Supreme Court on Criminalisation of Politics

Why in news?

\n\n

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

\n\n

What are the highlights of the verdict?

\n\n

\n
- **Parties** - The Supreme Court directed political parties to publish online the pending criminal cases of their candidates.
\n
- Rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators.
\n
- Cleansing politics from criminal elements begins only with purifying political parties itself.
\n
- As, political parties are the central institution of India’s democracy.
\n
- They play a central role in the interface between private citizens and public life.
\n
- They act as a channel through which interests and issues of the people are represented in Parliament.
\n
- **Parliament** - It urged the Parliament to bring a “strong law” to cleanse political parties of leaders facing trial for serious crimes.
\n
- Parliament should frame a law that makes it obligatory for political parties to remove leaders charged with “heinous and grievous” crimes.
\n
- Parties must refuse ticket to offenders in both parliamentary and Assembly polls.
\n

- The Bench made it clear that the court cannot legislate for Parliament by introducing disqualification to ban such candidates from contesting elections.
\n
- **Candidates** - The court directed that candidates should disclose their criminal past to the Election Commission in “block letters.”
\n
- Candidates should make a full disclosure of the criminal cases pending against them to their political parties as well.
\n
- The parties, in turn, should put up the complete details of their candidates on their websites for public view.
\n

\n\n

What are the references made?

\n\n

\n
- The verdict referred to the views of various other bodies and provisions in current legislations, as follows:
\n
- **Law Commission** - The commission had pointed out that political parties have been chiefly responsible for criminalisation of politics.
\n
- Instead of politicians having links to criminal networks, as earlier, persons with extensive criminal backgrounds are now entering politics.
\n
- In the 10 years since 2004, 18% of candidates contesting either national or State elections had criminal cases against them.
\n
- **CIC** - The judgement quoted the earlier efforts to bring political parties under the Right to Information regime.
\n
- It also referred to observations made by the Central Information Commission (CIC) to describe political parties' position in democracy.
\n
- CIC noted that it is the political parties that form the government, man the parliament and run the governance of the country.
\n
- A political party, not respecting democratic principles in its internal working, is lees likely to respect governance principles of the country.
\n
- It is therefore necessary to introduce internal democracy, financial

transparency and accountability in the working of political parties.
\n
- **N.N. Vohra Committee** - The Court mentioned the 1993 Mumbai bomb blasts.
\n
- The N.N. Vohra Committee, set up after the blasts, studied the problem of criminalisation of politics.
\n
- The report said that the blast was a result of the nexus among criminal gangs, police, politicians and bureaucrats.
\n
- It mentioned how money power was first acquired through real estate.
\n
- It was then used to develop a network of muscle power by building up contacts with bureaucrats and politicians.
\n
- The criminal network was virtually running a parallel government.
\n
- **RPA** - The Representation of the People Act does disqualify a sitting legislator or a candidate on certain grounds.
\n
- However, there are no provisions regulating the appointments to offices within the party.
\n
- A politician may be disqualified from being a legislator, but may continue to hold high positions within the party.
\n
- He/she can thus continue to play an important public role which he/she has been deemed unfit for by the law.
\n
- Convicted politicians may continue to influence law-making by controlling the party and fielding proxy candidates in legislature.
\n

\n\n

\n\n

Source: The Hindu

\n

SHANKAR IAS PARLIAMENT
Information is Empowering