

ITEM NO.14                      Court No.1 (Video Conferencing)                      SECTION PIL-W

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 (Cr1.) No(s).1/2017

IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND  
DEFICIENCIES IN CRIMINAL TRIALS                      Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.                      Respondent(s)

(MR. R. BASANT, SR. ADV (A.C.), MR. SIDHARTH LUTHRA, SR. ADV (A.C.)  
MR. K. PARAMESHWAR, ADV (A.C.) )

WITH

SLP(Cr1.)...CRLMP No. 7862/2017 (II-A)

(MS. VIBHA DATTA MAKHIJA, SR. ADV. A.C. Following Advocates have filed Vakalatnama or Appearance Mr. Aniruddha P. Mayee for Bombay High Court, Mr. P.I.Jose for Gauhati High Court, Mr. Nikhil Goel for Gujarat High Court, Mr. Arjun Garg for Madhya Pradesh High Court, Mr. Mahesh Thakur for Manipur High Court, ms Parekh and Co. for Patna High Court, Mr. Mukul Kumar for Rajasthan High Court, Mr. Mukul Kumar for Rajasthan High Court, Ms. Rachana Srivastava for Uttarakhand High Court, Ms. Uttara Babbar for Andhra Pradesh High Court and Telangana High Court, Mr. Kunal Chatterji for Calcutta High Court, Mr. Sahil Tagotra for J and K High Court, Mr. Mahfooz Ahsan Nazki for State Of Andhra Pradesh, Mr. V. N. Raghupathy for State Of Karnataka, Mr. G. Prakash for State Of Kerala, Mr. M. Yogesh Kanna for State Of Tamil Nadu, Mr. Surjendu Kumar Das for State of Goa, Ms. KSN and CO. for High Court of Madras, Ms. Astha Sharma for State of Mizoram, Mr. Sibho Sankar Mishra for Odisha High Court, Mr. K. Enatoli Sema for State of Nagaland, G. Indira for Andaman and Nicobar Administration, Mr. Ashok Mathur for Punjab and Haryana High Court, Ms. Preetika Dwivedi for Allahabad High Court, Mr. Himanshu Shekhar for Jharkhand High Court, Mr. Jaspreet Gogia for State of Punjab, Mr. Narendra Kumar for High Court of Sikkim and for State of Sikkim and Mr. Anil Nag for High Court of Himachal Pradesh.

(With IA No. 7862/2017 - CONDONATION OF DELAY IN FILING and IA No. 7864/2017 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 19-01-2021 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE VINEET SARAN

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

Suo Moto Writ (Crl.) No(s).1/2017

This Court took suo moto cognizance of certain inadequacies and deficiencies which have been noticed in the way criminal trials are conducted in the country.

It was found that some of these inadequacies and deficiencies were relatable to the rules in that regard framed by the various High Courts. Undoubtedly such inadequacies and deficiencies attributable to the rules do not exist in all the High Courts. Nonetheless, it was found necessary to prepare draft rules the provision of which can be incorporated in the existing rules by the

High Courts.

Accordingly, this Court issued notices to the Registrars General of all the High Courts and the Chief Secretaries/Administrators of all States/Union Territories (UTs) including the Advocates General and the Standing Counsel for the States/UTs for arriving at a general consensus to amend the Criminal Manual to bring about uniform best practices across the country.

A Committee of learned Amici Curiae comprising of Mr. Sidharth Luthra, learned Senior Counsel, Mr. R. Basant, learned Senior Counsel and Mr. K. Parameshwar, learned counsel, was constituted to examine the issues after considering the existing rules of all the High Courts. The Committee has submitted a report for which we have sought responses from all the High Courts. Only five High Courts viz., High Courts of Andhra Pradesh, Karnataka, Telangana, Allahabad and Delhi have filed their responses. The High Courts of Bombay, Calcutta, Chhattisgarh, Gujarat, Guahati, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madras, Madhya Pradesh, Meghalaya, Manipur, Orissa, Patna, Punjab & Haryana, Rajasthan, Sikkim Uttarakhand and Tripura have not filed their respective responses so far.

In these circumstances, we consider it appropriate having regard to the urgency of change that is necessary to call upon the High Courts to submit their substantive response dealing with all aspects within a period of two weeks from today. In case the High Courts cannot do so, the Registrars General of such High Courts shall remain present in person before this Court on the next date

of hearing with appropriate instructions from their High Courts to make a statement about the changes in the rules.

Ordered accordingly.

The Committee has submitted its report on 05.03.2020. The said report is available on the official website of this Court.

List the matter after four weeks.

SLP(Cr1.)...CRLMP No. 7862/2017

We have noticed that in the special leave petitions filed by Supreme Court Legal Services Committee (SCLSC) on behalf of the convicts, there is an inordinate delay which becomes difficult to condone. Needless to say, the situation brings about a lack of evenhandedness in dealing with matters of condonation of delay. We see no reason why these delays should continue to occur particularly with the availability of tools provided by information and communication technology which are easily available. In this matter, Ms. Vibha Datta Makhija, learned Amicus Curiae, has submitted a report dated 15.01.2021 in consultation with the SCLSC on measures to curb the delay. Valuable as that report is, we consider it appropriate to constitute a Committee comprising of certain experts who would examine all the suggestions and responses which may be received by it from the High Courts as well as the other stakeholders.

In view of the other suggestions (Annexure B) by NALSA and the response submitted by various High Courts, we find it appropriate to constitute a Committee comprising of Secretary (Ministry of Home Affairs), Government of India, Director General, National

Informatics Centre, Member (Process), E-Committee, Supreme Court of India and Member Secretary, NALSA. The Committee shall examine the aforementioned suggestions/responses and submit a report with regard to digitization, translation and electronic transmission of records to facilitate access to justice and timely filing of appeals/SLPs by the convicts, by utilizing the Information and Communication Technology tools, within four weeks.

We have also gone through the Module and the Note dated 16.10.2019 as per the report for timely filing of appeals/SLPs of convicts through the Legal Services Institutions. We therefore direct the High Courts to submit their responses to the Committee through their Registrars General within two weeks. The Committee shall submit its report within two weeks' thereafter.

The Secretary General of this Court shall coordinate meetings of the Committee.

List the matter after four weeks.

(SANJAY KUMAR-II)  
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)  
ASSISTANT REGISTRAR