



Enact 'strong law' to cleanse politics: SC

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Highlights

- The Supreme Court directed political parties to publish online the pending criminal cases of their candidates and urged Parliament to bring a "strong law" to cleanse political parties of leaders facing trial for serious crimes.
- Rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators but should begin by "cleansing" political parties, a five-judge Constitution Bench, led by Chief Justice of India Dipak Misra, observed.

'Deny nomination'

- The court said Parliament should frame a law that makes it obligatory for political parties to remove leaders charged with "heinous and grievous" crimes, such as rape, murder and kidnapping, to name only a few, and refuse ticket to offenders in both parliamentary and Assembly polls.
- The Bench, also comprising Justices A.M. Khanwilkar, Rohinton Nariman, D.Y. Chandrachud and Indu Malhotra, however, made it clear that the court cannot legislate for Parliament by introducing disqualification to ban candidates facing trial for heinous crimes from contesting elections.

Full disclosures

- The court directed that candidates divulge their criminal past to the Election Commission in "block letters."
- Candidates should make a full disclosure of the criminal cases pending against them to the political parties under whose banner they intend to contest the polls.
- The parties, in turn, should put up the complete details of their candidates on their websites for public consumption.
- Further, both the candidate and the political party should declare the criminal antecedents of the former in widely-circulated newspapers.
- Finally, both the candidate and the political party should give "wide publicity" to the criminal record of the former by airing it on TV channels, not once, but thrice after the filing of nomination papers.
- Legal experts say the judgement, which compels political parties to come clean about the criminal elements within their apparatus, is unique as it opens a new vista that "the process of breaking crime-politics nexus extends much beyond purity of legislators and encompasses purity of political parties as well".
- Chief Justice Misra explained that the directions to political parties to go public about the criminal cases against their candidates is a step to "foster and nurture an informed citizenry" and to protect the "culture and purity in politics".

Informed choice

- It ensures that ordinary voters can have an “informed choice” about who he or she has to vote for in a country which already “feels agonised when money and muscle power become the supreme power”.

‘Parliament must act’

- Chief Justice Misra said Parliament is obligated to act, as “criminalisation in politics is a bitter manifest truth, which is a termite to the citadel of democracy”.
- It noted with anguish that the Election Commission of India has its hands tied, helplessly watching as criminalisation of politics at the entry level is on the rise.
- The court countered the government's submissions that under the Representation of the People Act, only convicted lawmakers can be disqualified and not accused ones.
- The court said the danger of false cases foisted on candidates can be addressed by the parliament in the new law.
- The judgment came on a batch of petitions to bar politicians, who are facing charges of heinous crimes, from contesting elections and transforming themselves into parliamentarians and State legislators.

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