Political Candidates with Criminal Records

Why in News?

The Supreme Court (SC) has agreed to hear a plea from the Election Commission of India (ECI) to direct political parties to not field candidates with criminal antecedents.

Why the SC is hearing the plea?

- The immediate provocation is the finding that **46% of MPs** (Members of Parliament) **have criminal records**.
- While the number might be inflated as many politicians tend to be charged with relatively minor offences.
- The current cohort of Lok Sabha MPs has the highest (29%) proportion of those with serious declared criminal cases compared to its recent predecessors.

What are some unhealthy tendencies?

- Such candidates with serious records seem to do well despite their public image.
- This is largely due to their ability to finance their own elections and bring substantive resources to their respective parties.
- Some voters tend to view such candidates of being able to represent their interests by hook or by crook.
- Others do not seek to punish these candidates in instances where they are in contest with other candidates with similar records.
- Either way, these unhealthy tendencies in the democratic system reflect a poor image of the nature of India's state institutions and the quality of its elected representatives.

What are the previous SC judgments?

- The SC has come up with a series of landmark judgments on addressing this issue.
- In 2013, it removed the statutory protection of convicted legislators from immediate disqualification.
- In 2014, it directed the completion of trials involving elected representatives within a year.

- In 2017, it asked the Centre to frame a scheme to appoint special courts to exclusively try cases against politicians and for political parties to publicise pending criminal cases faced by their candidates in 2018.
- But these have not been a deterrent to legislators with doubtful credentials.
- **Solution** - A rule that disallows candidates against whom charges have been framed in court for serious offences may be a solution.
- This is something for Parliament to consider as an amendment to the Representation of the People Act, 1951.

Why this solution is unrealizable?

- This denouement is still an unrealizable dream given the composition of the Lower House with a number of representatives facing serious cases.
- Ultimately, this is a consequence of a structural problem in Indian democracy and the nature of the Indian state.
- Formally, the institutions of the state are present and subject to the electoral will of the people.
- Substantively, they are still relatively weak and careless in governance and delivery of public goods.
- This has allowed cynical voters to elect candidates despite their dubious credentials and for their ability to work on a patronage system.

What could be done?

- The judicial pronouncements on making it difficult for criminal candidates to contest are necessary.
- But only enhanced awareness and increased democratic participation could create the right conditions for the decriminalisation of politics.

Source: The Hindu

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