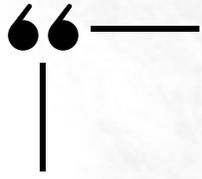


Constitutional Bench Update

Sita Soren v. Union of India

**MLAs Immunity From Prosecution
For Bribery**





Bench

**Justices S. Abdul Nazeer,
B.R. Gavia, A.S. Bopanna,
V. Ramasubramanian,
B.V. Nagarathna**

**Case Admitted on
December 04, 2018**

**Last Date of Hearing
September 28, 2022**

**Next Date of Hearing
November 15, 2022**



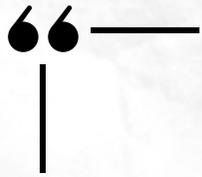
Background



- Sita Soren, a member of the Jharkhand Mukti Morcha (JMM), was accused of accepting bribe to cast vote for a particular candidate in the Rajya Sabha Elections of 2012
- The Central Bureau of Investigation (CBI) subsequently filed an official charge sheet against Sita Soren for allegedly accepting bribe to cast vote
- In 2014, Jharkhand High Court dismissed the plea filed by Sita Soren stating that the immunity under Article 194(2) of Constitution did not apply, since the bribe had no connection with the vote



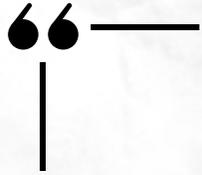
Background



- Appeal against the High Court's judgment was filed before Supreme Court
- On March 7th, 2019, a three judge bench took note of a decision by the Constitution Bench in *P.V. Narsimha Rao v. State* (MANU/SC/0293/1998), wherein, the Apex Court had held that parliamentarians enjoy immunity under the Constitution against criminal prosecution with regards to their speech and votes in the House
- The Bench referred the matter to a larger Bench



Issues under Consideration



- Whether an MLA enjoy ‘Immunity from Prosecution’ under Article 105(2) or Article 194(2) of the Constitution for accepting bribes to cast their vote in Parliament or Assembly?



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