

The Union Judiciary—Constitutional Provisions

Chapter IV of Part V of the Constitution*

124. Establishment and constitution of Supreme Court

(1) There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than seven¹ other judges.

(2) Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years :

Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted :

Provided further that—

- (a) a Judge may, by writing under his hand addressed to the President, resign his office ;
- (b) a Judge may be removed from his office in the manner provided in clause (4).

²[(2A) The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide].

(3) A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and—

- (a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession ; or
- (b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession ; or
- (c) is, in the opinion of the President, a distinguished jurist.

*As amended till 1970. Before the Constitution (Thirtieth Amendment) Act, 1972.

1. Now "thirteen", *vide* Act 17 of 1960.

2. Inserted by the Constitution (Fifteenth Amendment) Act, 1963, S. 2,

Explanation 1.—In this clause, “High Court” means a High Court which exercises, or which at any time before the commencement of this Constitution exercised, jurisdiction in any part of the territory of India.

Explanation II—In computing for the purpose of this clause the period during which a person has been an advocate, any period during which a person has held judicial office not inferior to that of a district judge after he became an advocate shall be included.

(4) A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

(5) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4).

(6) Every person appointed to be a Judge of the Supreme Court shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

(7) No person who has held office as a Judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.

125. Salaries, etc. of Judges

(1) There shall be paid to the Judges of the Supreme Court such salaries as are specified in the Second Schedule.

(2) Every Judge shall be entitled to such privileges and allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by Parliament and, until so determined, to such privileges, allowances and rights as are specified in the Second Schedule :

Provided that neither the privileges nor the allowances of a Judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

126. Appointment of acting Chief Justice

When the office of Chief Justice of India is vacant or when the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one

of the other Judges of the Court as the President may appoint for the purpose.

127. Appointment of *ad hoc* Judges

(1) If at any time there should not be a quorum of the Judges of the Supreme Court available to hold or continue any session of the Court, the Chief Justice of India may, with the previous consent of the President and after consultation with the Chief Justice of the High Court concerned, request in writing the attendance at the sittings of the Court, as an *ad hoc* Judge, for such period as may be necessary, of a Judge of a High Court duly qualified for appointment as a Judge of the Supreme Court to be designated by the Chief Justice of India.

(2) It shall be the duty of the Judge who has been so designated, in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance is required, and while so attending he shall have all the jurisdiction, powers and privileges, and shall discharge the duties, of a Judge of the Supreme Court.

128. Attendance of retired Judges at sittings of the Supreme Court

Notwithstanding anything in this Chapter, the Chief Justice of India may at any time, with the previous consent of the President, request any person who has held the office of a Judge of the Supreme Court or of the Federal Court³ [or who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the Supreme Court] to sit and act as a Judge of the Supreme Court, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a Judge of that Court :

Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that Court unless he consents so to do.

129. Supreme Court to be a court of record

The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.

130. Seat of Supreme Court

The Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

3. Inserted by the Constitution (Fifteenth Amendment) Act, 1963, s. 3.

131. Original jurisdiction of the Supreme Court

Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute—

- (a) between the Government of India and one or more States ; or
- (b) between the Government of India and any State or States on one side and one or more other States on the other ; or
- (c) between two or more States,

if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends :

⁴[Provided that the said jurisdiction shall not extend to a dispute arising out of any treaty, agreement, covenant, engagement, *sanad* or other similar instrument which, having been entered into or executed before the commencement of this Constitution, continues in operation after such commencement, or which provides that the said jurisdiction shall not extend to such a dispute.]

132. Appellate jurisdiction of Supreme Court in appeals from High Courts in certain cases

(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceeding, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution.

(2) Where the High Court has refused to give such a certificate, the Supreme Court may, if it is satisfied that the case involves a substantial question of law as to the interpretation of this Constitution, grant special leave to appeal from such judgment decree or final order.

(3) Where such a certificate is given, or such leave is granted, any party in the case may appeal to the Supreme Court on the ground that any such question as aforesaid has been wrongly decided and, with the leave of the Supreme Court, on any other ground.

Explanation—For the purposes of this article, the expression “final order” includes an order deciding an issue which, if decided in favour of the appellants, would be sufficient for the final disposal of the case.

133. Appellate jurisdiction of Supreme Court in appeals from High Courts in regard to civil matters

(1) An appeal shall lie to the Supreme Court from any judgment,

4. Substituted by the Constitution (Seventh Amendment) Act, 1961, s. 5 for the original proviso.

decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies—

- (a) that the amount or value of the subject-matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than twenty thousand rupees or such other sum as may be specified in that behalf by Parliament by law ; or
- (b) that the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value ; or
- (c) that the case is a fit one for appeal to the Supreme Court ;

and, where the judgment, decree or final order appealed from affirms the decision of the court immediately below in any case other than a case referred to in sub-clause (c), if the High Court further certifies that the appeal involves some substantial question of law.

(2) Notwithstanding anything in article 132, any party appealing to the Supreme Court under clause (1) may urge as one of the grounds in such appeal that a substantial question of law as to the interpretation of this Constitution has been wrongly decided.

(3) Notwithstanding anything in this article, no appeal shall, unless Parliament by law otherwise provides, lie to the Supreme Court from the judgment, decree or final order of one judge of a High Court.

134. Appellate jurisdiction of Supreme Court in regard to criminal matters

(1) An appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court—

- (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to death ; or
- (b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to death ; or
- (c) certifies that the case is a fit one for appeal to the Supreme Court :

Provided that an appeal under sub-clause (c) shall lie subject to such provisions as may be made in that behalf under clause (1) of article 145 and to such conditions as the High Court may establish or require.

(2) Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of

India subject to such conditions and limitations as may be specified in such law.

135. Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court

Until Parliament by law otherwise provides, the Supreme Court shall also have jurisdiction and powers with respect to any matter to which the provisions of article 133 or article 134 do not apply if jurisdiction and powers in relation to that matter were exercisable by the Federal Court immediately before the commencement of this Constitution under any existing law.

136. Special leave to appeal by the Supreme Court

(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

137. Review of judgments or orders by the Supreme Court

Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it.

138. Enlargement of the jurisdiction of the Supreme Court

(1) The Supreme Court shall have such further jurisdiction and powers with respect to any of the matters in the Union List as Parliament may by law confer.

(2) The Supreme Court shall have such further jurisdiction and powers with respect to any matter as the Government of India and the Government of any State may by special agreement confer, if Parliament by law provides for the exercise of such jurisdiction and powers by the Supreme Court.

139. Conferment on the Supreme Court of Powers to issue certain writs

Parliament may by law confer on the Supreme Court power to issue directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for any purposes other than those mentioned in clause (2) of article 32.

140. Ancillary powers of Supreme Court

Parliament may by law make provision for conferring upon the

Supreme Court such supplemental powers not inconsistent with any of the provisions of this Constitution as may appear to be necessary or desirable for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under this Constitution.

141. Law declared by Supreme Court to be binding on all courts

The law declared by the Supreme Court shall be binding on all courts within the territory of India.

142. Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.

(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order⁵ prescribe.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.

143. Power of President to consult Supreme Court

(1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

(2) The President may, notwithstanding anything in⁶ ... the proviso to article 131 refer a dispute of the kind mentioned in the⁷ [said proviso] to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.

144. Civil and judicial authorities to act in aid of the Supreme Court

All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court.

5. See the Supreme Court (Decrees and orders) Enforcement Order, 1954, published with the Ministry of Law Notification No. C.O. 47, dated the 14th January, 1954, Gazette of India, Extraordinary, Pt. II, sec. 3, p. 75.

6. The words, brackets and figure "clause (i) of" omitted by the constitution (Seventh Amendment) Act, 1956, s. 29 and Sch.

7. Substituted by s. 29 and Sch., *ibid.*, for "said clause".

145. Rules of Court, etc.

(1) Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court including—

- (a) rules as to the persons practising before the Court ;
- (b) rules as to the procedure for hearing appeals and other matters pertaining to appeals including the time within which appeals to the Court are to be entered ;
- (c) rules as to the proceedings in the Court for the enforcement of any of the rights conferred by Part III ;
- (d) rules as to the entertainment of appeals under sub-clause (c) of clause (1) of article 134 ;
- (e) rules as to the conditions subject to which any judgment pronounced or order made by the Court may be reviewed and the procedure for such review including the time within which applications to the Court for such review are to be entered ;
- (f) rules as to the costs of and incidental to any proceedings in the Court and as to the fees to be charged in respect of proceedings therein ;
- (g) rules as to the granting of bail ;
- (h) rules as to stay of proceedings ;
- (i) rules providing for the summary determination of any appeal which appears to the Court to be frivolous or vexatious or brought for the purpose of delay ;
- (j) rules as to the procedure for inquiries referred to in clause (1) of article 317.

(2) Subject to the provisions of clause (3), rules made under this article may fix the minimum number of Judges who are to sit for any purpose, and may provide for the powers of single Judges and Division Courts.

(3) The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under article 143 shall be five :

Provided that, where the Court hearing an appeal under any of the provisions of this Chapter other than article 132 consists of less than five Judges and in the course of the hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of the constitution the determination of which is necessary for the disposal of the appeal, such Court shall refer the question for opinion to a

Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion dispose of the appeal in conformity with such opinion.

(4) No Judgment shall be delivered by the Supreme Court save in open Court, and no report shall be made under article 143 save in accordance with an opinion also delivered in open Court.

(5) No judgment and no such opinion shall be delivered by the Supreme Court, save with the concurrence of a majority of the Judges present at the hearing of the case, but nothing in this clause shall be deemed to prevent a Judge who does not concur from delivering a dissenting judgment or opinion.

146. Officers and servants and the expenses of the Supreme Court

(1) Appointments of officers and servants of the Supreme Court shall be made by the Chief Justice of India or such other Judge or officer of the Court as he may direct :

Provided that the President may by rule require that in such cases as may be specified in the rule, no person not already attached to the Court shall be appointed to any office connected with the Court, save after consultation with the Union Public Service Commission.

(2) Subject to the provisions of any law made by Parliament, the conditions of service of officers and servants of the Supreme Court shall be such as may be prescribed by rules made by the Chief Justice of India or by some other Judge or officer of the Court authorised by the Chief Justice of India to make rules for the purpose :

Provided that the rules made under this clause shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.

(3) The administrative expenses of the Supreme Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court, shall be charged upon the Consolidated Fund of India, and any fees or other moneys taken by the Court shall form part of that fund.

147. Interpretation

In this Chapter and in Chapter V of Part VI references to any substantial question of law as to the interpretation of this Constitution shall be construed as including references to any substantial question of law as to the interpretation of the Government of India Act, 1935 (including any enactment amending or supplementing that Act), or of any Order in Council or order made thereunder, or of the Indian Independence Act, 1947, or of any order made thereunder.

It should also be noted that article 32 of the Constitution gives the court original jurisdiction with respect to fundamental rights.

Art. 32 : Remedies for enforcement of rights conferred by Part III.

(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 clauses (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.

(II) The Supreme Court (Number of Judges) Act, 1956

(Received the assent of the President on
16th September, 1956

Published in the Gazette of India (Extraordinary), Part II,
Section I, Page 927 dated 18th September, 1956.)

(Act No. IV of 1956)

16th September, 1956.

An Act to provide for an increase in the number of Judges of the Supreme Court, excluding the Chief Justice.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows—

Short title.

1. This Act may be called The Supreme Court (Number of Judges) Act, 1956

Maximum number of Supreme Court Judges, other than Chief Justice

2. The Maximum number of Judges of the Supreme Court, excluding the Chief Justice of India, shall be ten.

(III) The Supreme Court (Number of Judges) Amendment Act, 1960

(Received the assent of the President on 6th May, 1960
Published in the Gazette of India (Extraordinary), Part II,
Section I, page 354 dated 6th May, 1960.)
(Act No. XVII of 1960)

An Act to amend the Supreme Court (Number of Judges) Act, 1956.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows :—

- Short title. 1. This Act may be called The Supreme Court (Number of Judges) Amendment Act, 1960.
- Amendment of Section 2. 2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word "ten", the word "thirteen" shall be substituted.

(IV) The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970

(Received the assent of the President on the 9th August, 1970

Published in the Gazette of India (Extraordinary), Part II,

Section 1, page 357 dated 10th August, 1970).

(Act No. XXVIII of 1970)

9th August, 1970

An Act to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

- Short title and extent. 1. (1) This Act may be called The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- Enlarged appellate jurisdiction of Supreme Court in regard to criminal matters. 2. Without prejudice to the powers conferred on the Supreme Court by clause (1) of Article 134 of the Constitution, an appeal shall lie to the Supreme Court from any judgment, final order of sentence in a criminal proceeding of a High Court in the territory of India.

if the High Court—

- (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years ;
- (b) has withdrawn for trial before itself any case from any Court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.

(V) The Constitution (Thirtieth Amendment) Act, 1972

(Received the assent of the president on the 22nd February, 1973

Published in the Gazette of India (Extraordinary) Part II

Section I, page 47, dated 22nd February, 1973).

22nd February, 1973

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows :

Short Title and commencement. (1) This Act may be called The Constitution (Thirtieth Amendment) Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Article 133. 2. In Article 133 of the Constitution, for clause (1), the following clause shall be substituted, namely :—

“(1) An appeal shall lie to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court in the territory of India if the High Court certifies :—

- (a) that the case involves a substantial question of law of general importance ; and
- (b) that in the opinion of the High Court the said question needs to be decided by the Supreme Court.”

Social provision as to pending Proceedings, etc. (1) Nothing in this Act shall affect: —

(a) any appeal under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of Article 133 of the Constitution which immediately before the commencement of this Act was pending before the Supreme Court : or

(b) any appeal preferred on or after the commencement of this Act against any judgment, decree or final order in a civil proceeding of a High Court by virtue of a certificate given by the High Court before the commencement of this Act under sub-clause (a) or sub-clause (b) or sub-clause (c) of clause (1) of Article 133 ;

and every such appeal may be heard and disposed of or, as the case may be, entertained, heard and disposed of by the Supreme Court as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), no appeal shall lie to the Spureme Court under clause (1) of Article 133 of the Constitution from any judgment, decree or final order arising out of a suit or other

civil proceeding which was instituted or commenced in any Court before the commencement of this Act unless such appeal satisfies the provisions of that clause as amended by this Act.

VI. The Supreme Court (Number of Judges) Amendment Act, 1977

- (a) "Statement of Objects and Reasons" for the Act. The maximum number of Judges of the Supreme Court which under article 124(1) of the Constitution was fixed at seven, excluding the Chief Justice, was raised to ten by the Supreme Court (Number of Judges) Act, 1956 (55 of 1956). This number was subsequently raised to thirteen by the Supreme Court (Number of Judges) Amendment Act, 1960 (17 of 1960). The institutions have increased from 3241 in 1960 to 8254 in 1976 and the pendency has gone up from 2319 cases in 1960 to 14,109 in 1976. The Chief Justice has proposed that as the arrears of cases have mounted and are going up daily, the sanctioned strength of the Judges of the Supreme Court may be increased. The present Bill accordingly seeks to amend the Supreme Court (Number of Judges) Act, 1956 so as to provide that the maximum number or Judges of the Supreme Court, excluding the Chief Justice, shall be seventeen.
- (b) The Supreme Court (Number of Judges) Amendment Act, 1977. (No. 48 of 1977).

31st December, 1977

An Act further to amend the Supreme Court (Number of Judges) Act, 1956

Be it enacted by Parliament in the twenty-eighth Year of the Republic of India as follows :—

Short title : (1) This Act may be called the Supreme Court (Number of Judges) Amendment Act, 1977.

Amendment of section 2. (2) In section 2 of the Supreme Court (Number of Judges) Act, 1956, (55 of 1956) for the word "thirteen," the word "seventeen" shall be substituted.

Part VI-B

Order XXXVIII-B

Reference under Section 7(2) of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).

1. A reference under sub-section (2) of section 7 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969) shall be forwarded to the Registrar of the Supreme Court.

2. (1) The reference shall contain *inter alia* all the relevant facts of the case, definite charges against the member and the statement of grounds on which each such charge is based.

(2) The Central Government shall together with the reference

transmit seven copies thereof and eight copies of transcript in English of the documents relating to the grounds on which the removal of the member is sought, one of which shall be duly authenticated.

3. On receipt of such reference, it shall be registered in the Register maintained for the purpose and numbered as "Reference No. of 19... under Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969). No Court fee shall be payable on such reference.

4. (1) As soon as the reference is registered and numbered, the Registrar shall give notice to the member concerned calling upon him within four weeks from the date of service of notice on him, to put in a written statement of his defence together with seven copies thereof and to state whether he desires to be heard in person. A copy of the documents mentioned in rule 2 shall be enclosed with the notice.

(2) Notice stating the date fixed for filing written statement by the member shall be given to the Attorney-General of India and the Central Government.

5. (1) After the written statement is received from the member or if no such written statement is received within the time allowed, the Court shall fix a date for the inquiry.

(2) If the member does not appear on the date fixed for inquiry, the Court may proceed with the inquiry in the absence of the member.

(3) At the inquiry, the oral and documentary evidence, as the case may be, in support of the grounds on which the removal of the member is sought, shall be exhibited. The member shall be entitled to cross-examine the witnesses.

(4) the evidence for the defence shall then be exhibited and the witnesses examined who shall be liable to cross-examination by the prosecution.

(5) The provisions of Order XXXI shall, as far as may be, apply to the recording of evidence.

6. The member shall have a right to be defended by a legal practitioner of his choice.

7. Every witness who is summoned to give evidence or to produce a document or thing before the Court shall be paid travelling and daily allowances at such rates as the Court may fix.

8. (1) After the close of the inquiry, the Court shall make an order at once or on such other day as may be fixed by it.

(2) The Court may pass such orders as to costs as it may deem proper.

9. After the order of the Court has been announced, the Registrar shall send a copy thereof to the Central Government.

10. Save as otherwise provided by the rules contained in this order, the provisions of other Orders shall, so far as may be, apply to references under sub-section (2) of section 7 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).