

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION (C) NO. 18653 OF 2024

IN THE MATTER OF:

COACHING FEDERATION OF INDIA

...PETITIONER

VERSUS

GOVT. OF NCT OF DELHI & ORS.

...RESPONDENTS

**Draft Model Rules submitted by Mr. Siddhartha Dave,
Senior Advocate, Amicus Curiae**

AOR FOR THE AMICUS CURIAE : VIDHI PANKAJ THAKER

Filed on 30.11.2024

Draft Model Rules submitted by Mr. Siddhartha Dave,
Senior Advocate, *Amicus Curiae*

The Model Rules on Infrastructure, Safety and Regulation of Private
Coaching Institutes, 2024.

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PART I – PRELIMINARY**1. Short Title, Extent and Commencement.**

- (1) These Rules may be called the “*Model Rules on Infrastructure, Safety and Regulation of Private Coaching Institutes, 2024.*”
- (2) It shall extent to the whole of the National Capital Region.

2. Definitions

In these Rules, unless the context otherwise requires :-

- (a) “**appellate authority**” means an officer appointed or designated by the State Government by Notification;
- (b) “**competent authority**” means an Officer or Authority constituted under Rule 3, and notified as such by the concerned State Government’
- (c) “**educational institution**” shall mean and include primary, secondary, technical and vocational institution, graduate and postgraduate college, professional college and university;
- (d) “**National Capital Region**” shall include
 - (i) the whole of the NCT of Delhi,
 - (ii) the Districts of Faridabad, Gurugram, Nuh, Rohtak, Sonapat, Rewari, Jhajjhar, Panipat, Palwal, Bhiwani, Charkhi Dadri, Mahendragarh, Jind and Karnal in the State of Haryana;
 - (iii) the Districts of Meerut, Ghaziabad, Gautam Budh Nagar, Bulandshahr, Baghpat, Hapur, Shamli and Muzaffarnagar in the State of Uttar Pradesh; and
 - (iv) the Districts of Alwar and Bharatpur in the State of Rajasthan.
- (e) “**person**” means an individual and includes a group of persons or a body corporate, or a trust, firm or society or an institution;

- (f) “**Private Coaching Institute**” shall mean a private coaching institute, by whatever term referred to, including, a tuition centre, established, run or administered by any person or body of persons, society or trust or company providing coaching for any study programme, or competitive examinations, or academic support to students at the school, college, or university level, but does not include individual home tuitions with upto 25 students per day taken at different intervals, and not at one time, and also shall not include regular courses conducted by any educational institutions recognized by the Central or State Government, or by any other regulatory body for the conduct of classes for the purposes of academic support;
- (g) “**referral services**” means services like police helpline details, fire service helpline, women helpline, etc.
- (h) “**registration**” means the registration of a coaching class under Part III of these Rules.
- (i) “**State Government**” shall mean the Government of the NCT of Delhi, or the Government of the State of Haryana, or the Government of the State of Uttar Pradesh, or the Government of the State of Rajasthan, as may be applicable;
- (j) “**student**” means a person enrolled in a private coaching institute;
- (k) “**occupier**” means occupier of a coaching class, irrespective of such person being the owner of such coaching class.
- (l) “**tuition fee**” means tuition fee and includes all types of fees or monetary charges charged from a student by a private coaching institute;
- (m) “**tutor**” means a person who guides or trains students in any coaching institute and includes a tutor giving specialized tuitions, but does not include a person teaching in individual home tuitions with upto 25 students per day taken at different intervals, and not at one time, and

also does not include tutors teaching regular courses conducted by any educational institutions recognized by the Central or State Government, or by any other regulatory body for the conduct of classes for the purposes of preparation for academic support;

- (n) “**university**” means a university established by any Central or State law, and includes any such institution as may, in consultation with the University concerned, be recognized by the UGC in accordance with the regulations made in this behalf under UGC Act.

PART II – COMPETENT AUTHORITY

3. Constitution and Composition of the Competent Authority

- (1) There shall be a Competent Authority in each District to register and regulate private coaching institutes in that District.
- (2) The Competent Authority shall comprise of –
- (a) District Magistrate – Chairperson
 - (b) Superintendent of Police – Member
 - (c) District Education Officer – Member Secretary
 - (d) Principal of one Government College of that District, to be nominated by the Chairperson – Member
 - (e) Two representatives of private coaching institutes in the District, to be chosen by a draw of lots amongst the registered private coaching institutes – Member

4. Powers and Functions of the Competent Authority

- (1) The Competent Authority shall ensure strict compliance of these Rules.
- (2) The Competent Authority shall exercise the following powers and functions:-

- (i) To constitute a Grievance Redressal Cell at the District and Block Level for prompt and effective resolution of the grievances of students, their parents, and other stakeholders;
- (ii) To prohibit malpractices of false advertising, and false claims made by a private coaching institute, including information relating to number of students, name and qualifications of tutors, amenities available, etc.
- (iii) To inspect any relevant records of a coaching institute, either, *suo moto*, or upon a complaint. The owner or occupier of a coaching class shall produce such records as may be required by the Competent Authority during such inspection.
- (iv) To inspect the premises of any coaching institute, either *suo moto*, or upon a complaint in this regard, to ensure compliance of these Rules, after reasonable notice to the owner or occupier of such institute.
- (v) To establish a centralized digitized data base comprising of details of all compliances of each coaching institute.
- (vi) To ensure compliance of the provisions of these Rules;
- (vii) To ensure that the service and welfare conditions of the tutors in such coaching institutes in maintained in accordance with existing laws.
- (viii) To adopt necessary steps for ensuring the promotion and protection of all stakeholders alongwith ensuring imparting of quality education in all private coaching institutes;
- (ix) Any other functions required for the furtherance of interests of all stakeholders, and to achieve the object of these Rules.

PART III – REGISTRATION OF A COACHING INSTITUTE**5. Registration of a Coaching Institute.**

- (1) Every private coaching institute established before the commencement of these Rules shall get itself registered with the concerned Competent Authority within a period of 3 months from the date of commencement of these Rules, in such manner, as may be prescribed.
- (2) After the commencement of these Rules, no coaching institute, shall be established or operate without obtaining a valid registration certificate under these Rules.
- (3) Every coaching institute shall obtain a separate registration certificate for each branch of the said institute from the Competent Authority having jurisdiction over the District where such branch of the coaching institute is located.
- (4) Any person or group of persons or society or trust or company intending to establish a private coaching institute shall apply before the concerned Competent Authority in the prescribed form with a registration fee of rupees fifty thousand, alongwith the following information:-
 - (a) **Curriculum details** – A copy of the prospectus mentioning the different curriculum or part therefore, and the duration of completion of curriculum;
 - (b) **Tuition fees** – The coaching institute shall mention the tuition fees for each course taught by that institute. The tuition fees shall include all expenses required to be paid by the student for the said course.
 - (c) Details of policy regarding **fee refund**;
 - (d) Number of **maximum students** in each batch;
 - (e) **Number of tutors** at the coaching institute. There shall be a ratio of at least 1 tutor for every 40 students;

- (f) **Academic qualifications of each tutor.** The tutors shall be a person holding a valid graduation degree in the subject to be taught by the said tutor. No coaching class shall employ or retain any tutor, who has been convicted of an offence involving moral turpitude;
 - (g) The coaching institute shall also provide a **list of referral services** as defined under these Rules
 - (h) **Area allotted** to each classroom in the coaching institute, with ratio to the number of students. It must be ensured that there is **at least one sq mt. of built-up area per student**;
 - (i) **Fire Building and Safety Certificate** from the appropriate authority, as prescribed in the existing applicable laws;
 - (j) **Flood prevention and mitigation Certificate** from the appropriate authority, as prescribed in the existing applicable laws.
- (5) Upon receiving an Application for Registration of a Coaching Institute, the Competent Authority or officer authorized by the Competent Authority in this behalf, shall scrutinize the documents submitted along with the application for registration within a **period of thirty days** from the date of application, and display each application on a website to be created by the Competent Authority.
- (6) Upon scrutinizing the documents, if the Competent Authority or the authorized officer finds that certain compliances are yet to be made, or that any conditions in the Rules is yet to be fulfilled, it may notify such defects in the registration application to the applicant coaching institute within a period of **thirty days** from the date of the application.
- (7) Upon notification of such defects in the application for registration, the applicant private coaching institute shall rectify the same **within 20 days** from the date of notification of such defects.

- (8) While deciding an application for registration of a coaching institute, the Competent Authority shall inspect the premises, or the amenities available at the coaching institute, so as to ensure compliance of these Rules.
- (9) Upon being satisfied that a coaching institute has obtained all requisite permissions, and has complied with the provisions of these Rules, the Competent Authority shall issue a registration certificate to the coaching institute, which shall be valid for a period of 3 years.
- (10) If the Competent Authority finds that a coaching institute has not fulfilled one or more conditions under these Rules, it may reject the application for registration of such institute, after affording a reasonable opportunity of hearing to such institute, and by assigning reasons for such rejection.

6. Renewal of registration

A registration certificate granted to a coaching institute under these Rules shall be valid for a period of 3 years. Upon expiry of the period of 3 years, the applicant coaching institute may apply to the Competent Authority for renewal of its registration. Such application for renewal shall be accompanied with the requisite registration fee, and details of all information as required under these Rules for registration of an institute.

7. Cancellation or suspension of registration.

- (1) The Competent Authority may, at any time, for sufficient cause, cancel or suspend the registration granted to a coaching institute.

Provided that, no order of cancellation or suspension of registration shall be passed except after giving the concerned coaching institute, a show cause notice, and a reasonable opportunity of hearing.

- (2) In the event of grave violation of these Rules which come to the notice of the Competent Authority it shall be within the power of the Competent Authority to immediately suspend the registration of the coaching institute, and thereafter issue a show cause notice as mentioned in sub-Rule (1) above.
- (3) Upon cancellation or suspension of registration of a coaching institute, it shall stop its operation immediately, and shall not continue its operation, unless so permitted by the Competent Authority.
- (4) Upon cancellation or suspension of registration of a coaching institute, the owner of such institute shall refund twice the fee paid to each student.
- (5) If such amount is not paid, the Competent Authority shall recover the said amount from persons liable to pay the same, and the said amount shall be recoverable as arrears of land revenue. The Competent Authority shall, after recovering such amount, distribute it amongst the concerned students.

PART IV – INFRASTRUCTURE REQUIREMENTS

8. Infrastructure requirements for registration

- (1) In addition to the other requirements in these Rules, and in other existing laws in relation to infrastructure of coaching institutes, no private coaching institute shall be granted registration or shall be permitted to renew its registration, unless it has the following amenities–
 - (a) **Fire Safety Services**, such as, fire extinguishers, smoke detectors, automatic sprinkler system, etc.
 - (b) **Flood prevention mechanism**, such as, elevating the floor level of coaching institutes, water-proofing, installation of effective drainage systems, etc.

- (c) An experienced full-time **student counselor** in each coaching institute to address the mental health and stress related issues amongst the students and staff;
- (d) **A dedicated helpline** to address the concerns of the students and their parents;
- (e) **A Grievance Redressal Cell** comprising of a senior tutor representing the institute, a parent representative and a student representative, to redress the concerns of all concerned persons relating to the institute.
- (f) **A Sexual harassment committee** comprising of a female senior tutor, a female parent representative, and a female student representative, and if not available, then a senior professor / teacher from a local University / College within that District to look into allegations of sexual harassment of students;
- (g) **Medical facilities**, which shall include first aid amenities, emergency medical kits, etc. Each coaching institute shall have the details of the **closest hospital** having at least basic healthcare facilities.
- (h) **A dedicated vehicle** at every coaching institute to transport any student or tutor to the nearest hospital in case of a medical emergency;
- (i) **Sufficient lighting and ventilation in each classroom;**
- (j) Sufficient benches / desks to comfortably accommodate students in the classroom;
- (k) **Safe drinking water** shall be available for all students and staff of the coaching institute;
- (l) Installation of **CCTV Cameras, without violation of privacy** of students and staff;
- (m) **Separate toilets** for males and females and transgender persons;

- (n) Facility for sanitation and cleanliness.
- (2) Each coaching institute shall also have a **website with updated details** of the fees charged, fee refund policy, easy exit policy, curriculum, duration of completion of the curriculum, qualification of tutors, number of students in each batch, student to teacher ratio, infrastructural amenities, and other details as required for the registration of the coaching institute.

9. Additional requirements for inclusivity and accessibility.

- (1) No Coaching Institute shall discriminate against any student, or refuse admission to any student on the basis of their disabilities.
- (2) A Coaching Institute shall ensure that their premises is in compliance with the Rights of Persons with Disabilities Act, 2016, and the Rules made thereunder, and the Transgender Persons (Protection Of Rights) Act, 2019.
- (3) In addition to the aforesaid requirements, the Coaching Institute shall endeavour to adopt the following measures to ensure that the Institute meets the needs of students with disabilities, such as –
 - (a) Wheelchair accessibility to classrooms, toilets, etc.
 - (b) Ramps and handrails;
 - (c) Accessible study material, such as, braille, audio books, e-text, screen-reading software, etc.
 - (d) Accessible toilets.
 - (e) Sensitization of staff and other students.

PART IV - REGULATION OF FEES**10. Restriction on Charging Fees**

- (1) The fees payable by a student to a coaching class shall be such as may be specified by the Government, from time to time, by notification in the Official Gazette, and no proprietor or occupier of a coaching class shall receive or claim from any student or parent or guardian any fees more than the fees specified by the Government:

Provided that, a proprietor of any coaching institute desirous of charging fees higher than the fees specified by the Government, in view of the special factors such as extraordinary facilities and coaching amenities made available in the institute, may apply to the Competent Authority for permission to charge such higher fees, and the Competent Authority may, subject to directions or guidelines, if any, issued by the Government in this behalf, grant such permission, or may allow the proprietor of the institute to charge such higher fees, as the Competent Authority deems fit after recording reasons in writing for such permission.

Explanation.— For the purpose of this Rule, in term “Government” shall mean the concerned administrative Department of the State Government.

- (2) A Coaching Institute shall issue a prospectus and shall publish on their website the details of the fee charged by the institute, the fee refund policy and the easy exit policy of the institute.

11. Maintenance of records

- (1) The proprietor or owner of a Coaching Institute shall maintain the following books in relation to a coaching institute –
- (a) Register of Students
 - (b) Register of Fees received
 - (c) Receipt Books

- (d) Register of Tutors
- (2) The proprietor or owner of a Coaching Institute may be required to produce the said records as and when required by the Competent Authority.

PART V - APPELLATE AUTHORITY

12. Constitution and Composition of the Appellate Authority

- (1) There shall be an Appellate Authority consisting of the following members –
- (i) Director/Director General, as the case may be, Higher Education Department - Chairperson;
 - (ii) Chief Accounts Officer, Higher Education Department – Member;
 - (iii) Representative of the Higher Education Department - Member;
- (2) The Appellate Authority shall be empowered to decide appeals against orders passed by the Competent Authority with respect to rejection of registration, or cancellation or suspension of registration of coaching institutes, determination of fees, etc. and shall exercise all other powers as may be required for the effective implementation of these Rules.

13. Appeal against grant, rejection, cancellation or suspension of registration.

- (1) Any Person aggrieved by the order of grant or refusal to register a coaching institute or grant or rejection of renewal of registration, or cancellation of registration, may, within thirty days from the date of receipt of such order, appeal to the appellate authority constituted under Rule 12 in the manner as may be specified by the appropriate government.

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Appellate Authority shall endeavor to dispose of an appeal within a period of 3 months of the institution of such appeal.

14. Appeal against determination of fees.

- (1) Any Person aggrieved by the order of permission to enhance fees, or rejection of enhancement of fees charged by a coaching institute, shall within thirty days from the date of receipt of such order, appeal to the appellate authority constituted under Rule 12 in the manner as may be specified by the appropriate government.

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (2) The Appellate Authority shall endeavor to dispose of an appeal within a period of 3 months of the institution of such appeal.

PART VI – OFFENCES AND PENALTIES

15. Prohibition against false or misleading advertisement

No private coaching institute shall publish or cause to be published any misleading advertisement or give false information relating to coaching in any form, either written, oral, or through social media, or other means of publication.

Explanation:- For the purpose of this Rule, “advertisement” shall include making any claim, directly, or indirectly, of the quality of coaching in such coaching institute, or the facilities available in such

coaching institute, or the results procured by the coaching institute, or the students who attend such institute, or publication of results of students who attended such institute.

16. Penalty for violation of Rules.

- (1) In case of violation of any of the provisions of these Rules, a private coaching institute, including the owner, proprietor, or other persons involved in the operation or functioning of such coaching institute, shall be liable, for each such violation, to pay a penalty of **rupees fifty thousand** for the first violation, and **rupees two lacs for the subsequent violation.**
- (2) In case the violation still continues, then the registration of the private coaching institute shall be cancelled.
- (3) The penalty shall be in addition to all other penalties and/ or offences committed under all existing applicable laws.

17. Personal and Vicarious liability of owner, proprietor, or other persons.

- (1) The owner, proprietor, and any other person responsible for the operation or functioning of a coaching institute shall be personally and vicariously liable for any penalties, or offences which may be committed due to the violation of any provisions of these Rules.
- (2) The personal and vicarious liability of such persons shall extend to any criminal acts, offences, or acts of negligence caused during the operation of such coaching institute.

18. Offences by companies.

- (1) If the person committing the offence is a company, there shall be a presumption that the company as well as every person in-charge and responsible to the company for the conduct of the business at the time of the commission of the offence, was involved in the commission of the offence, and every such person shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this Rule shall render any such person liable to any punishment, if he / she proves that the offence was committed without his / her knowledge, or that he / she had exercised all due diligence to prevent the commission of the offence.

- (2) Notwithstanding anything contained in sub-rule (1) of this Rule, where any offence or violation under these Rules has been committed by a company, and it is proved that the offence, or the violation was committed with the consent or connivance of any person in the company, or that the commission of the offence or violation is attributable to any neglect on the part of any director, secretary, manager, or other officer of the company, then, such director, secretary, manager, or other officer shall also be liable to be punished under these Rules.

Explanation: For the purpose of this Rule,

- (a) “**company**” means a body corporate, and includes a firm or association of individuals;
- (b) “**director**” in relation to a firm, means a partner in the firm.

PART VII - MISCELLANEOUS**19. Power to issue directions.**

The State Government may, from time to time, give such general or specific directions, in writing, as may be necessary, to the Authority for the effective implementation of the provisions of these Rules.

20. Bar of jurisdiction

No civil court shall have jurisdiction in respect of any matter which the State Government or any person or authority is empowered by or under these Rules.

21. Protection of acts done in good faith.

No suit, prosecution or other legal proceedings shall lie against the State Government or against any officer or employee acting on his behalf in respect of anything which is in good faith done or intended to be done under the provisions of these Rules.

22. Rules to be in addition, and not in derogation of existing laws.

The provisions of these Rules shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

23. Power to remove difficulties.

If any difficulty arises in giving effect to the provisions of these Rules, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of these Rules, as appear to it to be necessary or expedient for the purpose of removing the difficulty.



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Service of Draft Model Rules on behalf of Mr. Siddhartha Dave, Sr. Adv., Amicus Curiae

1 message

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Sat, Nov 30, 2024 at 12:45 PM

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Re: SLP (C) No. 18653/ 2024 titled "Coaching Federation of India v. Govt. of NCT of Delhi & Ors."**Service of Draft Model Rules on behalf of Mr. Siddhartha Dave, Sr. Adv., Amicus Curiae**

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Please find attached the Draft Rules prepared by Mr. Siddhartha Dave, Sr. Advocate, Amicus Curiae in the captioned matter.

Please note that a Copy of this Email will be filed before the Hon'ble Supreme Court to show Proof of Service of the aforesaid Draft Rules on you.

Warm regards,
Vidhi Pankaj Thaker
AoR on behalf of Mr. Siddhartha Dave, Sr. Adv., Amicus Curiae



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Service of Draft Model Rules on behalf of Mr. Siddhartha Dave, Sr. Adv., Amicus Curiae

1 message

Vidhi Thaker <vidhithaker2@gmail.com>

Sat, Nov 30, 2024 at 12:45 PM

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