

GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
(DEPARTMENT OF JUSTICE)

L O K S A B H A

UNSTARRED QUESTION NO.874

TO BE ANSWERED ON WEDNESDAY, THE 7<sup>TH</sup> FEBRUARY, 2018

Special Court's for MP's And MLA's

874. SHRI B. VINOD KUMAR:

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

- a) the details on the exact number of cases pending against legislators in the country;
- (b) the steps being taken by the Government to ensure that this data is updated regularly;
- (c) whether the Government plans to institute special courts for disposal of such cases, if so, whether these courts would be permanent in nature or would be dissolved after disposal of such pending cases; and
- (d) whether the Government plans to fix a timeline for disposal of such cases by the special courts?

A N S W E R

MINISTER OF STATE FOR LAW & JUSTICE AND  
CORPORATE AFFAIRS  
(SHRI P.P. CHAUDHARY)

(a) & (b): In Writ Petition (Civil) No. 699/2016 (Ashwini Kumar Upadhyay Vs. Union of India & Anr.) as per records presented in the Hon'ble Supreme Court, 1581 criminal cases involving Members of Legislative Assembly (MLAs) and Members of Parliament (MPs) as declared at the time of filing of the nomination papers to the 2014 elections were pending in various Courts of the country.

Hon'ble Supreme Court of India has directed the Union Government to prepare a Scheme for Special Courts for trial of these cases, which has been done. The Union Government has written to all the related High Courts and State Governments for bringing upto date lists of criminal cases to enable their trial in these Special Courts.

(c): The Hon'ble Supreme Court of India vide its Order dated 14.12.2017 has approved the Scheme and directed the Union Government to proportionately allocate the amount to be incurred by the different states in which the proposed Special Courts are planned to be located forthwith and thereafter the State Governments will make necessary arrangements of judicial officers, staff and infrastructure in consultation with the High Courts. The Union Government has released the funds earmarked for the financial year 2017-18 to the State Governments (where applicable) to ensure that the said Courts start functioning from 01.03.2018. The next date of hearing in the case is on 07.03.2018. At present, the matter is sub-judice.

(d): No such timeline has been fixed by the Supreme Court for disposal of such cases by the Special Courts.

\*\*\*