

Issues with Criminalisation in Politics

Why in news?

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Election Commission has been seeking SC's aid to stem criminalisation of politics.

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What are the issues with criminals in politics?

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- At present, far from denying tickets to criminals, all parties seem to compete in the number of criminals they field.

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- The past three Lok Sabhas have seen an increasing number of legislators with criminal background or pending cases against them 124 in 2004, 162 in 2009 and 182 in 2014.

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- The political parties are united in their opposition to any law, which debars perpetrators of heinous offences during the pendency of cases.

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- They hold that this could lead to wrong cases being filed against candidates.

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- This assertion is partly valid, however, the EC's proposal has safeguards against this.

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- By which all criminal cases will not invite a ban, only the heinous offences will do, and the case should be registered at least six months before the elections, and also the court must have framed the charges.

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What is the verdict on Criminalisation of politics?

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- A five-judge Bench of the Supreme Court led by the Chief Justice of India recently gave its judgement on criminalisation of politics.

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- The judgement was given over the much-awaited pronouncement on the petitions asking it to bar politicians facing heinous criminal charges like rape, murder and kidnapping from contesting elections
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- In its judgement the SC stated that the Court cannot play the role of Parliament. Click [here](#) to know more
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What were the directions given by the court in this regard?

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- SC provided a slew of directions to curb the criminalisation of politics.
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- By which while filing their nominations, the candidates must declare if there are pending criminal cases against them in courts.
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- Political parties are also responsible for putting up details of criminal cases filed against their candidates on their websites.
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- Parliament must legislate on the matter to ensure that candidates with criminal antecedents do not enter public life or become lawmakers.
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- While filling the nomination forms, candidates must declare their criminal past and the cases pending against them in bold letters.
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- Political parties should publicise the background of their candidates via the electronic media and issue declarations.
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What are the concerns with the judgement?

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- The SC has passed the buck to the EC, even though the Commission has been crying itself hoarse for the apex court's aid for the past two decades.
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- Parliament is obliged to make a law on the matter according to Article 102 (1) of the Constitution, but parliament regardless of who is in power has always been reluctant to legislate on the issue.
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- The bench pronounced that it is not in a position to enable disqualification of candidates who face criminal charges.
- Voters do not generally read the websites of political parties.
- The recommendation regarding publicity campaigns about the criminal background of candidates by political parties sounds counter-intuitive.

What measures needs to be considered?

- A law to bar candidates charged for heinous crimes will require a broad consensus across the party lines.
- According to expert recommendations fast track courts to try the charges against the candidates were “the only solution”.
- Many categories of special courts such as the CBI courts, consumer courts and, more recently, fast track courts for rape cases do create special categories for the purpose of adjudication, and nobody has dubbed them as discriminatory.
- The Representation of People Act also recognises this in principle, requiring the high courts to decide on election petitions within six months.

Source: Indian Express