

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 06.12.2010
ANSWERED ON
CRIMINALIZATION OF POLITICS .

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Shri Sabir Ali

Will the Minister of COALLAW & JUSTICE be pleased to state :-

(a) whether the Election Commission of India has recently suggested some steps to stop candidates with criminal records/backgrounds from contesting elections to the elected bodies;

(b) if so, the details thereof and Government's reaction thereto;

(c) whether Government is aware that fragile pleas are often put forward to thwart sincere attempts of the Commission; and

(d) if so, how Government proposes to tackle the situation to ensure that the elected representatives with clean records and without a semblance of dark background come to the elected bodies?

ANSWER

MINISTER OF LAW AND JUSTICE

(DR. M. VEERAPPA MOILY)

(a) to (d): The Election Commission of India had forwarded a set of 22 proposals on Electoral Reforms in July, 2004 which inter alia includes the proposal on criminalization in politics. Again in October, 2006, the Chief Election Commissioner wrote to the Government about the danger of certain hard-core criminals becoming Members of the august House of Parliament and State Legislatures, suggesting amendments in the Representation of the People Act, 1951 to disqualify any person accused of an offence punishable by imprisonment for five years or more, from contesting elections even when trial is pending, provided charges have been framed against him by a competent court. The Government then requested the Department Related Parliamentary Standing Committee on Personnel Public Grievances, Law and Justice to give its recommendations on the proposal of the Election Commission of India. The Committee in its Eighteenth Report on the subject inter alia disagreed with the aforesaid proposal as it is a major departure from the law of the land that a person is not guilty until he is convicted by the highest court of the land.