
(2002) 03 GAU CK 0032
In the Gauhati High Court
Case No : Writ Petition (PIL) No. 4952 of 2001

Subhasis Chakravorty

APPELLANT

Vs

State of Meghalaya and Others

RESPONDENT

Date of Decision : 06-03-2002

Acts Referred:

Constitution of India, 1950 — Article 21, 226, 233, 234, 235
Criminal Procedure Code, 1973 (CrPC) — Section 1(2)

Citation : (2002) 1 GLT 227

Hon'ble Judges : N.S. Singh, J;J.N. Sharma, J;A.K. Patnaik, J

Bench : Full Bench

Advocate : Party in Person, for the Appellant; N.M. Lahiri, A.R. Borthakur, A.K. Phukan, N.N. Saikia, Ashok Potsangbam, Pranabanand Pathak, B.P. Katakya and H.S. Thangkhiew, for the Respondent

Final Decision : Allowed

Judgement

A.K. Patnaik, J.—A very difficult and complex question has been raised in this public interest litigation as to whether the Subordinate Judiciary in the entire State of Meghalaya should be separated from the Executive by an appropriate writ or direction of this Court under Article 226 of the Constitution.

2. The Petitioner is a practising Advocate of Shillong and is a Member of the Shillong Bar Association. He is also the Secretary of the said Bar Association. He has filed this writ petition in the interest of general public of the State of Meghalaya. He has stated in the writ petition that in the State of Meghalaya, the Subordinate Judiciary has not been separated from the Executive, and administration of justice has been entrusted to the Deputy Commissioners and their Assistants except in 3 Wards of Shillong, namely, General Ward, Police Bazar Ward and European Ward popularly referred to as Normal Shillong. In the area referred to as Normal Shillong, Judicial Officers who are trained Law Graduates and who have been appointed on the recommendations of the High Court carry on administration of justice and the High Court has control over

these Judicial Officers. But in the rest of Meghalaya, the High Court has no control over the Deputy Commissioners and their Assistants carrying on administration of justice. The Deputy Commissioners and their Assistants administering justice in rest of the State of Meghalaya are appointed by the State Government and they carry on administration of justice in accordance with the Rules for Administration of Justice made by the Governor. As a result, while the people of Normal Shillong get the benefit of independent Judiciary, people in the rest of the State of Meghalaya do not enjoy such benefit of independent judiciary. It is further alleged in the writ petition that the Deputy Commissioners and their Assistants to whom administration of justice has been entrusted in the rest of the State of Meghalaya are primarily engaged with other duties relating to law and order and administration and judicial work is not given priority causing immense suffering to the litigant public. The Petitioner has, therefore, prayed for a writ or direction on the Respondents for separating the Subordinate Judiciary in the State of Meghalaya from the Executive in the areas in which it has not been separated.

3. Considering the importance of the issue raised in this public interest litigation, this Court impleaded the Union of India as a party and further directed that copy of the writ petition be served on the Advocate General of all the seven States of the North-Eastern Region by order dated 20.8.1997 so that the Court can hear the counsel for the Union of India and the Advocate General of all the seven States on the issue of separation of Subordinate Judiciary. Thereafter, pursuant to the said order, copies of the writ petition were served on the Union of India and the Advocate General of all the seven States, and the matter was heard.

4. At the hearing, the Petitioner in person submitted that the directive principle in Article 50 of the Constitution provides that the State shall take steps to separate the judiciary from the Executive in the public services of the State. Such separation of Subordinate Judiciary from the Executive, as submitted by the Petitioner, is absolutely necessary for independence of Judiciary. He further submitted that Articles 233 to 237 of the Constitution which relate to Subordinate Courts have provided for appointment of officers of Subordinate Courts in consultation with the High Court and for control over the Subordinate Courts by the High Court so that independence of the Subordinate Judiciary is maintained. According to the Petitioner, unless the said provisions are also made applicable to all officers of the Subordinate Judiciary in Meghalaya, independence of Subordinate Judiciary cannot be ensured in the State of Meghalaya. He further argued that these provisions in Articles 233 to 237 of the Constitution do not in any way conflict with the provisions in the Sixth Schedule to the Constitution applicable to the State of Meghalaya. The Petitioner cited the decision of the Supreme Court in *Chandra Mohan v. State of UP* AIR 1966 SC 1987, in which the importance of independent judiciary even at the level of Subordinate Judiciary was stressed by the Supreme Court. He also submitted that in *His Holiness Kesavananda Bharati Sripadagalvaru Vs. State of Kerala*, the Supreme Court has indicated that independence of judiciary is one of the basic features of the

Constitution. He relied on a recent judgment of the Supreme Court in *State of Bihar and Another Vs. Bal Mukund Sah and Others*, in which a lot of emphasis was laid down on the need to separate the judiciary from the Executive by vesting exclusive control over the Subordinate Judiciary in the High Court. The Petitioner submitted that in *State of Nagaland Vs. Ratan Singh, etc.*, the Supreme Court while observing that the Rules for Administration of Justice applicable to tribal areas in the State of Nagaland were designed for an extremely simple and unsophisticated, society where people are not aware of the technicalities of the Code of Criminal Procedure, and while upholding the said Rules as not violative of Article 21 of the Constitution further observed that it did not think that such a state of affairs should continue indefinitely in the State of Nagaland and as soon as it was found to be expedient such Rules for Administration of Justice should be cancelled. The Petitioner submitted that time has come when the Subordinate Judiciary should be separated from the Executive in the State of Meghalaya and the administration of justice be entrusted to the Judicial Officers under the control of the High Court in accordance with the provisions of the Code of Criminal Procedure and the Code of Civil Procedure.

5. Mr. N.M. Lahiri, learned Advocate General, Meghalaya, relied on the affidavit-in-opposition filed by the Secretary to the Government of Meghalaya, Law Department. In the said affidavit-in-opposition, it is stated that in the whole of the State of Meghalaya, excepting Normal Shillong and the Cantonment area, the Deputy Commissioners and the Assistants to the Deputy Commissioners have been conferred with the judicial power to try civil and criminal cases under the Rules of Administration of Justice and Police, 1937, and the Khasi Syiemship (Administration of Justice) Order, 1950. The Courts of Deputy Commissioners and Assistants to Deputy Commissioners try cases under the aforesaid Rules of Administration of Justice which continue to have the force of law and the Rules of Administration of Justice provide for appeals to higher Courts and the High Court. In these areas, although the CPC and the Code of Criminal Procedure do not apply, the spirit thereof is followed by the Deputy Commissioners and their Assistants trying civil and criminal cases. District Council Courts have been set up under the Sixth Schedule to the Constitution also to try cases where parties are tribals. It is further stated in the said affidavit-in-opposition that in the normal area and the cantonment area of Shillong, the CPC and the Code of Criminal Procedure apply. Similarly, in portion of tribal areas of Shillong which have been ceded for municipal and civil administration, called "administered areas", the Code of Criminal Procedure, 1973, also applies by virtue of the proviso to Section 1(2) of the said Code. In these areas, the Courts of District & Sessions Judge, Munsiff, and other Judicial Magistrates try civil and criminal cases. The Munsiffs and the Judicial Magistrates of Shillong have all along been vested with the powers under the Rules of Administration of Justice also to try civil and criminal cases as Assistants to Deputy Commissioners in tribal areas and this arrangement continues in the East Khasi Hills District. In the said

affidavit-in-opposition, the State of Meghalaya has denied the statement in the writ petition that the people of the State do not enjoy the benefit of an independent Judiciary. The allegation in the writ petition that the Deputy Commissioners and their Assistants have relegated judicial work to the background has also not been admitted in the said affidavit-in-opposition, and it has been emphatically stated that there would be hardship to the litigant public in the State as a whole if the Deputy Commissioners and their Assistants do not exercise judicial powers. Mr. Dahiri, learned Advocate General, Meghalaya, submitted that while separation of Judiciary from the Executive is desirable, there are constraints in the State of Meghalaya which is practically a tribal State and having different customary laws, languages and traditions as has been indicated in para-13 of the affidavit-in-opposition. He, however, referred to the additional affidavit of the Deputy Secretary to the Government of Meghalaya, Law Department, and submitted that steps are going to be taken in the first place for effective mobilisation of human resources so that there may be a judicial set up in the State consisting of officers who shall be required to do judicial work only. In the said additional affidavit, it has been stated that this is being done with the objective of having an exclusive stream of legally competent officers in the Judicial set up of the State.

6. Mr. A.R. Barthakur, learned Advocate General, State of Nagaland, on the other hand, submitted that although the State of Nagaland has several tribes and is virtually a tribal State, it has already taken note/steps to separate the Subordinate Judiciary from the Executive pursuant to the direction of the Supreme Court. Mr. N.N. Saikia, learned Advocate General, Arunachal Pradesh, submitted that owing to various practical difficulties indicated in the affidavit-in-opposition filed by the Secretary to the Government of Arunachal Pradesh, Law Department, it has not been possible to separate the Subordinate Judiciary from the Executive in the State of Arunachal Pradesh as yet. Mr. A.K. Phukan, learned Advocate General, State of Assam, on the other hand, submitted that although the State of Assam has also a large number of tribal areas, Subordinate Judiciary has been separated from the Executive long back. Mr. P. Pathak, learned Advocate General, State of Mizoram, submitted that despite the fact that the State of Mizoram is a tribal State, the Government of Mizoram has already taken steps to separate the Subordinate Judiciary from the Executive. Mr. Ashok Potsangbam, learned Advocate General, State of Manipur, submitted that large areas in the State of Manipur are also tribal areas, but the Subordinate Judiciary in the entire State has been separated from the Executive in the State of Manipur. He referred to the decision of the Supreme Court in *C. Ravichandran Iyer Vs. Justice A.M. Bhattacharjee and Others*, in which the Supreme Court has held that for preserving the rule of law and for protecting the liberty of citizens, independent judiciary is absolutely necessary. He also cited the decision of the Supreme Court in *High Court of Judicature at Bombay through its Registrar Vs. Shirish Kumar Rangrao Patil and another*, wherein the Supreme Court has referred to different provisions of Chapter-V of the

Constitution to show that total and absolute control over the Subordinate Judiciary comprised of the District Courts and the Courts Subordinate thereto has been entrusted to the High Court with the view to insulate the Subordinate Judiciary from any pressure of whatsoever nature to adjudicate disputes between the citizens and the State. Mr. B.P. Katakya, learned Government Advocate, State of Tripura, submitted that in the State of Tripura which has a vast tribal population, Subordinate Judiciary has been separated from the Executive long back.

7. Article 50 of the Constitution provides that the State shall take steps to separate the Judiciary from the Executive in the public services of the State. This Article is placed in Part-IV of the Constitution. Article 37 of the Constitution provides that the provisions contained in Part-IV of the Constitution shall not be enforceable by any Court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. Since Article 50 is a provision in Part-IV of the Constitution titled Directive Principles of State Policy, the said Article by itself may not be enforceable by the Court. But Article 50 cannot be read in isolation from the scheme of the Constitution. The Supreme Court has held that Rule of Law and Independence of Judiciary are basic features of the Constitution. For preserving these basic features of the Constitution, it may be necessary to separate the Subordinate Judiciary from the Executive by appropriate writs and directions.

8. In *Chandra Mohan v. State of UP*, (supra) AIR 1966 SC 1987 the Supreme Court has observed that it is common knowledge that in pre-independence India there was a strong agitation that the judiciary should be separated from the executive and that the agitation was based upon the assumption that unless they were separated, the independence of the judiciary at the lower levels would be a mockery, and so Article 50 of the Directive Principles of State Policy states that the State shall take steps to separate the Judiciary from the Executive in the public services of the States. In the said decision, the Supreme Court further observed:

.... Simply stated, it means that there shall be a separate Judicial service free from the Executive control.

9. In *S.P. Gupta Vs. President of India and Others*, the Supreme Court has held that if there is one principle which runs through the entire fabric of the Constitution it is the principle of the Rule of Law, and under the Constitution it is the Judiciary with is entrusted which the task of keeping every organ of the State within the limits of the law and thereby making the rule of law meaningful and effective. In the language of the Supreme Court:

... The judiciary seeks to protect the citizen against violation of his constitutional or legal rights or misuse or abuse of power by the State or its officers. The judiciary stands between the citizen and the State as a bulwark against Executive

excesses and misuse or abuse of power by the Executive. It is, therefore, absolutely essential that the judiciary must be free from Executive pressure or influence which has been secured by making elaborate provisions in the Constitution with details...

10. In *C. Ravichandran Iyer Vs. Justice A.M. Bhattacharjee and Others*, the Supreme Court has held that rule of law and judicial review are basic features of the Constitution, and as its integral constitutional structure, independence of the judiciary is an essential attribute of Rule of Law. In the said decision, the Supreme Court referred to the dissenting opinion of Justice Douglas in *Stephen S. Chandler v. Judicial Council of the Tenth Circuit of the United States* 398 US 74 : 26 LEd. 2d 100 (1970) that -

.... to give the Administrative Officer any supervision or control over the exercise of purely judicial function would be to destroy the very fundamentals of the theory of Government.

11. In *High Court of High Court of Judicature at Bombay through its Registrar Vs. Shirish Kumar Rangrao Patil and another, K. Ramaswamy, J.* referred to Chapter-V of the Constitution, and held that by operation of Article 235, total and absolute control over the Subordinate Judiciary, of the District Courts and Courts Subordinate thereto is entrusted and is being exercised by the High Court concerned, and further observed:

Thereby, they are insulated from any pressure of whatsoever nature to adjudicate disputes between the citizens and the State, without any fear or favour, prejudice or predilections.

12. In *State of Bihar and Another Vs. Bal Mukund Sah and Others*, S.B. Majumdar, J. in para-32 at page 1317 of the judgment as reported in the AIR, held:

.... The High Courts can get consulted by the Governor for framing appropriate rules regarding reservation for governing recruitment under Articles 233 and 234. But so long as it is not done, the Legislature cannot, by an indirect method, completely by passing the High Court and exercising its legislative power, circumvent and cut across the very scheme of recruitment and appointment to District Judiciary as envisaged by the makers of the Constitution. Such an exercise, apart from being totally forbidden by the constitutional scheme, will also fall foul on the concept relating to "separation of powers between the legislature, the executive and the judiciary" as well as the fundamental concept of an independent judiciary". Both these concepts are now elevated to the level of basic structure of the Constitution and are the very heart of the constitutional scheme.

Thus, the aforesaid observations of Majumdar, J. would show that separation of powers between the legislature, the Executive and the Judiciary, and an independent judiciary, are now elevated to the level of basic structure of the

Constitution and are the very heart of the constitutional scheme. In the said case G.B. Pattanaik, J. while agreeing with Majumdar, J. has referred to the speech of Dr. B.R. Ambedkar in the Constituent Assembly on the hope of the Constitution makers for separation of Judiciary from the Executive. Relevant portion of the speech of Dr. B.R. Ambedkar as quoted in the judgment of G.B. Pattanaik, J., is quoted hereinbelow:

.... We hope that the proposals which are now being entertained by some of the provinces to separate the Judiciary from the Executive will be accepted by the other provinces so that the provisions of Article 209-E would be made applicable to the Magistrate in the same way as we proposed to make them applicable to the Civil Judiciary. It has been felt that the best thing is to leave this matter to the Governor to do by public notification as soon as the appropriate changes for the separation of the Judiciary and the Executive are carried through any of the province.

After referring to the aforesaid speech of Dr. B.R. Ambedkar, Pattanaik, J. observed:

Thus it is apparent how anxious the founding fathers of the Constitution were to insulate the Judicial Wing of the State from the other wings.

13. It will be clear from the aforesaid discussion of the observations of the Supreme Court in different decisions that separation of Judiciary from the Executive is no longer just a directive principle of State policy, but also a basic feature of the Constitution which is absolutely necessary for maintaining independence of judiciary and for preserving the Rule of Law, and unless the judiciary is insulated from the other wings of the State including the Executive, it cannot adjudicate the disputes between the parties free from pressure. It will also be clear from the aforesaid discussion of the observations of the Supreme Court in various cases that for the purpose of ensuring "independence of judiciary and the rule of law, Article 235 of the Constitution has provided that the control over District Courts and Courts Subordinate thereto shall be vested in the High Court. In *Chandra Mohan v. State of UP*, (supra), the Supreme Court has observed that the makers of the Constitution realised that it is the Subordinate Judiciary in India who are brought most closely into contact with the people, and it is no less important, perhaps indeed even more important, that their independence should be placed beyond question in the case of the superior Judges. In *All India Judges' Association and Others Vs. Union of India and Others*, the Supreme Court has held that the trial Judge is the kingpin in the hierarchial system of administration of justice, and it directly comes in contact with the litigant during the day to day proceedings in the Court, and on it lies the responsibility to build a solemn atmosphere in the dispensation of justice. Thus, not only the High Court but also the trial Courts and the District Courts trying civil and criminal cases, which come into contact with the litigant public every day, must be insulated from the Executive so that they dispense justice free from any pressure or influence from any quarters, and only then can the rule of law be

preserved.

14. The contention of the State of Meghalaya, however, is not that separation of judiciary from the Executive is not desirable, but there are constraints to separate the Subordinate Judiciary from the Executive in the State of Meghalaya which is practically a tribal State having different customary laws, languages and traditions. As indicated by the Supreme Court in *State of Nagaland Vs. Ratan Singh, etc.*, tribal people in backward tracts are a simple lot, and cannot be expected to make themselves aware of the technicalities of procedural law, such as, the Code of Criminal Procedure, and to present their defence effectively unhampered by the technicalities of complex law. Thus, it may not be desirable to apply the provisions of the CPC and the Code of Criminal Procedure to the trial of any suits and of offences in the tribal areas and instead provide that in the tribal areas in the State of Meghalaya, the Courts may administer justice according to the Rules of Administration of Justice applicable to such tribal areas and according to the spirit of the CPC and the Code of Civil Procedure, and not strictly in accordance with the provisions of the said two procedural Codes. Administration of justice according to the Rules of Administration of Justice and the spirit of the CPC and the Code of Criminal Procedure will leave some discretion on the Courts to do substantial justice to the parties without rigidly following the technicalities of procedural law. But we fail to appreciate the apprehension of the State of Meghalaya that separation of Subordinate Judiciary from the Executive in the tribal areas of the State of Meghalaya may adversely affect the administration of justice in such areas. In our considered opinion, instead of affecting the administration of justice, such separation of Subordinate Judiciary from the Executive would advance the cause of justice in tribal areas where people are simple and require persons who can administer justice impartially, free from any pressure and influence including the pressure and influence from the Executive. Moreover, States of Nagaland and Mizoram also have large tribal areas and these States have already taken measures to separate the Subordinate Judiciary from the Executive. By a notification dated 27.7.1999 issued by the Government of Nagaland, Department of Justice & Law, Judicial Officers of the State of Nagaland appointed as Deputy Commissioners (Judicial), Additional Deputy Commissioners (Judicial), Judicial Magistrates, 1st Class, and Judicial Magistrates, 2nd Class, have been placed under the administrative control of the High Court and it has been indicated therein that the provisions of Article 233, 234, 235 and 236 of the Constitution will apply to the aforesaid Judicial Officers. Similarly, by notification dated 22.1.2002 of the Government of Mizoram, Law & Judicial Department, the existing Judicial Officers of the State of Mizoram appointed under the Mizoram Judicial Service Rules, 1989, have been placed under the administrative control of the High Court, and it has been indicated in the said notification that the provisions of Articles 233, 234, 235 and 236 of the Constitution shall apply in respect of the said existing Judicial Officers of the State of Mizoram. Further, the Mizoram Judicial Service Rules, 1989, and the Nagaland Judicial Service Rules, 1998, have been framed

constituting separate cadres of Judicial Service in the said two States under the administrative control of the High Court. If the States of Mizoram and Nagaland which are primarily tribal States have taken initiatives to separate the Subordinate Judiciary from the Executive, we are unable to appreciate the plea taken by the State of Meghalaya that there are constraints to separate the Subordinate Judiciary from the Executive in the State of Meghalaya which is practically a tribal State.

15. It is of course true that the tribal population of Meghalaya have different customary laws, languages and traditions, but the Sixth Schedule to the Constitution has made provisions for administration of justice in tribal States including the State of Meghalaya having different customary laws, languages and traditions. Paragraph-4 of the Sixth Schedule to the Constitution of India is titled "Administration of Justice" in Autonomous Districts and Autonomous Regions". Sub-para-(1) of paragraph-4 provides that the Regional Council for an autonomous region in respect of areas within such region, and the District Council for an autonomous district in respect of areas within the district other than those which are under the authority of the Regional Councils, if any, within the District may constitute Village Councils or Courts for the trial of suits and cases between the parties all of whom belong to Scheduled Tribes within such areas, and may appoint suitable persons to be members of such Village Councils or Presiding Officers of such Courts, and may also appoint such officers as may be necessary for the administration of the laws under paragraph-3 of the Sixth Schedule. Sub-para(2) of paragraph-4 further provides that notwithstanding anything in the Constitution, the Regional Council for an autonomous region or any Court constituted in that behalf by the Regional Councilor, the District Council for an autonomous district, or any Court constituted in that behalf by the District Council, shall exercise the powers of a Court of appeal in respect of all suits and cases triable by a Village Council or Court constituted under sub -para (1) of paragraph-4. Sub-para(4) of paragraph -4 vests power on the Regional Council or District Council to make rules with the previous approval of the Governor regulating the constitution of Village Councils and Courts, the powers to be exercised by them under paragraph-4, the procedure to be followed by such Village Councils or Courts in the trial of suits and cases under sub-para (1) of paragraph-4, the procedure to be followed by the Regional or District Council or any Court constituted by such Council in appeals and other proceedings under sub-para(2) of paragraph-4, the enforcement of decisions and orders of such Councils and Courts, and all other ancillary matters for the carrying out of the provisions of sub-paragraphs(1) and (2) of paragraph-4. It will be clear from the aforesaid scheme in paragraph-4 of the Sixth Schedule to the Constitution that for trial of suits and cases between the parties all of whom belong to Scheduled Tribes, and appeals arising out of such suits and cases are to be conducted by the Councils and Courts constituted or named in paragraphs(1) and (2) of paragraph-4 of the Sixth Schedule to the Constitution. Sub-paragraph(3) of paragraph-4 further provides that the High Court shall have and exercise such

jurisdiction over the suits and cases to which the provisions of sub-paragraph(2) of paragraph-4 apply as the Governor may from time to time by order specify. Thus, the scheme of paragraph 4 of the Sixth Schedule to the Constitution is that the Regional Councils and the District Councils of the concerned tribal areas having different customary laws, languages and traditions can constitute and appoint Village Councils and Courts including Courts of appeal to decide disputes between the tribals, but unless such Courts are made independent and fearless by vesting control in the High Court over the Judicial Officers of such Courts, they will not be able to impart justice impartially to the tribal people. We also do not find any provision in paragraph-4 of the Sixth Schedule to the Constitution to show that control over the Subordinate Courts by the High Court as provided in Article 235 of the Constitution was intended to be excluded in respect of Courts constituted for trying suits and cases and hearing appeals between the parties all of whom belong to Scheduled Tribes under sub-paragraphs (1) and (2) of paragraph-4 of the Sixth Schedule to the Constitution. In Civil Reference No. 7 of 1996 decided on 14.3.1997, one of us, (J.N. Sarma, J.), had the occasion to deal with as to whether the High Court can exercise administrative control over the Judicial Officers of the District Council appointed by the Executive Committee of the District Council for the United Khasi & Jaintia Hills Autonomous Council, and after referring to Article 235 as well as the decisions of the Supreme Court and various High Courts on the need to vest control in the High Court over the Subordinate Courts, it was held:

Therefore, this reference must be disposed of by answering the question that the High Court in exercise of administrative control over the Presiding Officer of the District Council Courts will have the power to take disciplinary action against such officers. The Executive Committee of the District Council though appoints such officers will have no power to exercise the administrative control and/or to take disciplinary action against such officers. Any disciplinary action taken by the High Court shall be binding on the Executive Committee and the Executive Committee is bound to comply with such order as may be passed by the High Court in exercise of its power under Article 235 of the Constitution of India.

We are of the view that unless the control over the Courts constituted by the Regional Council or District Council is vested in the High Court, the officers of such Courts will not be able to administer justice free from extraneous pressure and influence, and the simple tribals for whom; the said Courts are contemplated may suffer injustice in the administration of justice.

16. For the aforesaid reasons, we direct the State of Meghalaya to take steps for separating the Subordinate Judiciary from the Executive, and for vesting control in the High Court of all Subordinate Courts, in consultation with the High Court in accordance with the observations in this judgment. We are, however, conscious of the fact that this exercise of separating the Subordinate Judiciary from the Executive is an intricate and difficult task and cannot be carried out overnight and may have to be done in phases. Therefore, we are not inclined to fix any

time limit within which such separation of Subordinate Judiciary will be completed by the State of Meghalaya, but we direct that initiatives for separating the Subordinate Judiciary be taken away by the State Government in consultation with the High Court within three (3) months from today.

17. With the aforesaid observations and directions, the writ petition is allowed. Considering however, the entire facts and circumstances of the case, there shall be no order as to costs.