



SC Order on Criminalisation of Politics

 drishtiias.com/printpdf/sc-order-on-criminalisation-of-politics

Why in News

The Supreme Court (SC) has ordered **political parties to publish the entire criminal history of their candidates for Assembly and Lok Sabha elections** along with the reasons that forced them to field suspected criminals.

- The order was a reply to the contempt petition about the **general disregard shown by political parties to a 2018 Constitution Bench judgment (Public Interest Foundation v. Union of India)** to publish the criminal details of their candidates in their respective websites and print as well as electronic media for public awareness.
- The SC passed an order while exercising powers under **Articles 129 and 142 of the Constitution** which deals with the contempt power of the Supreme Court and enforcement of its decrees and orders.

Highlights of the Order

- It is mandatory for **political parties (at the Central and State election level)** to upload on their website **detailed information regarding individuals with pending criminal cases.**
 - It shall also include the nature of their offences, charges framed against them, the court concerned, case number, etc.
- Additionally, the political parties need to offer an explanation as to why candidates with pending criminal cases are selected as candidates in the first place.
 - Thus the candidate's **'mere winnability at the polls' shall not be the sole reason** for handing over a ticket to the candidate to contest elections.
- The above information needs to be published in a **local as well as a national newspaper as well as the parties' social media handles.**
- The information mandatorily to be published either **within 48 hours of the selection of candidates or less than two weeks before the first date for filing of nominations**, whichever is earlier.

- The political parties need to submit compliance reports with the **Election Commission of India within 72 hours.**

If a political party fails to submit then the Election Commission shall bring such non-compliance by the political party concerned to the notice of the Supreme Court as being in contempt of this Court's orders/directions.

Significance of the Order

- **Over the last four general elections, there has been an alarming increase in the incidence of criminals in politics.** The increasing criminalisation of politics **threatens the law-making process** and thus lawmakers should be above any kind of serious criminal allegation.

In **2004**, **24%** of the Members of Parliament (MPs) had criminal cases pending against them. This number has increased to **43% of MPs in 2019**.
- The direction of SC to **legislate parliamentary legislation** to curb criminalisation of politics may help **to deliver constitutional governance**.

Source: TH