles 14/21 of the Constitution.

 There is no designated parking space for the litigants who visit the Court premises.
- 22.8The lack of judicial infrastructure in the Subordinate Courts, Statutory Tribunals, Hon'ble High Courts and this Hon'ble Court, is in direct conflict with the rights guaranteed in Part III of the Constitution, especially the Administration of Justice, and the rule of law.
- 22.9The non-existence of a Central Authority dedicated only for judicial infrastructure, fully funded by the Consolidated Fund of India is in furtherance of the goal of judicial independence and the rule of law enshrined

in Article 14 of the Constitution of India, which is required to ensure that the Administration Justice in the India.

- 23. The present petition is being filed in public interest, and the Petitioner herein has no private interest in the outcome of the present petition.
- 24. The Petitioner has not filed a writ petition before this

 Hon'ble Court or any Hon'ble High Court seeking the
 same or similar reliefs, as prayed for in the present
 petition.
- 25. The present writ petition in public interest concerning the infrastructural needs of the Judiciary and in furtherance of the independence of the judiciary.
- 26. That, the petitioner is aware of the consequences of filing a frivolous petition before this Hon'ble Court and is ready to abide by the Orders passed by this Hon'ble Court and bear the Cost, if imposed, and has the means to bear the same.
- 27. The present writ petition in public interest is bona fide.

PRAYER

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It is, therefore, most respectfully prayed that this Hon'ble Court

may graciously be pleased to:

(a) Direct Respondents No. 2 and 3 to redevelop and construct a

"Judicial Vista" in the area ear marked in Annexure P-1, in terms

of paragraph 16 above in consultation with Respondent No. 1;

and/or

(b) Direct Respondents No. 2 and 3 to constitute a Central Authority,

fully funded by the Consolidated Fund of India, to cater to the

peculiar and specific needs of judicial infrastructure at the

Subordinate Judiciary, Statutory Tribunal, Hon'ble High Courts

and this Hon'ble Court, under the Administrative Control of

Hon'ble the Chief Justice of India; and/or

(c) Pass such further or other order(s) as this Hon'ble Court may

deem fit in the interests of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS

IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

NEW DELHI

FILED ON: 08.11.2021

ARDHENDUMAULI KUMAR PRASAD

PETITIONER IN PERSON

IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

WRIT PETITION (Civil) NO. OF 2021

IN THE MATTER OF:

ARDHENDUMAULI KUMAR PRASAD ...PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ..RESPONDENTS ORS.

AFFIDAVIT

- I, Ardhendumauli Kumar Prasad, S/o Shri Chandramauli Kumar Prasad, aged about 42 years, R/o A-52, Sector 17A, Noida, Gautam Budh Nagar, Uttar Pradesh 201301 presently at New Delhi, do hereby state and declare on solemn affirmation as under:
- 1. I am the petitioner in the present Writ Petition and hence well conversant with the facts and circumstances of the present case and thus competent to swear this affidavit in support of the present Writ Petition.
- 2. The contents of the accompanying Writ Petition comprising of the List of Dates and events furnished along with the Writ Petition from pages B to L, memo of Writ

Petition from Para 1 to 27 from Pages 1 to 31, grounds 22.1 to 22.9 and prayer clause has been drafted by me and facts stated therein are true and correct to the best of my knowledge and belief.

- **3.** I state that the Annexure annexed to the Writ Petition is true copy of its original.
- **4.** I also state that there is no personal gain, private motive or oblique reason for the petitioner, which has actuated filing of the present Public Interest Litigation.

DEPONENT

VERIFICATION

I the above-named deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 8th day of November, 2021.

DEPONENT

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Constitution of India

Part - III

Relevant Provisions

14. Equality before law.-

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

19. Protection of certain rights regarding freedom of speech etc.-

- (1) All citizens shall have the right-
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India; and
 - (f) omitted
 - (g) to practice any profession, or to carry on any occupation, trade or business.
- (2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from

making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

- Operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.
- (5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law

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imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

- (6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to.-
 - (i) the professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, or
 - (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

21. Protection of life and personal liberty.-

No person shall be deprived of his life or personal liberty except according to procedure established by law.

- 32. Remedies for enforcement of rights conferred by this

 Part
- (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
- (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part
- (3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)
- (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

//True Copy//

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IN THE SUPREME COURT OF INDIA CIVIL APPELLATE JURISDICTION

I.A. No. _____ of 2021

IN

WRIT PETITION (Civil) NO. 1245 OF 2021

IN THE MATTER OF:

ARDHENDUMAULI KUMAR PRASAD ...PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ...RESPONDENTS ORS.

APPLICATION SEEKING PERMISION TO APPEAR AND ARGUE IN PERSON

TO,
HONBLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION ON BEHALF OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

- 1. That the petitioner abovenamed in filing the present petition under Article 32 of the Constitution of India.
- 2. That entire facts and circumstance leading to the filing of the present case has been discussed in detail in the accompanying Writ Petition and same are not being repeated herein for sake of brevity and the petitioner

craves leave of this Hon'ble Court to refer and rely upon the same at the time of hearing of this Application also.

- 3. That the petitioner is an Advocate on Record practicing before this Hon'ble Court and is competent to assist the Hon'ble Court in deciding the present petition.
- 4. That the petitioner may be permitted to appear and argue this petition in person in the interest of justice.
- 5. The present application is being filed bona fide and in the interest of justice.

PRAYER

It is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:-

- a) Permit the petitioner to appear and argue the captioned writ Petition as Petitioner in Person; and/or
- b) Pass such other order/orders as this Hon'ble court may deem fit and proper in the facts and circumstances of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:

NEW DELHI

FILED ON: 08.11.2021

ARDHENDUMAULI KUMAR PRASAD
PETITIONER IN PERSON



SUPREME COURT OF INDIA

CERTIFICATE

Nu. 1227

This is in certify that Shri/ 915 Archendumauli kumar Aread

Admirate, has passed the written test as prescribed by sub-rule (ii) af rule 5, Order IV, Supreme Court Aules, 1966, held by the Court in June/December, 2010

Dated this. 20th day of Secember 2010

Secretary

Supreme Court Advocates-on-Record
Examination Committee

New Delhi





भारतीय विशिष्ट पहचान प्राधिकरण UNIQUE DENTIFICATION AUTHORITY OF INDIA

पता: S/O चंडपोलि कृमान प्रसाद, ३०, Address: S/O Chandramaus सुरीय राज्यनेय, प्रपुर विदार कर १, पूर्वी Kumar Prasad, 75, Supreme Fr=ft, Ft=ft, 110091

Enclave, Mayur Vihar Phase 1, East Delhi, Delhi, 110091



CHANDRAMAULI KUMAR PRASAD

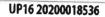
CHANDRAMAULI KUMAR PR

Mulling



Indian Union Driving Licence Issued by Uttar Pradesh







Name:

A K PRASAD

Date of Birth: 08-09-1979 Blood Group:

Organ Donor: N

Son/Daughter/Wife of: CHANDRAMAULI KUMAR PRASAD

Address: A-52 SECTOR-17 NOIDA GAUTAM BUDDHA NAGAR, GAUTAM BUDDHA N,UP 201301

Date of First Issue (22-07-2020)