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Snakes and Ladders: Suo Moto Intervention and the Indian Judiciary [1]

Marc Galanter

Legal systems are hierarchical constructions, some taller and deeper, some shallower, and commonly portrayed as an orderly pyramid. Sometimes an incident in this hierarchic landscape reminds us that, as in a game of snakes and ladders, there may be startling and unexpected connections (and disconnects) between different locations in the system. I want to talk about such an instance, initiated by the Supreme Court of India on March 28, 2014.[2] It

[1] Presented at the symposium on "The Layers of Law and Social Order" at the the Florida International University College of Law, Oct. 24, 2014. It grew out of a talk to the Conference on "India in the Global Legal Context: Courts, Culture, and Commerce," at the University of Chicago, April 4, 2014. Acknowledgements:

[2] In Re: Indian Woman says gang-raped on orders of Village Court published in Business & Financial News dated 23.01.2014. (Mar. 28, 2014) CITE

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led to a judgment delivered on March 28 by a three judge bench[3] presided over by Chief Justice P. Sathasivam, who had ascended to the Chief Justiceship (by the rule of seniority) on July 19 2013 and was anticipating compulsory retirement just four weeks later, on April 26, 2014.[4] (This was the culmination of a judicial career of mote than 6 years on the Supreme Court, preceded by 10 years of service on several High Courts. On September 4, 2014 he was appointed Governor of the State of Kerala—the first retired Chief Justice of India to occupy such a position. The appointment drew criticism from the Kerala bar and others in legal circles.)[5]

[3] The Supreme Court has 31 judges and sits in benches of 2, 3, 5 and occasionally more judges. See Nick Robinson….

[4] The Supreme Court of India has 29 judges. The Court sits in benches of two (most frequently), three (a "Full Bench"), five (a "Constitution Bench") and extraordinarily seven, nine or more. The average size of benches has been falling steadily as the Court takes on more and more cases. Nick Robinson, A Quantitative Analysis of the Indian Supreme Court's Workload," Journal of Empirical Legal Studies 10:570-601 (2013) Judges typically join the Court in their late 50s and face compulsory retirement on their 65th birthday. Ascension to the Chief Justiceship is by a custom of seniority based on length of service on the Court, which leads to a typical brief tenure in that post. There have been 42 Chief Justices in the Court's 65 years. .

[5] Sneha Mary Koshy, "118 Kerala Lawyers Appeal to President, Say ex-CJI Can't be Made Governor," NDTV, Sep. 3, 2014

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In late January of 2014, the Court (or, one supposes, one of the judges, very likely the Chief Justice himself), encountered a news item [6] dated Jan 23, describing the rape, two days earlier, of a 20 year old Santhal woman in a West Bengal village.[7] This was not an ordinary rape but a gang rape imposed by a "community panchayat"[8] (that's the Court's term) as punishment for having a romantic relationship with "a man from a different community."[9]

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[6] "Indian woman says gang-raped on orders of village court," Business and Financial News, Jan 23, 2014

[7] The Santhals are a tribe of some 6 million people living in eastern India, mostly in the states of Jharkhand and West Bengal. For a brief account of their relations to India's legal system, see Vasudha Dhagamwar, Role and Image of Law in India: The Tribal Experience (New Delhi: Sage Publications, 2006). For a recent survey of their conditions, see Ministry of Tribal Affairs [Xaxa Committee], Report of the High Level Committee on Socio-Economic, Health and Educational Status of Tribal Communities of India (May, 2014)

[8] The term "panchayat" (literally a coming together of five) can refer to various indigenous institutions, established or ad hoc, administrative or judicial. Here the Court's reference is to a proceeding that was judicial in the minimal sense of applying and enforcing local norms to a specific "case." That proceeding was locally understood as a salish, an assembly or meeting of a council or assembly. Such bodies are sometimes referred to by newspapers as "kangaroo courts." On the local scene "panchayat" referred to the statutory council that served as an organ of local government.

[9] Page ____. "Community" in recent Indian usage refers to a section of the population differentiated by religion, caste or tribe. In this case, the man was a married Muslim who worked with her.

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Exactly what happened is far from clear. It seems that on Thursday, January 21, 2014, a young Santhal woman and her paramour, a somewhat older Muslim man with whom she did construction work, were accosted at her home by a group of male villagers, offended at this disapproved liaison. They were bound, taken to the local headman, and tied to a tree near his residence.. There are conflicting accounts of what ensued. In some accounts a salishi [assembly] was convened that evening ; there was deliberation and demand for payment of large sums by the girl, beyond the means of the girl, as a fine. Then the salishi was scheduled for (or postponed until) the next morning. According to the young woman, the headman then invited or instructed those in attendance to "enjoy the girl in any way you wish." She described being raped by thirteen men in a kitchen shed adjacent to the house of the headman.[10] According to supporters of the accused men, the girl and her paramour remained tied up in public view throughout the night.

The next morning a salishi convened at 7:00 a.m., attended by a several hundreds of tribals and a few others, including some local workers of the Tirumool Congress, the ruling party in the State of West Bengal. After extended

[10] Her complaint of Jan. 22

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negotiation, perhaps with the intercession of the politicians present, the Muslim paramour's fine was set at Rs. ____ instead of the Rs. 350,000 initially demanded. The demand that the girl pay a fine of R. 27,000 was reduced to Rs. 3000 after her brothers argued that the initial sum was beyond their reach. The salishi broke up about 1:00 in the afternoon. The girl returned to her home, told family members what had befallen her, and the next day went to the police station at _____ (____distance) and reported that she was raped. As she was illiterate she was assisted by Anirban Mondel, whose presence and connection remain unexplained, [11] At the trial some months later, the Judge did "not find any reason to delve into the matter as to who took the victim to…[the scribe.]"[12] The police then rounded up the accused men—though there are conflicting stories— one involving their coming to the plice station at the encouragement of one Ajay Mondal, a political leader, member of the government panchayat, a non-tribal who had served as bagman in the delivery of the "fines" the previous day.

[11] Transcript 81
[12] Transcript 81

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On the morning of the following day_____, several newspapers published accounts, reporting the victim and police version of the event. This report resonated because of growing concern about of long series of reports of unpunished gang rapes in Bengal[13] and massive public protest about a horrific gang rape in New Delhi leading to death of the victim.[14]

The very next day, Jan. 24, the Supreme Court –on its own initiative, without the filing of a case by any party in any court—took the unusual but not unprecedented step of intervening suo moto. The Court directed the District Judge of Birbhum District to investigate the matter and report to the Supreme Court within one week. When the report arrived a week later, the Court found the information insufficient and directed the Chief Secretary of West Bengal (that is, the State's chief administrative official—a career civil servant rather than a political appointee) to submit a detailed report within two weeks. The Court also appointed an Additional Solicitor General[15] to assist the Court in this matter. Ten days later the Court received a detailed report from the Chief

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15 In India the Solicitor-General…

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Secretary and four days after that the Court directed West Bengal to put on record the legal and medical documentation.

On March 13 the Court conducted a hearing at which it heard the amicus (the Additional Solicitor General) and counsel for the State, but neither the victim nor those accused in the criminal case were summoned or represented by counsel. The amicus pointed to a number of problems in the story: if it was a village salish, how account for the presence of outsiders (i.e., the politicians belonging to the ruling party in the state?) Was there a salish in the evening of January 20, before he alleged rape, as well as one in the morning of January 23? How account for the presence of Anirban Mondel at the police station to serve as the victim's scribe? And, most strikingly, "he pointed out that the aspect as to whether there was a larger conspiracy must also be seen." It appears that he was referring to the discrepancy in the accounts, compounded by the unexplained presence of the ruling party politicians. Counsel for West Bengal assured the court that any deficiencies in the investigation "would be looked into and rectified."

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Two weeks later, on March 28, a three judge bench, with Chief Justice Sathasivam presiding, published its judgment.[16] Proceeding to the merits without any further visible compiling or testing of evidence, it concluded that "[t]he case at hand is the epitome of aggression against a woman…." The Court announced that ultimately the question it ought to assess is "whether the State Police Machinery could possibly have prevented the said occurrence. The response is certainly a 'yes.'" Such offenses, declared the Court, result from "the State[']s incapacity or inability to protect the Fundamental Rights of its citizens."[17] Therefore the state is duty bound to compensate the victim. The Court concludes that "[s]uch crimes can certainly be prevented if the state police machinery work in a more organized and dedicated manner."[18]

On behalf of the State government, the Chief Secretary had proposed a long list of measures for aiding the victim—including legal aid, allotment of a plot of land, construction of a house, installation of a tube well, and Rs. 50,000 to be paid to the victim within a week. There is no indication that this was

[16] In Re: Indian Woman says gang-raped on orders of Village Court published in Business and Financial News dated 23.01.2014, Indian Kanoon- http://indiankanoon.org/doc21158886/

[17]

[18] Para 26.

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regarded as obligatory in any sense beyond the necessity of satisfying the Court. The Court endorsed these arrangements, but regarded the Rs. 50,000 compensation as inadequate and directed the State to make a payment of an additional Rs. 500,000 within one month. In addition the Court asked for details about "the measures taken for security and safety of the family" and for their "long term rehabilitation" as they are "likely to be socially ostracized."[19] The State proposed to build a house for the victim. Alert to possible tensions, the Court insisted that the house be in her name rather than that of her mother.

Back in Bengal, the criminal investigation proceeded, culminating in a trial in the Sessions Court in Birbhum that began on _____ and lasted until September 19 at which thirteen accused were found guilty and sentenced to twenty years. [20]An appeal is pending.

The Supreme Court's extraordinary initiative in this matter was not unprecedented. Proactive judicial intervention has become a familiar if not frequent feature of judging in the higher courts of India since the emergence of "Public Interest Litigation" in the aftermath of the Emergency, over 30 years

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[20] In addition, they were fined…with the provision that if the fine were not paid, their sentences would be extended….

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ago—starting with the Court's 1979 intervention in the horrific blinding by the Bhagalpur police of 31 undertrials who they regarded as troublemakers.[21] In some of these public interest litigations, the Supreme Court and the High Courts have not only ordered injunctive relief and mandated government action, but have awarded substantial amounts of damages to victims—typically without detailed calibration of the victim's injuries.

Typically such "public interest" forays by the Supreme Court and High Courts have been in response to submissions by lawyers or NGOs, facilitated by the relaxation of requirements of standing. But sometimes these initiatives derive from judicial reaction to a newspaper article or a letter (the so-called "epistolary jurisdiction") which have become a familiar feature of the Indian

[21] Anil Yadav v. State of Bihar, 1982 (2) SCC 195 (first case in which compensation for human rights violations].
The literature on "public interest litigation" as this came to be called, is vast; See S.P Sathe, Judicial Activism in India: Transgressing Borders and En forcing Limits (New Delhi: Oxford University Press, 2002); Ashok H. Desai and S. Muralidhar, "Public Interest Litigation: Potential and Problems" in B.N. Kirpal, et al, eds., Supreme But Not Infallible: Essays in Honor of the Supreme Court of India (New Delhi: Oxford University Press, 2002)at 151-192; Oliver Mendelsohn, "Life and Struggles in the Stone Quarries of India: A Case Study," in Law and Social Transformation in India (New Delhi: Oxford University Press, 2014)

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judicial scene, rare but highly visible.[22] Only in the last decade has the label suo moto, which had sometimes been employed to refer to citations for contempt of court, been attached to these court-initiated cases. (As we shall see, the term is frequently misapplied in the sense that it is used to describe judicial action which is clearly in response to an initiative of a party or other legal actor).

The term suo moto to describe cases initiated by the court (i.e., the bench) itself had earlier been employed in reference to contempt citations, but around 2002 it begins to refer to other instances in which the court takes the initiative to take cognizance of a matter. Such initiatives become markedly more prevalent beginning in about 2010. Table 1 displays the number of reports in four prominent news sources of such initiatives taken by the Supreme Court and the High Courts. Duplicative reports of the same instance have been eliminated. We see the onset and a marked increase of such interventions. The trend lines are similar in the Supreme Court and in the High Courts. On examination, some appear to be instances of judicial actions taken in response to the initiative of some organizational petitioner, so that to some extent we may just be marking a change in terminology. But many of these cases appear to be instances in

[22] Note on infrequency, screening…Nick

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which the initiative came from the judges themselves.[23] One reason to think that the presence of the new terminology marks a change in judicial behavior rather than mere relabeling is the emergence of comparable suo moto initiatives in the judiciaries of Pakistan and Bangladesh.[24] So we have several instances of a court at the peak (or at least a high elevation) of a complex judicial hierarchy adopting this device of reaching one might say to the bottom of the system to sort out matters of a kind otherwise unlikely to make its way to those exalted institutions .

Table/Figure here

Is the 2002 starting date a reflection of changing practices or changing recording or naming of these events? There definitely seems to be a time factor, for the pattern in the High Courts is very similar. Public Interest Litigation in India, with expansion of standing, dates from the early 1980s. Those PILs, as they were called, included some started by a judge in response to a news

[23] This is based on examination of the Supreme Court ones; I have not examined the High Court ones.

[24] **This judicial recourse to suo moto initiatives occurs with comparable or greater frequency in Pakistan, somewhat less in Bangladesh, and only very occasionally elsewhere in the common law world. In**

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account or by a letter (the so-called epistolary PILs). As far as I can tell, the term "suo moto" was not in vogue. The Supreme Court has reduced the flow of letter requests by establishing a screening body that forwards only a timy minority to the Court. In the early years of public interest litigation, the Supreme Court famously responded to the occasional letter from an aggrieved party, a practice that was dubbed its "epistolary jurisdiction." In recent years such incoming mail is screened by court staff and only a tiny portion (e.g., 1.4% in 2007, 0.9% in 2008) are taken up by the court.[25] It appears to be the case most of these suo moto proceedings are launched by benches on which the Chief Justice is sitting and in cases where the judgement is given by the CJ.

Note[26]

There are many intriguing things here— many departures from the Court's regular mode of operation[27] and from our expectations as observers of

[25] Nick Robinson, "A Quantitative Analysis of the Indian Supreme Court's Workload", [table 13 at p 36].

[26] Some court-like bodies that are not part of the judiciary (like the National Human Rights Commission) have taken similar *suo moto* initiatives. This is less surprising since such bodies are understood to have investigatory as well as adjudicatory functions

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courts[28]: the constraints of passivity displaced by active outreach and management; the abandonment of the adversarial frame; institutional space and time are compressed—instead of being separated by layers of institutional intermediaries and years of process,—there is an imperative to connect with the immediacy of events. The court is eager to project itself into the moment of action, to act at the coal face, where the rubber meets the road, liberated from the stylized intermediation of registry, clerks and lawyers, pleadings, motions, appeals, that present matters to the court in standardized digestible packages. We have the Court contending, as directly as it can, with the raw facts of the victim's plight. The Court's aspiration to be effective at this point reveals something important about the court and about its spectator public. The Court aspires to correct injustice without the constraining forms in which it is

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[27] And departure at least in degree from the format of public interest litigation—where the initiative is typically provided by a party or champion In these suo moto actions the Court is not only the ally of would-be 'reformers' but the entrepreneurial reformer itself.

[28] Compare the regulatory and enforcement initiatives by judges in American trial courts, departing from the passive and reactive model thought to describe the common law judge, described by Galanter, Palen and Thomas, AThe Crusading Judge: Judicial Activism in Urban Trial Courts,@ Southern California Law Review 52: 699-741 (1979).

enmeshed. This is done publically, attracts media attention, and is applauded by wide sections of the public that are looking for a champion, an actor that pursues and achieves substantive justice, that can do the right thing, that can get things done-- something they don't necessarily see when they look at familiar legal institutions.

It is notable that the Supreme Court in this case doesn't direct the rape dispute into the lower courts or engage the lower court as its agent. This may reflect caution about losing momentum or focus. The result is that the Court retains the starring role, making decisions and issuing orders about various aspects of the investigation and the remedy. We might call this Cinderella law—the Court as good fairy appears, unbidden, to turn the tables on behalf of an obscure and resourceless victim. I don't mean to denigrate or minimize the Court's genuine concern and its steadfastness and courage. My question is why its response takes the form of these singular heroic interventions rather than promoting some institutional shake-up, some initiative to empower and encourage courts lower in the judicial hierarchy and closer to the matter at hand to engage in this way. The Supreme Court (or these benches at least) seems to envision itself not as a specialized limb of the judicial body, with

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supervisory and standard-setting responsibilities but as an institution that fully incarnates in its purest and highest form the mission and plenary powers of the judiciary.[29]

The Court's actions mark a departure from the normal operation of the judicial hierarchy. There is an echo here of the disdain with which higher courts in India frequently treat the efforts of the lower judiciary, a hint of the disconnect between the higher judiciary and the ordinary courts.[30] But for a moment the Court dramatically invokes and instantiates the presence of a single integrated system in which the norms of modern "constitutional" India are realized and embodied. The Court's action registers deviance from these norms, but it announces and dramatizes that there is a remedy that is hierarchically present. Momentarily at least the "great pyramid of legal order"[31] is integrated and whole, from the Chief Justice of the Supreme Court at its peak, projecting undiluted remedial justice, to the police constables protecting the victimized

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[29] Compare Mirjan R. Damaska, The Faces of Justice and State Authority (New Haven: Yale University Press, 1986) _____

[30] Jay Krishnan, et al., "Grappling at the Grassroots: Litigant-Efforts to Access Economic and Social Rights in India," 27 Harvard Human Rights Journal ____ (2014)

[31] Cf. Henry M. Hart and Albert M. Sacks, *The Legal Process: Basic Problems in the Making and Application of Law* (tent. Ed., 1958) p. ____

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villager. The norms of the Indian state are vindicated as the victim is remedied and rehabilitated by the civil law and violators are punished by the criminal law. For a moment the law is whole, effective, benign, accessable. In the Court's initiative one can hear faint echoes of accounts of the Emperor Jahangir who reported in his memoirs:

> ***After my accession, the first order that I gave was for the fastening up of the Chain of Justice, so that if those engaged in the administration of justice should delay or practise hypocrisy in the matter of those seeking justice, the oppressed might come to this chain and shake it so that its noise might attract attention..***[32]

In the case at hand the judges don't only provide a chain, but they take the initiative and shake it vigorously on behalf of the perceived victim. While the Court is free to shake the chain when it is so disposed, the location of the chain—that is, the lever to inspire the court to launch on this infrequent and unpredictable intervention-- is, unlike Jahangir's chain, not known to or

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[32] *The Tuzuk-I-Jehangir;* Memoirs of Jahangir (trans. Alexander Roberts, ed. by Henry Beveridge) http://archive.org/stream/tuzukijahangirio00jahauoft/tuzukijahangirio00jahauoft_djvu.txt Jahangir (1569-1627) reigned from 1605 until his death in 1627.

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reachable by the remote suppliant. Its sound is not to summon the caring sovereign, but to announce the Court's benign intervention. That intervention is a performance — for the judges themselves, as well as for the wider audience that may be thrilled or at least reassured by the Court's demonstration of the immanence of justice. Apparently the show is very appealing—at least to some sections of the public and to the judicial actors themselves? As for the officials, the judges of the lower courts, and the police we may wonder if they are inspired or alienated.

The judicial fondness for this strategy suggests several things. First, that the higher courts, that is the Supreme Court and the High Courts, with their extensive original jurisdiction, are not only the hierarchic controllers of the lower courts, but in a curious way their rivals for attention, prestige and power—a rivalry that manifests itself in reluctance to accord the lower courts a sphere of autonomy and initiative.[33] Second, it reminds us that India's legal structure is not an orderly unified pyramid radiating legal illumination into

[33] Cf. Jay Krishnan, et al., "Grappling at the Grassroots: Litigant-Efforts to Access Economic and Social Rights in India," 27 Harvard Human Rights Journal ____ (2014) at note 229 ff.

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unoccupied neutral space.[34] Instead it is situated in a space populated by a thick tangle of other forms of normative regulation like, for example, the rules or standards invoked by the actors in the Bengal village.[35] I make no claim that these other forms of regulation are "prior" to the state, that they form a basic substratum of social regulation in contrast to 'artificial' or superficial state institutions. These local legalities may come into being together with state institutions or in reaction to the presence—or absence—of state institutions; Local legality may imitate state institutions—and these, conversely, may pretend to embody indigenous forms.[36] But whatever their origin, these non-

[34] I don't mean to imply that such an orderly pyramid accurately describes legal institutions in settings outside India that are familiar to me. But the imagery has a powerful hold on the legal imaginary in many places.

[35] A few examples of the many studies pointing to these are Maarten Bavinck, "Marine Resource Management: Conflict and Regulation in the Fisheries of the Coromandel Coast (New Delhi: Sage Publications, 2001) (regulation among fishermen, boat owners); Julia Eckert, "Urban Governance and Emergent Forms of Legal Pluralism in Mujmbai," Journal of Legal Pluralism No. 50: 29-60 (2004) (Shiv Sena courts); K.S. Sangwan, "Khap Panchayats in Haryana: Sites of Legal Pluralism,"in Kalpana Kannabiran and Ranbir Singh, Challenging the Rule(s of Law: Colonialism, Criminology and Human Rights in India (New Delhi: Sage Publications, 2008) (khap panchayats).

[36] For example, the State has established nyaya panchayats and lok adalats that try to borrow the charisma of "traditional" institutions. On panchayats, see Upendra Baxi and Marc Galanter, APanchayat Justice: An Indian Experiment in

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state regulators are there and their presence alters the impact and meaning of state law. Like a sunken ship or a sandbar the formidable enforcement of local norms that contradict those embodied in the state's official pronouncements presents a challenge to governmental navigation that cannot be ignored or simply overridden by a claim of superior legitimacy. Of course in practice the organs of the state themselves (for example, the police) frequently exhibit norms and practices that depart from the "higher law" to which they pledge fealty.

Legal Access@ in M. Cappelletti and B. Garth (eds.), Access to Justice: Vol. III: Emerging Issues and Perspectives (Milan: Guiffre; Alphen aan den Rijn: Sijthoff and Noordhoff, 1979) pp. 341-386; Catherine S. Meschievitz and Marc Galanter,) AIn Search of Nyaya Panchayats: The Politics of a Moribund Institution@ in R. Abel (ed.), The Politics of Informal Justice: Comparative Studies, New York: Academic Press (1982) pp. 47-77. On Lok Adalats, see Marc Galanter and Jayanth Krishnan ADebased Informalism: Lok Adalats and Legal Rights in Modern India,@ in Erik G. Jensen & Thomas C. Heller, eds., Beyond Common Knowledge: Empirical Approaches to the Rule of Law (Stanford, CA: Stanford University Press, 2003) 76-121; marc Galanter and Jayanth Krishnan, A>Bread for the Poor:= Access to Justice for the Needy in India,@ Hastings Law Journal 55: 789-834 (2004).

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Curiously sudden interventions of the higher courts like the one here may take the form of dramatic eruptions of *kadi* justice,[37] in the Weberian sense of responding to individual cases in terms of concrete ethical judgments rather than by routine application of generalized rules. Such intervention has emerged as a prominent instrument of governance and a source of legitimacy for a system of formal legality— in this case dramatizing the triumph of official law over the familiar but ever surprising and alarming presence of "retrograde" immanent law . So we see the Indian state's institutions of rational bureaucratic legality defended by adventurous excursions into individualized kadi justice.

But there are limits on the efficacy of such judicial adventures/initiatives. Weber's ideal-typical kadi presumably enjoed intimate and direct knowledge of the case before him. But inevitably, there are limitations on how much a real world court knows about what actually happened and on how accurately it can ascertain what the effects of its intervention will be. The Indian court here seems to abandon some of the cautions and checks institutionalized in the

[37] See Max Weber, *Economy and Society* Vol 3, p. 976. Weber associates *kadi* justice with charismatic adjudication ("…the Solomonic award of a charismatic sage, an award based on concrete and individual considerations which demand absolute validity.") Id., at 1115.

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judicial process, unintentionally sacrificing accuracy in the immediate case to the general images that it broadcasts.

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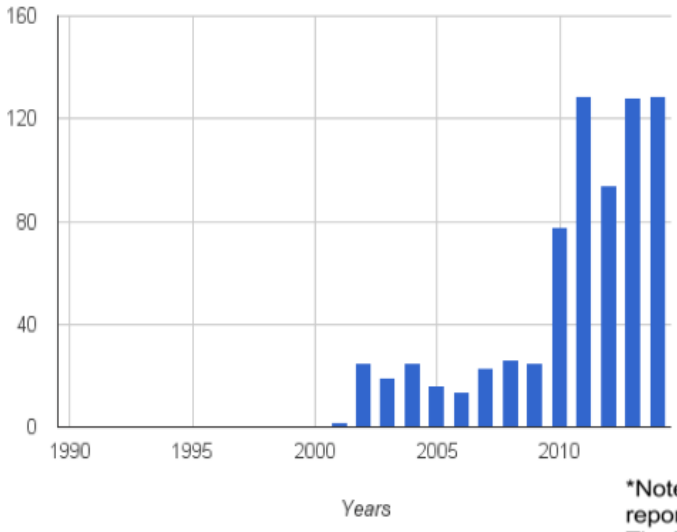
Table 1. Reported Suo Motu Instances.

Year	# of instances
1990	0
1991	0
1992	0
1993	0
1994	0
1995	0
1996	0
1997	0
1998	0
1999	0
2000	0
2001	2
2002	25
2003	19
2004	25
2005	16
2006	14
2007	23
2008	26
2009	25
2010	78
2011	129
2012	94
2013	128
2014	129

Fig. 1- Reported Suo Motu Instances in Supreme Court of India, 1990-2014*



*Note 1: Non-duplicative reports in four sources: The Times of India, The Hindustan Times, The Hindu, and The Statesman (all online versions)
Note 2: 2014 data for first 10 months of 2014; January-October.

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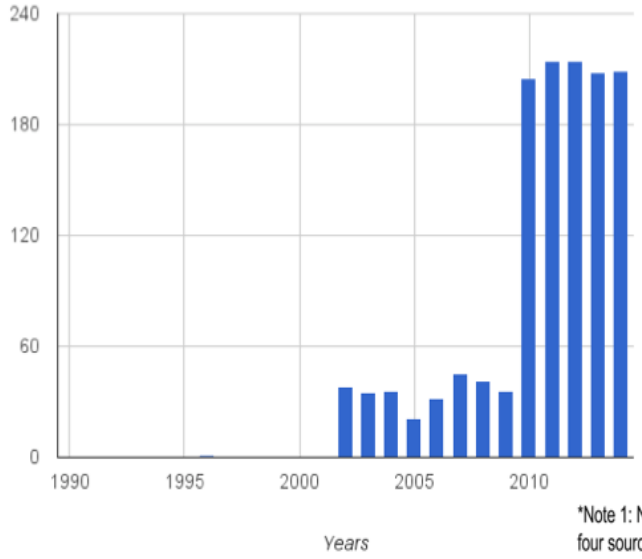
Table 2. Reported Suo Motu Instances.

Year	# of instances
1990	0
1991	0
1992	0
1993	0
1994	0
1995	0
1996	1
1997	0
1998	0
1999	0
2000	0
2001	0
2002	38
2003	35
2004	36
2005	21
2006	32
2007	45
2008	41
2009	36
2010	205
2011	214
2012	214
2013	208
2014	209

Fig. 2- Reported Suo Motu Instances in High Courts of India, 1990-2014*



*Note 1: Non-duplicative reports in four sources: The Times of India, The Hindustan Times, The Hindu, and The Statesman (all online versions)
Note 2: 2014 data for first 10 months of 2014; January-October.

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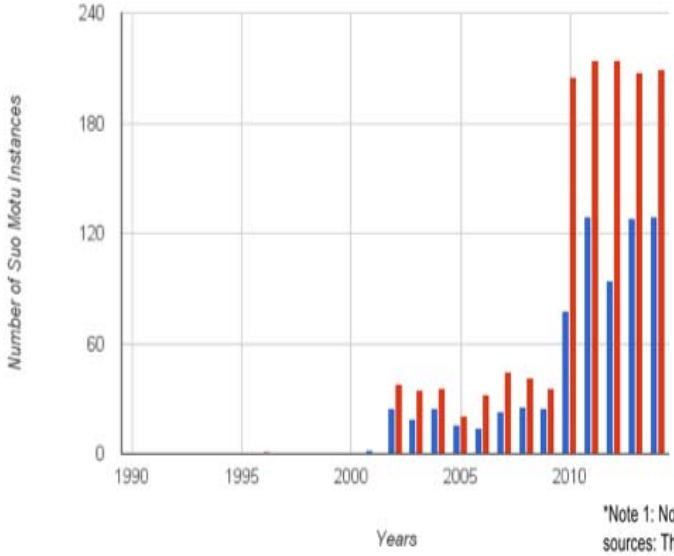
Table 3. Reported Suo Motu Instances.

Year	Supreme Court	High Courts
1990	0	0
1991	0	0
1992	0	0
1993	0	0
1994	0	0
1995	0	0
1996	0	1
1997	0	0
1998	0	0
1999	0	0
2000	0	0
2001	2	0
2002	25	38
2003	19	35
2004	25	36
2005	16	21
2006	14	32
2007	23	45
2008	26	41
2009	25	36
2010	78	205
2011	129	214
2012	94	214
2013	128	208
2014	129	209

Fig. 3- Reported Suo Motu Instances in Supreme and High Courts of India, 1990-2014*



*Note 1: Non-duplicative reports in four sources: The Times of India, The Hindustan Times, The Hindu, and The Statesman (all online versions).
Note 2: 2014 data for first 10 months of 2014; January- October.