

## **1. Aspirants with Criminal Past should not Get Tickets**

**Prelims level: Polity and Governance**

**Mains Level: GS-II Salient features of the Representation of People's Act.**

### **Why in News?**

- Supreme Court has agreed to examine the recent proposition made by the Election Commission of India (ECI) to restrict political parties from Giving Tickets to Aspirants with Criminal Antecedents.

### **Proposal of ECI:**

- EC has submitted that as of now, 46% of Members of Parliament has criminal records. So, in order to further curb this menace, it has approached the Supreme Court for further action.
- The proposal of the ECI is that court should direct political parties to not to give party tickets to aspirants with criminal background.
- A contempt petition has also been filed for not complying with the past judgment of a Constitution Bench (2018), which had directed political parties to publish the pending criminal cases against their candidates online.

### **Requisites of a Candidate with Criminal Background:**

- Candidates with criminal antecedents are required to publish information in this regard in newspapers and through Television channels on three occasions during the campaign period.
- A political party that sets up candidates with criminal antecedents is also required to publish information about criminal background of its candidates, both in its website and also in newspapers and Television channel on Three Occasions.

### **What does the RPA say on this?**

- Currently, under the Representation of Peoples (RP) Act, lawmakers cannot contest elections only after their conviction in a criminal case.
- Representation of the People (RP) Act, 1951 disqualifies a person convicted with a sentence of two years or more from contesting elections. But those under trial continued to be eligible to contest elections. The Lily Thomas case (2013), however, ended this unfair Advantage.

### Efforts by SC in this Regard:

- **The SC has been repeatedly expressing its concern about the purity of Legislatures.**
  - ✓ In 2002, in the **Union of India v Association for Democratic Reforms Judgement**, it was made obligatory for all candidates to file an affidavit before the returning officer, disclosing criminal cases pending against them.
  - ✓ The famous order to introduce NOTA was intended to make political parties think before giving tickets to the tainted.
  - ✓ In its landmark judgment of March 2014, the SC accepted the urgent need for cleansing politics of criminalisation and directed all subordinate courts to decide on cases involving legislators within a year, or give reasons for not doing so to the chief justice of the high court.
  - ✓ The 2018 ruling by a Supreme court Bench concluded that rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators but should begin by “cleansing” the political parties.

### What is the way out?

- There are three possible options.
  - ✓ One, political parties should themselves refuse tickets to the tainted.
  - ✓ Two, the RP Act should be amended to debar persons against whom cases of a heinous nature are pending from contesting elections.
  - ✓ Three, fast-track courts should decide the cases of tainted legislators quickly.

### Other Suggested Measure to Curb Criminalization of Politics:

- Bringing greater transparency in campaign financing is going to make it less attractive for political parties to involve gangsters.
- The Election Commission of India (ECI) should have the power to audit the financial accounts of political parties, or political parties’ finances should be brought under the right to information (RTI) law.
- Broader governance will have to improve for voters to reduce the reliance on criminal politicians. The Election Commission must take adequate measures to break the nexus between the criminals and the politicians.
- The forms prescribed by the Election Commission for candidates disclosing their convictions, cases pending in courts and so on in their nomination papers is a step in the right direction if it Applied Properly.