

Probe agencies too hit by lack of manpower: CJI

Bench was hearing plea about hundreds of criminal cases pending against MPs and MLAs, both sitting and former

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The Supreme Court on Wednesday said probe agencies such as the Central Bureau of Investigation (CBI) suffered from the dearth of manpower and infrastructure that the judiciary too faced. Both were overburdened.

“Everybody says ‘CBI, CBI...’ We don’t want to demoralise the investigative agencies. They are overburdened... Similarly, one trial court handles 1,000 cases. How do you expect them to function? We had asked for special courts to hear exclusively cases under specific legislation... but nothing,” Chief Justice of India (CJI) N.V. Ramana, heading a Special Bench of three judges, remarked orally.

Pending cases

The Bench, including Justices D.Y. Chandrachud and Surya Kant, was hearing a petition about the hundreds of criminal cases pending against MPs and MLAs, both

sitting and former, for years together. Some of these cases, investigated by agencies such as the CBI and the Enforcement Directorate (ED), have been pending for over a decade.

A report submitted by the court’s *amicus curiae*, senior advocate Vijay Hansaria, assisted by advocate Sneha Kalita, said 51 MPs and 71 MLAs were accused of offences under the Prevention of Money Laundering Act (PMLA), 2002.

Similarly, out of the 121 cases pending trial against MPs and MLAs before the CBI courts across the country, 58 were punishable with life imprisonment. In 45 cases, even the charges have not been framed, though the offences were alleged to have been committed several years ago.

A total of 37 CBI cases against legislators were continuing in the stage of investigation for years on end now. One of these cases, according to the CBI, was “expect-



ed” to be completed by 2030, the report said.

“In some cases, you have not filed a chargesheet in 10 or 15 years... In one case, you have attached assets worth over ₹200 crore, but not filed a chargesheet. Simply attaching property will not serve any purpose,” Chief Justice Ramana addressed Solicitor-General Tushar Mehta, who appeared for both the CBI and the ED.

“The information given by the ED and CBI present a really, shocking, disturbing and gloomy picture,” Mr. Hansaria submitted.

The Chief Justice reasoned with Mr. Mehta to complete the trial in these cases quickly rather than have them hanging over the heads of the accused like a Damocles sword.

Plea for directive

The Solicitor-General urged the Bench to pass a judicial order directing lower courts to complete the pending trial proceedings in a “mandatory time-bound manner”, possibly within the next six months.

He submitted that in some cases, the High Courts inter-

vened and granted stay of the trial.

But the CJI did not agree, saying the High Courts had stayed trial in only seven cases and the Supreme Court in one.

Mr. Mehta then said ED cases were held up because they spanned to tax havens abroad, which refused to cooperate with investigations.

The CJI stated efforts would be made to “rationalise” the number of cases before each trial court. The judiciary was slowly but surely dealing with the problem of scarcity of judges – High Courts have 455 judicial vacancies as on August 1. Besides, lower courts also have other urgent cases of bail, custody matters and so on to hear and decide.

The Bench said a mechanism would be put in place soon to monitor the progress of criminal trials involving legislators soon. This would include special courts.

In the previous hearing,

the apex court questioned the Centre’s commitment towards the speedy trial and prosecution of criminal politicians. It also directed that a criminal case against an MP or MLA could be withdrawn only after getting the consent of the High Court concerned.

“We deem it appropriate to direct that no prosecution against a sitting or former MP or MLA shall be withdrawn without the leave of the High Court... Various State governments have resorted to withdrawal of numerous criminal cases pending against MP/MLA by utilising the power vested under Section 321 CrPC. The power under Section 321 CrPC is a responsibility which is to be utilised in public interest, and cannot be used for extraneous and political considerations. This power is required to be utilised with utmost good faith to serve the larger public interest,” a three-judge Bench led by the CJI had directed in its last order.