Issues with SC’s judgement on Criminalisation of Politics

Why in news?

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Supreme Court has left the matter with regard to preventing criminal candidates from contesting elections to the Parliament.

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What is SC judgement 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.
- 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
- The court mentioned that it was not within its powers to disqualify politicians facing criminal cases from contesting election, but recommended that Parliament enact a strong law.
- However, the court made it mandatory for political parties and candidates themselves to make public disclosure through print and electronic media. Click here to Know more

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What are the issues with SC’s judgement?

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- The chances of Parliament acting fast on this issue are dim, as no political party is free of this problem.
- The use of muscle power along with money power is a weapon used by all

political parties to maximise electoral gains.
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- In such a scenario, any move to ban candidates with a criminal record from contesting elections would mean political parties inflicting self-harm.
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What are the earlier interventions of Judiciary in politics?

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- Some important changes in the electoral laws, such as making it mandatory for candidates to submit an affidavit with full disclosure of criminal cases, if any, and details of their asset and income were made mandatory by the judiciary.
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- The most recent change, i.e. providing an option to voters to exercise None of the Above (NOTA) in case they do not want to vote for any of the candidate contesting an election, was also introduced by the judiciary in 2003 on the basis of the PIL filed by People’s Union for Civil Liberties.
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What lies ahead?

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- While political parties raise concern about candidates with a tainted background contesting elections and getting elected, none of them come forward to set an example for others when it is time to act.
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- The issue is far more important and serious than the attention being paid to it by the policy makers.
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- While the Election Commission has limited powers to legislate on such laws, it is only Parliament which can legislate to bring about the desired change, where Public opinion too is not firm on this.

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Source: The Hindu

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