

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2699
ANSWERED ON:28.07.2014
CRIMINAL CASES AGAINST PUBLIC REPRESENTATIVES
Gaddigoudar Shri Parvatagouda Chandanagouda

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number and details of criminal cases filed against the Public Representatives, State-wise, year-wise;
- (b) whether all the cases against Public Representatives are disposed of on priority basis;
- (c) if not, the steps taken by the Government for the speedy disposal of the cases;
- (d) whether the Government is considering to fast track disposal of criminal cases against elected representatives; and
- (e) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a): There is no compilation available with the Government containing the number and details of the cases filed against public representatives.

(b) to (e): The Supreme Court vide its Order dated 10th March, 2013 in Writ Petition (Civil) No. 536 of 2011 in Public Interest Foundation & others vs, Union of India and another has given the following directions:-

“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.

Pursuant to the said directions, the Government of India has issued an advisory to all the State Governments and Union territory Administrations to take following steps for ensuring the compliance of the directions in cases falling within their respective jurisdictions:”

(i) The Directorate of Prosecution of the State/Union territory as envisaged under section 25A of the Code of Criminal Procedure, 1973 (Cr.P.C.) will immediately take steps to identify all cases for which charges have been framed under section 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 the 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/Union territory 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/Union territory 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.

