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Publish criminal history of candidates, SC orders parties

The judgment is applicable to organisations both at the Central and State levels

KRISHNADAS RAJAGOPAL
NEW DELHI

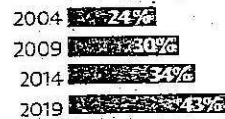
The Supreme Court on Thursday ordered political parties to publish the entire criminal history of their candidates for the Assembly and Lok Sabha elections along with the reasons that goaded them to field suspected criminals over decent people.

The information should be published in a local and a national newspaper as well as the parties' social media handles. It should mandatorily 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.

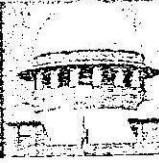
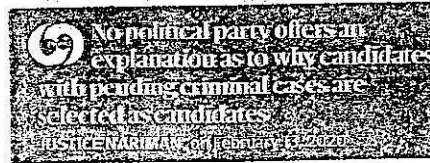
Cause for concern

The Supreme Court on Thursday flagged the alarming increase in incidence of criminals in politics

MPs with pending criminal cases:



The 2018 Constitution Bench judgment that formed the basis for Thursday's verdict said: Rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators but should begin by "cleansing" political parties



A Bench led by Justice Rohinton F. Nariman, in the judgment, ordered political parties to submit compliance reports with the Election Commission of India within 72 hours or risk contempt of court action.

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The judgment is applicable to parties both at the Central and State levels.

The judgment by the Bench, also comprising Justice S. Ravindra Bhat, signified the court's alarm at the unimpeded rise of criminals, often facing heinous charges like rape and murder, encroaching into the country's political and electoral realms.

The information on the criminal antecedents of a candidate should be detailed and include the nature of the offences, charges framed against him, the court concerned and the case number.

RELATED REPORT ► PAGE 4
CONTINUED ON ► PAGE 12

Publish criminal history of candidates, says SC

A political party should explain to the public through its published material how the "qualifications or achievements or merit" of a candidate, charged with a crime, impressed it enough to cast aside the smear of his criminal background. A party would have to give reasons to the voter that it was not the candidate's "mere winnability at the polls" which guided its decision to give him the ticket.

"It appears that over the last four general elections, there has been an alarming increase in the incidence of criminals in politics. 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," Justice Nariman wrote.

The four-page judgment was based on a contempt petition filed by advocate Ashwini Upadhyay 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 candidates in their respective websites and print as well as electronic media.