

Supreme Court on Criminalisation of Politics

Why in news?

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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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What are the highlights of the verdict?

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- **Parties** - The Supreme Court directed political parties to publish online the pending criminal cases of their candidates.

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- Rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators.

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- Cleansing politics from criminal elements begins only with purifying political parties itself.

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- As, political parties are the central institution of India's democracy.

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- They play a central role in the interface between private citizens and public life.

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- They act as a channel through which interests and issues of the people are represented in Parliament.

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- **Parliament** - It urged the Parliament to bring a "strong law" to cleanse political parties of leaders facing trial for serious crimes.

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- Parliament should frame a law that makes it obligatory for political parties to remove leaders charged with "heinous and grievous" crimes.

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- Parties must refuse ticket to offenders in both parliamentary and Assembly polls.

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- The Bench made it clear that the court cannot legislate for Parliament by introducing disqualification to ban such candidates from contesting elections.

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- **Candidates** - The court directed that candidates should disclose their criminal past to the Election Commission in “block letters.”

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- Candidates should make a full disclosure of the criminal cases pending against them to their political parties as well.

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- The parties, in turn, should put up the complete details of their candidates on their websites for public view.

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What are the references made?

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- The verdict referred to the views of various other bodies and provisions in current legislations, as follows:

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- **Law Commission** - The commission had pointed out that political parties have been chiefly responsible for criminalisation of politics.

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- Instead of politicians having links to criminal networks, as earlier, persons with extensive criminal backgrounds are now entering politics.

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- In the 10 years since 2004, 18% of candidates contesting either national or State elections had criminal cases against them.

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- **CIC** - The judgement quoted the earlier efforts to bring political parties under the Right to Information regime.

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- It also referred to observations made by the Central Information Commission (CIC) to describe political parties' position in democracy.

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- CIC noted that it is the political parties that form the government, man the parliament and run the governance of the country.

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- A political party, not respecting democratic principles in its internal working, is less likely to respect governance principles of the country.

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- It is therefore necessary to introduce internal democracy, financial

transparency and accountability in the working of political parties.

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

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Source: The Hindu

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