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**Electoral life ban  
for convicted  
netas, asks SC**

11/9/20

**New Delhi:** On course to ensure speedy trials in 4,442 criminal cases pending against former and sitting MPs and MLAs, the Supreme Court on Thursday asked the Centre to respond to a new prayer in a pending PIL seeking a life ban on politicians convicted of heinous offence from contesting polls, reports **Dinaanjay Mahapatra**.

Appearing for petitioner Ashwini Upadhyay, advocate Vikas Singh said there was a long list of crimes in which conviction of a public servant led to his disqualification.

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**Report cases against legislators: SC to HCs**

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Why can't the same yardstick be applied to politicians who, under the Representation of People Act, get away lightly by getting debarred from contesting elections for a period of six years after serving the jail term?" senior advocate Vikas Singh asked.

A bench of Justices N V Ramana, Surya Kant and Hrishikesh Roy sought the Centre's response in six weeks on the new prayer in the pending petition, in which the court had sought reports from all high courts on the number of cases pending trial against sitting and former legislators. Amicus curiae Vijay Hansaria and advocate Sneha Kalita had compiled the data and submitted a chart to the court.

The bench said in its order, "Even though we had granted time to all HCs to furnish the requisite infor-

**Even though we had granted time to all high courts to furnish the information, only the HCs of six states have done so, the SC said**

mation, only the HCs of Karnataka, Madhya Pradesh, Tamil Nadu, Delhi, Jharkhand and Gujarat have done so. The remaining HCs have not yet furnished the requisite information regarding cases pending against legislators (sitting and former) under all the laws in compliance with earlier orders. We grant two days time to the remaining HCs to provide requisite information of pending cases and their stages."

The bench noticed a peculiar case, a 1983 case of the murder of a doctor in Tarn Taran in Punjab in which former Akali Dal MLA Virsa

Singh Valtaha is an accused. The trial court framed charges against the politician after 36 years in 2019 and the case is a long way from completion. It also noticed that most HCs have not furnished details about corruption cases pending against sitting and former legislators and asked them to do so by Sunday and posted the matter for further hearing on September 16.

Hansaria said though the SC had directed states to set up special courts to fast-track trial in pending cases against sitting and former MPs/MLAs, the states of Andhra Pradesh, Madhya Pradesh, Tamil Nadu, Telangana and West Bengal had set up just one special court each for such cases. The bench said one court would not be able to complete trial in all cases for years.

The amicus said one of the reasons for delay in trial was that the accused exerted

money and muscle power to influence witnesses who turned hostile and suggested that the court direct authorities to strictly implement witness protection measures. Moreover, there are many cases where non-bailable arrest warrants issued by trial courts to ensure the presence of the accused legislators are not executed.

The amicus curiae's report had said that sitting and former legislators faced trial in 4,442 criminal cases, of which 2,556 cases were against sitting MPs/MLAs. It said, "There are a total of 4,442 cases pending against MPs/MLAs (sitting and former) in different courts including special courts for MPs and MLAs. In 2,556 cases, sitting legislators are accused persons. There are 413 cases in respect of offences which are punishable with imprisonment for life, out of which in 174 cases, sitting MPs/MLAs are accused."