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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
K.M. JOSEPH; J., HRISHIKESH ROY; J.
August 10, 2022
CRIMINAL APPEAL NO. 892 OF 2020
MEHMOOD PRACHA *versus* **CENTRAL ADMINISTRATIVE TRIBUNAL**

Central Administrative Tribunal - Punishment for contempt imposed on Advocate for alleged intemperate behaviour in court- SC sets aside CAT order as no trial was conducted - We would think that in the facts of this case, denial of a right of trial which is contemplated also under Section 14(1)(c) of the Act as also Rule 15 of the Rules has resulted in miscarriage of justice. (*Para 26)*

Contempt of Courts Act, 1971; Section 14 - Procedure where contempt is in the face of the Supreme Court or a High Court - contemplates opportunity is provided to contemnor to make his defence - evidence to be taken as may be necessary. *(Para 10)*

Administrative Tribunals Act, 1985; Section 17 - Power of CAT to punish for contempt - Central Administrative Tribunal Rules 13 & 15 - CAT cannot punish for contempt committed in the face of it without trial when the alleged contemnor denies charges - Procedure under Section 14(1)(c) of the Contempt of Courts Act to be followed- CAT has no power of the Supreme Court under Articles 129 and 142 of the Constitution of India. *(Paras 14, 15 & 24) Distinguished Leila David v. State of Maharashtra & Ors. (2009) 10 SCC 337*

For Appellant(s) Appellant-in-person.

For Respondent(s) Mr. Vikramjeet Banerjee, ASG. Ms. Shruti Agarwal, Adv. Mr. Shivam Singhania, Adv.

J U D G M E N T

K. M. JOSEPH, J.

(1) The appellant stands convicted by the impugned order passed by the Central Administrative Tribunal, Principal Bench, under Section 14 of the Contempt of the Courts Act, 1971 (hereinafter referred to as 'Act' for brevity) in terms of the charge framed against the appellant. After finding the appellant so guilty, we may notice the following:

"37. There would have been every justification for us, to impose the sentence, proportionate to the acts of contempt held proved against the respondent. However, by treating this as a first instance, we let him off with a severe warning to the effect that if he repeats such acts in future in the Tribunal, the finding that he is guilty of contempt of Court, in this case, shall be treated as one of the factors in the proceedings, if any, that may ensue.

38. The copy of this order shall be forwarded to the Bar Council of India and Delhi State Bar Council."

(2) We have heard Shri Mehmood Pracha, appellant-inperson. We have also had the advantage of hearing Shri Vikramjit Banerjee, learned Additional Solicitor General who incidentally, it must be noticed, in keeping with the mandate of Central Administrative

Tribunal Rules was called upon to assist the Tribunal in the matter of proceedings against the appellant.

(3) There were certain original applications before the Tribunal. On the fateful day, which is 08.02.2019, it is found by the Tribunal in the impugned order that the appellant made certain submissions in his capacity as counsel for the party. We may notice the relevant portions as follows:

"9. Repeated requests to him, to advance arguments did not appeal to him. He has also humiliated the learned counsel for the Respondents by saying that they have been shown their place by the Supreme Court by imposing cost of Rs.25,000/- and that they have no right whatever to plead before the Tribunal. He created an unfortunate situation in the Court and was browbeating the Chairman as well as the respondents through his gestures and dramatics. All these were tolerated, with a view to give quietus to a long pending matters. Seeing that his provocation is not yielding the expected results, the respondent herein went on making personal attack on the Chairman.

10. By looking around the Court, he said that the proceedings must be held in Camera and he has much to say about the Chairman. He was informed that he can say in the open Court whatever he intends and if that is not done, it would amount to scandalising the Chairman. His behaviour continued in the same manner and he did not reveal anything. The Court was full with Advocates of different standings and repeated requests made by them to pacify the respondent did not have any effect on him. He proceeded to observe that Chairman lost his right to hear the PTs. He was informed that Section 25 of the Act provides for hearing of PTs only by the Chairman and that if he has got any other alternative or suggestion, he can make it. Even that did not work and he continued his tirade. Left with no alternative, a detailed order was passed on that date and a notice was issued. The respondent was required to explain within two weeks as to why contempt proceedings be not initiated against him."

(4) The charge was framed on 10.02.2020. Though the charge was initially not produced along with the appeal memorandum, the charge is subsequently produced along with an application to produce the entire trial Court / lower Court record. There was a draft charge and finally the charge which has become the subject matter of the impugned order which reads as follows:

"Central Administrative Tribunal, Principal Bench, New Delhi hereby charges you Mr. Mehmood Pracha as under:-

That you on 08.02.2019 represented the applicant in PT No. 288/2017 in OA No. 2413/2016. In the course of the proceedings you insisted on the proceedings to be conducted in camera since you had to say something against the Chairman which could not be revealed in open Court. However, when you were asked to reveal whatever you wanted to say, you did not come forward. The acts and omissions on your part would not only have the effect of tarnishing the image of the Tribunal but also amount to criminal contempt for threatening the Presiding Officer.

You are hereby directed to be tried by the Tribunal for the aforesaid charge."

(5) There is no dispute that the charge was denied by the appellant. This can be seen from the order produced before us which is order dated 10.02.2020. The case stood listed on 25.02.2020. As to what transpired thereafter is best explained with reference to the terms of the order dated 18.03.2020. It reads as follows:

"We heard Shri Vikramjit Banerjee, learned Additional Solicitor of General, who addressed his arguments by referring to the relevant provisions of the Contempt of Courts (C.A.T.) Rules, 1992

and has also drawn our attention to the judgment of the Hon'ble Supreme Court in Leila David v. *State of Maharashtra & Ors.* (2009) 10 SCC 337.

The respondent, who argued the case in person, also addressed his arguments, at length. He insisted that a trial must be conducted as contemplated under Rule 15 of the Rules. However, since the contempt has taken place in the face of the Court, the question of trial may not arise. On this issue also, the respondent addressed his arguments.

We reserve the judgment."

(6) From the impugned judgment, it is seen that the order was reserved on 18.03.2020. The order was rendered on 23.09.2020. The appellant would urge before us that the Tribunal has erred in denying the appellant the right to be tried for the charge leveled against him. There are other contentions also. The appellant draws our attention to the Contempt of Courts (C.A.T.) Rules, 1992 (hereinafter referred to as 'Rules' for brevity). Rule 13 and Rule 15 read as follows:

13. Hearing of the case and trial.—Upon consideration of the reply filed by the respondent and after hearing the parties:—

(a) If the respondent has tendered an unconditional apology after admitting that he has committed the contempt, the Tribunal may proceed to pass such orders as it deems fit;

(b) if the respondent does not admit that he has committed contempt, the Tribunal may,—

(i) if it is satisfied that there is a *prima facie* case, proceed to frame the charges in Form No. III (subject to modification or addition by the Tribunal at any time); or

(ii) drop the proceedings and discharge the respondent, if it is satisfied that there is no prima facie case, or that it is not expedient to proceed;

(c) The respondent shall be furnished with a copy of the charge framed, which shall be read over and explained to the respondent. The Tribunal shall then record his plea, if any;

(d) If the respondent pleads guilty, the Tribunal may adjudge him guilty and proceed to pass such sentence as it deems fit;

(e) If the respondent pleads not guilty, the case may be taken up for trial on the same day or posted to any subsequent date as may be directed by the Tribunal.

15. Procedure for trial.—(i) Except as otherwise provided in the Act and these rules, the procedure prescribed for summary trials under Chapter XXI of the Code shall as far as practicable be followed in the trial of cases for contempt.

(ii) The Tribunal may, at its discretion, direct that evidence be produced in the form of affidavits.

(iii) The Tribunal may, either suo motu or on motion made for that purpose, order the attendance for cross-examination of a person whose affidavit has been filed in the matter.

(iv) The Tribunal may, at its discretion, direct any person to be examined as Tribunal witness.

(v) The Tribunal may make such order as it deems fit for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document."

(7) Shri Vikramjit Banerjee, learned Additional Solicitor General, on the other hand, would support the order. He would submit that the Court may bear in mind the plight of the Tribunal that is accosted with the behaviour alleged against the appellant. In other words, as found by the Tribunal, in keeping with the charge the appellant is alleged to have in the presence of a large number of lawyers made the request to have proceeding

held in the chamber as he had something to say against the Chairman. In the impugned order, he points out, the Tribunal has found that again in keeping with the charge that when the appellant was called upon to divulge what he had to reveal 'only' in chamber in the open Court, the appellant refused to do so.

(8) Shri Vikramjeet Banerjee, learned Additional Solicitor General, would commend for our acceptance the findings and the order ultimately passed by the Tribunal. He would also justify the submission which he made before the Tribunal based on the judgment of this Court reported in *Leila David* v. *State of Maharashtra & Ors.* (2009) 10 SCC 337. In other words, he would submit that the Tribunal has not erred in drawing support from the law laid down that when proceedings are launched under Section 14 for contempt committed by a person in the face of the Court, a trial may not be indispensable. He would also point out that the final order as passed by the Tribunal in this case, would also obviate any need for interference by this Court and the interest of justice has been subserved and the Tribunal has balanced the interest of justice by upholding the dignity of the Tribunal, by on the one hand convicting the appellant for his conduct, but at the same time not sentencing him but on the other hand, only letting him off with a warning.

(9) He would also point out that when the incident took place on 08.02.2019, the Tribunal did not immediately rush into the proceedings. The matter traveled to the Delhi High Court on the question as to whether the Tribunal or rather the Chairman of the Tribunal could act in the matter under the Act. The Delhi High Court formed the view that the Tribunal was bestowed with adequate power. The matter reached this Court at the instance of the appellant and this Court affirmed the view of the Delhi High Court. It is thereafter that the matter was taken up.

(10) Section 14 of the Act reads as follows:

"14. Procedure where contempt is in the face of the Supreme Court or a High Court.—(1) When it is alleged, or appears to the Supreme Court or the High Court upon its own view, that a person has been guilty of contempt committed in its presence or hearing,the Court may cause such person to be detained in custody, and, at any time before the rising of the Court, on the same day, or as early as possible thereafter, shall—

(a) cause him to be informed in writing of the contempt with which he is charged;

(b) afford him an opportunity to make his defence to

the charge;

(c) after taking such evidence as may be necessary or as may be offered by such person and after hearing him, proceed, either forthwith or after adjournment, to determine the matter of the charge; and

(d) make such order for the punishment or discharge of such person as may be just.

(2) Notwithstanding anything contained in sub-section(1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the Court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.

(3) Notwithstanding anything contained in any other law, in any trial of a person charged with contempt under sub-section (1)which is held, in pursuance of a direction given under sub-section (2), by a Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have been committed to appear as a witness and the statement placed before the Chief Justice under subsection (2) shall be treated as evidence in the case.

(4) Pending the determination of the charge, the Court may direct that a person charged with contempt under this section shall be detained in such custody as it may specify:

Provided that he shall be released on bail, if a bond for such sum of money as the Court thinks sufficient is executed with or without sureties conditioned that the person charged shall attend at the time and place mentioned in the bond and shall continue to so attend until otherwise directed by the Court:

Provided further that the Court may, if it thinks fit, instead of taking bail from such person, discharge him on his executing a bond without sureties for his attendance as aforesaid."

A perusal of Section 14 would appear to indicate the procedure to be followed when contempt is in the face of the Supreme Court or the High Court.

(11) Section 17 of the Administrative Tribunals Act, 1985 provides the Tribunal with the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise for this purpose the provisions of the Act with the modifications as provided therein. Section 17 reads as follows:

"17. Power to punish for contempt. –A Tribunal shall have, and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971) shall have effect subject to the modifications that –

(a) the reference therein to a High Court shall be construed as including a reference to such Tribunal;

(b) the references to the Advocate-General in section 15 of the said Act shall be construed, -

(i) in relation to the Central Administrative Tribunal, as a reference to the Attorney-General or the Solicitor-General or the Additional Solicitor-General; and

(ii) in relation to an Administrative Tribunal for a State or a Joint Administrative Tribunal for two or more States, as a reference to the Advocate-General of the State or any of the States for which such Tribunal has been established."

Therefore, we proceed on the basis that the power under Section 14 of the Act is also available to the Tribunal. Section 17 appears to confer the powers, jurisdiction and authority of a High Court on the Tribunal. There is no reference to the powers of the Supreme Court in Section 17.

(12) The question, however, which pointedly arises for our consideration, in the facts of this case, is whether, after framing a charge as noticed by us, it was necessary that there should be a trial and whether the charge should be supported with any evidence.

(13) As far as the light shed by Section 14 goes, Section 14(1)(c) appears to indicate that the proceedings include taking of evidence as may be necessary or as may be offered by such person and thereafter, to determine the matter of the charge. Sub-Section (2) of Section 14 contemplates the situation where in regard to the Supreme Court or the High Court, the alleged contemnor seeks to have the matter be heard by

another Judge, in which case, the application is to be allowed if the Court is of the opinion that it is practical to do so and in the interest of proper administration of justice. In such eventuality, section 14(3) contemplates that it shall not be necessary for the Judge or Judges in whose presence or hearing the offence is alleged to have committed to appear as a witness and it is sufficient if the statement of the judge is placed before the Chief Justice which is then to be treated as evidence.

(14) Coming to the Rules, Rule 13 contemplates that if the respondent (alleged contemnor) does not admit that he has committed contempt and a *prima facie* case is made out, the Tribunal is to proceed to frame a charge in Form No. III subject to modification or addition by the Tribunal at any time. The charge is to be read over and explained and the Tribunal is thereafter to record his plea, if any. Rule 13(e) provides that if the respondent pleads not guilty, the case may be taken up for trial on the same day or it is to be posted to any subsequent date as directed by the Tribunal.

(15) Rule 15 deals with the procedure for trial. It contemplates that except where it is otherwise provided in the Act or the Rules, the procedure for summary trial under Chapter XXI of the Code of Criminal procedure shall as far as practical be followed in the trial of case for contempt. It is open to the Tribunal at its discretion to direct that the evidence be produced in the form of affidavits. The Tribunal may also on motion or *suo motu* order attendance for cross examination of a person whose affidavit has been filed. Rule 15(iv) contemplates that the Tribunal may at its discretion direct any person to be examined as Tribunal witness.

(16) The Tribunal, by the impugned order, has only noticed in keeping with the charge that the appellant did make the statement in the Court that he had something to say about the Chairman which he wished to communicate to him in the chamber. This is disputed by the appellant. The charge indeed is on the lines as found by the Tribunal. But the charge was denied by the appellant.

(17) Shri Vikramjit Banerjee, learned Additional Solicitor General, very fairly drew our attention to the counter affidavit of the appellant to the charge wherein it is indicated as follows:

"Apart from the above observations which were recorded in the Order, several oral observations were made by this Hon'ble Bench of this Hon'ble Tribunal speaking through its Hon'ble Chairman during the hearing on the said date, which were apparently unsavoury. More particularly, it was alleged by this Hon'ble Bench in open Court that the Respondent "*manages Judges and Benches of the Supreme Court*". To such a deeply hurtful, humiliating and completely baseless remark, the Respondent, in solemn discharge of his duty as an officer of the court and being responsible as such for maintaining its dignity, humbly responded by praying that the Hon'ble Tribunal may conduct further proceedings in chamber with a view to protect the dignity of the Hon'ble Supreme Court, the Hon'ble High Courts as well as its own dignity. It is humbly submitted that the majesty of law can only be upheld if there is *inter-se* amity between all the institutions tasked with upholding it. Whenever institutional dignity is at the risk of being unwittingly compromised, it is the duty of every conscientious and law abiding citizen, and most importantly, of the learned members of the Bar, to prevent such a slip from occurring. The request for chamber hearing was made by the Respondent in discharge of the said duty. It is respectfully submitted that at no stage any disrespectful word/gestures or any personal attacks/allegations/threat/innuendo, were made by the Respondent against anyone whosoever let alone this Hon'ble Tribunal or its Hon'ble Chairman."

(18) Therefore, this is not a case where we can proceed on the basis that the appellant has admitted his guilt to the charge that appellant made a statement in the open Court that he had certain things to say about the Chairman which, however, he would reveal only in the chamber. This is the crux of the matter. His version is as noticed by us in the counter affidavit, which he filed to the charge. It is another matter that we may agree with the view of the Tribunal if the appellant had indeed made the allegations against the Chairman in the form of an insinuation that he had something to say about the Chairman which he would reveal only in chamber and what is more, he maintained silence which is eloquent when he was called upon to say whatever he had to say in the open Court. If that were the position, we would have little difficulty in upholding the conviction.

(19) Here, however, the problem is different. The issue arises from the denial of the very charge about what happened on 08.02.2019. In the circumstances of this case when the charge was framed on 10.02.2020 and the appellant pleaded not guilty and the proceedings on the date 18.03.2020 would show that on the one hand, learned Additional Solicitor General relied upon judgment of this Court and submitted that the Tribunal would be free to proceed in the matter without holding a trial but the appellant on the other hand, insisted on his right to be tried and the matter was reserved for judgment resulting in no trial at all taking place admittedly, there would be a problem in law in the facts of this case.

(20) Shri Vikramjit Banerjee, learned Additional Solicitor General, however, would seek support from the judgment of this Court in *Leila David* (supra). He took us through the said judgment.

(21) The appellant, on the other hand, would submit that the said judgment cannot apply. The said judgment reveals certain features which stand out. The Court notices that certain allegations were made in the writ petition as well as in the supporting affidavits. The petitioners therein were asked to withdraw the allegations which they refused to do. Thereupon, this Court felt compelled to issue notice as to why contempt proceedings should not be taken. Thereafter, when the matter came up before the Bench presided by the learned Judge, the Court took the view that even the show cause reply was equally contumacious. Proceedings were initiated. The order which was recorded by the learned Judge of this Court indicates that one of the petitioners had gone to the extent of saying that the Judges should be jailed for having initiated proceedings against them. One of the petitioners before this Court it is recorded went to the extent of throwing a footwear at the Judges. It is further recorded that all this happened in the presence of the learned Solicitor General of India (later Attorney General of India) and others. A division of opinion led to the matter being placed before a Bench of three learned Judges. These are the facts of the case which is relied by the learned Additional Solicitor General of India and which forms the basis of the impugned order as well apparently. The question which fell for decision was the need to hold trial or allowing the party to adduce evidence.

(22) We may notice in this regard the following observations:

"28. As far as the suo motu proceedings for contempt are concerned, we are of the view that Arijit Pasayat, J. was well within his jurisdiction in passing a summary order, having regard to the provisions of Articles 129 and 142 of the Constitution of India. Although, Section 14 of the Contempt

of Courts Act, 1971, lays down the procedure to be followed in cases of criminal contempt in the face of the court, it does not preclude the court from taking recourse to summary proceedings when a deliberate and wilful contumacious incident takes place in front of their eyes and the public at large, including Senior Law Officers, such as the Attorney General for India who was then the Solicitor General of India.

29. While, as pointed out by Ganguly, J., it is a statutory requirement and a salutary principle that a person should not be condemned unheard, particularly in a case relating to contempt of court involving a summary procedure, and should be given an opportunity of showing cause against the action proposed to be taken against him/her, there are exceptional circumstances in which such a procedure may be discarded as being redundant.

31. Section 14 of the Contempt of Courts Act, 1971 deals with contempt in the face of the Supreme Court or the High Court. The expression "contempt in the face of the Supreme Court" has been interpreted to mean an incident taking place within the sight of the learned Judges and others present at the time of the incident, who had witnessed such incident.

35. Section 14 of the Contempt of Courts Act no doubtcontemplates issuance of notice and an opportunity to the contemnors to answer the charges in the notice to satisfy the principles of natural justice. However, where an incident of the instant nature takes place within the presence and sight of the learned Judges, the same amounts to contempt in the face of the Court and is required to be dealt with at the time of the incident itself. This is necessary for the dignity and majesty of the courts to be maintained. When an object, such as a footwear, is thrown at the Presiding Officer in a court proceeding, the object is not to merely scandalise or humiliate the Judge, but to scandalise the institution itself and thereby lower its dignity in the eyes of the public.

36. In the instant case, after being given anopportunity to explain their conduct, not only have the contemnors shown no remorse for their unseemly behaviour, but they have gone even further by filing a fresh writ petition in which apart from repeating the scandalous remarks made earlier, certain new dimensions in the use of unseemly and intemperate language have been resorted to to further denigrate and scandalise and overawe the Court. This is one of such cases where no leniency can be shown as the contemnors have taken the liberal attitude shown to them by the Court as licence for indulging in indecorous behaviour and making scandalous allegations not only against the judiciary, but those holding the highest positions in the country. The writ proceedings have been taken in gross abuse of the process of Court, with the deliberate and wilful intention of lowering the image and dignity not only of the Court and the judiciary, but to vilify the highest constitutional functionaries.

37. In such circumstances, while agreeing with theprocedure adopted by Pasayat, J. in the facts of this case, we are not inclined to interfere with the sentence which has been imposed on the contemnors. The order dated 23-3-2009 [*Leila David (3)* v. *State of Maharashtra*, (2009) 10 SCC 348 : (2009) 13 Scale 325 (2)] , granting bail to the contemnors is hereby recalled. The Secretary General is directed to take the contemnors into custody forthwith and to arrange to have them sent to the appropriate jail to serve out the sentence."

(23) A perusal of the aforesaid observations would lead us to believe that the said judgment turns on its facts. It was contempt committed before this Court. The nature of the contempt is clearly brought out. In fact, it was when the contempt of court case was launched that there were further acts which included the throwing of footwear at the Judges. Subsequent conduct also did not reveal much of a change in the attitude of the contemnors in the said case. What is most relevant, however, is that the Court noticed the presence of Articles 129 and 142 of the Constitution as constituting sources of jurisdiction for this Court.

(24) In this case, however, in the first place, we cannot possibly equate the Tribunal with this Court. Undoubtedly, the Tribunal is endowed with the same power as are available to the High Court under the Act. But conspicuously, the powers available to this Court under Article 129 and 142 are not available to the Tribunal. The facts of the case which arose for consideration before this Court cannot, in our view, be compared with the facts of the present case. The appellant denied charges. What is more, he specifically staked the claim to have a trial conducted on the charge framed against him. No trial at all was conducted. In other words, no evidence was taken. The findings have been rendered after framing of the charge on 10.02.2020. The only day on which the case stood listed before the pronouncement of the judgment is 18.03.2020. We have noticed all that took place on 18.03.2020. On the said day, different submissions were made. On the one hand, the Additional Solicitor General told the Tribunal that the trial may not be necessary in view of the judgment in *Leila David* (supra). The appellant, on the other hand, joined issue and insisted that the trial must be conducted. A perusal of the order dated 18.03.2020 would show that the appellant had raised his argument about the need for a trial even in the case of a contempt being committed in the face of the Court. In other words, he canvassed for the position that a trial is necessary in such a case.

(25) It is pointed out by Shri Vikramjeet Banerjee, learned Additional Solicitor General, that the appellant did along with his counter affidavit file certain documents apparently relating to the proceedings before the Tribunal.

(26) We would think that in the facts of this case, denial of a right of trial which is contemplated also under Section 14(1)(c) of the Act as also Rule 15 of the Rules has resulted in miscarriage of justice.

(27) We have noticed the central issue which had to be decided on the strength of evidence in the teeth of the denial of the charge by the appellant. We would think that, in the facts of the case, the Tribunal could not have derived support of the judgment of this Court for reasons already indicated.

(28) The upshot of the above discussion is that the appellant must succeed. We are allowing this appeal only on the ground that the procedure under the Act and in the Rules which related to adducing of evidence when there is a denial of the charge, was not followed. We would undoubtedly have had no reservation in upholding the order if there was evidence to support the charge as framed against the appellant. Subject to these observations, the appeal is allowed. Impugned order is set aside. Needless to say the direction to forward the case to the Bar Council of India will also perish. The impugned order will stand set aside.

(29) We record our deep sense of appreciation for Shri Vikramjit Banerjee, learned Additional Solicitor General, who not only assisted us but assisted us with fairness and placing the position at law before us.