PROJECT 39A
EQUAL JUSTICE
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6TH PROJECT 39A ANNUAL LECTURE (2023)

THE QUIXOTIC SEARCH FOR FAIRNESS:

DEATH PENALTY IN INDIA

JUSTICE UU LALIT

FORMER CHIEF JUSTICE OF INDIA

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Well, distinguished persons on the dais (there are many senior counsels and learned advocates present here) and I see some of the students who are here- this is to all of you. Around the time I was a student of law came the judgments of the Supreme Court in *Bachan Singh* (1980)[1] and in 1983, when I had just joined the bar, came two judgements- *T.V. Vatheeswaran*[2] and *Sher Singh*.[3] *T.V. Vatheeswaran* was a judgement by O. Chinnappa Reddy which held that any delay while the matter is pending in courts of law, entitles the death convict to have the death sentence commuted to life.[4] Justice Chandrachud took a different view in *Sher Singh*, which is why the matter was referred to the Court in *Triveniben*[5] before a bench of five judges, but that is a different area altogether.

If you see the history of the death sentence and the fairness doctrine that is now getting incorporated at every juncture of the law in the death penalty, the history would perhaps start from 1973, when the statute placed a requirement to provide special reasons where death sentence is to be awarded.

> This was a shift from the normal sentencing regime (where the death sentence would be the norm and life sentence would be the exception)- it was a complete reversal, with life sentence now being the norm and death sentence being the exception.

To my mind this ethos starts with 1973 — we have travelled fifty years since then. In the first decade (1973 to 1983), what we had were wonderful judgements. First, *Maneka Gandhiv. Union of India*,[6] which introduced, for the first time, fairness as one of the attributes of the right to life and due process being part of what is your right to life under Article 21. This gave a new dimension for Article 21.

[1] *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684
[2] *T.V. Vatheeswaran v. State of T.N.*, (1983) 2 SCC 68
[3] *Sher Singh v. State of Punjab*, (1983) 2 SCC 344
[4] *T.V. Vatheeswaran v. State of T.N.*, (1983) 2 SCC 68, para 20
[5] *Triveniben v. State of Gujarat*, (1988) 4 SCC 574
[6] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248

Then comes the judgement in *Bachan Singh* in 1980 where the basic question before the five-judge bench was whether the death sentence could validly be granted. The majority judgement accepted that yes, it could be while the dissenting opinion by Justice Bhagwati spoke to the contrary. The majority said that, very well, a death sentence can be granted provided certain kinds of safeguards were read into the entire process. Some of those safeguards were that you take into account the aggravating and mitigating circumstances, and then consider whether the death sentence becomes imperative. This idea that mitigating circumstances must also be taken into account thus starts with *Bachan Singh*. This was then followed by Justice M.P. Thakkar in *Machhi Singh*[7], which is an extension of the same idea.

Thus, *Bachan Singh* introduced the very great imperative which must always be part of the decision-making process was to locate, analyse, and consider these mitigating circumstances.

> There are certain lines and passages in *Bachan Singh* that go to say that the burden to prove these mitigating factors and to place them on record would normally be on the prosecution rather than the accused. That is a completely reversed burden on the prosecution, and rightly so, because right from the time of arrest in a capital offence, the person's liberty is curtailed and he is not in a position to place all the material before the concerned court.

So, 1973- then came *Maneka Gandhi*, then *Bachan Singh*, then *Machhi Singh* and then in that first decade of 1973-1983 also came the judgments of Justice Chinnappa Reddy (in *Vatheeswaran*) and Justice Chandrachud (in *Sher Singh*). These are the important judgements which came in that decade and that decade synchronised with my joining the legal profession in 1983.

As a lawyer, my first brush with a death sentence matter was in the General Vaidya assassination case where I was part of the prosecution team for the CBI. Those two persons were sentenced to death by the first TADA court. The appeal hence lay directly before the Supreme Court and the Supreme Court confirmed the death sentence. Those two persons never filed a review against the confirmation. They had never even filed an appeal against their conviction by the First Court. The matter had come to the Supreme Court for confirmation solely because of the provisions of TADA, and the modified application of CrPC. Then, you have one case which was that Simran Jeet Singh Mann who wanted to file a review petition on behalf of these

[7] *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470

two persons, which the judges or the bench did not entertain, saying that the matter has not been filed by a person concerned - the aggrieved party and therefore, the review got dismissed. That was my first brush with the death sentence matter in my career as a lawyer.

Over these fifty years, I have seen many, many cases—and in that last decade, which starts with 2013, I was the judge at the Supreme Court for eight years and three months. In that period of 2013 to 2023, there are landmark judgements and just consider how the matter, or the progress, has been in the last fifty years. The first judgement to my mind would be *Shatrughan Chauhan*, which is Justice Sathasivam's judgement. In a case where you are dealing with mercy petitions and you are considering issues post the final confirmation of the death sentence, he (Justice Sathasivam) culled out various circumstances which could be the basis to commute the death sentence to life. Amongst the factors which he noticed in that judgement, one was solitary confinement. The other factor, of course, was delay in considering the mercy petition which has been preferred by or on behalf of such a person. Mind you, the judgment in *Sunil Batra*[8] was the first judgement where solitary confinement as an issue came up before the court. There, Justice Desai's judgement actually sums up everything- that solitary confinement can be resorted to only after confirmation of the death sentence by all the courts to the person concerned. After the First Court (trial court's) judgement imposing death sentence, there cannot be segregation of the prisoner, and there cannot be solitary confinement. That is the sum and substance of *Sunil Batra*.

The foundation laid in *Sunil Batra* is considered in *Shatrugan Chauhan*, but *Shatrugan Chauhan* does not grant benefit to anybody on the grounds of solitary confinement. It granted benefit to persons on the ground that there is delay in considering mercy petition, or there was lunacy, or there were such factors which were post-confirmation factors which were presented before the court. Therefore, the first judgement (that) comes is *Shatrugan Chauhan*, sometime in February-March of 2014.

In July-August of the same year came another landmark judgement in *Mohammed Arif*.[9] Justice Rohinton Fali Nariman speaking for the majority (4:1) holding that every review petition filed, where a person has been convicted and sentenced to death, must be listed in open court rather than being considered by circulation and that there must be at least half an hour oral hearing in the matter before a bench of three judges. Now, mind you, in the Supreme Court, normally all these matters are never taken by a bench of three judges. The initial appeals are always listed before a bench

[8] *Sunil Batra v. Delhi Admn.*, (1978) 4 SCC 494
[9] *Mohd. Arif v. Supreme Court of India*, (2014) 9 SCC 737

of two judges. We had a peculiar situation where the initial appeal could be listed before a bench of two, but a review had to be listed before a bench of two. The issue was whether this bench of three judges sitting in appeal over that of the decision of two. To obviate that, a direction evolved in the Supreme Court where the main appeal itself had to be listed before a bench of three judges. That is how for every judgement and every decision, the consequences are that you try to refine the process which has until now been adopted by the Court. To my mind, the second judgement on this line would be *Mohammad Arif*.

Then comes another judgement, which had been mentioned by Shreya- the *Sriharan*[10] judgement. I had represented the State of Karnataka in the *Swami Shraddhananda*[11] matter where a bench of three judges commuted the death sentence and converted it into life with a rider that the person cannot be given benefit of remission till the end of his life. In *Swami Shraddhananda*, it was worded like that. The validity of this kind of sentence which is to be imposed on an accused came up for consideration before the bench of five judges. Of course, it is my dissenting note on the point, but three judges- that is, the majority judgement says that yes, you can commute the sentence from death to life with a rider that there shall not be remission or commutation of sentence for a fixed term or even till the last breath of the man.

My dissent was on this point. I said that such a sentence is not sanctified by the statute. If you compare it with some of the other amendments to the Indian Penal Code (which were affected in the year 2013-2014) you will see that Section 376 specifically states that the life sentence shall be till the last breath of the man. A second point on which I dissented was that if you consider it to be the sentence, then it must be open to the trial court to award that kind of sentence and in a given case. If the trial court were to award a sentence saying that life sentence be imposed without remission, the matter would not come up for confirmation before the court. And, if the man does not file an appeal, the correctness of that sentence will never be gone into by any court. Third, according to me, at times, if you convict somebody and put him in jail without there being a ray of hope, then that would actually be a far harsher sentence than a death sentence. So, while saying that we are trying to have a mid-way between the death (sentence) and life, you are actually creating a situation where perhaps, it could be harsher for the man concerned. Of course, that is my dissenting note and Justice Sapre joined me in that. Justice Kalifulla speaking for the majority felt the other way, and therefore that is the law of the land today. *Sriharan* is the law of the land.

That is where logically we started thinking on those lines while sitting in a bench of

[10] *Union of India v. V. Sriharan*, (2016) 7 SCC 1
[11] *Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767

three and considering these matters which came up by way of an appeal before us. When you say under *Bachan Singh*'s law that mitigating circumstances must be noted, considered and weighed, should it not be the obligation on part of the prosecution? This is what *Bachan Singh* says. How does one put it in practice? That is the reason why those directions started getting issued by us, not in one matter but in a number of matters. I also recollect Shreya herself appeared before us saying that in order to collect the mitigating circumstances, kindly allow us to have an interview with the accused concerned. Thereafter, we started repeatedly passing those kinds of orders that yes, very well, let there be an interview with the person concerned. Then finally, came the judgement in *Manoj v. State of Madhya Pradesh*[12], where certain guidelines were issued by the court. Finally, of course, as Shreya mentioned, a suo motu writ petition which has now been referred to a bench of five judges.[13] On the procedural fairness part, after *Bachan Singh*, it would be the first case (on death penalty sentencing) before a bench of five judges. This is why, according to me, in the fifty years starting from 1973 to 2023, the first decade and the last decade assume great significance.

When we normally speak of the death sentence, any discussion about the same is normally based on two planks. Number one- validity of the death sentence. Should the death sentence be awarded or not as a principle, as a normative basis- whether in principle, should we award death sentence? That is exactly the question which was visited by a bench of five judges in *Bachan Singh*. We have some of the other cases where under Section 303 IPC, there used to be a mandatory death sentence so therefore, whether as a matter of law, there can be a mandatory requirement of death sentence. The Supreme Court had intervened and said that sorry, there has to be a discretion, judicial discretion must come into play and the death sentence cannot be a statutory mandate. In these cases, we are in the realm or in the first part where the question is whether the death sentence should be awarded or not.

There are certain other judgments. For example, Justice Sinha in one of the judgements said that in matters of circumstantial evidence, death sentences should not be granted. Again, you know the ethos- you always have one thought and that thought is that death sentences are irreversible. The moment it is executed, the man is gone, even if there is any fresh material or additional material that may come to the notice of everybody after that, the situation would be irreversible. By its very nature, circumstantial evidence cases are such where you are drawing an inference on the basis of circumstances rather than being a case of direct evidence. Direct evidence

would be that somebody speaks on oath saying that yes, I saw this happen, this

[12] *Manoj v. State of Madhya Pradesh*, (2023) 2 SCC 353

[13] *In re: Framing Guidelines Regarding Potential Mitigating Circumstances to be Considered While Imposing Death Sentences*, 2022 SCC Online SC 2153

unfolded before me. The decision which prevailed in Justice Sinha's decisions in some of these matters was that in circumstantial evidence cases, the death sentence should not be granted.

There is another school of thought which says that circumstantial evidence cases are as good as any other case and the standard of proof that you apply is that everything must be proved beyond reasonable doubt. So, if the circumstances prove that going by the logic which was that if you recollect, *Sharad Birdhichand Sarda*,[14] those five principles that if there are circumstances which complete a chain, which is unbroken and only points in one direction (that is, to the guilt of the man), then why not?

These are two schools of thought on that basis and in one of my judgments, I accepted the fact that even in circumstantial evidence cases, the death sentence can be granted. You *may* decide not to grant, but not as a matter of law or as a matter of rule. This is hence the first compartment where you are speaking to the validity of the death sentence to be awarded as a matter of principle or as a matter of practice.

We then come to the next level, which is individual cases, where you may now try to examine whether the death sentence can be awarded in this particular case. Rather than on a normative level, you are now assessing, on an individual level, whether the facts and circumstances of the case justify the award of the death sentence. It is in this area that the entire fairness doctrine has developed and become part of our jurisprudence.

I used to be the chairperson of NALSA for about fifteen months (because this is Project 39A and 39A is nothing but legal aid). NALSA used to conduct various seminars in order to spread awareness, and I have travelled the length and breadth of this country for the same, in my capacity as the chairperson.

> What I found was that on the criminal side, at least 75% cases are those where the persons concerned are below poverty line, and they definitely require legal aid. But legal aid is availed of by not more than 12% of people who are actually facing criminal prosecution. So where do these people go, 12% to 75%? That is where we need to arrest that, and where, as a legal community, need to find some solutions and extend our helping hand to those persons.

[14] *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116

> Because most of them actually end up selling their assets, their lands, jewellery of their wives to garner some resources and then have paid legal services from some of those persons. When we speak of fairness, let us start from the very first stage of fairness.

Number one - whenever a person is arrayed as an accused, whenever he is taken in custody or not. Naturally there are judgements on the point, *DK Basu*[15] down the line, that in what cases custody can be taken. Very well so therefore we need not bother about that- the fairness doctrine has already been incorporated as part of your approach to the matters. Done.

Then the next level - what should be the approach of the investigator? That is where one must actually then consider that judgement in *Manu Vashisht*[16] which was the Jessical Lal murder case. In two paragraphs, the Court has actually beautifully summed up the idea- during the course of investigation, if some material comes in the custody of the investigator which has the potential to help the accused rather than help the prosecution, then fairness demands that that material must be made available to the accused. Because the prosecution is not a game to be undertaken. The whole concept or the underlying idea is to reach the truth. If the idea is to reach the truth, if the idea is to see that the truth prevails, it is equally obligatory upon the investigatory machinery to share the material which they have come across during the course of investigation.

Say for instance in a rape and murder charge, if the body fluids which are found inside the dead body do not indicate that the source of that material is something which gets matched with the accused person. Now the accused will not have that kind of wherewithal to command or have the resources to get that material. It is only the prosecuting agency or the investigators who will have the custody of such material. If that material gets suppressed, will we be having truth prevailing in the matter or will we be having just a game where you merely want to defeat the theory that the accused is innocent? And that is precisely why that judgement has, according to me, great significance. That you must share the material, whatever comes in your custody with the accused. The same logic or same ethos then prevailed in the *V Sasikala*[17] matter. Of course, that was not a death sentence matter- it was a pure and simple Prevention of Corruption Act matter, but the idea is something which is getting carried forward. And that is another significant contribution in the last few years so far as that death sentence issues and matters are concerned.

[15] *D.K. Basu v. State of W.B.*, (1997) 1 SCC 416
[16] *Sidhartha Vashisht v. State (NCT of Delhi)*, (2010) 6 SCC 1
[17] *V.K. Sasikala v. State*, (2012) 9 SCC 771

Third - after we have dealt with arrest etc, now we come to the third level, which is the prosecutor's level. In one of my judgments, which was that of *Anokhilal*,[18] the entire matter was completed within twelve days from the filing of the charge sheet and the sentence. Filing of the charge-sheet, oral submissions, examination of witnesses and the judgement- all within twelve days. There was another case where it was done in fifteen days. It appeared as if you know there was a rat race in some of these sessions courts coming from a particular state and we had an occasion to consider why it was happening so. There was an internal circular, which was a commendation to the prosecutor that if he is successful in getting the death sentence in little time, that would be taken as an honour or as an award to the prosecutor. We had to deprecate that practice. That particular State, I won't name it, but that State was obliged to withdraw those kinds of circulars and that's where the role of the prosecutor actually becomes very, very clear.

> What is that prosecutor supposed to do? Fairness demands that he is representing the societal cause. The societal cause is 'reach the truth', not that this man must be punished.

If the truth says that he is guilty, then certainly, the consequence must follow. Now that is the third level at which we have incorporated the fairness doctrine in the entire approach.

The fourth concerns the trial courts. Apart from this idea that special reasons be given, there's one beautiful provision in the CrPC which says that the accused must be given a chance to respond or to give his reply on the issue of sentence, and he must be given adequate opportunity. There have been cases where without even affording any such opportunity, on the same day as conviction, a death sentence was awarded to certain accused persons—and that is where fairness on part of the Court becomes evident. In one of the cases, I still recollect, Justice AK Ganguly's bench was confronted with this kind of situation where the death sentence was awarded the same day as on the same day when the conviction judgement was rendered. And on this ground alone that bench commuted the death sentence to life. But there are other judgments also which say that, yes, such a sentence can be granted on the same day, provided no prejudice has been caused to the accused. Now it is very difficult to prove what kind of prejudice has been caused to the accused. But this is one part where the trial courts must be very, very vigilant.

[18] *Anokhilal v. State of M.P.*, (2019) 20 SCC 196

This leads us to the directions which we have passed- that it will be part of the trial court's obligations to consider what are the mitigating circumstances, to elicit them. It will be an additional burden on the trial court in such matters, to see that some of the mitigating circumstances are brought on record. I must tell you that when dealing with that matter, one thought which occurred to us is, at what stage should the trial court embark on this inquiry? Should it do it after it comes to the conclusion that the man is guilty, or should it do it right in the beginning? Right in the beginning, the advantages are numerous. You will be able to see the psychological frame of that man. You will be able to see whether there is any kind of psychiatric ailment or something with which he is suffering from. If you postpone it to the last date, in the meantime, a four-year gap may have arisen, the situational differences will always be percolating. Your assessment on the last day would not be so effective as it would be on the first day. Supposing if it is to be on the first day, in most of these matters, persons may get acquitted. Where does one draw the line? Although this is one area that continues to bother us, we said that, very well, let the trial court do it at the last level. Maybe progressively the matter can still be gone into and some refinement can be put in place. But the logic which now has been part of our jurisprudence is that the trial courts must embark on this inquiry. The trial courts are now supposed to be the torchbearers of the truth, that they must get to that truth.

The torchbearers of the truth in one form you must have all the material, so therefore solicit all the material, get it recorded, put it on record, give the copies to the other side. That was what was said by Justice Gogoi in *Sasikala*- to give inspection to the persons concerned. That is where you go to the length of saying that the accused must be made aware, that is what the logic now goes, the level at the trial court must actually be extra vigilant. This is apart from the fact that special reasons by statute must be incorporated.

Then comes the confirmation court in cases where the death sentence is awarded.

> At that level in one of my judgments which was *Anokhilal*, I emphasised a very beautiful saying by Justice Krishna Iyer, 'legal aid to the poor does not mean poor legal aid'. In case you want to extend legal aid as a concept to certain persons who are disadvantaged, then let it be quality legal aid and quality legal aid in matters where a person is facing the possibility of death sentence must be placed at a different dimension.

In *Anokhilal*, again the same principle which Justice Krishna Iyer had said was upheld- that legal aid is part of your Article 21. In *Anokhilal*, we said that the person concerned who gets appointed as a legal aid counsel must have had at least ten years standing at the Bar. You get some kind of quality assistance, not just any kind of matter. This is where we tried to bring in, by every possible way, the element of fairness. And this is how it gets incorporated at the trial court and the appellate court, that is, the confirmation court level as well.

Though it is true that *Vatheeshwaran* had said that delay during the course of matter before the Courts is not to be considered as a factor to commute death sentence to life. However, the approach has always been to see that these matters are dealt with at an early date. They are fast-tracked as against other kinds of matters. The confirmation matters again go in that direction. After the High Courts, the matter comes to the Supreme Court. At the level of the Supreme Court again, in case these exercises are not undertaken, we have, as judges of the Court, extended that and considered the material at that juncture. Of course, there is a possibility that the material may be qualitatively different, but at least you know we are receptive enough to let the material be placed on record. And the last few orders passed by the Supreme Court are testimony to the fact that those mitigating circumstances must always be borne in mind, must always be part of the record.

This is how the approach of the courts at every level is getting refined. And refined for what? Refined only, and only to see that the man who is facing the possibility of death sentence must be given the adequate type of representation and every fair opportunity to represent himself. Now coming back to one of the judgements which I told you about - *Sunil Batra*. After the Supreme Court comes the next level, which is the execution of the death sentence. Again, the law which has developed is that in case there is extreme delay in execution of a death sentence, the Supreme Court says that the death sentence must be commuted to life. Even in cases where there is a definite finding that the man is guilty and deserves to be given the death sentence by courts of law, if there is no execution in the shortest possible time or if there is no consideration of the mercy petitions in the shortest possible time, then there will be a ground available to the person concerned to seek commutation from death to life.

Even after the final finding by the Supreme Court, there is still a possibility. That is where again, another fairness doctrine seeps in. That is where you see *Shatrugan Chauhan*, which goes to the extent of cataloguing the possible ideas or compartments under which the commutation can be affected. I must tell you solitary confinement (*Sunil Batra*) is listed, but no relief on that count. Logic has been expounded, logic becomes part of our jurisprudence, but no relief. *Shatrugan Chauhan* accepts the same as a principle, but provides no relief.

I had an occasion to consider in *Ajay Pal*[19], where the man was putting forth his case on two grounds, after the death sentence was confirmed by the Supreme Court. One, delay in considering the mercy petition and two, that he was kept in solitary confinement. As a judge, I must have dealt with at least twenty-five death sentence matters. I confirmed the death sentence in only two. One where the man was guilty of raping and murdering a four-year old child, and the other, which was actually the terrorist attack case in the Lal Qila. In all other matters, the conscience of a judge must actually get satisfied to a very different level that this is where life needs to be extinguished. That is a very extreme power given to a judge. Amongst fellow citizens, you are given the power to terminate the life of a fellow citizen. That power must be exercised by judges with extreme caution, with extreme circumspection. And that is where these two grounds were projected before us. I was confronted with both ideas - should I go by *Sunil Batra* law or should I go by the fact of delay in considering the mercy petition? I put it on both counts. Therefore, we commuted the death sentence to life. That was a bench of three judges which was presided by Justice Dipak Misra, but the judgement was authored by me.

Then recently in 2022, just before my retirement, there was one judgement, *B A Umesh*,[20] again coming from Karnataka. The original judgement[21] of three judges had rejected the idea that the death sentence must be commuted to life because the sentence was awarded on the same day as conviction by the trial court. So, this is a contra idea, rather than Justice Ganguly's idea. *B A Umesh* belonged to the second category of cases where the judges said it does not matter whether the sentence was awarded on the same day as conviction. But even after the death sentence, there was delay in considering mercy petition, and therefore the gentleman filed a writ petition in the High Court which got rejected. The matter then came before us by way of an appeal. Two grounds were projected - number one, solitary confinement and number two, delay in considering representation. This time I rejected the second ground (delay in considering the mercy petition) but accepted the first ground and commuted the death sentence to life.

Look at how, and to what extent, the jurisprudence is now developing. That even if a man has been kept in solitary confinement against the dictat, against the mandate, against the law laid down by the Supreme Court, see who are the principal players in death sentence cases. The courts and the Executive which is given the power under the Constitution to commute the sentence. Where do these police officers come from? Any infraction on their part- should it entail in commuting the death sentence to life? But we accepted it as a fact, the reason being for a number of years, the man

[19] *Ajay Kumar Pal v. Union of India*, (2015) 2 SCC 478
[20] *B.A. Umesh v. Union of India*, 2022 SCC Online SC 1528
[21] *B.A. Umesh v. High Court of Karnataka*, (2017) 4 SCC 124

(BA Umesh) was kept in solitary confinement. It was not a few weeks or a few months, it was a number of years and that was an accepted fact. This is where the courts are now incorporating doctrine of fairness even at post-conviction stage. The logic is very, very clear.

The statistics are also very self-evident. The statistics show that in most of the matters, for instance after *Mohammad Arif*, when the review petitions had to be listed before a bench of three judges, there were cases where review petitions were already dismissed by a bench of two judges who had initially heard the matter. Yet the benefit of *Mohammad Arif* was given under the orders of the Supreme Court and the matters were again reopened before another bench of three judges. There are cases where even when the initial appeal and initial review petition had been dismissed, in the second round of review, people were granted the benefit and death sentence had been commuted to life.

> That, to my mind, is the greatest achievement of the Supreme Court in the last few years. That it is seeing the death sentence matters, with a different kind, compassionate idea. It is not being seen as a pure run of the mill matters, these matters are seen with special caution. That caution is exhibited at every juncture. It is evident at every juncture. And that to my mind, is the greatest tribute to *Bachan Singh* in the last fifty years. The fairness doctrine which first evolved as a matter of law in *Bachan Singh*, is now at every juncture, you are able to see it at every level.

And, this to my mind, is fairness at its highest levels. You will not find this anywhere else in any other country. There are other principles, which we may accept, we may not accept, especially in jury trials. But this is the greatest contribution by our jurisprudence and I am really proud of it, that I was part of that at some juncture or the other, at least as a judge or as a lawyer or maybe even as a student of law. That, to my mind, should be a matter of pride for all of us. Thank you so much.

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