

ITEM NO.501 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 Motu Writ Petition (Cr1.) No.2/2020

IN RE:EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF N.I. ACT 1881

(With IA No. 5070/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 121371/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 29900/2021 - CONDONATION OF DELAY IN FILING REPLY AFFIDAVIT and IA No. 108282/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 27192/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 13743/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 6909/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 125606/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 105142/2020 - EXEMPTION FROM FILING O.T. and IA No. 6927/2021 - EXEMPTION FROM FILING O.T. and IA No. 29902/2021 - EXEMPTION FROM PERSONAL APPEARANCE and IA No. 121370/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 10-03-2021 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

By Courts Motion

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

In this writ petition initiated *suo motu*, this Court is considering the great delays that are occurring in the disposal of cases under the Negotiable Instruments Act 1881. In turn, such delays are creating logjam in courts at all levels, particularly, the trial courts and the High Courts. The pendency of these cases constitutes about 30% of the total pendency in courts throughout the country. Several suggestions have been received from various stakeholders and also from the *Amici Curiae*.

The Union of India has responded positively to the suggestion of this Court for the establishment of the additional courts for the better administration of the Negotiable Instruments Act under Article 247 of the Constitution of India which reads as follows:

"247. Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing laws with respect to a matter enumerated in the Union List".

Mr. Tushar Mehta, learned Solicitor General of India, appeared before us today and stated upon instructions, that the Union of India, in principle, accepts the need, and is committed to establishment of such additional courts, under Article 247 after the modalities are worked out. We accept the said suggestion given that these cases have, over a period of time, exploded the judicial docket, at all levels of the judiciary, as a result of the amendment - by Parliament, to the Negotiable Instruments Act, in 1988.

While this court has received very constructive and useful suggestions, we are opinion that they need to be worked on and examined carefully so that the alteration and amendments to the procedure etc., under the Negotiable Instruments Act, do not in themselves become an impediment to either the courts, the Bar or the litigants. We therefore consider it appropriate to form a Committee which will consider all the suggestions made at the Bar in this case and submit a report clearly specifying the steps that must be taken in order to facilitate an early disposal of the cases under the Negotiable Instruments Act throughout the country at all levels of the Judiciary. In the context of the additional courts, to be set up, the committee shall consider, especially the number of courts to be set up, having regard to the regions and states where these cases are pending the most. We therefore consider it appropriate to constitute the following Committee for that purpose:

- (i) Hon'ble Mr. Justice R.C. Chauhan, Former Judge, Bombay High Court as the Chairman of the Committee;
- (ii) Mr. Sanjeev Kaushik, Additional Secretary, Department of Financial Services;
- (iii) Mr. Tajinder Kashyap, Joint Secretary, Department of Justice;
- (iv) Ms. Anjali Bhawara, Special Secretary, Department of Corporate Affairs;
- (v) Mr. Rajeev Ranjan, Additional Secretary, Department of Expenditure;
- (vi) Mr. Anil Mallik, Additional Secretary, Ministry of Home Affairs;
- (vii) Mr. P. Vasudevan, Chief General Manager, Department of Payment and Settlement Systems, Central Office nominated by the Governor, Reserve Bank of India (RBI) as the representative of RBI;
- (viii) Mr. Vikramjit Banerjee, Additional Solicitor General of India as the nominee of Mr. Tushar Mehta, learned Solicitor General of India who will assist the said Committee.
- (ix) One representative of Banking Industry to be nominated by the Chairman, Indian Banks' Association (IBA).
- (x) A competent officer of the National Legal Services Authority (NALSA) who shall act as Secretary of the said Committee.

The Union of India shall provide such secretarial assistance including a whole time or part-time Secretary for the Committee. It shall also allocate suitable space at New Delhi for the functioning of the said Committee and provide for the allowances that may be necessary for boarding and lodging etc.

The Committee shall submit its report to this Court within a period of three months from the date of its first meeting; the report may suggest such changes as are necessary to speedily dispose of complaints alleging commission of offences under the NI Act, as well as the number of courts required to speedily dispose of those cases. The committee shall evolve its procedure, and receive inputs from concerned parties and stakeholders, having regard, particularly to the timeline set by this order. All endeavor shall be made to notify the committee's constitution, within two weeks, by the Central Government.

The Registry of this Court is directed to furnish copies of the submissions already made by the parties before this Court in the instant case, to the Chairman/members of the said Committee. The Committee may consult any Expert, if it wishes to, in the matter.

List the matter after two weeks.

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

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR