

ITEM NO.43

COURT NO.9

SECTION XVIA

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

TRANSFER CASE (CIVIL.) NO. 22 OF 2001

BRIJ MOHAN LAL

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln. For directions and permission and intervention and implement the directions and office report with quarterly reports received from High Courts and State Govt. for directions)

WITH

T.C.(C) NO. 23 of 2001, SLP(C) No. 7870/2001, SLP(C) No. 10645/2001

T.P.(C) Nos. 407-410/2001

with

W.P(C) NO. 140 of 2005

(With appln(s) for interim directions)

Date: 21/11/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

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Mr. Saurabh Trivedi, Adv.

UPON hearing counsel the Court made the following

O R D E R

In this Court's order dated 29.4.2005, an observation was made to the effect that it is desirable that the matter relating to number of Fast Track Courts vis-à-vis pendency of the cases may be worked out afresh. The learned Solicitor General thence stated that the Law Ministry would take effective steps in this behalf.

However, the learned Solicitor General states that such an exercise has not been undertaken by the Central Government as yet. It is an accepted position that in various States, all the Fast Track Courts originally conceptualized have not been established. Some of the States and the High Courts had taken the stand that it is not necessary to have the number of Fast Track Courts originally contemplated to be established having regard to the fact that a large number of sessions cases have since been disposed of. It is also not in dispute that many Fast Track Courts are instead and place of sessions trial are dealing with other matters including civil matters.

In the aforementioned situation, in our opinion, a time has come to

consider the question as to how best the allocation of Rs. 509 crores by the Central

Government can be utilized in a better manner. The learned Solicitor General

further states that only such Fast Track Courts be continued which are necessary

for the purpose of disposal of the sessions trials and the excess fund available

therefrom may be utilized for the purpose of creation of Fast Track Courts at the

magisterial level.

However, before such a direction is issued, we are of the opinion that it

may be necessary for this Court to have the views of the respective State

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Governments as also the High Courts. We, therefore, request the High Courts to

prepare appropriate scheme (s) which may be useful in this behalf for better

administration of criminal justice in their respective States, if necessary, by

appointing a small committee in this behalf; so as to enable this Court to know as

to how many Fast Track Courts are required to be continued having regard to the

pendency of the sessions trials and other criminal cases and as to how the excess

amount generated thereby can be utilized by creating Fast Track Magisterial

Courts. Undoubtedly, while making such a scheme, the impact thereof vis-à-vis

the members of Higher Judicial Service who have been promoted on ad hoc basis

and other relevant factors would be taken into consideration.

The High Court may also give suggestions as regard the mode and manner in which Fast Track Courts at the Magisterial Level shall be constituted having regard to the funds available therefore, in the event, some Fast Track Courts operating are abolished. Such scheme with appropriate affidavit may be filed within four weeks. The High Courts are also requested to apprise us regarding all the pendency of the sessions cases, criminal appeals as also other criminal cases at all levels including the High Court. List after five weeks.

Let I.A.No.13 be placed in two weeks as prayed for by learned counsel on behalf of the State of Andhra Pradesh. List after two weeks.

The State of Jammu & Kashmir is hereby directed to file an appropriate affidavit as directed in terms of the order dated 31st March, 2005 within four weeks failing which on the next date of hearing the Law Secretary shall be present in this Court. Let this order be communicated to the Law Secretary of the State of Jammu & Kashmir. List thereafter.

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(P.D.Balodi)

(Pushap Lata Bhardwaj)

Court Master

Court Master