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

ITEM No.23

Court No.1

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transferred Case(Civil) No.22/2001 (for prel. hearing)

BRIJ MOHAN LAL

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(Office Report with Quarterly Reports received from High Courts and State Government for Directions)

With

T.C.(C)No.23/2001, S.L.P.(C) No. 7870/2001, S.L.P.(C) No. 10645/2001, T.P.(C) No.407-410/2001.

Date : 03/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. K S Saini, Adv.
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Mr. P Sridhar, Adv.
Mr. Ananga Bhattacharya, Adv.
Mr. G Seshagiri Rao, Adv.
for M/s. P S N & Co., Advs.

For Respondent (s)

Union of India Mr. Kirit N Raval, SG
Mr. Prateek Jalan, Adv.
Mr. P Parmeswaran, Adv.
Ms. Pinky Anand, Adv.
Ms. Anil Katiyar, Adv.

State of Assam Ms. Krishna Sarma, Adv.
Ms. Asha G Nair, Adv.
For Corporate Law Group, Advs.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.

State of Andhra Pradesh Mr. T V Ratnam, Adv.
Mr. K Subba Rao, Adv.

AP High Court Mr. K Ram Kumar, Adv. (NP)

State of Bihar Mr. Kumar Rajesh Singh, Adv.
Mr. B B Singh, Adv.

Patna High Court Mr. Amit Pawan, Adv.
Mr. Amit Kumar, Adv.

UT Chandigarh Ms. Kamini Jaiswal, Adv.

NCT of Delhi Ms. Pinky Anand, Adv.
Mr. T A Khan, Adv.
Ms. Anil Katiyar, Adv.

UTs of Mr. R K Rathore, Adv.
Of Andaman & Nicobar, Mr. D S Mahra, Adv.
Lakshadweep, Dadra
& Nagar Haveli,
Daman & Diu

State of Chhatisgarh Mr. Prakash Shrivastava, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Monika Bapna, Adv.

State of Goa Ms. A Subhashini, Adv.

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

State of H.P. Mr. J S Attri, Adv.

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

State of J & K Mr. Anis Suhrawardy, Adv.

State of Kerala Mr. Ramesh Babu M R, Adv.

State of Karnataka Mr. Sanjay R Hegde, Adv.
Mr. Satya R Mitra, Adv.
Mr. Anil K Misra, Adv.

State of Manipur Mr. H Nabakumar, Adv. Genl.
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Ms. Monika Bapna, Adv. Adv.

State of Meghalaya Mr. Ranjan Mukherjee, Adv.

State of Maharashtra Mr. Mukesh K Giri, Adv.

State of M.P. Mr. Sakesh Kumar, Adv.
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Mr. Anil Kumar Pandey, Adv.
Mr. Rohit K Singh, Adv.

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Mr. U Hazarika, Adv.
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Orissa High Court Mr. Janaranjan Das, Adv.
Mr. Swetaketu Mishra, Adv.

Govt of Pondicherry Mr. V G Pragasam, Adv.

State of Punjab Mr. R K Rathore, Addl.Adv.Genl.
Mr. R S Suri, Adv.

State of Rajasthan Mr. Ranji Thomas, Adv.
Ms. Bharati Upadhyaya, Adv.
Mr. D K Thakur, Adv.
Mr. V N Raghupathy, Adv.

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Ms. Aruna Mathur, Adv.
For Arputham Aruna & Co., Advs.

State of Sikkim Mr. N B Kathiwada, Adv. Genl.
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Ms. Aruna Mathur, Adv.
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Mr. Gopal Singh, Adv.

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Mr. Arohi Bhalla, Adv.
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Mr. Garvesh Kabra, Adv.

Allahabad High Court Mr. Ashok K Srivastava, Adv.

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Mr. Rohit Singh, Adv.

State of W.B. Mr. Bhaskar P Gupta, Sr. Adv.
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Mr. Raj Kumar Mehta, Adv. (NP)

Mr. M N Sharma, Adv. (NP)

Ms. Revathy Raghavan, Adv. (NP)

Mr. Manish Mohan, Adv.

Ms. Anita Mohan, Adv.

Mr. Praveen Swarup, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. P S Narasimha, learned Amicus Curiae has furnished Status Report as regards establishment of Fast Track Courts and appointments therein in all the States of the country. The Status Report indicates that the States of Maharashtra, Chhatisgarh, Mizoram, Meghalaya, Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttaranchal and Assam have fully complied with the directions and all the appointments have been made. The States of Arunachal Pradesh, Manipur, Nagaland, Jharkhand and Kerala have substantially complied with the orders.

We find that the States of Andhra Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Orissa, Punjab and West Bengal have not complied with the orders. In fact, this shows inaction on the part of these States. Even after the fund has been made available, neither the Fast Track Courts have been created nor the appointments thereof have been made. However, seeing the public interest, we permit these States to strictly comply with the direction regarding making appointments on the remaining Fast Track Courts by 31st December, 2003. In case of default, we may consider asking these States to refund the fund received by them from the Central Government.

So far as the State of Jammu & Kashmir is concerned, the State and the High Court are granted four weeks' time to file the affidavit as to how much grant received for the Fast Track Courts has been used for creating the posts of Munisifs and making appointments thereon. We may also like to observe that those High Courts which have not made recommendations, they may make recommendations for appointments to the Fast Track Court posts before the said date. Learned Solicitor General would also take instructions as regards continuance of the Fast Track Courts Scheme.
List these matters after 31st December, 2003.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTER COURT MASTER