

OWNING UP TO CRIMINALISATION IN POLITICS

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

A February 2020 [Supreme Court judgment on criminalisation in politics](#) may have far-reaching consequences for Indian democracy. It will first be implemented in the coming Bihar elections in October 2020. The Court has asked the political parties to state “the reasons for such selection, as also as to why other individuals without criminal antecedents could not be selected as candidates.” If a political party fails to comply, it would be “... in contempt of this Court’s orders/directions.” In other words, the political party and its leadership would for the first time have to publicly own up to criminalisation of politics. They had been denying it all these years. Earlier orders state that (a) each candidate shall submit a sworn affidavit giving financial details and criminal cases; (b) each candidate shall inform the political party in writing of criminal cases against him or her; and (c) the party shall put up on its website and on social media as well as publish in newspapers the names and details of such candidates.

Why did the Court pass such an order? The judgment notes that “In 2004, 24% of the Members of Parliament had criminal cases pending against them; in 2009, that went up to 30%; in 2014 to 34%; and in 2019 as many as 43% of MPs had criminal cases pending against them.” India is the only democratic country with a free press where we find a problem of this dimension.

Editorial | [Choice and candidacy: On crime and politics](#)

We are in the midst of more immediate crises — the COVID-19 outbreak, the economic recession due to the lockdown, the migrant workers crisis, small businesses shutting down in many sectors, massive unemployment, a highly stressed banking and financial sector, and now the conflict with China. Added to this is an ever-present silent crisis: the steady deterioration in politics over decades, with the decline accelerating in the past 16 years. As politics dominates the bureaucracy, and reins in business, civil society and the media, we need governance that is free of the “criminal” virus. Capability is not sufficient. The intent to do public service is also required. The British were capable, but we still did not want them. Today, it is not about any party, it is about the political system.

The result has been that we get bad governance, and survey after survey show that people around the country are unhappy with the quality of governance. Given limited choices, they vote as best as they can. But no matter how many parties are changed, governance does not really improve, a few exceptions apart. Using money power to buy MLAs and MPs sometimes makes a mockery of election outcomes. Meanwhile, electoral bonds bring secrecy back into political funding.

Several laws and court judgments have not helped much, as the data show. One reason is lack of enforcement of laws and judgments. It is also not clear what penalty would be imposed if the recent orders are not followed. Would the law enforcement agencies act vigorously to ensure that the guilty are prosecuted? Would any top political leader responsible for not complying be found guilty? Would an election be set aside? Without such action, will there be change?

Also read | [ECI welcomes SC order on candidates with criminal history](#)

Therefore in the coming Bihar elections we need to be far more vigilant. This includes monitoring the affidavits of candidates, working with the Election Commission to ensure that information is promptly available on their websites, and widely circulating this information to voters using all the

social media tools available. It also includes monitoring compliance with the Supreme Court judgment to see if details of tainted candidates are promptly put up on their websites, and on their social media handles, along with proper reasons for giving them ticket. The Court has said that “winnability” cannot be cited as a reason. Voters also need to be vigilant about misuse of money, gifts and other inducements during elections. Till we realise that people who bribe us for votes cannot be trusted, change will be very slow. Fortunately, an ever-growing number of voters and organisations are joining in this work of cleansing politics.

Meanwhile, the waters will be muddied with fake news, trolling, and fanciful claims. This may drown out the little that citizens can do. Yet there is hope. Ensuring prosecution with public pressure may help. If one political leader is hauled up for giving ticket to large numbers of tainted candidates, something positive may happen. A root cause diagnosis shows that political party leaders are squarely responsible for this state of affairs as they field such candidates. Mahatma Gandhi taught us that to solve a problem, we have to confront the real issue.

The Court order is to be welcomed. But we are still unable to ban people with serious criminal charges from contesting elections. While there are various arguments for and against such a move, the Court has dismissed several petitions calling for a ban due to legal and technical constraints. Meanwhile, the political system is unwilling to change the law or the system. Politics for now has been captured by those who want power for its own sake.

Also read | [43% newly-elected Lok Sabha MPs have criminal record: ADR](#)

In conclusion, we may not see dramatic changes in the quality of candidates. Campaigns may continue to be more and more personal and even abusive. We may not see a big change in money power, or in buying of MLAs post-elections in the case of a hung Assembly. But all these steps are required, however insignificant they may seem. All the dozen and more Supreme Court judgments on electoral reforms since 2002 are in fact responses to citizen initiatives. Not one initiative has come from the political system. The strategy so far has been to methodically try and break down the solid wall of corruption. When the dam will be breached and the pure waters of a new India flow over the land cannot be predicted.

Trilochan Sastry is Founder-Chairman, Association for Democratic Reforms, and Professor, IIM Bangalore

You have reached your limit for free articles this month.

To get full access, please subscribe.

Already have an account ? [Sign in](#)

Start your 14 days trial now. [Sign Up](#)

Find mobile-friendly version of articles from the day's newspaper in one easy-to-read list.

Move smoothly between articles as our pages load instantly.

Enjoy reading as many articles as you wish without any limitations.

A one-stop-shop for seeing the latest updates, and managing your preferences.

A select list of articles that match your interests and tastes.

We brief you on the latest and most important developments, three times a day.

*Our Digital Subscription plans do not currently include the e-paper ,crossword, iPhone, iPad mobile applications and print. Our plans enhance your reading experience.

Dear reader,

We have been keeping you up-to-date with information on the developments in India and the world that have a bearing on our health and wellbeing, our lives and livelihoods, during these difficult times. To enable wide dissemination of news that is in public interest, we have increased the number of articles that can be read free, and extended free trial periods. However, we have a request for those who can afford to subscribe: please do. As we fight disinformation and misinformation, and keep pace with the happenings, we need to commit greater resources to news gathering operations. We promise to deliver quality journalism that stays away from vested interest and political propaganda.

Dear subscriber,

Thank you!

Your support for our journalism is invaluable. It's a support for truth and fairness in journalism. It has helped us keep pace with events and happenings.

The Hindu has always stood for journalism that is in the public interest. At this difficult time, it becomes even more important that we have access to information that has a bearing on our health and well-being, our lives, and livelihoods. As a subscriber, you are not only a beneficiary of our work but also its enabler.

We also reiterate here the promise that our team of reporters, copy editors, fact-checkers, designers, and photographers will deliver quality journalism that stays away from vested interest and political propaganda.

Suresh Nambath

Please enter a valid email address.

Subscribe to The Hindu now and get unlimited access.

Already have an account? [Sign In](#)

Start your 14 days trial now [Sign Up](#)

You can support quality journalism by turning off ad blocker or purchase a subscription for unlimited access to The Hindu.

[Sign up for a 30 day free trial.](#)

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com