
***A.R Antulay Case : A Judicial Response To
Privileged Class Deviance***

*Shambhavi, Chanakya National Law University, Patna.**

Abstract

Breaking accepted social norms is commonly referred to as "deviance." As norms dictate nearly all human actions, the term "deviance" encompasses a wide range of behaviour. The structure of a society affects how deviation is understood, who or what is labelled as such, and what measures are taken in response to the problem. Nevertheless, it's only recently that society as a whole has begun to recognise that deviation has institutionalised origins. Always, deviation comes down to contrast.

*The author is an LLM Candidate at Chanakya National Law University, Patna.

I. Introduction

Breaking accepted social norms is commonly referred to as "deviance." As norms dictate nearly all human actions, the term "deviance" encompasses a wide range of behaviour. The structure of a society affects how deviation is understood, who or what is labelled as such, and what measures are taken in response to the problem. Nevertheless, it's only recently that society as a whole has begun to recognise that deviation has institutionalised origins. Always, deviation comes down to contrast. Every day, we come into contact with persons whose outward look or behaviour deviates from what we would consider "normal." When unconventional actions result in novel ideas, they can be useful to society. As in the case of criminality, deviation can also have negative consequences. Consequently, in layman's terms, deviation from the norm is improper conduct. Breaking the rules that a society has established for its members is what we mean when we talk about deviance. Disobedience to these standards is deviance. Deviance is defined as "the fact or state of departing from conventional or recognised standards, especially in social behaviour." Privileged Class Deviance refers to these kinds of actions taken by members of society's upper classes. Privileged Class Deviance occurs when members of a privileged class—those with advanced degrees or professional licences, such as doctors, engineers, lawyers, teachers, etc.—become social outcasts. They take advantage of their victim's vulnerability to further their own ends, often at the expense of physical harm. Official deviance, often known as governmental deviance, is just one of many sorts of deviance. Other categories include professional deviance, trade union deviance, landlord deviance, police deviance, electoral deviance, gender-based violence, and so on.

II. Crime Of The Preferenced Class

"The occurrence or state of departing from conventional or accepted standards, particularly in social behaviour," says the Oxford dictionary. Privileged Class Deviance refers to these kinds of actions taken by members of society's upper classes. Privileged Class Deviance occurs when members of a privileged class—those with advanced degrees or professional licences, such as doctors, engineers, lawyers, teachers, etc.—become social outcasts.

They take advantage of their victim's vulnerability to further their own ends, often at the expense of physical harm. Official deviance, governmental deviance, professional deviance, trade union deviance, landlord deviance, police deviance, electoral deviance, gender-based aggressive deviance, etc., are just few of the various varieties of deviance that exist.

Those who belong to the privileged class are held in high esteem and have both material and social advantages. Because of the advantages they enjoy as a result of their social standing, level of education, or financial resources, they are able to influence the lives of those around them. This gives them great influence in comparison to the rest of society. The term "Privileged Class Deviance" can now be understood to refer to instances of harmful behaviour committed by the wealthy and well-connected for their own gain. The harmed party, as the victim, is entitled to seek redress in a court of law. As a result, this work centres on these themes and provides explanatory legal and practical context.

III. Judicial Reaction to Public Class Defiant Behavior in the Case of R. Antulay

One of the most important decisions in Indian law is AR Antulay v. RS Nayak (1988), which ruled that cases of corruption heard by a Special Court cannot be appealed to a High Court judge. The Indian Supreme Court was confident that justice had been done even though it received widespread criticism. As a result, a number of respected legal experts began arguing that human anticipations were limiting the effectiveness of the law.

Mr. Antulay, the Respondent in this seminal case, resigned and left office as Chief Minister of Maharashtra on January 20, 1982, while the petitioner, Mr. Nayak, was a political figure with ties to the government. The Respondent alleges that his constitutional rights were violated, which is at the heart of the complaint. The Supreme Court of India made a precedent-setting verdict, finding that the High Court's decisions violated the appealing party's rights under Articles 14 and 21 of the Indian Constitution. This case is intriguing to debate because the Supreme Court has offered a new lens through which to examine it. In this article, we will examine this seminal case from three distinct legal vantage points: the constitutional, the administrative, and the civil law.

Antulay, A.R. v. Nayak, R.S. and Others

A summary of the historic ruling handed down by the Indian Supreme Court's Bench of Justices Sabyasachi Mukherjee, G.L. Oza, M.N. Venkatachaliah, Ranganath Misra, JJ., B.C. Ray, S. Natarajan, and S. Ranganathan are presented below.

Facts:

On January 13, 1982, after being found guilty of compulsion by the Bombay High Court, Mr. Antulay (Barrister Abdul Rahman Antulay) resigned as Chief Minister of Maharashtra. The court determined that Antulay, through one of the few trusts he had established up and controlled, had illegally purchased developers in the Bombay region in exchange for more concrete than the quantity provided by the government to Indira Gandhi Pratibha Pratishthan Trust. He was granted bond and released by the court. However, he was exonerated by the highest court in the land. On February 16, 1984, an appeal was filed under Article 136 of the Constitution, and the Constitution Bench of the Supreme Court declared that a member of the legislative assembly is not always a public employee, thus reversing the earlier judgement. The Supreme Court unilaterally took the case from the Special Judge's Court and transferred it to the Bombay High Court rather than returning it to the Special Judge's Court for disposal as required by law.

Contentions

According to the Appellant, he was denied his due process rights under Article 14 of the Indian Constitution when he was subjected to bias without being given the chance to submit his case before the court. The plaintiff further claimed that the court had violated his or her Article 21 right to a trial before a special judge. There was a gross violation of the Appellant's right to due process, which required that nobody bear the consequences of technical failures. Both the right to appeal to the High Court under Section 9 of the Criminal Law Amendment Act and the right to appeal to the Supreme Court under Article 136 of the Constitution had been waived against the appealing party.

The respondent asserted that, under certain circumstances, the High Court could remove the case from the Special Judge's jurisdiction by invoking Section 407 of the Criminal Process Code, which was added by the Criminal Law Amendment Act. The appellant claimed he was denied a fair hearing because the case was moved without him being given a chance to explain why. It was argued that the higher court lacked jurisdiction and that the Court could not be held responsible for such charges unless it had acted in a Coram non-judice (outside of the presence of a judge) fashion.

Decision:

In this case, seven justices in the Supreme Court reached a unanimous conclusion. In 1988, the Court decided that Antulay's limited access to the appeals process violated Article 21 of the Indian Constitution and thus rendered the original decision from 1984 irrational, illegal, and unconstitutional. The Supreme Court has declared that it may transfer criminal cases and requests pursuant to Section 406 of the Criminal Procedure Act, 1973. The legislation mandates that the Court has the authority to coordinate the transfer of a case or appeal from one High Court to the next High Court, or from a Subordinate Criminal Court to a Criminal Court with equivalent or higher-level jurisdiction. There is no way for a matter to be transferred to the Supreme Court. By statute, the Parliament alone has the power to establish or increase the scope of jurisdiction. The Judiciary does not have this authority. The appellant's right to a trial before a Special Judge under Section 7(1) of the Criminal Law (Amendment) Act, 1952, and the right to be free from harm caused by a judgement that violates natural justice were also cited.

At the Court of Law

IV. Civil Process Code of 1908 and Its Perspective

While examining the scope of civil court jurisdiction, as outlined in Section 9 of the Code of Civil Procedure, 1908, students often go to the 1988 case of A.R. Antulay vs. R.S. Nayak & Anr. The Supreme Court made it clear in this decision that the subject matter of a court's jurisdiction has taken on a legislative character, meaning that the judiciary cannot expand or contract its jurisdiction unilaterally.

A court's jurisdiction is set by statute and cannot be increased or decreased by the judiciary. A court's approval would be meaningless here because the judiciary can't overturn a legislative decision. The legislative branch is not only authorised to establish and expand courts' authority, but also to grant or withdraw appellate jurisdiction at their discretion. No court, superior or inferior, or both together, can increase the court's jurisdiction or strip a person of the right to revise or appeal a ruling; only Parliament can accomplish this through law without interference from the executive or legislative branches of government. The impartial performance of judicial tasks requires that judges feel safe in doing so. Judicial independence means that judges can make their decision in a case only on the basis of the law, uninfluenced by any other factors.

Even if the separation of powers isn't explicitly spelt out in the Indian Constitution, the rule of law and judicial independence are intrinsic features of the document that cannot be altered, as the Hon'ble Supreme Court noted in the case of *S.P. Gupta v Union of India* (1962).

In Article 50 of the Indian Constitution, the separation of the judiciary from the executive branch of government is formally recognised. The executive and the legislative are so intertwined in the parliamentary form of government that it is difficult to tell which is which. What's interesting about this perspective as compared to the present case is that it recognises that deciding where to exercise jurisdiction does not fall within the purview of judicial independence.

This is because judicial independence does not mean that the legislature loses the ability to make laws; rather, it means that the legislature's laws must be interpreted in a way that the average citizen can understand. Hence, even though the Indian judiciary is meant to be autonomous from the executive and legislature, it has no say over its own jurisdiction without interference from the executive or legislative branches of government. The impartial performance of judicial tasks requires that judges feel safe in doing so. Judicial independence means that judges can make their decision in a case only on the basis of the law, uninfluenced by any other factors. Even if the separation of powers isn't explicitly spelt out in the Indian Constitution, the rule of law and judicial independence are intrinsic features of the document that cannot be altered, as the Hon'ble Supreme Court noted in the case of *S.P. Gupta v Union of India* (1962).

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V. Perspective from the Top

The term "State" is defined under Article 12 of the Indian Constitution. 'State' is defined to include all levels of government in India, including the federal and state levels, Parliament and legislatures, and any and all municipal or other bodies operating within India. Is the Judicial Branch Part of the Overarching The meaning of the word "state" is crucial here. The position of the judiciary under Article 12 is grounded in judicial and non-judicial decisions, which hold that the judiciary cannot be referred to as a State when it is deciding matters. If the courts are entirely autonomous from the State, then it will have unchecked power to make laws that violate fundamental rights. But, if the court is conducting non-judicial responsibilities, then it is included in the concept of State.

As courts have the authority to enact laws, this suggests that they are carrying out a state duty, and Article 13 backs this up by declaring that any law that infringes essential rights is illegal. Yet, according to Article 141, all lower courts in India must follow the Supreme Court's ruling. Hence, decisions made by the Supreme Court cannot be challenged, but decisions made by lower courts can if they violate constitutional guarantees. This principle was upheld and ruled upon by the Supreme Court in *Rupa Ashok Hurra v. Ashok Hurra* (2002). It was argued that the superior courts of justice are not within the purview of Article 12's "State or other authority." So, while courts carry out administrative duties, they do not exceed the bounds of the State's definition and are not allowed to violate individuals' rights. But, when they exercise judicial power, they do not meet the criteria of a state. As the judiciary has not been given the authority to make laws, the claim that it can enlarge or restrict its jurisdiction while carrying out administrative functions will not have any merit.

VI. Conclusion

When someone else violates your rights, you have every right to demand justice. The average citizen of a country should not be affected by judicial directions or errors. Everyone deserves equal protection under the law because everyone is equal before the law. The court's ruling ought to be beneficial. It must make sure that the court's actions or inactions don't favour one side over the other. Justice is better than finality, as the Supreme Court noted. Instead than just making a choice, justice should be done in every case.