

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO.3475
TO BE ANSWERED ON WEDNESDAY, THE 02nd JANUARY, 2019

Special Public Prosecutors

3475. SHRIMATI RAKSHATAI KHADSE:

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

- (a) whether the apex court directed the States and Union Territory administration for appointment of special public prosecutors for prosecuting the cases being tried in the special designated courts and if so, the details thereof;
- (b) whether apex court also directed the high courts to decide cases involving former Law makers on a priority basis without passing any further stay orders; and
- (c) if so, the details of steps taken in this regard and the status of such cases, court-wise?

ANSWER

**Minister of State for Law & Justice and Corporate Affairs
(SHRI P.P. CHAUDHARY)**

(a) to (c): Setting up of special designated courts and their functioning including appointment of special public prosecutor in these courts falls within the domain of the State Governments, who set up such courts as per their need and resources, in consultation with the concerned High Courts.

In its judgments in Writ Petition (Civil) 536/2011 [Public Interest Foundation & Ors. Vs Union of India & ANR.] and in Writ Petition (Civil) 699/2016 [Ashwini Kumar Upadhyaya Vs Union of India & ANR.], the Hon'ble Supreme Court of India has given directions to fast track criminal cases against law-makers. In compliance of the directions of the Hon'ble Supreme Court of India in Writ Petition (Civil) 699/2016 dated 01.11.2017 and 14.12.2017, 12 Special Courts were set up in 11 States at a cost of Rs.7.80 crore for a period of one year. As per the report submitted by the Amicus Curie in the Hon'ble Supreme Court, a total of 4,122 such cases are pending in different High Courts of the country, the details of which are at Annexure.

The Apex Court vide its Order dated 04.12.2018 in the aforesaid Writ Petition has given directions to High Courts to begin with cases involving former and sitting legislators in the States of Bihar and Kerala, to assign/allocate criminal cases involving former and sitting legislators to as many Sessions Courts and Magisterial Courts as each High Court may consider proper, fit and expedient.

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Annexure to reply to Lok Sabha USQ. No. 3475 at 02.01.2019.

Sl.No.	State/UT	cases Pending charge	cases Pending trial	Total cases	cases under Stay
	1	2	3	4	5
1	Andhra Pradesh	72	37	109	14
2	Arunachal Pradesh	4	2	6	1
3	Assam	23	15	38	4
4	Bihar	107	197	304	3
5	Chhattisgarh	NA	24	24	NA
6	Goa	12	3	15	2
7	Gujarat	57	62	119	8
8	Haryana	29	6	35	4
9	Himachal Pradesh	29	5	34	5
10	Jammu & Kashmir	9	3	12	1
11	Jharkhand	59	101	160	4
12	Karnataka	118	43	161	40
13	Kerala	131	181	312	5
14	Madhya Pradesh	103	65	168	3
15	Maharashtra	203	100	303	5
16	Manipur	11	1	12	0
17	Meghalaya	1	2	3	0
18	Mizoram	0	4	4	0
19	Nagaland	0	1	1	0
20	Orissa	104	227	331	14
21	Punjab	8	26	34	8
22	Rajasthan	22	24	46	1
23	Sikkim	0	0	0	0
24	Tamil Nadu	188	133	321	105
25	Telangana	66	33	99	9
26	Tripura	8	8	16	0
27	Uttar Pradesh	395	597	992	14
28	Uttarakhand	23	11	34	5
29	West Bengal	178	91	269	6
UT 1	Delhi	NA	NA	124	2
UT 4	Dadra and Nagar Haveli	1	1	2	0
UT 5	Daman and Diu	0	0	0	0
UT 7	Puducherry	30	4	34	1
	TOTAL	1991	2007	4122	264

