

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:64

ANSWERED ON:24.11.2014

CASES AGAINST MPS AND MLAS

Vichare Shri Rajan Baburao ;Wanaga Shri Chintaman Navsha

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

(a) whether the Government has drawn the attention of all the State Governments to the directions of the Supreme Court that cases against Public Representatives needed to be disposed of expeditiously;

(b) if so, the details thereof and the follow up action taken by the State Governments to ensure mandatory compliance of the directions of the Apex Court; and

(c) the steps taken by the Government for release of undertrials languishing in prison for a long time?

**Answer**

MINISTER OF LAW & JUSTICE (SHRID. V. SADANANOA GOWDA)

(a) & (b): In pursuance to the directions of the Supreme Court in WP (Civil) of No.536 of 2011 in Public Interest Foundation & Others v/s Uol and another dated 10th March, 2014, an Advisory on Fast-Tracking of Criminal Trials against sitting MLAs & MPs has been issued by the Ministry of Home Affairs on 24.06.2014 to all States / UTs to take steps for ensuring the compliance of the directions of the Supreme Court. Further, the Home Minister has also written to the Chief Ministers of all the States on 03.09.2014 regarding use of Section 309 of the Code of Criminal Procedure (Cr.P.C.) to fast track the pending cases against MLAs / MLCs / MPs elected from their States.

(c): Advisory has been issued by Ministry of Home Affairs on 17.01.2013 to States / UTs regarding use of section 436A of the Cr.P.C. to release under trial prisoners and reduce over-crowding of prisons. The Home Minister has also written to Chief Ministers of all States on 03.09.2014 regarding use of section 436 A of Cr.P.C. to release undertrial prisoners and reduce overcrowding in jails of India. Further, the Supreme Court in its order dated 05.09.2014 in Writ Petition No. 310/2005 - Bhim Singh Vs. Union of India & Others relating to undertrial prisoners has issued directions for effective implementation of Section 436 A of the Cr.P.C. DG (Prisons) / IG (Prisons) of the all States / UTs have been requested on 22.09.2014 to take necessary action to comply with the order of the Supreme Court in the matter.