

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

SUO MOTO WRIT PETITION(CRIMINAL) No(s).1/2026

IN RE: CREATION OF SPECIAL EXCLUSIVE COURTS

WITH

SLP(Crl) No. 8799/2025 (II-D)

IA No. 129923/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 08-05-2026 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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UPON hearing the counsel the Court made the following
O R D E R

1. Pursuant to our orders dated 10.02.2026, 24.03.2026 and 20.04.2026, we have heard the learned Additional Solicitors General, learned Advocates General/Additional Advocates General appearing for the States/Union Territories, and learned counsel/representatives appearing for the High Courts. The

proceedings now stand focused on the creation/designation and operationalisation of exclusive Special Courts for expeditious trial of cases under the National Investigation Agency Act, 2008 (in short, the 'NIA Act'), the Unlawful Activities (Prevention) Act, 1967 (in short, 'UAPA') and the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, the 'NDPS Act').

2. There are broadly two categories of trials under the NIA Act. The first category comprises trials before Courts of Session designated as Special Courts by the Central Government under Section 11 of the NIA Act, where the investigation/prosecution is principally conducted by the National Investigation Agency (in short, 'NIA'). The second category comprises trials before Courts of Session designated as Special Courts by the State Governments under Section 22 of the NIA Act, including scheduled offences/UAPA cases investigated and prosecuted by State agencies.

3. As of now, the Union of India has agreed to provide infrastructural assistance as well as reimbursement of recurring expenditure for exclusive Special Courts under Section 11 of the NIA Act in terms of the Office Memorandum dated 07.01.2026. The directions in paragraphs 4 to 9 of this order shall, at this stage, operate in relation to Special Courts under Section 11 of the NIA Act.

4. We, accordingly, direct the Union of India through the NIA to approach, within one week, the Hon'ble Chief Justices of the jurisdictional High Courts and place before them the State-wise and Court-wise pendency of trials covered by Section 11 of the NIA Act, the place at which each such trial is pending, the stage of the

trial and the number of witnesses remaining to be examined. The NIA shall simultaneously share the said information with the concerned State Governments/Union Territories.

5. The Hon'ble Chief Justices of the respective High Courts are requested to hold consultations with the concerned State Governments/Union Territories and the NIA for identifying/designating exclusive Special Courts under Section 11 of the NIA Act. The State Governments/Union Territories shall make available suitable Court Rooms and allied immovable infrastructure, including space for the Presiding Officer, court staff, records, accused-production facilities, witnesses, litigants, security and video-conferencing, preferably within the existing Court complexes. Where such space is not available, the High Court and the State Government/Union Territory shall jointly indicate the nearest feasible alternative.

6. For every exclusive Special Court designated under Section 11 of the NIA Act, the Union of India shall release/reimburse the admissible recurring and non-recurring expenditure in terms of its policy decision/Office Memorandum dated 07.01.2026. It is clarified that procedural requirements relating to reimbursement shall not delay the operationalisation of the Courts.

7. No category of cases other than cases triable before a Court designated under Section 11 of the NIA Act, and offences connected with such trials, shall be assigned to these Courts. The High Courts shall also ensure posting of dedicated Court staff substantially in terms of the staffing pattern noticed in the earlier orders.

8. The broad norm shall be one exclusive Special Court for every block of 10 to 15 pending trials. Thus, where the pendency under Section 11 of the NIA Act within the jurisdiction of a High Court exceeds 15 trials, at least two such Courts shall be operationalised; where it exceeds 25 trials, at least three such Courts shall be operationalised; and one additional Court shall be considered for every further block of 10 to 15 trials. These are minimum working norms and may be suitably adjusted by the High Court, after consulting the NIA and the State Government/Union Territory, having regard to the complexity of the cases, number of accused, number of witnesses and availability of infrastructure.

9. The aforesaid exclusive Special Courts under Section 11 of the NIA Act shall be made functional within one month from today. The Presiding Officers shall regulate their boards in such manner as they deem appropriate, but shall ensure that the trials assigned to them are taken up on a day-to-day basis. As far as practicable, ripe trials shall be listed in continuous blocks so that at least one such trial is brought to a conclusion every month, without compromising the rights of the accused, victims or witnesses and without diluting the requirements of a fair trial.

10. As regards trials under Section 22 of the NIA Act, UAPA cases prosecuted by State agencies, and other related trials, we direct the States/Union Territories and the Registrars General of the High Courts to furnish, in consultation with each other, a consolidated statement indicating: (i) the number of pending trials; (ii) the District and Court where each trial is pending; (iii) the age and

present stage of each trial; (iv) the number of accused in custody; (v) the number of prosecution witnesses already examined and remaining; (vi) the availability or non-availability of court rooms and allied infrastructure; (vii) the number of exclusive Courts required; and (viii) the availability of dedicated Public Prosecutors. The said information shall be filed within four weeks.

11. The learned Additional Solicitor General is requested to share the consolidated pendency under the NIA Act/UAPA, as available with the Union of India/NIA, with all learned Advocates General and Registrars General within one week, so that the information furnished by the States/Union Territories and the High Courts is reconciled and complete.

12. As regards the NDPS Act, Mr. S.D. Sanjay, learned Additional Solicitor General of India, submits that substantial progress has been made and that the proposal for establishing exclusive Special Courts for NDPS trials, including the issue of financial assistance to States/Union Territories, is under active consideration of the competent authority.

13. To that end, the Union of India shall file a status report before the next date of hearing indicating the decision taken or the precise stage of decision-making, the proposed financial model, the proposed yardstick for determining the number of exclusive NDPS Courts, and the timeline for operationalisation. The States/Union Territories and the High Courts shall also include in their reports the pendency and infrastructure requirements concerning NDPS Act trials, if not already furnished.

14. We have also suggested to the learned Additional Solicitor

General and to the learned Advocates General that the competent authorities may consider creating a statutory or institutional mechanism for effective coordination amongst the NIA, NCB, State Police, ATS units, Customs, DRI and other investigating/prosecuting agencies dealing with offences under the NDPS Act and related special statutes. The Union of India shall indicate its stand on this aspect in the status report to be filed before the next date of hearing.

15. Post the matters for compliance and further consideration on 20.07.2026.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR