

Ensuring swift justice to elected officials will help deter corruption

It is a significant step in the fight against corruption. The Supreme Court has suggested the creation of special courts to deal with criminal cases against politicians. According to an analysis conducted by the Association for Democratic Reform, based on self-sworn affidavits obtained from the Election Commission of India website, of the 542 winners analysed after the Lok Sabha elections of 2014, 158 members (34%) declared criminal charges against them; and 112 (21%) had serious criminal cases against them. Ten of these were murder cases. In the upcoming Himachal Pradesh elections, of the 338 candidates analysed, 18% face criminal cases, and 9% currently face serious criminal charges.

The rationale behind the apex court's move is that the longer political functionaries with charges against them stay in office, the more chance they have to manipulate the system. The only way to tackle this, since political parties are not averse to giving tickets to those against whom charges have not been proven, is to lessen the judicial delays in concluding cases. As it stands, a member of parliament or a state assembly found guilty of a criminal offence punishable with two years or more in jail immediately loses the membership of the house. The court's 2013 judgment also bars a convicted politician from contesting elections for six years from the date the sentence ends.

Banning convicted politicians from contesting elections forever is not the solution to the problem. In a reformatory justice system, a conviction means that adequate punishment has been meted out; people who have fulfilled the punishment must be considered to have paid their debt to society. Once that debt is paid, the individual in question must be considered fit and ready to rejoin society. And if convicted politicians are able to win the trust of their electorate after their stipulated punishment, their candidature must not be invalidated.

If the resolution of cases were swifter, those guilty of corruption or other criminal charges could be taken out of the political system, albeit temporarily. This would be a positive step towards cleansing it. A special court to hear and complete cases involving elected representatives would also act as a deterrent to corrupt politicians who rely on the slowness of the judicial system to get away with subverting the law. This also emboldens them to convey the message that they are somehow floating above the fray on account of their power and privilege unlike the average Joe.

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