

Directing reforms: on candidates disclosing sources of income

Adding to the growing body of judicially inspired electoral reforms, the Supreme Court has imposed an **additional disclosure norm for candidates contesting elections**. It has asked the Centre to amend the rules as well as the disclosure form filed by candidates along with their nomination papers, to include the sources of their income, and those of their spouses and dependants. The court has also asked for the establishment of a permanent mechanism to investigate any unexplained or disproportionate increase in the assets of legislators during their tenure. The verdict of the two-judge Bench on a petition from the NGO, Lok Prahari, is one more in a long line of significant verdicts aimed at preserving the purity of the electoral process. These include the direction to provide the 'NOTA' option in voting machines, and another striking down a clause that saved sitting legislators from immediate disqualification upon conviction. It has ruled that the act of voting is an expression of free speech, and that it is part of this fundamental right that voters are required to be informed of all relevant details about a contestant. This led to the rule that candidates should furnish details of any criminal antecedents, educational qualifications and assets. If disclosure of assets is mandatory, it is only logical that the sources of income are also revealed. And as it is often seen that there is a dramatic increase in the assets of candidates at every election over what was disclosed in previous affidavits, it stands to reason that any rise should be explained or probed.

Few will dispute that lawmakers amassing wealth or gaining unusual access to public funds and loans are concerns that need to be addressed through new norms. To give teeth to its order, the court has made it clear that non-disclosure of assets and their sources would amount to a "corrupt practice" under Section 123 of the Representation of the People Act, 1951. Lest a question be raised whether the court's order to amend the relevant rules amounted to legislation, the Bench has said it sees no "legal or normative impediment", as the Centre is empowered by the Act to frame rules in consultation with the Election Commission. The idea of a permanent mechanism to collect data about the assets of legislators and periodically examine them is laudable, but it is not clear which authority will run it. The court envisions a body that would make recommendations for prosecution or disqualification based on its own findings. The Centre and the Election Commission will have to jointly address the issue. The larger message from the verdict is that a fully informed electorate and transparent candidature will be key components of future elections in India.

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