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T.C.(C)No. 22 OF 2001  
ITEM No.302

Court No. 2

SECTION XVIA

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

Transfer Case(Civil) No.22/2001

BRIJ MOHAN LAL

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

[Office Report with quarterly reports received from High Courts and State Govt. for directions]

with

T.C.(C)No.23/2001, SLP(C)No.7870/2001, SLP(C)No.10645/2001 and TP(C)No.407-410/2001.

Date : 10/01/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s) Mr. Chander Shekhar Ashri,Adv.

Mr.P.S.Narasimha,Adv., (A.C.)  
Mr.Ananga Bhattacharya,Adv.for  
M/s.PSN & Co., Advs.

For Respondent (s)  
for the Intervenor: Mr.Vijay Kumar,Adv.,  
Mr.Vishwajit Sigh,Adv.

for UOI, UT of Mr.R.Mohan, ASG  
Andaman & Nicobar, Ms.Sunita Sharma,Adv.,  
Dadar & Nagar Haveli, Mr.D.S.Mahra,Adv.  
Daman & Diu, Mrs. Rekha Pandey, Adv.  
Lakshadweep Ms. Sushma Suri, Adv.

For NCT of Delhi Mr.Ashok Bhan,Adv.,  
Ms.Sunita Sharma,Adv.,  
Ms.Anil Katiyar,Adv.

For State of W.Bengal Mr. Tara Chandra Sharma,Adv.,  
Ms.Neelam Sharma,Adv.

for UT of Chandigarh Ms. Kamini Jaiswal, Adv.  
Mr. Saqib, Adv.  
Mrs. Naresh Bakshi, Adv.

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for State of Gujarat Ms. Hemantika Wahi,Adv.  
Mrs.Sadhna Sandhu,Adv.,

For J&K High Court Mr.Tara Chandra Sharma,Adv.

For Allahabad High Court Mr.Ashok K. Srivastava,Adv.

For Orissa High Court Mr.Janaranjan Das,Adv.,

Mr.Swetaketu Mishra,Adv.,  
Ms.Moushumi Gahlot,Adv.

For State of Tamil Nadu Mr.Subramonium Prasad,Adv.,  
Mr.Gopalakrishnan,Adv.,  
Mr.Abhay Kumar,Adv.  
Mr.Rahul,Adv.

For State of Manipur Mr.KH.Nobin Singh,Adv.

For U.T of Pondicherry Mr. V.G. Pragasam,Adv.

For State of Tripura Mr. Gopal Singh,Adv.,  
Mr.Anurag Sharma,Adv.,  
Mr.Rituraj Biswas,Adv.

For State of Punjab Mr.R.K. Rathore,AAG  
Mr.A.K. Sinha,Adv.,

State of Maharashtra Mr.Mukesh K. Giri,Adv.

For State of Haryana Mr.Praveen Kumar Rai,Adv.,  
Ms. Kavita Wadia,Adv.

For State of Orissa Mr. Radha Shyam Jena,Adv.

for State of U.P. Mr. Dileep Tandon, Adv.  
Mr. Ravi P. Mehrotra, Adv.

for State of Uttaranchal Ms.Rachna Srivastava,AAG

for State of M.P. Mr.S.K. Agnihotri,Adv.,  
Mr.Rohit K. Singh,Adv.,  
Mr.Amit Mishra,Adv.

for State of Chhatisgarh Ms.Suprarna Srivastava,Adv.,  
Ms. Deepti Singh, Adv.  
Mr.Rajesh Srivastava,Adv.,  
Mr.Rahul Srivastava,Adv.

for State of Goa Ms.A. Subhashini,Adv.

For UTs Mr.S.Wasim A. Qadri,Adv.,  
Mr.D.S. Mahra,Adv.

For State of Rajasthan: Mr.Aruneshwar Gupta,AAG  
Mr. Naveen Kumar, Adv.  
Ms. Shivangi, Adv.

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For State of Nagaland Mr.U. Hazarika,Adv.,  
Mr. Satya Mitra, Adv.  
Ms.Sumita Hazarika,Adv.

for State of Assam Ms.Krishna Sarma,Adv.,  
Mr.V.K. Sidharthan,Adv.  
Mr. Atul Kumar, Adv. for  
M/s.Corporate Law Group, Advs.

for State of Sikkim Mr.A.Mariarputham,Adv.,  
Ms.Aruna Mathur,Adv.for  
M/s Arputham,Aruna & Co.,

for State of Kerala Mr. K.R. Sasiprabhu,Adv.

For State of Bihar Mr. B.B. Singh,Adv.

For State of Jharkhand Mr.Ashok Mathur,Adv.,  
Mr.Rajesh Pathak,Adv.

for State of Meghalaya Mr.Ranjan Mukherhjee,Adv.

for State of J & K Mr. Altaf H. Naiyak, A.G., J&K,  
Mr.Anis Suhrawardy,Adv.

For State of Karnataka Mr.Sanjay R. Hegde,Adv.

State of Arunachal Mr.Anil Shrivastava,Adv.  
Pradesh Ms. Smita, Adv.

State of A.P. Mrs. D. Bharathi Reddy, Adv.  
Mr. B. Vikas, Adv.  
Ms. Sneha Bhaskaran, Adv.

High Court of A.P. Mr. B. Sridhar, Adv.  
Mr. K. Ramkumar, Adv.

For State of H.P. Mr. J.S. Attri,AAG,

Mrs.Rachna Gupta,Adv.

Mr.Prashant Bhushan,Adv.

Mr.V.N. Raghupathy,Adv.

Mr.Javed Mahmud Rao,Adv.

Mr.Annam D.N .Rao,Adv.

Mr.T.V. Ratnam,Adv.

Mr.B.S. Banthia,Adv.

Mrs.V.D. Khanna,Adv.

Mr.Raj Kumar Mehta,Adv.

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Mr.M.N. Sharma,Adv.

Mrs.Revathy Raghavan,Adv.

Mr. J.P. Dhanda, Adv.

UPON hearing counsel the Court made the following

O R D E R

It is stated by the learned Additional Solicitor General that the Union of India has taken a policy decision that Fast Track Courts would continue. We were further informed by the learned Additional Solicitor General that the report of 12th Finance Commission is pending acceptance before Hon'ble the President of India.

It has further been brought to our notice that some States have not fully complied with the directions of this Court dated 01st November 2004.

Learned counsel appearing for the State of Andhra Pradesh states that an affidavit indicating the Status Report shall be filed by tomorrow. Let a copy of the said Status Report be handed over to the learned Amicus Curiae.

So far as the State of Bihar is concerned it has been stated across the Bar that now court rooms are available and subject to the recommendations of the names of the Presiding Officers the refer by the High Court, all the posts can be filled up. It is stated that steps have already been taken in this behalf. We hope and trust that all the vacant posts shall be filled up within a period of four weeks from date.

It is stated by learned counsel appearing for State of Gujarat that 5 vacant courts shall be filled up within a period of two months. It is recorded accordingly.

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So far as the States of Haryana and Punjab are concerned, it is accepted that in the State of Haryana, out of 36 Fast Track Courts allotted to State of Haryana, 16 are vacant; whereas out of 34 Fast Track Courts allotted to State of Punjab, 18 are vacant. On behalf of the High Court and the States, it is stated that the remaining vacant Courts are not required to be filled

up keeping in view the pendency of the criminal cases. Accepting the above statement, it is directed that the said two States as well as the High Court of Punjab & Haryana need not take further steps for the time being to fill up the Courts. However, it is made clear that if in future, on account of increase in cases, it is decided to fill up the above-mentioned remaining vacant Courts, it will be open to both the States and the High Court to review the aforesaid decision and take appropriate steps by approaching the Union of India in that behalf. Accordingly, we also direct the High Court as well as both the States to review its decision on this aspect periodically.

So far as the State of Jammu & Kashmir is concerned the learned Advocate General states that he is not aware as to whether the Notification issued for creation of Fast Track Courts of Judicial Magistrates has been withdrawn or not. If the same has not been withdrawn, the State of Jammu & Kashmir and the High Court of Jammu & Kashmir are directed to take immediate action accordingly. The State of Jammu & Kashmir is further directed to see that requisite number of Fast Track Courts for conducting Sessions trials in terms of the original Scheme framed by the Finance Commission be complied with at an early date and not later than two months from date.

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All the States are hereby further directed to file affidavits showing present pendency of the criminal cases so as to enable this Court to pass further orders.

Let this matter appear six weeks hence.

(Subhash Chander)(Prem Prakash)  
Court Master Court Master