

U.

HIGH COURT OF MADHYA PRADESH : JABALPUR

MEMORANDUM

No. E/ 286 /
III-2-7/51-III

Jabalpur, dt. 14 /01/2016

To,

The District & Sessions Judge,
Panna(M.P.)

Subject:- Procedure regarding service of summons /warrant & other
Legal processes on Members of Parliament/Vidhan Sabha.

As directed, on the subject mentioned above, please find enclosed herewith the communication of the Secretary, Madhya Pradesh Vidhan Sabha no. 936 dated 29-12-2015 along with the copy of Circular of the Government of India, Ministry of Home Affairs, no. 16012/25/95-IS(D-III) dated 19-06-1996 which was endorsed through Registry Memo No. A/8349 dated 06-12-1996 with a request to direct Shri Ravi Nayak, JMFC, Panna to follow the instructions contained therein for calling the MLA(s).

Encl:- As above.


(S.S. RAGHUVANSHI)
REGISTRAR (DE)

Endt. No. E/ 287 /
III-2-7/51-III

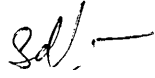
Jabalpur, dt. 14 /01/2015

Copy forwarded to :-

1- The District & Sessions Judge,(all in the State) with a request to circulate the same amongst Subordinate Judges under your kind control to impress upon them to follow the instructions strictly on service of summons/warrants & other Legal processes .

2- The Special Judges, SC/ST(POA) Act.....(all in the State) for information & compliance.

3- The Principal Judge, Family Court (all in the State) for information & compliance.


(S.S. RAGHUVANSHI)
REGISTRAR (DE)

2

HIGH COURT OF MADHYA PRADESH : JABALPUR

Pat. No. A/8349 ✓

Jabalpur, dated 6 December, 1996

III-2-7/51-Pt.-I

Copy of letter No. I/16012/25/95-IS(D.III) Dt.19.6.96 forwarded to :-

1. The Director, Judicial Officers Training Institute, High Court of M.P., Jabalpur.
2. The Additional Registrar(Judicial), High Court of M.P., Jabalpur.
3. The Registrar, High Court of M.P. Bench at Indore/Gwalior, Indore/Gwalior.
4. The District & Sessions Judge for information with a request to circulate the letter No. I/16012/25/95-IS (D.III) dated 19-6-1996 received from the Government of India, Ministry of Home Affairs, New Delhi, to all the Subordinate Judges under his control and to impress upon them to follow the instructions strictly on service of the summons/warrants and other legal processes. He may please acknowledge the receipt of this letter.
5. The Special Judge of the Court under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, Civil Court building Shahdol/Shajapur/Mandla/Raipur/Morona/Dhar/Raisen/Bastar at Jagdalpur/Bilaspur and Damoh.
6. The Registrar, Welfare Commission, Bhopal Gas Tragedy, Dr. Rajendra Prasad Bhawan, Opposite Vidhan Sabha, Bhopal, for information on with a request to circulate the same among all Judicial officers working in the Commission;
7. The Registrar, State Consumer Redressal Commission, Bhopal for information with a request to circulate the same among all the Presidents of District Consumer Forums in the State;
8. The Secretary, Government of M.P., Department of Law and Legislative Affairs, Bhopal for information with reference to his letter No. 3123/21-B(I) dt. 1.10.1996.

for information.

sd/-
(K.P. TIWARI)
ADDITIONAL REGISTRAR.

3

No. I/16012/25/95-IS(D.III)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi - 110 001.
dated, the 19th June, 1996

To
Chief Secretaries,
All State Governments, UTs.

Sub :- Procedure regarding service of warrants summons and other legal processes on members of Parliament.

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Sir,

I am directed to say that instances have been brought to the notice of this Ministry where copies of the summons issued by Magistrates requiring the attendance of the Members of Parliament in Courts in certain cases, have been forwarded to the Speaker of Lok Sabha or the Chairman of the Rajya Sabha Secretariate or to the Lok Sabha/Rajya Sabha Secretariate for effecting service on the Members concerned. In this regard, attention is invited to article 105(3) of the Constitution of India which provides that in respect of matters other than those covered by clause 2 of article 105, the powers, privileges and immunities of each House of Parliament, and the members and committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined shall be those of that House and of its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978. One of the privileges is that no service of summons can be effected upon the Members when they are within the precincts of the Parliament. If necessary, the permission of Speaker, Lok Sabha is required to be obtained for the service of a summons or a legal process within the precincts of the House on any person whether a Member of Lok Sabha or a stranger vide Rule 233 of Rules for Procedure & Conduct of Business in Lok Sabha - Seventh Edition, 1989 (hereinafter briefly referred to as LSR). Similarly, in the case of a Member of Rajya Sabha, permission of the Chairman of the Rajya Sabha will have to be obtained with simultaneous intimation to the Speaker, Lok Sabha.

In view of the above position, the appropriate procedure would be for the warrants/summons/legal processes to be served direct on the Members concerned outside the precincts of the Parliament i.e. at their residence or at some other place. Precinct of the House means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify vide the definition in LSR. In an exceptional case, if at all it becomes necessary to seek the Speaker/Chairman's permission to serve warrants summons and other legal processes, Civil or Criminal within the precincts of the House, the Speaker/Chairman should be addressed through the Ministry of Home Affairs and the authority issuing the legal process should send alongwith it a brief statement containing a well-reasoned request setting out the grounds.

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why it has become necessary to serve the process within the precincts of the House.

3. It may be pointed out that the same procedure should be followed for effecting service of summons upon Members of the State Legislature, who enjoy the same privileged under article 194(3) of the Constitution of India.

4. It is requested that the above procedure may be brought to the notice of all Courts, civil and criminal in the state in order to ensure that service of warrants/summons legal processes on Members of Parliament/Members of State Legislature is effected in accordance with the above procedure.

Sd/-

(A.K. PAITANDY)

DY. SECRETARY TO THE GOVT. OF INDIA.

No. I/16012/25/95-IS(D.III)

Dated the 19th June, 1996

copy for information to :-

1. Lok Sabha Secretary, New Delhi w.r.t. their OM NO. 16/76/95 LB-I/Priv. dated the 8th December 1995.
2. Rajya Sabha Secretariat, New Delhi.
3. Ministry of Parliamentary Affairs, New Delhi.
4. Ministry of Law, Justice & Company Affairs, Department of Legal Affairs,
5. Ministry of Home Affairs, Department of Justice.

Sd/-

(A.K. PAITANDY)

DY. SECRETARY TO THE GOVT. OF INDIA.

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