

IN THE SUPREME COURT OF INDIA

Writ Petition (Civil) No. 699 Of 2016

Ashwani Kumar Upadhyaya vs. Union of India and others

REPORT BY VIJAY HANSARIA, SR. ADVOCATE (AMICUS CURIAE)

ON ACTION PLAN FILED BY HIGH COURTS

IN TERMS OF ORDER OF THIS HON'BLE COURT DATED 16.09.2020

FILED BY SNEHA KALITA, ADVOCATE FOR AMICUS CURIAE
DATED 05.10.2020

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- A. This Hon'ble Court vide order dated 16th September, 2020 gave following directions to ensure expeditious trial/ investigations of pending cases against legislators:-
1. Each of the High Court to formulate Action Plan for trial of pending cases in expeditious manner.
 2. A suo moto writ petition be registered to monitor expeditious trial of cases in each High Court.
 3. All pending cases where stay has been granted must be listed forthwith and disposed of on a day to day basis by the High Courts.
 4. The Hon'ble Chief Justices of all High Courts were requested to give their comments on suggestions of the Amicus extracted in orders dated 10.09.2020 and 16.09.2020 and additional suggestions, if any.
 5. The Union of India will file a status report with respect to initiation and current stage of cases against the legislators pending before CBI, Enforcement Directorate and other central agencies, pendency/grant of sanction, expected time of completion and reason for delay, if any.

B. The total number of cases as per the latest reports are 4859; whereas, the total number of cases as per earlier reports filed in March, 2020 were 4442. Similar reports filed by the High Court in December, 2018 disclosed total number of pending cases as 4122. Thus, the number of cases pending against MPs/ MLAs (sitting and former) have increased over the last two years despite monitoring for expeditious disposal in the present proceedings. It is, therefore, submitted that strict monitoring, at micro level, by the High Courts is necessary to ensure expeditious disposal of the cases against legislators. This Hon'ble Court in *Public Interest Foundation v. Union of India, (2019) 3 SCC 224* has expressed concern over increasing criminalisation in Indian polity and said as under:

“The constitutional functionaries, who have taken the pledge to uphold the constitutional principles, are charged with the responsibility to ensure that the existing political framework does not get tainted with the evil of corruption. However, despite this heavy mandate prescribed by our Constitution, our Indian democracy, which is the world's largest democracy, has seen a steady increase in the level of criminalisation that has been creeping into the Indian polity. This unsettlingly increasing trend of criminalisation of politics, to which our country has been a witness, tends to disrupt the constitutional ethos and strikes at the very root of our democratic form of government by

making our citizenry suffer at the hands of those who are nothing but a liability to our country.”

State-wise number of pending cases is tabulated as hereunder:-

Sl. No	State/UT	Total cases
1	Andhra Pradesh	132
2	Arunachal Pradesh	22
3	Assam	39
4	Bihar	557
5	Chhattisgarh	21
6	Goa	10
7	Gujarat	92
8	Haryana	42
9	Himachal Pradesh	44
10	Jharkhand	150
11	Karnataka	165
12	Kerala	324
13	Madhya Pradesh	190
14	Maharashtra	337
15	Manipur	5
16	Meghalaya	1
17	Mizoram	4
18	Nagaland	0
19	Orissa	445
20	Punjab	33
21	Rajasthan	49
22	Sikkim	0
23	Tamil Nadu	361
24	Telangana	143
25	Tripura	8
26	Uttar Pradesh	1374
27	Uttarakhand	21
28	West Bengal	160
UT 1	Delhi	87
UT 2	Dadra and Nagar Haveli	0
UT 3	Daman and Diu	0
UT 4	Puducherry	35
UT 5	Chandigarh	1
UT 6	J & K, Ladakh	7
	TOTAL	4859

- C. Pursuant to the said order all the High Courts (except two High Courts) have submitted their Action Plan and steps taken to ensure expeditious disposal of the cases before the trial courts as well as pending before the High Courts. Analysis of the reports, inter alia, shows the following:
1. Some of the High Courts favoured constitution of Special Courts in each District, both at Sessions and Magisterial level.
 2. Many other High Courts have favoured trial by the respective jurisdictional courts with a mandate to take these cases on priority basis.
 3. In some of the States, the High Courts have recommended constitution of zone-wise Special Courts.
 4. Two High Courts (Karnataka and Calcutta) have proposed continuation of Special courts in the State capital.
 5. The High Courts have recommended appointment of Nodal Prosecution Officer and Special Public prosecutor for each of the court and have written to the State Governments in this regard.
 6. All the High Courts have favoured establishment of Safe and Secure Witness Examination Room with video conference facility; but, has mentioned about lack of infrastructure facilities and non- availability of funds for the same.
 7. Video conferencing Rules have been framed by most of the High Courts and others are in process of finalising the same.
 8. Some of the High Courts have sought directions for conduct of trial through video conferencing, where the accused witnesses are

another district/ State, without requirement of physical presence of the accused witnesses.

9. Most of the High Courts have registered Suo Moto Writ Petition to monitor the expeditious trial of cases and give suitable directions, as and when necessary.

10. Urgent steps are taken to list cases of stay by the High Courts.

D. No status report has been filed by the Union of India with respect to initiation and current stage of cases against the legislators pending before CBI, Enforcement Directorate and other central agencies, grant of sanction and expected time for completion.

E. There are pending cases before this Hon'ble Court relating to MPs/ MLAs and trial is not progressing. Details of such cases are as below:-

(a) SLP (Cri) No. 9063 of 2017

(b) Criminal Appeal No. 1184 of 2014

(c) SLP (Cri) No. 8156 of 2019

(d) SLP (Cri.) No. 3429 of 2019

(e) SLP (Cri.) No. 1800 of 2019

(f) SLP (Cri.) No. 2682 of 2019

(g) W.P. (Cri.) No. 43 of 2016

(h) T.P. (Cri.) No. 550 of 2019

(i) Criminal Appeal No. 1072 of 2017

(j) SLP (Cri.) No. 9502 of 2019

F. Analysis of the reports submitted by the each of the High Courts is submitted hereunder: -

1. Bihar

- There are 557 cases pending in 75 Special Courts – one Special Court of ADJ and one Special Court of ACJM in each of 37 judgeships in the State; one more court of ACJM has been constituted for Arawal District. The existing Special Courts are sufficient for trial of criminal cases against MPs/ MLAs. These courts try cases under IPC and also cases registered under special enactments like, Prevention of Corruption Act, 1988, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 2002, Unlawful Activities (Prevention) Act, 1967 etc.
- The tenure of Special Judges is normally three years and all endeavour shall be made to dispose of all pending cases within one year.
- Video conferencing Rules have been approved by Full Court and are pending notification by the State Government.

High Court has, inter alia, suggested:

- a. Overall responsibility of prosecution can be imposed on Superintendent of Police; however, it would be more appropriate to depute a police officer of the rank of Deputy Superintendent of Police to act as 'Nodal Prosecution Officer'. The said officer should be responsible for production of accused, service of summons and appearance of the witnesses and execution of NBWs. He/ She will be entitled to use force wherever required. Any lapse on the part of

Nodal Prosecution Officer will make him/her liable to disciplinary action apart from initiation of Contempt of Court proceeding.

- b. At the District level, a Committee to monitor these cases be constituted comprising of District and Sessions Judge as Chairman and the Presiding Officers of the Special MP/ MLA courts as members which shall meet every week preferably on Saturday to discuss the progress of these cases. The Special Public Prosecutors appointed to conduct the cases be invited as special invitees. The District Magistrate and the Superintendent of Police be asked to join the meeting as special invitees every fortnight to clear any impediment faced by Special Courts in trial of cases.
- c. There shall be zone-wise monitoring by the Registry as regard to the progress of the cases. For this purpose a monthly meeting be held through video conferencing of the Registrar (Vigilance), Registrar (Administration) and Officer on Special Duty of the High Court with the District and Sessions Judges and the Special Judges. A monthly progress report prepared by this Committee shall be submitted before Hon'ble the Chief Justice for his perusal.

2. **Madhya Pradesh**

- There are 190 cases, all of which are pending in one Special Court at Bhopal, out of which 51 cases are triable by Sessions Court and remaining 139 cases are triable by the Judicial Magistrate. These include 72 cases under section 138 of

Negotiable Instruments Act, 1881 and 21 cases under the Prevention of Corruption Act, 1988.

- The High Court has proposed to constitute 3 more Special Courts at Indore, Jabalpur and Gwalior in addition to Bhopal. Special Court at Indore will be designated as 'exclusive Special Court' which shall deal with only criminal cases against legislators. Special Courts at Gwalior, Jabalpur and Bhopal will be allotted other judicial works, with the directions to try and dispose of cases against legislators on priority basis and hear these cases for at least 2-3 days every week
- The High Court has framed Video Conferencing Rules separately for High Court and District Court.
- A Special Bench has been constituted at Principal Seat at Jabalpur for hearing all pending criminal cases which have been stayed by higher courts. The cases pending before High Court benches at Gwalior and Indore have been directed to be transferred to the Principal Seat at Jabalpur.
- A Suo-Motu Writ Petition has been registered for monitoring of the progress of the trials of the pending criminal cases.
- Special Courts will give monthly status report to the High Court.
- The High Court has suggested that it is necessary to appoint judicial officers of the rank of Additional Sessions Judge to expedite the trials and control adjournments. Criminal cases against legislators have interest of public at large and they are

sensitive having wide publicity. Therefore, these cases must be dealt by senior, experienced and seasoned judicial officers.

3. Karnataka

- There are 165 cases, out of which 125 cases have arisen within territorial jurisdiction of Bengaluru and remaining 43 cases have arisen in 20 different districts. All pending cases are before one Special Court at Bengaluru.
- The High Court is proposing to establish one more Special Court at Bengaluru even though the witnesses in some cases are from far away places such as Kalaburagi (625 kms from Bengaluru) and Bidar (675 kms from Bengaluru). The High Court has proposed summoning of witnesses to the local district court for recording of evidence through video conferencing. However, there is no information as to the availability of video conferencing rooms in the District courts.
- 32 cases are at stage of investigation where report under 173 CrPC have not been submitted.
- Proceedings in 59 cases have been stayed by the High Court and all these cases have been assigned to a Learned Single Judge of the High Court. If found necessary, one more Hon'ble Judge will be assigned to deal with such cases.
- As per prevailing SOP, a district court is permitted to examine 5 witness every day by physically calling them. The State

Government has been directed to explore the possibility of safe and secure witness protection room through video conferencing.

4. **West Bengal**

- There are 160 cases, out of which 134 cases are pending in one Special Court at Barasat, 24 North Parganas and the remaining 26 cases are in 9 different district jurisdiction courts. One Special Court at Barasat is sufficient and no more Special Courts are required in West Bengal. The Special Court deals with cases arising under IPC as well as special enactments. It is not clear whether all 134 cases pending at Barasat arose within its territorial jurisdiction or throughout the State of West Bengal.
- The Government has been moved to appoint Nodal Prosecution Officer and at least two Special Public Prosecutors for Special Courts.
- State Government has been asked to furnish forensic reports preferably within a month.

5. **Tamil Nadu**

- There are 361 cases out of which 71 are defamation cases filed by the Government against political leaders. 60 such defamation cases have been stayed by the High Court and 3 by the Supreme Court.
- There are three Special Courts, two at District Judge cadre and one at Senior Civil Judge cadre for Chennai district. For rest of the districts, District Judges have been designated in every

Division as Special Court and One Judicial Magistrate in every district to try magisterial cases.

- Special Courts try all cases including those registered under special enactments against the MPs/ MLAs.
- The Special Courts are directed to dispose cases expeditiously on day to day basis and submit monthly report.

6. Andhra Pradesh

- There are 132 cases, all of which are pending before one Special Court at Vijaywada. Out of said cases, 10 are Sessions and 122 are triable by Magistrate.
- One Magistrate in each district will be designated as Special Court. Two more Special Courts at Sessions level will be established at Vishakhapatnam and in Kadapa.
- Clarification is sought for trial of cases under special enactments where Special Court is constituted under the said special enactment.

7. Telangana

- There are 118 cases pending in one Special Court at Hyderabad. In addition, there are 25 cases pending before CBI Court and other special courts for offences under Prevention of Corruption Act, 1988.
- Out of 118 cases, pending in the Special Court, in 48 cases summons are yet to be served on the accused persons; in 10 cases, NBWs are to be executed.

- Two more Special Courts at Karimnagar and Mahabubnagar are proposed to be constituted.
- 17 cases pending before the Principal CBI Court are proposed to be disposed of within a period of nine months. Out of these, CBI has filed charge-sheet in 11 cases and Enforcement Directorate in 5 cases.
- Every fortnight the Hon'ble the Chief Justice will review the progress of cases in all the courts with all stakeholders including Presiding Officer. Suitable directions shall be issued for expeditious disposal of cases.
- The cases pending before the High Court will be taken up on every Saturday.
- A special website shall be created for posting the details of cases pending in various courts, including the case status.
- All pending summons and warrants are to be executed within two weeks by constituting a special dedicated team. A Senior Police Officer, not below the rank of Additional Superintendent of Police, shall be appointed as a Nodal Officer to the Special Court who is responsible for production of witnesses, service of summons on the accused and execution of NBWs against the accused.
- Director of Prosecution be advised to appoint suitable and dedicated Special Public Prosecutors to prosecute the cases.

Wherever required, services of Senior criminal lawyers can also be engaged.

8. Uttar Pradesh

- There are 1374 cases, pending in 63 different districts.
- Initially, 1 Special court was set up at Allahabad for trial of all cases in the entire State. Subsequently, vide notification dated 16.08.2019, 62 Special Courts have been designated in 62 districts.
- Special Court at Allahabad is hearing cases pertaining to 12 adjoining districts, where 300 cases are pending.
- No time limit has been set up for disposal of cases. However, direction has been issued to dispose of within 2 years from date of framing of charge.
- In respect of cases under stay (85 in number), the High Court has stated that appropriate orders will be issued regarding immediate listing of all those matters and a direction has been issued to dispose of within 4 weeks. No specific time line has been stated.
- The suggestion regarding Nodal Prosecution Officer and Special Public Prosecutor for each district is recommended.
- Rules for Video Conferencing have been framed to be used at all stages of judicial proceedings.
- The trial of certain cases has been held up since the accused have been shifted to other districts/ States. It has been

suggested that Special courts dealing with cases may be electronically equipped so that proceedings can be done with video conferencing.

9. Rajasthan

- There are 49 cases pending in 19 districts, out of which 7 are Sessions triable and 42 Magisterial trial cases. The High Court has given a detailed action plan as to the judicial officers assigned to try these cases and the practice directions to be followed.
- A Committee of two Judges constituted for monitoring the cases and a monthly statement will be considered by the said Committee.
- There are 330 court complexes, out of which in 220 complexes one video conferencing room has been established which is equipped with all computer facilities. The said VC room is mainly used for undertrial prisoners. However, one VC room is not sufficient and dedicated VC facility is required for every court. A sum of Rs. 19.80 cr will be required as one-time expense and Rs. 5.20 cr annually recurring expense for setting up VC facility in each court.

10. Gauhati High Court

- In Assam 39 cases are pending, 16 are pending at the Sessions level and 23 cases are pending at the Magisterial level. In Mizoram, all the 4 cases are pending before the Court of the

Special Judge, PC Act. In Arunachal Pradesh, 1 case is pending at the Sessions level and the remaining 21 cases are pending at the Magisterial level. There are no cases pending against MPs/ MLAs in the State of Nagaland.

- There are no Special Courts in any of the States. The jurisdictional courts will be notified as Special Courts. The respective jurisdictional courts should try the cases, as transfer of cases from jurisdictional courts will lead to various problems like, issuing of summons, production of accused, appearance of witnesses etc. having regard to geographical terrain of the States.
- Courts will use video conference facility to the extent possible. There is lack of infrastructure and connectivity problems.
- A suo moto cases has been registered by the High court to monitor the trial of cases.
- All pending cases before the High Court are being placed before respective bench for expeditious disposal.

11. Odisha

- There are 445 pending cases out of which 77 are triable by Sessions and 368 by Magistrates. There are four Special Courts in the State for trial of these cases two at Bhubneshwar (both at Session and Magistrate Level), one each at Berhampur (at Session Level) and Sundergarh (at Magistrate Level); One more Special Court at Bargarh (at Session Level) will be constituted.

Proposal for designation of eleven Judicial Magistrates as Special Courts has been placed.

- The guidelines to follow action plan includes engagement of public prosecutor for each Special Court, safety room for witnesses and ensuring implementation of witness protection scheme.
- One Additional Superintendent of Police shall be a Nodal Prosecution Officer. Each Special Court will submit a monthly report to the High Court, which shall be considered by Chief Justice.
- Special senior officers meeting shall be held every fortnight by the District Judges where Special Court is located to expedite the progress in such cases.

12. Delhi

- There are 25 cases pending at Sessions level and 62 at magistrate level. The cases before Special Courts include cases under Prevention of Money Laundering Act, 2002, Prevention of Corruption Act, 1988 etc. The Special Courts have good infrastructure facility with high speed internet connection.
- The High Court is considering of establishing four Special Courts, two at Sessions level and two at Magistrate level.
- A suo moto Writ Petition has been registered to monitor the trials and directions have been issued to list pending matters before the respective benches of the High Court.

13. Punjab and Haryana High Court

- In Punjab there are 33 cases pending, out of which 9 are Sessions trial cases. In Haryana there are 42 cases pending out of which 11 are Sessions trial cases.
- Having regard to number of pending cases in each division, no Special Courts have been designated and jurisdictional courts have been assigned these cases. Time frame of one year has been fixed where the number of witnesses is more than 20 and six months where the number of witnesses is less.
- The suggestions noted in the orders of this Hon'ble Court as regards Nodal Prosecution Officer and Special Public Prosecutor, Witness Protection Scheme and Safe and Secure Witness Room have been conveyed to the authorities and the courts for their suggestions and necessary compliance.

14. Bombay High Court

Maharashtra

- There are 337 pending cases, out of which 65 are Sessions trial and 272 are Magisterial trial cases.
- The High Court has decided to constitute one or more Special Court in each district for trying Sessions cases. So far as Magistrate cases are concerned the cases will be assigned to the judicial officer posted in the respective Taluka.

- The High Court is in process of finalising the video conferencing Rules.
- District Courts are instructed to use video conference softwares and efforts are made to upgrade the facilities.
- The High Court has constituted a Division Bench to monitor the trial of the cases.
- There are 45 cases pending in Bombay High Court, out of which 26 are in Principal Seat and rest are in the outline benches. In 13 cases stay has been granted by the High Court. The Hon'ble Chief Justice has directed to list these cases in the week commencing 28th September, 2020, with priority to be given where stay is granted.
- The High Court has stated that there are certain issues about availability of infrastructure like video conferencing like, limited license of 'vidyo' software, low bandwidth and unstable internet connection. The District court are thus instructed to use free video softwares like 'Jio meet' and 'Google meet' by creating required number of licenses.

Goa

- There are 10 cases out of which 8 are Sessions trial cases and 2 Magisterial trial cases and the cases are pending in the respective jurisdictional courts.

Daman and Diu

- There are no cases and therefore no steps to be taken.

Dadra and Nagar Haveli

- There are no cases and therefore no steps to be taken.

15. Uttarakhand

- 21 cases are pending and expected dates for completion of trial ranging between October, 2020 to December, 2021.
- There is no necessity for constituting Special Courts and matters may be decided expeditiously with present set up.
- All District Judges are directed to hold meeting with CJM and SSPs, to chalk out action plan and submit to High Court.
- Practice directions have been issued with regard to appointment of Nodal Officers and Public Prosecutors.
- Progress will be monitored by the High Court on weekly basis.

16. Jharkhand

- There are 150 pending cases, 96 are pending before Special Court at Ranchi and 54 at Special Court, Dhanbad. Four more Special courts at Hazaribagh, Dumko, Daltonganj and West Singhbhum are under active consideration. The officers having good performance shall be deputed in the aforementioned four Special Courts for trial of cases of MPs/ MLAs.
- Chief Justice of the High Court will constitute a Special Bench to monitor the trial of cases.
- A Bench will be constituted to hear cases pending in the High Court where stay is granted.

- High Court has, inter alia, made the following additional suggestions:-
 - a. With a view to expedite cases, a task force shall be created in each district for production of witnesses before Special Courts
 - b. In case the accused/ witness is not in a position to appear physically, he/ she may appear through video conference available in the district in which he/ she is present.
 - c. State Government shall be requested to appoint Special Public Prosecutors for these courts.

17. Himachal Pradesh

- There are 44 pending cases out of which 25 are in Shimla and rest are before respective jurisdictional courts. These 25 cases at Shimla have been assigned to a Sessions Judge.
- There are 2 pending cases at High Court and steps are being taken to list the same before the respective bench.
- Suo Moto case has been registered to monitor the trial of cases.
- Witness Protection Scheme has been adopted with modification. However, there is inadequacy of infrastructure in most of the court complexes.

18. Kerala

- There are 8 cases pending in Sessions court, 6 before Vigilance courts and 310 before Magistrate courts. The cases are being tried by the jurisdictional courts on priority basis.
- 12 cases are pending before the High Court and a Special Bench is being constituted for hearing these cases.
- Suo moto case has been registered to monitor trial of cases.
- There is lack of funds and space for setting up of witness examination centres. Once necessary funds and space is allotted these centres can be set up.
- Presence of accused and witnesses often delays cases, and **“the police is reluctant to arrest legislators”** and make them present in the court. Service of summons and execution of warrants by higher police officers will be effective in compelling their presence in courts. (emphasis supplied)

19. Chhattisgarh

- There are 21 pending cases in 8 districts, out of which 1 is at Sessions level and rest at Magistrate level. These cases are heard by respective jurisdictional courts in 8 different districts.
- A Single Bench for hearing the cases has been constituted in the High Court.
- The State Government has been directed to appoint Special Public Prosecutor and the Nodal Prosecution Officer.

20. Jammu and Kashmir

- There are 7 pending cases and there is no requirement of creating any Special Court in Jammu and Kashmir and/ or Ladakh.

21. **Manipur**

- There are 5 pending cases including 1 charge-sheeted by CBI. The High Court has proposed to establish two Special Courts at Imphal for the entire State, one at Sessions level and one at Magistrate level.

22. **Gujarat**

- Only forwarded details of 92 pending cases, without any detailed action plan.
- The High Court has identified the pending cases before the High Court and Subordinate courts.
- Special Bench has been constituted to deal with matters relating to MPs/ MLAs.

23. **Sikkim**

There are no cases pending and therefore no steps have to be taken.

SUBMISSIONS

G. Having regard to the reports submitted by the various High Courts following submissions are made:-

Karnataka: One Special Court at Bengaluru, which include number of cases under Prevention of Corruption Act, 1988 for trial of 165 cases is not sufficient for disposal of cases. This apart, the witnesses have to travel from long distance for participating in the trial which will affect a fair trial. Thus, this Hon'ble Court may direct the High Court to revisit

its proposal to establish only one additional Court at Bengaluru. Instead, it will be more appropriate to assign cases to the respective jurisdictional courts with a mandate to try the cases on priority basis. Other cases may be allotted to such courts only having regard to the workload.

West Bengal: One Special Court at Barasat, 24 North Pargana is not sufficient for trial of all 134 cases. If cases relate to different parts of the State, it will be inconvenient for witnesses to travel to Barasat to give evidence. It is thus submitted that the High Court may be requested to establish more number of Special Courts having regard to the geographical area of the place of occurrence.

Tamil Nadu: The report of the High Court dated 19.03.2020 show that in 92 cases stay has been granted; however, the present Action Plan report does not indicate as to the steps taken for disposal of cases under stay.

Andhra Pradesh: The High Court has sought clarification as regards steps to be taken for trial of cases for offences punishable under special enactments for which Special Court has been constituted under the said Act. It may be clarified that trial under special enactments may be continued in the respective Special Court with priority to be given to the cases against MPs and MLAs .

Uttar Pradesh: Special Court at Allahabad has 12 adjoining districts and has 300 cases. Many of them are even cases punishable with life imprisonment. It is submitted that expeditious disposal may not be

possible of these cases in 1 Special Court. Thus, High Court may be requested to constitute Special Courts in the adjoining districts of Allahabad to lessen the burden of the Special Court at Allahabad.

There are 85 cases of stay by the High Court. The Hon'ble Chief Justice of the High Court may be requested to constitute a special bench(s) for these cases.

The High Court has pointed out that in some cases the accused persons are in other districts/ States, which is an obstacle in speedy disposal of cases. The High Court may be directed to identify such cases where accused persons are located in other districts/ States and the concerned Special courts trying those cases. The State Government may be directed to equip these courts electronically so that trial can be proceeded through video conferencing without physical presence of the accused.

Kerala: Kerala High Court has stated that "police personnel are reluctant to arrest and produce legislators". It may be directed that the Superintendent of Police of concerned district will be personally responsible for execution of warrants and service of summons to the legislators and any breach thereof will be treated as contempt of the orders of this Hon'ble Court. Similarly, if any legislator despite receipt of summons/ warrant does not appear before the court, he/ she will be liable for contempt of this Hon'ble Court apart from disciplinary proceedings.

Punjab and Haryana: Trial of 8 cases in Haryana and 10 cases in Punjab have been stayed by the High Court; however, the action plan does not show steps taken to list and dispose such cases expeditiously in the light of the order dated 16.09.2020 and the judgment of this Court in *Asian Resurfacing vs CBI* (2018) 16 SCC 299.

GENERAL DIRECTIONS SOUGHT

1. All the High Courts may be directed to take appropriate steps in terms of the Action Plan submitted before this Hon'ble Court.
2. The High Courts may also consider suggestions made by other High Courts, which have been mentioned hereinabove.
3. All the State Governments shall appoint Nodal Prosecution Officers and Special Public Prosecutors and shall co-operate for expeditious trial of pending cases.
4. The State Governments shall take steps for establishment of 'Safe and Secure Witness Examination Room' for all the Special Courts.
5. Each of the High Court will submit specific proposal for establishment of video conference room for each court, as has been done by the Rajasthan High Court. Expenses for setting up such video conference room shall be borne initially by the central government subject to final adjustment as per norms.
6. All the Special Courts shall implement 'Witness Protection Scheme 2018' formulated by this Hon'ble Court in the case of *Mahender Chawla vs. Union*

of India (2019) 14 SCC 615, without requirement of any application by the witness(s).

7. The progress of trial and investigation of cases shall be monitored by all the High Courts both on the administrative and judicial side in in terms of the order dated 16.09.2020.
8. A special website may be created for posting the details of cases pending against MPs and MLAs in various courts, including the case status, as has been done by the Telangana High Court.
9. Union of India may be directed to file status report as regard cases investigated/ initiated by CBI, Enforcement Directorate and other Central Agencies in terms of order dated 16.9.2020.
10. The Registrar General of this Hon'ble Court may be directed to place details of the pending criminal cases against legislators (some of which are mentioned in Para E hereinabove) before the Hon'ble the Chief Justice of India for appropriate directions regarding urgent listing.

DATED 05.10.2020

SUBMITTED BY
VIJAY HANSARIA, SR ADVOCATE