

AMENDMENT TO THE CRIMINAL RULES OF PRACTICE AND
CIRCULAR ORDERS.

In the Chapter containing important circulars, after Section IX, the following Section shall be added, viz :-

X.- ARREST, DETENTION, RELEASE, ETC. OF MEMBERS OF
PARLIAMENT- INTIMATION TO SPEAKER, LOK SABHA OR CHAIRMAN,
RAJYA SABHA.

In communicating a copy of the letter No.12/5/66-P-IV from the Government of India, Ministry of Home Affairs, dated 9th July 1966, the High Court invites the attention of the Subordinate Criminal Courts to its circulars referred to above.

The need to send immediate intimation of the arrest, detention, release, etc. of Members of Parliament to the Speaker, Lok Sabha or Chairman, Rajya Sabha, as the case may be, has been repeatedly stressed by the High Court. The High Court once gain impresses on the Subordinate Criminal Courts the importance and necessity to be vigilant in this respect; and they are directed to strictly adhere to the instructions of the Government of India in this regard.

(P.Dis.Nos.554/61, 652/64 and 663/65.)

I am directed to invite a reference to this Ministry's letter No.12/4/65-P.IV, dated the 24th September 24th September 1965, and earlier communications on the subject, and to say that in spite of repeated instructions, instances of delay in the communication of information about the arrest, detention, release, etc. of Members of Parliament are continued to be brought to the notice of this Ministry. It is understood that in some cases, the information about the release of the Members of Parliament was received by the Speaker/Chairman, Lok Sabha/Rajya Sabha being after the Member of concerned had been released and attended the House. In some case where was delay in the dispatch of the information while in other the telegraphic information about the arrest, detention, etc, was ***** to this Ministry

while the Speaker/Chairman of the Lok Sabha/Rajya Sabha was informed of it only later and that too by Registered letter.

2. As emphasized earlier, the information about the arrest, detention, release, etc. of Members of Parliament should be communicated to the Speaker/Chairman of the Lok Sabha/Rajya Sabha immediately after the incident. The non-communication or delay in communication of such information to the Lok Sabha/Rajya Sabha leads to criticism in the House concerned. It is therefore requested that it may kindly be impressed on the authorities concerned that the information about the arrest, detention, release, etc., of the Member of Lok Sabha/Rajya Sabha should be intimated to the Speaker/Chairman as the case may be, immediately after the incident. Such intimation should always be sent either by wireless or by telegram to the Speaker/Chairman of the Lok Sabha/Rajya Sabha, followed by a formal written communication. Copy of the intimation sent to the Lok Sabha/Rajya Sabha may also kindly invariably be sent to this Ministry.”

(P.Dis.No.482/66, dated 4th October 1966.)