Special Courts For Trying Politicians

Why in news?

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The Supreme Court has recently asked the Centre to frame a central scheme for trying criminal cases involving ‘political persons’.

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What are the court's directives?

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- The Centre should frame a central scheme for setting up of **special criminal courts** exclusively to deal with criminal cases involving political persons.
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- The directive for a common **central scheme** comes with the Centre's argument that setting up such courts would depend on the availability of funds with the States.
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- The court also said that the scheme should provide **details of the funds** required to set up such courts.
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- These courts would function on the lines of the fast track courts.
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- The Centre should also submit a report card on the **status of around 1500 criminal cases pending** against MPs and MLAs at the time of the 2014 elections.
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- It is also required to report if the **court's earlier order** to complete the trial in all these cases within a year’s time had been complied with or not.
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- Besides, the SC said that it would **directly interact with the State governments** on issues regarding such special courts.
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- These include appointment of judicial officers, public prosecutors, court staff and other requirements of manpower and infrastructure.
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What is the significance?

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- **Need** - Criminality and corruption in politics are long pending issues that deteriorate the public interest characteristic of administration.
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- In the present criminal justice system it takes years, probably decades, to complete the trial against a politician.
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- By this time, he or she would have served as a minister or legislator several times over.
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- **Judiciary** - The court has earlier made many rulings that make legislators and public officials accountable for corruption.
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- In a landmark verdict in 2013, the court removed the statutory protection for convicted legislators from immediate disqualification.
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- In 2014, it directed completion of trials involving elected representatives within a year.
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- The latest order marks another milestone in the higher judiciary's continuing campaign to cleanse politics of the stain of crime.
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Is the differential treatment justified?

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- Special courts could be a time-bound and exclusive judicial mechanism to expedite trials.
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- Special courts exist at present to try various classes of offences including corruption, terrorism, sexual offences against children and drug trafficking.
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- However, creating special courts for a particular class of people such as politicians violates Right to Equality.
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- Giving special treatment for offences under the Indian Penal Code solely because the accused is a politician seems discriminatory.

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- Nevertheless, if enough courts, judges, prosecutors and investigators are available, the expediency of special courts may not be needed at all.
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Source: The Hindu

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