

**RAO SHIVA BHADUR SINGH VS. STATE OF VINDHYA PRADESH: CASE  
ANALYSIS**

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**ABSTRACT**

*In the early days following the enactment of India's Constitution in 1950, a period marked by profound legal activism and numerous cases aimed at interpreting and upholding constitutional principles, a pivotal case emerged. The case of Rao Shiva Bahadur Singh v. State of Vindhya Pradesh holds a unique place in the history of Indian jurisprudence. At its core was a fundamental question: Could the guarantee of life and liberty, enshrined in Article 21 of the Indian Constitution, be jeopardized due to issues pertaining to the competency of the bench? This landmark case not only addressed this question but also set a precedent that continues to influence Indian jurisprudence.*

**Keywords:** *Bench, Competency, India's Constitution, Liberty, and Life.*

## 1. INTRODUCTION

The early post-independence period in India was characterized by the drafting and implementation of a new constitution. The framers of the Indian Constitution, under the leadership of Dr. B.R. Ambedkar, sought to create a robust framework that would safeguard the rights and liberties of its citizens. Article 21 of the Constitution, an integral component of the Chapter on Fundamental Rights, guarantees the right to life and personal liberty. This fundamental right's guarantee was unbreakable and sacred. However, as the young democracy dealt with the duty of administering justice and resolving legal disputes, concerns about the judiciary's competence began to emerge. Rao Shiva Bahadur Singh v. State of Vindhya Pradesh emerged as a vital topic of dispute and scrutiny in this context.

## 2. FACTS OF THE CASE

- The petitioner, Rao Shiva Bahadur Singh, served as Vindhya Pradesh's Minister of Industries between 1948 and 1949<sup>1</sup>.
- On April 11, 1949, the petitioner was taken into custody in Delhi for obtaining improper favours in exchange for supporting the Panna Diamond Mining Syndicate in a legal dispute regarding the lease of the Panna Diamond Mines.
- In December 1949, the petitioner and Mohan Lal, the ministry of industries' secretary at the time, were brought before the Court of Special Judges in Rewa.
- On July 26, 1950, the special judge cleared both defendants.
- The state challenged the decision before the Vindhya Pradesh Judicial Commissioner.
- The judicial commissioner judged both defendants guilty on March 10th, 1951, and gave them separate prison terms under various provisions as well as penalties.
- On March 12, 1951, a petition for review under Article 134 of the Indian Constitution was submitted to the Supreme Court in response to the judicial commissioner's certification of fitness on the four legal questions raised in the case.
- The Supreme Court's Constitution Bench received this petition in April 1953.

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<sup>1</sup> Rao Shiv Bahadur Singh & Anr v State of Vindhya Pradesh (1953) SCR 1188

- The grounds in this petition that contested the legitimacy of the judgment and punishment handed down by the judicial commissioner were first heard by the Constitutional Bench. On May 22, 1953, the Supreme Court's bench rejected both objections.
- On October 20, 1953, the appeal was brought before the division bench following the resolution of the constitutional questions, and it was ordered that the appeal be examined on its merits.
- On March 5, 1954, this division bench affirmed Mohan Lal's appeal and exonerated him of all accusations. The petitioner's appeal against his conviction under sections 161, 465, and 466 of the Indian Penal Code<sup>2</sup> was nonetheless denied, and his conviction for the charge levelled against him under section 120-B was overturned<sup>3</sup>. The fine was declared void, but the three-year prison sentence was affirmed.
- A review petition was submitted for the rulings of the division bench and constitution on March 18, 1954.
- The issue with the review petition was that it was submitted as a single document for two different judgements, and even the deadline for one of the judgements' review petition submissions had passed.
- The review application was due to be heard on April 5<sup>th</sup>, 1954, by the same Division Bench, and that day the bench also dismissed the petition.
- According to a new petition submitted on behalf of the petitioner on April 12, 1954, the Constitution Bench was consulted regarding the review of its order from May 22, 1953, before making a final decision.
- The petition was denied by the Constitution Bench on May 17.
- The petitioner then filed a request for a writ of habeas corpus, saying that he has been and is still being detained without following the proper legal procedure.

### 3. ISSUES OF THE CASE

- Does the Vindhya Pradesh Judicial Commissioner's decision violate Article 21?

<sup>2</sup> Indian Penal Code, 1860, § 161, 465 & 466, No. 45, Acts of Parliament, 1860 (India).

<sup>3</sup> Indian Penal Code, 1860, § 120B, No. 45, Acts of Parliament, 1860 (India).

- In accordance with Article 145(3) and Article 228 of the Indian Constitution, does the constitutional bench have the authority to split the case into two parts depending on the "substantive question of law"?

#### **4. ARGUMENTS FORWARDED BY THE ADVOCATES**

##### **4.1 The Petitioner's Arguments:-**

The Court of the Judicial Commissioner of Vindhya Pradesh was not the proper forum for hearing the appeal against the Special Judge's decision, so the Judicial Commissioner's judgement overturning the petitioner's acquittal and finding him guilty under several sections of the Indian Penal Code is null and void and will have no bearing on the case.

According to the petitioner's attorney, when a case first comes before this Court, it is important to determine if it contains a "substantial question of law" pertaining to the Constitution's interpretation.

In accordance with Article 145(3) of the Constitution of India, 1950, the case must be decided in its entirety if it is taken up by a constitutional bench<sup>4</sup>.

The petitioner's attorney argued that the constitutional question must be resolved by the constitutional bench before the division bench can decide how to proceed with the other issues if the division bench of the court determines that a constitutional question is present in the case when it is first brought before it.

In contrary to the aforementioned requirement, if the issue is first brought before the Constitutional Bench, the Apex Court does not have the power and authority to divide "the case" and sever the issues in the matter as per its convenience and must instead be fully dealt with by the Constitutional Bench.

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<sup>4</sup> INDIA CONST. art. 145(3)

The High Court is authorized by the Indian Constitution to divide cases involving important legal questions relevant to how the Constitution should be interpreted; however, the Constitution Bench of the Supreme Court lacked this authority in this case.

The lawyer also made a claim in the case about the "indivisibility of a case," contending that, with the exception of specific types of proceedings that are expressly permitted by statute, such as the one in which the CPC was mentioned, the general rule of indivisibility of case governs the handling of a case in a court of any jurisdiction.

These regulations are exceptions to the fundamental rule of a case's indivisibility, according to the references offered by the court's expert counsel.

#### **4.2 The Respondent's Arguments:-**

There is little doubt that matters coming under its purview may be separated to allow the determination of constitutionally crucial problems by a constitutional bench made up of at least five judges, according to Article 145(3) of the Indian Constitution.

The respondent's council asserted that there isn't really an "indivisibility of case" rule.

The council contended that, even if a comparable principle did exist, it would not be appropriate to apply the general rule of a case's indivisibility in this situation and that case splitting must be permitted because some cases are covered by specific provisions of the Constitution or other laws that permit case splitting.

### **5. OPINION OF THE COURT**

The essential premise of the Constitution is clear and calls for a bench of at least five judges to consider and decide each and every constitutional matter. As long as this criterion is satisfied, there cannot be a constitutional objection to the remaining issues in the case being decided by a

division bench of fewer than five judges in order to free up the time of the constitution bench of five or more judges.

The court is not aware of any such broad indivisibility principle. There is no theoretical requirement that a case must always be handled in its entirety by one judge or one set of judges, even though it may be practicable to treat such a matter in two or more phases. We come to the conclusion that no quality of indivisibility needs to be applied to the term "the case" when interpreting clause (3) of Article 145 because the division of cases is not typically in conflict with the law, particularly the Constitution.

As the Privy Council has already determined, there is no reason to interpret Article 145(3) in a way that would strip this Court of its inherent competence to decide cases in stages if a court is entitled to do so. According to whether a matter involves constitutional or other subsidiary issues, this court is presumed to have the power to designate it for hearing on the constitutional bench or one of the other benches.

### **5.1 Majority Opinion**

“CJ Bijan Kr. Mukherjee, J. Vivian Bose, J. Bhuvneshwar P. Sinha and J. Sayed Jaffer Imam”

The parties receive everything to which they are legally entitled, as long as the minimum number of judges that the Constitution and the rules established by this Court prescribe are present to hear and decide the questions raised from stage to stage. They serve as the court's representatives for the purpose of rendering decisions on its behalf.

It won't involve a violation of any legal or natural justice principle if we interpret "clause (3) of Article 145 as requiring only that the minimum number of five judges must sit for the purpose of deciding any case in so far and as long as it involves a substantial question of law as to the interpretation of this Constitution".

In reality, it has become standard procedure in this Court for a Constitution Bench to rule on all constitutional questions while leaving the remaining ancillary issues to be resolved by a Division Bench of at least five judges in conformity with the Constitution Bench's decision. According to

Lord Coke in *Burrowes v. High Commission Court*<sup>5</sup>, nothing in the text of clause (3) of Article 145 compels us to depart from the maxim “*cursus curiae est lex curiae*”.<sup>6</sup>

The case might initially involve a crucial legal question about how to interpret the Constitution, but it might eventually cease to do so. Therefore, it cannot be demanded that a bench of five or more judges spend their time deliberating a case that no longer presents any constitutional questions.

## **5.2 Opinion in Contradiction: ‘Justice Vivian Sinha’**

The key point of controversy relates to how the other judges on the bench have interpreted and explained Article 145(3). A case could involve constitutional interpretation as well as additional concerns. The major question was whether or not the entire case was covered by clause (3) in this context.

The Constitution intended the case to be the "whole matter" in dispute when establishing clause (3) of Article 145, which encompasses both the constitutional law question and other issues. The terms "case" and "question," as well as the proviso and body of the clause, have all been defined.

To decide the legal questions in instances that fall under the proviso of clause (3), a constitutional bench of at least five judges may divide the cases. The remaining details can be handled by the divisional bench, before which the matter was initially brought.

The Constitutional Court must fully examine these issues as well as all other significant legal and procedural issues in the case; the Apex Court is not allowed to separate the things falling under the main clause as indicated in section (3) according to its whims and fancies.

In order to show that those who drafted the Constitution were fully aware of the difference between a "case itself" and a "question of law," reference was made to Article 228 of the

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<sup>5</sup> *John Burrowes v. High Commission Court* (1701) 3 Bulst. Calcutta High Court

<sup>6</sup> The practice of the court is the law of the court

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Constitution<sup>7</sup>, which gives the High Court the discretionary power to decide constitutional questions of law and refer the rest of the case to a lower bench or court.

The proviso is an exception to the general clause, which is the main clause (3), and was adopted by the Constitution, supporting the argument. The proviso qualifies the meaning of the proviso and is significant since it is specific, only applies to appeals, and only applies to individuals who have not followed A. 132's procedure<sup>8</sup>.

The arguments and references offered by the other judges in their decisions are further refuted by the fact that the court is still in its infancy and there is no "established practice" of this court. The use of the case as an example was disputed because the trial there, which was very different from the current scenario, featured two courts with coordinating jurisdiction.

He claims that because it affects the "main clause," the Constitutional Bench must consider the entire matter. He delivered his decision by ordering that the petition be granted to the extent that the Constitutional Bench must consider it because the Divisional Bench's order had been issued by an incompetent court.

**Final Decision: The petition is dismissed in accordance with the majority of the bench's ruling.**

## 6. CRITICAL REMARKS REGARDING THE CASE

A court of law must infer the Constitution's spirit from its words. No matter what one may think or want, if it is not stated in the language of the Constitution, it will not be able to serve its intended function. It would also be against the spirit of the Constitution for other men to file a petition under Article 145(3) of the Indian Constitution if it were against the spirit of the Constitution to move through with the trials under this incorrectly understood clause of the Indian Constitution.

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<sup>7</sup> INDIA CONST. art. 228

<sup>8</sup> INDIA CONST. art. 132



When interpreting Article 145(3) and its proviso of the Indian Constitution, we believe the dissenting judge's line of thinking in this instance is more tenable and reasonable.

It cannot be contended that the court had an "established practice" at the time this decision was made in 1955 because the court was still in its infancy. There are considerations in favour of this logic of customary practice, including the fact that the nations from which our constitution's provisions were formed sometimes divided or split up instances. But it's crucial to understand that we cannot generalize any rules to India because of the nation's unique social, political, economic, and legal aspects.

Rather than the provision, clause (3) of Article 145 of the Indian Constitution applies to the current situation. The petitioner's appeal was therefore not taken into account in accordance with the law. The petitioner is in violation of Article 21 of the Indian Constitution as a result of this<sup>9</sup>.

The judge who dissented in this case came to the conclusion that "the case" refers to the entire issue up for debate before the court.

In accordance with his opinion, the proviso to Article 145 clause (3) and its application to only a few specific situations should be interpreted jointly. A constitutional bench must hear cases covered by clause (3) of Article 145 of the Indian Constitution, and they cannot be divided on the basis of a significant legal issue pertaining to the interpretation of the constitution's provisions.

## 7. CONCLUSION

Except for cases involving constitutional problems, which must be heard by a constitutional bench of at least five justices, the Supreme Court was given total discretion and authority to select the bench for the case's hearing. Most importantly, as stated in the petition, a case like this cannot be justified by a vague or unrecognized "Rule of Indivisibility."

Before declaring a decision to be invalid or unlawful, one must make an effort to understand the meaning provided by the statute that supports the particular judgment. It is absolutely clear from

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<sup>9</sup> INDIA CONST. art. 21

the text of Article 145(3) when a constitutional bench must be convened in order to decide the case.

Every citizen has the right to use this court to seek justice, but they are not allowed to choose the judge or judges' bench who will hear their case. The Apex Court continues to be the exclusive authority to choose which matters are heard by which of its multiple benches because the statute does not always permit it. As a result, the court dismissed the petition after concluding that the issue in question lacks merit.

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