



44% of Sitting MPs Face Criminal Charges: ADR

Why in News?

According to the self-sworn affidavits analysed by poll rights body **Association of Democratic Reforms (ADR)**, out of the 514 sitting Lok Sabha MPs, 225 (44%) have **criminal cases** against themselves.

- The report revealed that among the sitting MPs with criminal charges, **29% face serious criminal cases**, including allegations of murder, attempt to murder, promoting communal disharmony, kidnapping, and crimes against women.

Key Points

- Regarding the distribution of criminal cases among States, **Uttar Pradesh, Maharashtra, Bihar, Andhra Pradesh, Telangana, and Himachal Pradesh** stand out with more than 50% of their MPs facing criminal charges.
- Criteria for **serious criminal cases**:
 - Offence for which maximum punishment is of 5 years or more
 - If an offence is **non-bailable**
 - If it is an **electoral offence** (For eg: bribery)
 - Offence related to loss to exchequer
 - Offences that are related to **assault, murder, kidnap or rape**
 - Offences that are mentioned in **Representation of the People Act, 1951 (Section 8)**
 - Offences under **Prevention of Corruption Act, 1988** and **crimes against women**
- Under **Article 105 of the Constitution**, MPs enjoy certain privileges so that they can perform their parliamentary duties without let or hindrance.
 - One of the privileges is that an MP cannot be arrested in a **civil case** 40 days before the commencement of the session or a House committee meeting, and 40 days thereafter.

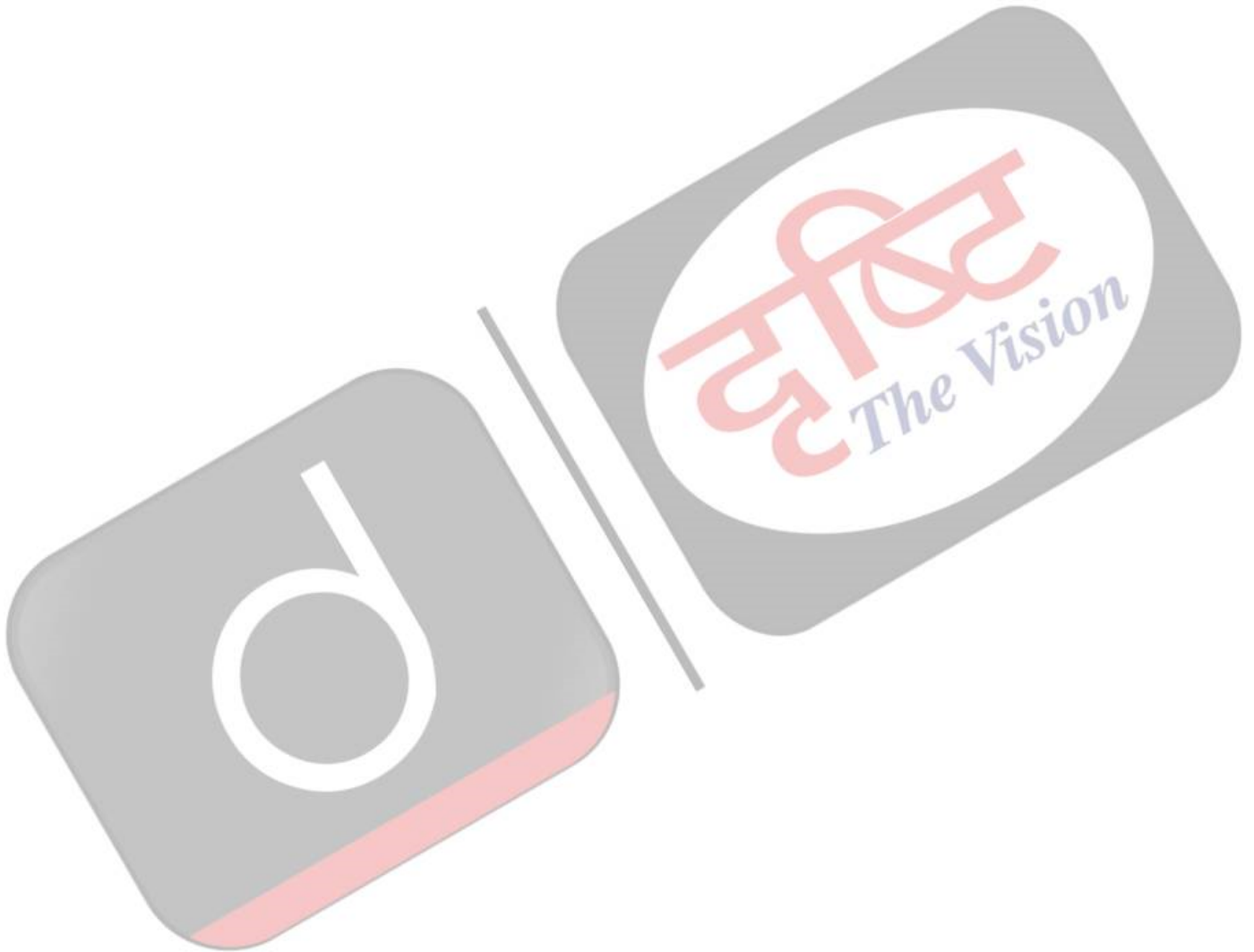
Non-Bailable Offences

- Any **offence not mentioned as bailable under the First Schedule of CrPC or any other law** is considered as non-bailable offence.
- **A person accused of a non-bailable offence cannot claim bail as a right.** Section 437 of CrPC provides for **when bail may be taken in case of non-bailable offence.**
- A person accused of non-bailable offence can be granted bail provided the **accused does not fall under the following grounds**:
 - There are reasonable grounds to believe that he committed an offence punishable with death penalty or life imprisonment.
 - That the accused has committed a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment of seven years or more.
 - That the accused had been previously convicted on two or more occasions of commission of a cognizable offence punishable with imprisonment for three years or more but not less than seven years.
 - There are exceptional cases in which law gives special consideration in favour of persons i.e., where the accused is a **minor, a woman, a sick person etc. by virtue of Section 437(1) of CrPC.**

Association for Democratic Reforms (ADR)

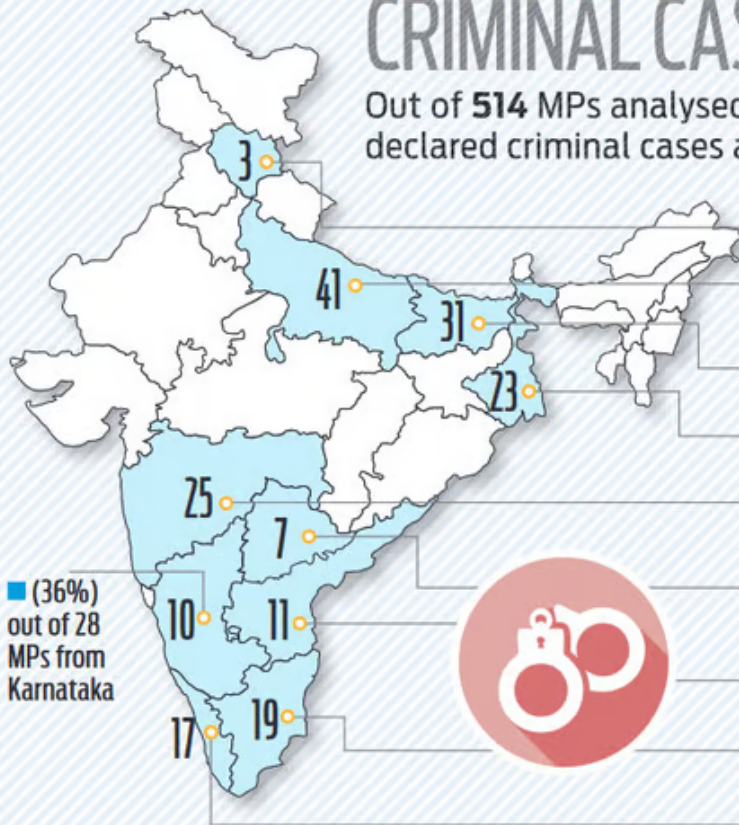
- It is an **apolitical and non-partisan, non-profit organisation** in India, working on electoral and political reforms for over 25 years.
- It was **established in 1999** by a group of professors from the Indian Institute of Management (IIM) Ahmedabad.

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CRIMINAL CASES STATE-WISE

Out of **514** MPs analysed, **225** (44%) have declared criminal cases against themselves

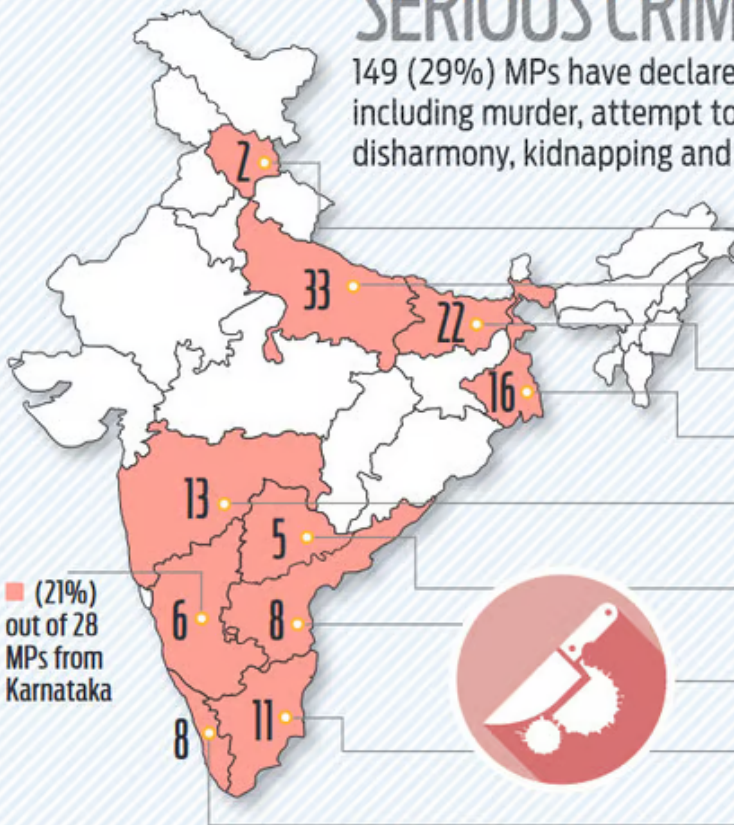


- (75%) out of 4 MPs from Himachal Pradesh
- (54%) out of 76 MPs from Uttar Pradesh
- (78%) out of 40 MPs from Bihar
- (58%) out of 40 MPs from West Bengal
- (54%) out of 46 MPs from Maharashtra
- (54%) out of 13 MPs from Telangana
- (50%) out of 22 MPs from Andhra Pradesh
- (49%) out of 39 MPs from Tamil Nadu
- (85%) out of 20 MPs from Kerala

■ (36%) out of 28 MPs from Karnataka

SERIOUS CRIMINAL CASES

149 (29%) MPs have declared serious criminal cases including murder, attempt to murder, communal disharmony, kidnapping and crimes against women



- (50%) out of 4 MPs from Himachal Pradesh
- (43%) out of 76 MPs from Uttar Pradesh
- (55%) out of 40 MPs from Bihar
- (40%) out of 40 MPs from West Bengal
- (28%) out of 46 MPs from Maharashtra
- (38%) out of 13 MPs from Telangana
- (36%) out of 22 MPs from Andhra Pradesh
- (28%) out of 39 MPs from Tamil Nadu
- (40%) out of 20 MPs from Kerala

■ (21%) out of 28 MPs from Karnataka

PDF Refernece URL: <https://www.drishtias.com/printpdf/44-of-sitting-mps-face-criminal-charges-adr>

