

F. NO.IV/15012/4/2014-CSR.II
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA
NORTH BLOCK NEW DELHI /CS DIVISION

Dated N Delhi, the 24th June, 2014

To,

1. The Chief Secretaries of all the State Governments and the Union Territories of A&N, Delhi & Puduchery
2. The Administrators of Lakshadweep, D&D, DNH & Chandigarh.

**SUBJECT:ADVISORY ON FAST-TRACKING OF CRIMINAL TRIALS AGAINST SITTING
MLAs & MPs**

Dear Sir,

1. 'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India.

2. Supreme Court in its recent judgment in WP (Civil) of no. 536 of 2011 in Public Interest Foundation & Others vs Uoi and another dated 10th March, 2014 has observed as under:

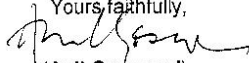
"We, accordingly, direct that in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of the RP Act, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s). In such cases, as far as possible, the trial shall be conducted on a day-to-day basis. If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), such court would submit the report to the Chief Justice of the respective High Court indicating special reasons for not adhering to the above time limit and delay in conclusion of the trial. In such situation, the Chief Justice may issue appropriate directions to the concerned court extending the time for conclusion of the trial."

3. As the case would come up again in September, 2014 the Government of India would, therefore, advise the State Governments and UT Administrations to take the following steps for ensuring the compliance of the directions of the Supreme Court in the above mentioned case within their jurisdiction:-

- i. The Directorate of Prosecution of the State/UT as envisaged u/s 25A of the Cr.P.C, 1973 will immediately take steps to identify all cases for which charges have been framed u/s 211 of the Cr.P.C or under the Special Act itself against any sitting MLA or MP in the State against the penal sections of various Acts enumerated in sections 8(1), 8(2) and 8(3) of the Representation of People Act, 1951.
- ii. Once any case has been identified then the APP/PP will move a prayer before the concerned Magistrate/Sessions Judge seeking a fast-track trial of the case on a day-to-day basis in compliance with the above mentioned order of the Supreme Court.
- iii. In case there is a shortage of prosecutors, then the State should appoint a Special PP to ensure that the case is not delayed for want of a prosecutor.
- iv. Production of witnesses, medical/forensic reports and any document that is required to support the prosecution of the case shall have to be ensured and the highest priority should be given to the preparation of these reports. The State/UT police and other associated authorities should be suitably instructed to ensure that the highest priority should be given to ensure that the case is not delayed for want of production of witnesses or documents.
- v. It would be best that the Home Secretary of the State/UT reviews the status of these cases at regular intervals.

- vi. A District level Coordination Committee may be constituted for monitoring these cases. It should be headed by District & Sessions Judge. The DM/DC and SP should be members of this Committee and the Public Prosecutor should be its Secretary. At the metropolitan level, a suitable monitoring mechanism may be evolved involving the Judiciary, Police and Prosecution;
- vii. It would be useful if a report of the action taken in this respect is intimated to the undersigned within 30 days.

The receipt of this letter may kindly be acknowledged.

Yours faithfully,

(Anil Goṣwami)
Home Secretary

Copy also for information and necessary action to:

- i. Finance Secretary, MoF, New Delhi
- ii. Secretary Department of Justice, Govt. of India, Jaisalmer House, N Delhi
- iii. Home Secretary of State Governments and UT Administrations
- iv. DGP of State Governments and UT Administrations.
- v. Joint Secretary (IS.I), MHA