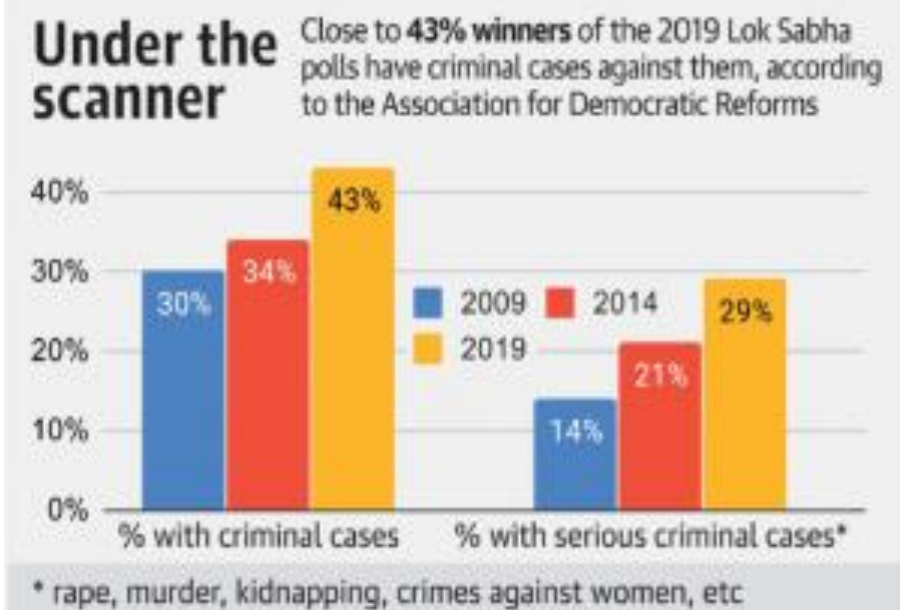




Owning up to criminalisation in politics

Context:

- A February 2020 Supreme Court judgment on criminalisation in politics will first be implemented in the Bihar elections in October 2020.



Increase in the incidence of criminals in politics – An ever-present silent crisis:

Year	Percentage of MPs with Criminal Cases pending against them
2004	24%
2009	30%
2014	34%
2019	43%

What is the impact of criminalisation of politics?

- Mockery of election outcomes.
- Deterioration in Politics Whereby Values are compromised for winnability of candidate.
- Politicization of Bureaucracy.
- Bad governance leading to Corruption.

11.07.2020

Saturday



<http://www.sriramsias.com>

- Dominance of Politics over civil society & business – restricts rights & freedom.
- Institutional (legislature & executive) decline of Democracy.

What were the key pronouncement of Feb 2020 SC Judgement?

- It shall be mandatory for political parties to upload on their respective websites and print as well as electronic media, detailed information regarding individuals with pending criminal cases, who have been selected as candidates.
- They also have to mention reasons for such selection over people with clean background
- The reasons as to selection of candidates shall be with reference to the qualifications, achievements and merit of the candidate concerned, and not mere “winnability” at the polls
- These details shall be published within 48 hours of the selection of the candidate or not less than two weeks before the first date for filing of nominations.
- The political party concerned shall then submit a report of compliance with these directions with the Election Commission within 72 hours of the selection of the said candidate.
- Non-compliance of these directions shall be brought to notice of SC by Election Commission on the grounds of **Contempt of Court**

What are the merits of the judgement?

- **Accountability:** The political party and its leadership would for the first time have to publicly own up to criminalisation of politics
- **Electoral Reforms:** It is in line with a series of judgments aimed at preserving the purity of the election process: Asset disclosure, NOTA option, Special courts for quick disposal of cases involving elected representatives
- **Informed Citizenry:** It increases the information available for Citizens which enables him to take well thought-out decision while choosing his representative.



What are the challenges w.r.t the above judgement?

- **Enforcement Challenges:** Several laws and court judgments have not helped much, the reason being lack of enforcement of laws and judgments
- **Unclear on punishment for violations:** It is also not clear what penalty would be imposed if the recent orders are not followed. It is not clear if top political leaders will be guilty or election be set aside.
- **Menace of Fake News:** Misinformation, trolling, and fanciful claims may drown out the little that citizens can do with actual information given out. Campaigns may continue to be more and more personal and even abusive
- **Inadequate deterrence:** The election & judicial system is still unable to ban people with serious criminal charges from contesting elections, due to legal and technical constraints. The judgement puts onus on voters to make better choices with newly available information.

Way Ahead

- Effective monitoring the affidavits of candidates by Civil Society and working with ECI to ensure that information is promptly available on their websites, and widely circulating this information to voters
- Voters also need to be vigilant about misuse of money, gifts and other inducements during elections.