Twitter Thread by Live Law



Live Law
@LiveLawIndia



Supreme Court considers the suo moto case "IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS".

Sr Advs Siddharth Luthra and R Basant have submitted a draft rules on criminal practice.

The draft rules on criminal practice were submitted by the amicus curiae in March 2020.

https://t.co/wgbip9xefB

Luthra : On March 5, 2020, a report on draft criminal rules was submitted after a colloquium with High Courts.

Luthra : After the draft rules have been circulated, we have only received responses of High Courts of Andhra Pradesh, Telangana, Allahabad and Delhi. As many as 20 High Courts have chosen not to respond.

CJI : We are thinking we will give High Courts to appear within 2 weeks. They may give suggestions to the draft rules or may accept the rules and give a statement regarding willingness to implement the rules in HC.

Luthra : Some HCs have expressed willingness to implement the draft rules. Some HCs say they have more comprehensive rules. Some HCs says some of the rules are given as directions in some judgments.

Luthra : There is also a issue of standardization of VC hearing rules on trial.

CJI : That is a separate issue. We have a case from Delhi today.

Luthra : That is item 20. I am appearing in that too.

CJI : No, you don't appear in that. We want you to be amicus in that case.

CJI led bench starts dictating the order :

'The deficiencies in trials were found attributable to criminal rules of practice in force. So it was felt necessary to prepare draft rules which can be incorporated in existing rules'.

CJI led bench starts dictating the order :

Notices were issued to Registrar Generals of High Courts, Chief Secretaries/Administrators of States/UTs and Advocate Generals for general consensus on draft rules.

CJI led bench starts dictating the order :

A committee comprising Senior Advs R Basant, Siddharth Luthra and K Parameshwar was constituted to go into the issues after considering the existing rules of all the High Courts. The Committee submitted a report on draft rules.

CJI led bench states in the order :

This court has got responses only of High Courts of Andhra Pradesh, Telangana, Karnataka, Delhi and Allahabad to the draft criminal rules.

CJI led bench states in the order :

In such circumstances, we consider it necessary to call upon the High Courts to submit their reports within 2 weeks. In case HCs cannot do so, the Registrar General of the HC shall remain present in this court on the next hearing date

The bench states the reply must be a "substantive reply" and not just a formal reply.

On failure to do so, the Registrar Generals of HCs must appear on next hearing date with necessary instructions.

Adv Sneha Kalita for Gauahati High Court says that the High Court has submitted an affidavit in 2017.

Luthra : That was in the early stage. We are seeking response to the report submitted in March 2020.

Kalita says the copy of the report is not served on the Gauhati HC.

CJI says that the copy of the report is available in the official website of the Supreme Court and may be accessed from there.

Luthra : As regards item 20(case against Delhi HC physical hearing), I have endorsed a statement supporting virtual hearing. It is part of record. I think it is my duty to point that out.

He submits this is response of CJI's suggestion to make him amicus in that case.

CJI : How is this a disqualification? Just because a person has expressed a view on the matter, that is not a disqualification to be a member of committee. Generally, there is a peculiar lack of comprehension about constitution of a committee. They

are not judges.

CJI : We are not saying this in reference to the case(item 20). We are talking of a general misunderstanding. Committee members are not judges. They can change their views.