

By ALBERTINA ALMEIDA



Should a criminal record be a criteria for elections?
There is much discussion around about whether a person who is undergoing trial for criminal charges should contest elections. This is specifically being asked in the context of the Constituency that has the capital city.

To me, this is about shooting from the wrong angle, if one may say so. I say this as someone who has myself faced various criminal charges or been detained. Whether it be because some of us were protesting against a Master Plan for Tourism, which we saw as legitimizing the setting up of multiple land grabbing five star hotels in Goa. Or when we were standing with placards at the Miramar Junction, to convey to the President our opposition to advertising and glamorization of alcohol. Or when we were questioning the inhumane evictions at Baina, which in the name of cleaning the area of prostitution, were actually laying the ground for the coal corridor, or a land 'acquisition' that was not known to the people and which anyways was about filling low-lying fields which are the lungs of Taleigao, that enable free flow of drainage and prevent floods. And then another complaint on the basis of which there was reportedly an FIR against me but regarding which I have never received any call letter from the concerned police station, but which perhaps can be unearthed if I choose to contest? So should I not be able to contest elections because I have this kind of 'criminal record'?

Don't we need to look at who has written me into the annals of the criminal record register? And how? It is another thing that one of those cases was dropped because a co-accused would otherwise lose his prospects of becoming a judge - again because of the so-called 'criminal record' that would have debarred him from becoming a judge. It is another thing that another case against me was dropped when a different dispensation came to power and noted that the case was filed against me and others as a political vendetta.

Therefore, we need to be careful. Merely because someone contesting elections is someone, who, we are convinced, based on information we have triangulated, is a criminal for various reasons, that person cannot be the pivot around the case for barring persons with criminal records from contesting elections.

What we don't understand is that if we have this criteria of not having a criminal record, then what we will indeed have is a catena of cases against a person to manipulate that criminal record, what we will have is a banning of the likes of a Professor Anand Teltumbde or a Rama Kankonkar or a Cecille Rodrigues or the likes from participating in elections, because conveniently false cases can be foisted on them by a draconian State that enacts draconian laws.

We also know from various records that cases under various laws are booked disproportionately against marginalized sections of society, sections marginalized on the basis of caste, class and minority. This would mean that there would indirectly be an embargo on persons from these communities contesting elections. One might argue and reasonably so that the present kind of electoral politics is itself an abyss from which citizens must be rescued, but that does not take mean we can go down this slippery slope that will set in motion an unholy situation where criminals are scot free and those who are indeed innocent are faced with criminal charges.

When we talk of clean candidates with no criminal record, one may also well ask whether the late Manohar Parrikar did not have criminal cases against him? Criminal cases such as those of defacement of public property, for instance. But let us also not forget that these cases befall a politician usually when he is in the opposition.

Also haven't people got away with brazen hate-provoking language, simply because they are on the right side of those in power? Meanwhile, people have been booked just for quoting what they have read from Jyotiba Phule's writings in speeches at anti-Citizenship Amendment Act meetings.

As a matter of fact, most politicians enjoy immunity from any criminal records during the time they are in power. So in the end if the criteria of no criminal record comes to pass, it will become one vicious circle of they have no 'criminal records', so they can contest, while the opposition cannot because they will be saddled with criminal records, and then those who commit crimes but have no criminal records will win, and commit more crimes with impunity. At another level, cases will be booked against those who do not commit crimes in the eyes of society but commit crimes in the eyes of a draconian law, like the Unlawful Activities Prevention Act under which Fr. Stan Lourduwamy was booked.

It is hoped that the day will not come when courts will actually cancel out themselves by not letting the law takes its course and the rule of law prevail. So where will we draw a line in this regard, is probably the question? A state like Goa is small enough for voters to be able to triangulate information and make sense whether a person is criminal in nature or not - whether or not there are cases against him. Secondly, people are now wisening up to the fact that the State has in its draconian laws like the anti-terrorist laws, defined terrorism and unlawful activity in a way that anyone or any organization or group that espouses a politically dissenting view can come within its fold. Even though the present electoral scenario hardly allows the people's choices to come through, still the democratic thing to do would be to allow anyone any person to stand for elections, and face the outcome.



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