

SC judgment on convicted politicians Welcome, but not enough

Written by Maharashtra Administrator
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Lok Satta Party national President Dr. Jayaprakash Narayan has welcomed the Supreme Court verdict holding Section 8(4) of the Representation of the People Act (RPA) ultra vires. The provision protects convicted lawmakers against disqualification on the ground of pendency of appeal against their conviction in higher courts.

In a media statement, Dr. JP said the Supreme Court in its landmark judgment has struck a blow for equality before law by treating ordinary citizens and legislators alike. "This is a small but significant victory for the Lok Satta which has focused its attention on criminals in politics since 1999.

"Although the Supreme Court has given a decent burial to the patently unconstitutional and self-serving provision of the law, we cannot expect dramatic results until a lot more is done". "

See Lok Satta's detailed recommendations to Law Commission on electoral reforms

<http://www.loksatta.org/cms/documents/ElectoralReformsSuggestions-LawCommission-27-06-2013.pdf>

Dr. JP said that the real challenge is two-fold. Politicians with a record of crime continue to function as legislators since conviction by lower courts takes an interminably long time. For instance, the assassins of former Prime Minister Rajiv Gandhi were not convicted even after a decade of the assassination. Technically, the assassins could have contested elections and continued as legislators. Dispensation of justice by trial courts has to be speeded up if such anomalies were not to recur. Alternatively, people against whom charges have been filed in a court of law in respect of serious crimes should be disqualified from contesting elections until the cases are disposed of.

Again, many politicians with criminal antecedents influence crime investigation and ensure there is no evidence of their crimes. It is because crime investigation continues to be under near control of politicians. Criminalization of politics cannot be ended until crime investigation and prosecution agencies are made totally autonomous and shielded from political influence, said Dr. JP.