

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 : 24-03-2026 This petition was called on for hearing today.

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

For Petitioner(s) :Mr. Ram Narayan Mohanty, Adv.
Mr. Pritam Singh, Adv.
Mr. Umesh Kumar Shukla, Adv.
Mr. Pawan Kumar Saxena, Adv.
Mr. Shishupal Singh, Adv.
Mr. Charan Dass, Adv.
By Courts Motion

Mr. Farrukh Rasheed, AOR

Mr. Dhruv Shankar Mishra, AOR

For Respondent(s) :Ms. Aishwarya Bhati, A.S.G.
Mr. S.D. Sanjay, A.S.G.
Mr. Chetan Sharma, ASG
Ms. Poornima Singh, Adv.
Ms. Manisha Chava, Adv.
Ms. Shagun Thakur, Adv.
Mr. Anirudh Singh, Adv.
Ms. Disha Thakkar, Adv.
Mr. Kushal Kolwar, Adv.
Ms. Ruchi Kholi, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Raman Yadav, Adv.
Ms. Chitrangda Rashtravara, Adv.
Mr. Gyanendra Singh, Adv.
Mr. Digvijay Dam, Adv.
Mr. Anmol Chandan, Adv.
Mr. Rohit Khare, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. Amit Gupta, Adv.
Mr. Abhishek Gupta, Adv.

Mr. R.V. Prabhat, Adv.
Mr. Kumar Kartikeya, Adv.
Mr. Shubham Sharma, Adv.
Mr. Chanakya Kene Adv.
Mr. Yashvardhan Sharma, Adv.
Mr. Naman, Adv.
Mr. Dhananjay Singh, Adv.

Mr. Jayant Mohan, AOR
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Mr. Priyanshu Teotia, Adv.

for Rajasthan

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Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, AOR

Mr. Vivek Sharma, Advocate General
Mr. Bishwajit Dubey, A.A.G.
Mr. Apoorv Shukla, Adv.
Mr. Vinayak Sharma, Standing Counsel, Adv.
Mr. Ravinder Kumar Yadav, AOR
Mr. Yahsvardhan Shah, Adv.
Mr. Yashvardhan Shah, Adv.

for Gujarat

Mr. Kamal Trivedi, Adv. Gen.
Mr. Hardik A. Dave, Adv.
Ms. Swati Ghildiyal, AOR
Mr. Nimesh Bhatt, Adv.

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Ms. Prerna Singh, Adv.
Mr. Dhruv Yadav, Adv.

For Bihar

Mr. P.K. Shahi, Adv. Gen.
Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.
Mr. Kumar Saurav, Adv.

Mr. Kanhaiya Singhal, AOR
Mr. Kanhaiya Singhal, Adv.
Ms. Vani Singhal, Adv.
Mr. Prasanna, Adv.
Mr. Naval Goyal, Adv.
Mr. Rajshekhar Rao, Sr. Adv.

Mr. K. Gopalkrishna Kurup, Adv. Gen.
Mr. C. K. Sasi, AOR
Mr. Manu V, Adv.
Mr. Ce Unnikrishnan, Adv.
Dr. KK Geetha, Adv.

for Punjab	Mr. Maninderjit Singh Bedi, Adv. Gen. Mr. Karan Sharma, AOR
for West Bengal	Mr. Kishor Dutta, Adv. Gen. Mr. Kunal Mimani, AOR Ms. Shraddha Chirania, Adv. Mr. Akshay Luthra, Adv.
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for Karnataka	Mr. Shashi Kiran Shetty, Adv. Gen. Mr. Sanchit Garga, AOR
for Maharashtra	Mr. Milind Sathe, Adv. Gen. Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR Mr. Shrirang B. Varma, Adv. Mr. Bharat Bagla, Adv. Mr. Aditya Krishna, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Suo Moto Writ Petition(Criminal) No(S).1/2026

1. On 10.02.2026, this Court took notice of the status report and the Office Memorandum dated 07.01.2026 that was placed on record by Ms. Aishwarya Bhati, learned Additional Solicitor General of India.

The said Office Memorandum, issued by the Government of India through the Ministry of Home Affairs, prescribed the norms for the reimbursement of expenditure incurred by the States for setting up and maintaining Special Courts exclusively for the trial of NIA cases. The salient features of the office memorandum, as reproduced in that order, are as follows:

“(a) The norms do not envisage reimbursement of cost of land and/or the cost of construction. In view of the security concerns, it is not advisable to construct separate court complex for this purpose. It is, however, suggested that State Government may earmark one existing court for setting up special court, exclusively for trial of NIA cases.

(b) A decision may be taken at the level of the concerned States/UTs to ascertain whether creating a permanent facility for establishment of a Special Court exclusively for trial of NIA cases would be more feasible for them, or for the time being they may continue with temporary establishment.

(c) Expenditure incurred by the State Government on setting up and the functioning of the court(s) will be reimbursed by the Central Government from the budgetary grant of the NIA, after receipt of the audited figures from the State Government, along with the necessary AG(Audit)/Internal Audit Certificate from the competent authority. Expenditure on the following items will be reimbursable:

(i) In case establishing a Special Court exclusively for trial of NIA cases is not feasible within the existing court complex due to administrative/space constraints, option for hiring suitable accommodation for setting up such courts in a secure building/complex under the possession of State Govt/Govt Enterprises may be explored. Hiring a building outside govt premises may be resorted to only under exceptional circumstances. In case, if the hiring of building is resorted to outside govt premises, the State Govt should provide necessary security from the State Police forces.

(ii) Necessary expenditure on making a court room suitable for a court of this nature through necessary infrastructure improvisation by renovation and maintenance.

(iii) Recurring expenditure on salary of the staff of the court as per established scales (Model of the staff pattern is mentioned in Para (d) below).

(iv) Purchasing/Hiring of a car for use of the Presiding Officer and necessary expenditure incurred on its running and maintenance.

(v) Necessary recurring and non-recurring expenditure on (a) Furniture (b) Information Technology items including Phones, Fax, Computers, including all software and peripherals, and broadband connection, photocopiers, duplicators etc. Annual maintenance contracts are also covered.

(vi) Other items necessary for proper working conditions like Air conditioners and heaters etc. are included. Expenditure may be incurred on both purchasing the same wherever necessary and for their running and maintenance.

(vii) Running and maintenance costs like that on petrol, TA, electricity, water or any other such expenses and the annual maintenance costs, for example, Air conditioners or computers etc.

(viii) The recurring expenditure on normal office expenses including stationery, books and journals."

2. The Office Memorandum also provides the model of the staff pattern for Special NIA Courts. The details whereof mentioned in paragraph 4(d) are to the following effect:

S.N.	Name of the Post	Nos. of Post
1	Special Judge	01
2	Sheristadar	01
3	Stenographer Gd-II	01
4	UD Asstt. Including one Bench Asstt.	02
5	LD Asstt.	02
6	Typist	02
7	Driver	01
8	Process Server	01

9	<i>Peon for office & officer</i>	03
10	<i>Chowkidar/Security Guard</i>	01
11	<i>Sweeper</i>	01

3. Similarly, paragraphs 5 and 7 of the Office Memorandum provide the overall limit of recurring expenditure, and since both paragraphs have a bearing on the issue at hand, they are also reproduced below:

"5. There shall be an overall limit of Rs.1 Crore on recurring expenditure per annum, and overall limit of Rs.1 Crore on non-recurring expenditure (which will be incurred within a period of maximum 24 months after designation of a Special Court exclusively for trial of NIA cases). The reimbursement, however, shall be subject to actual expenditure on ground against the list of items prescribed in Para 4(c) & (d).

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7. In order to enable NIA to process the reimbursement of expenditure in time, it is requested that audited figures of expenditure incurred in the previous Financial Year may be sent to NIA by 31st July of every year, along with an audit certificate from AG (Audit)/Internal Audit."

4. It was further brought to our notice that there are 17 States, where more than 10 trials under NIA, especially for the offences under UAPA, are pending. Consequently, notice was issued to all the 17 States, namely, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Manipur, Punjab, Tamil Nadu, West Bengal, Andhra Pradesh, Rajasthan, and Telangana. Learned Advocates General for the above-mentioned States were requested to be present in Court, personally or virtually.

5. In deference thereto, all the learned Advocates General for

the 17 States are present in person or virtually.

6. We have heard Ms. Aishwarya Bhati and Mr. S.D. Sanjay, learned Additional Solicitors General of India, on behalf of the Union of India, as well as the learned Advocate Generals for the above-mentioned States.

7. It is true that in some of the States, there are more than 10 trials under NIA/UAPA pending, and in order to conclude such trials in a time-bound manner, such States might require more than one Court to exclusively conduct NIA/UAPA trials. However, as a pilot project, especially keeping in view the commitment made by the Union of India in its Office Memorandum dated 07.01.2026, the 17 States above-mentioned have agreed that as of now, one exclusive Court to deal with NIA/UAPA matters may be established with the financial assistance offered by the Union of India. We may hasten to add that in some of the States, like Gujarat, it is informed by the learned Advocate General that two Courts are already functional. In fact, in most of the States, NIA Courts are functional. However, the difficulty is that the Presiding Officers of those Courts are also entrusted with cases other than those dealing with NIA/UAPA. As a result, they are unable to devote adequate time to conclude the trials under UAPA/NIA expeditiously, where invariably a vast number of witnesses are examined by the prosecution.

8. It is against this backdrop that this Court, after taking cognizance of the prevailing situation, decided that the NIA Courts should exclusively deal with UAPA or other related trials and that such Presiding Officers should not be entrusted with any other

cases. This will ensure that the Presiding Officers are able to take up the UAPA trials on a day-to-day basis.

9. Keeping this in mind, let the Union of India release the necessary grant-in-aid/financial assistance in terms of the Office Memorandum dated 07.01.2026 to the 17 States mentioned in paragraph 4 of this order. The learned Advocate Generals shall meet the Hon'ble Chief Justices of their respective High Courts, along with a copy of this order, and shall request that a Presiding Officer be posted in the NIA Court to whom no other cases except UAPA or related trials shall be entrusted.

10. It goes without saying that such a recourse shall be required to be followed only in those States where such an initiative has not already been taken. The State Governments, in consultation with the High Courts, will meanwhile make additions to the existing cadre of the Higher Judicial Services to the extent that the State may require additional Courts to deal with NIA/UAPA matters. The recruitment to the newly created posts shall be made by the High Courts in the next immediate selection process. It is clarified that there shall not be a separate cadre of Presiding Officers of the NIA/UAPA Courts, and that the Judicial Officers, who have fair and reasonable experience of conducting criminal trials, shall be posted as the Presiding Officers of those Courts. Similarly, the High Courts will take necessary steps to appoint the Court Staff as per the pattern given in paragraph 2 of this order.

11. Knowing well the method of evaluation of the Annual Confidential Reports of the Judicial Officers, we clarify that a separate mechanism shall be prescribed in consultation with the

High Courts for evaluation of the Confidential Reports of the Presiding Officers of the NIA/UAPA Courts, as they will not be able to earn units in the traditional manner. For this purpose, appropriate directions will be issued by a Three-Judge Bench in the matter pertaining to the judicial services.

12. The State Governments shall, meanwhile, identify how many separate exclusive NIA/UAPA Courts are required to be established by them to conduct the trials in UAPA or related matters on a day-to-day basis, with a categorical commitment that each trial, in all circumstances, shall be completed within one year. After such evaluation, the viewpoint of the State Governments shall be placed on record within four weeks.

13. The National Investigating Agency/CBI/any other Central or State Agency will ensure that one dedicated Public Prosecutor for each Court is made available, and if there are insufficient prosecutors available in the regular cadre, the Union of India and the State Governments are directed to notify Special Public Prosecutors for this purpose in consultation with the respective High Courts.

14. Since the viewpoint of the High Courts is required to be kept in mind in order to resolve some of the issues, let notice be issued to the Registrars General of the 17 High Courts mentioned in para 4 of this order, for the date fixed. The High Courts shall be at liberty to enter appearance through counsel or virtually through their Registrar General.

NIA/UAPA SPECIAL COURTS

15. Mr. S.D. Sanjay, learned Additional Solicitor General of India, has filed an affidavit of a Deputy Secretary, Ministry of Home Affairs, *inter alia*, pointing out that a meeting was convened to discuss the establishment of exclusive Courts for the trial of cases under the NDPS Act.

16. In the meeting, it was resolved that: (i) all States/UTs will give a status report to MHA regarding setting up of exclusive NDPS Courts; and (ii) the States/UTs will ensure that once exclusive NDPS Courts are set up, they should take up only NDPS cases.

17. In response thereto, Chandigarh Administration, Sikkim, Arunachal Pradesh, Maharashtra, Uttar Pradesh, NCT of Delhi, Goa, Union Territory of Andaman & Nicobar, Haryana, Punjab, Union Territory of Dadra and Nagar Haveli & Daman and Diu, Himachal Pradesh, Tamil Nadu, and Meghalaya have submitted their response along with the requirements of exclusive Special Courts. Such reports from the other States/UTs are still awaited. It is further pointed out that upon receipt of information from all the States, a meeting shall be convened with the Registrars General of the High Courts as well as the senior Government functionaries of the States/UT Administrations. Thereafter, a proposal shall be formulated for providing financial assistance to States/UTs for setting up exclusive NDPS Courts, for which the necessary sanction from the Ministry of Finance shall be obtained.

18. We appreciate the initiative taken by the Union of India in this regard. We have impressed upon the learned Advocates General

present in Court, either in person or virtually, that States from which a response is still awaited may also submit their proposals to enable the Union of India to take further steps *re:* convening a meeting with the Registrars General of the High Courts and obtain necessary sanction from the Ministry of Finance.

19. In this regard, let a fresh status report be filed on the next date of hearing.

20. Post the matters for further consideration on 20.04.2026.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR