

The Dark Side of Indian Democracy: Exploring the Intersection of Crime and Politics

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Abstract : India is a pillar of global democracy. India's democratic values have persisted throughout its history, and its political principles are a model for other countries. Since India has a parliamentary form of political system, it is necessary for the public to be aware of political parties and candidates, as people select their leaders through elections. As the majority principle applies to political parties to get a chance to rule, they follow several ways to win the most number of constituencies during the elections. In the last few decades, the entry of people with criminal backgrounds into politics has been an alarming development that is detrimental to the integrity of the democratic system. Legislators who come from unethical roots, such as money or muscle power, will not only cause the system to crash by misusing their power but also hinder the development of the country. Strict rules should be made to prevent criminal elements from contesting elections. It is the moral responsibility of the public to elect good leaders for good governance.

Keywords : Democracy, Election, Political Parties, Criminal elements, Governance

Introduction

The criminalisation of politics implies that increasing involvement of criminals and corrupt individuals with criminal charges in to the Indian political system. These elected political delegates coming from criminal backgrounds exploit their positions of power and influence to prioritize their personal agendas over the welfare of the nation and its people. The criminalization of politics in India is a pressing issue, with significant implications for the country's democratic processes. Democracy cannot exist without the presence of political parties and strong public opinion. The role of political parties and a political system is considered crucial for the nation. It provides people with a choice to make more informed and effective decisions. Criminalization of politics is a significant issue that needs to be discussed in any democratic platform, and India is no exception. India emerged as a Democratic Republic in 1947 and derives its power to rule from the constitution of India. The Indian democratic

setup is deeply rooted in historical traditions and values that emphasize core principles guided by Dharma, outlining a path for both the rulers and the ruled.

The tradition of participatory democracy underscores the active involvement of the public in selecting and approving rulers to ensure the welfare of all. The active participation of criminals in the political arena is questionable. The frequency of alleged and convicted criminals who manage to gain public office threatens the ideals and effective functioning of government. Those legislators who come from unethical backgrounds become lawbreakers to lawmakers. Sometimes government lose its legitimacy, authenticity, and credibility to rule. The entry of criminals into electoral politics must be restricted at any cost. If left unchecked, it will totally erode the system. The dearth of value oriented people in politics may collapse the country internally as well as externally.

Objectives :

- To explore the history and Nexus between Crime and Politics through statistics
- Finding the causes for infiltration of criminals into politics
- Major initiatives taken against criminalisation of politics

Exploring the Nexus between crime and politics

India has witnessed 17 parliamentary elections, 405+ state assembly elections, and over a million local self-government elections since the foundation of the election commission in 1950¹. The Election Commission of India is an independent body that conducts free, fair, and transparent elections across the country. It draws powers to conduct timely election from the Constitution of India. The infiltration of criminal elements into the Indian political system has a long history and began to take shape in the 1970s. During this time, Indian democracy faced several challenges, including the emergency, suppression of dissent, the entry of Mafia landlords, money and muscle power etc. Over the years, what began as an embryonic trend has now assumed epidemic proportions. During 1970 - 80s the emergence of Regional parties led increased competitions during elections. The relation between politicians and criminals was more evident during 1980-90s, which was escalated during 1990-2000s. Today, a significant number of political leaders with unethical criminal backgrounds are well established in the political field. Many are successfully securing top positions in parties and even becoming legislators and ministers in the state and central governments.

Status of Criminals in Politics through statistics

India is a multi-party system. As of 2022, India has 06 national parties, over 56 recognised state parties, and 2796 unrecognised parties². The criminalization of politics involves individuals with criminal records contesting elections and getting elected as members of Parliament and State legislatures.

Details of parliamentarians having criminal cases against them

Lok Sabha Election	Winners Analysed	MP's having criminal cases against them	MP's having serious criminal cases against them
2009	543	162	76
2014	542	185	112
2019	539	233	159

These statistics highlight the pressing issue of criminalization in Indian politics. Efforts to address this phenomenon are crucial for maintaining the integrity of democratic processes and ensuring that elected representatives uphold the rule of law³.

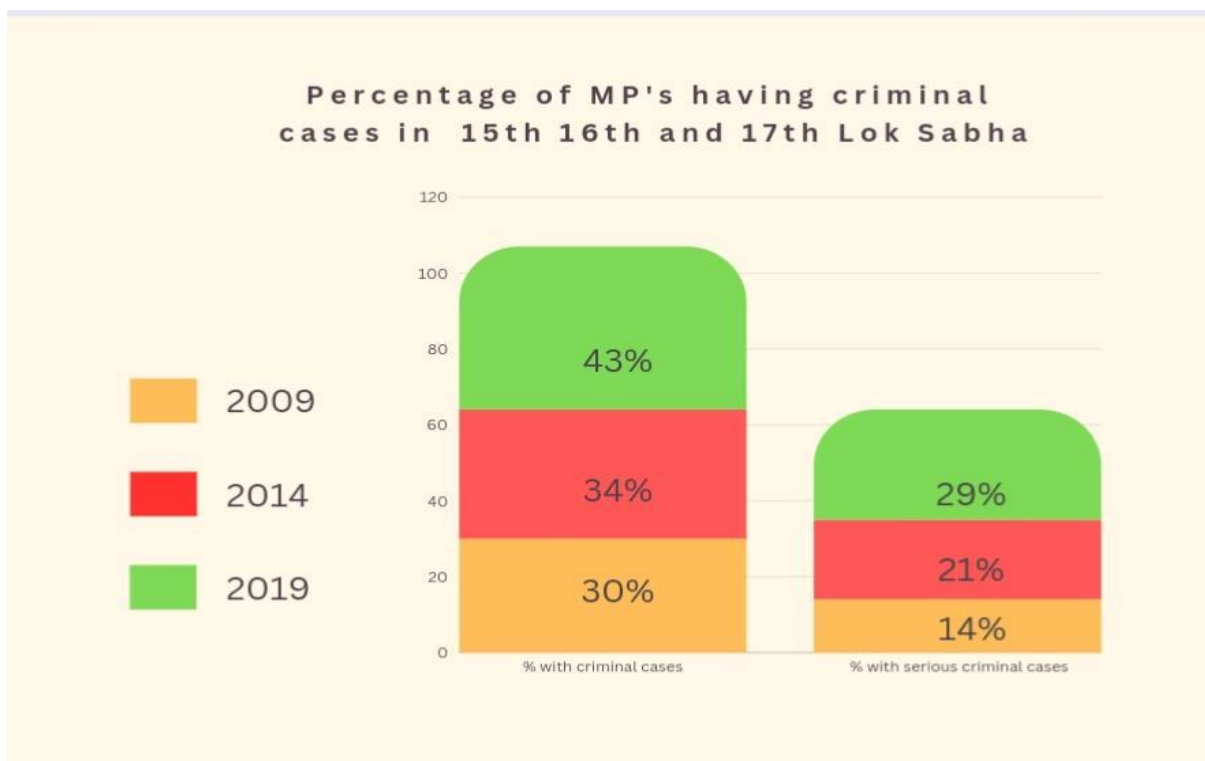
According to Association of Democratic Reforms(ADR) report in the 2014 General Elections for the 16th Lok Sabha, 185 (34%) out of the 542 winners had criminal cases filed against them such as murder, attempt to murder, kidnapping and crime against women. 44% of MLAs in 28 state assemblies and two Union territories declared their criminal records.

A total of 12 out of 23 Members of Parliament re-elected from 2004 to 2019 have criminal cases against them, according to the Association for Democratic Reforms (ADR) and National Election Watch. 9 legislators charged under murder, attempt to murder and robbery. Of the 17 BJP MPs who were re-elected, seven (41%) had criminal cases against them and all three Congress MPs re-elected faced criminal cases. The re-elected MP from the All India Majlis-E-Ittehadul Muslimeen (AIMIM) had a criminal case against him. Nearly half of the newly-elected Lok Sabha members have criminal charges against them, a 26% increase as compared to 2014, according to the Association of Democratic Reforms (ADR).The report reveals that

BJP has 116 MPs or 39% of its elected candidates with severe criminal cases, followed by 29 MPs (57%) from the Congress party, 13 (81%) from the JDU, 10 (43%) from the DMK face charges against them the ADR said. In 2014, 185 Lok Sabha members (34%) had criminal charges and 112 MPs had serious criminal cases against them. In 2009, 162 (nearly 30%) out of the 543 Lok Sabha MPs had criminal charges and 14% had serious criminal charges, it said. The 17th Lok Sabha, has nearly 29% of the cases registered are related to rape, murder, attempt to murder or crime against women, the non-governmental organisation said⁴

“There is an increase of 109% [in 2019] in the number of MPs with declared serious criminal cases since 2009,” it said. Out of the 763 sitting MPs in the Lok Sabha and Rajya Sabha, 40% (306 MPs) have declared criminal cases against themselves. 1,580 MPs and MLAs in our country face charges related to murder and crimes against women.

Percentage of MP’s having criminal cases since 2009



The above bar graph clearly illustrates that the percentage of criminal elements in politics as been increasing since 15th general election 2009.

Sri Jagadeep Chhoker, The founder and Trustee of ADR expresses his concern about existing laws and their suitability in address in the issue of criminalisation of politics. “In the current political landscape political parties often priorities candidates based on their perceived

winnability, disregarding the means employed to achieve that victory. Unfortunately many elections witnesses the use of illicit methods and unfair practices to win the election. Politics has transferred into a pursuit of power rather than commitment to serve the public interest ”he laments⁵.

Finding the causes for infiltration of criminals into politics

Criminals join politics in India for a variety of reasons. First of all is that crime pays. In India, the increasing relationship between criminals and politics threatens the survival of democracy. Now a days, individuals with criminal backgrounds have more influence in politics than people without criminal backgrounds. Let’s check with the reasons for criminalisation of politics :

1. **Unholy Nexus between criminal politicians and bureaucracy** :One of the most important reasons for the criminalization of politics is the increasing nexus between politicians and bureaucracy. This undesirable Bond has exacerbated the entry of criminals into politics.
2. **Vested Interests**: The increasing interference of politicians in administration may be regarded as another reason for the criminalisation of politics. Voters often prioritise community interest like caste or religion over candidates criminal records. Election of politicians with criminal backgrounds based on narrow community interest rather than accountability.
3. **Use of Muscle and Money Power**: some political parties higher or nominate criminals as their candidates due to the their influence and winnability. At the time of the election, political parties spend a huge sum of black money or illegal funding for buying the votes for another illegitimate purpose. People do not take much interest regarding the background of contestants. This criminal elements are use muscle power to control elections and suppress opposition.
4. **Lack of Enforcement**: The poor governance of the country also plays an important role in increasing the criminalization of politics. Sometimes weak implementation of laws also give rise to the criminals to participate in elections. Existing laws and judgements lack effective enforcement.
5. **Loopholes in the political participation machinery**: Due to lack of proper education and information voters are not usually aware of the history of the candidates and criminal cases pending against them.

6. **Politics of vote bank:** Political parties of engaging in vote buying and other illegal practices to secure maximum numbers of votes.
7. **Corruption:** corruption in India has deep rooted since its independence. Political leaders misuse their power and resources for personal gain leading to a culture of corruption in politics.
8. **Divisions in the Indian political system:** The Indian political system is based on divisions in which our Indian society exists. People tend to choose they are candidates based on the year community, caste and religion.
9. **Ineffective governance:** Failure of implementing and enforcing election laws allowing politicians with criminal records to participate and win the elections and run the country.
10. **Loopholes in Election Commission :** The election commission is a independent body to conduct elections in country. Its ineffective implementation of stringent laws allows criminals to contest during elections.

The increasing number of elected legislators with criminal records in Parliament and state legislatures is a matter of concern to all citizens. The increasing trend of criminalisation of politics is dangerous and has steadily been eroding our democratic values along with growing corruption in governance. Here the Judiciary and Political Parties should equally bear the responsibility of checking the unethical elements into Political system.

Major impact on Indian democracy

- ❖ Involvement of criminals in the political system leads to destabilize the democractical values that India has been practising since time immemorial. When tainted MP's become ministers and hold powerful portfolios in the cabinet has a devastating impact on the country as a whole.
- ❖ Criminal politicians can use their influence to protect themselves and Associates leading to a breakdown in the judicial system. Law and order will be collapsed.
- ❖ Politicians with criminal records are more likely to utilise their power for personal benefit and which can lead to the widespread corruption.
- ❖ Individuals with criminal record doesn't possess the skill and knowledge to administer the country. So it will lead to decay the administration and hamper the socio-economic development of the country.
- ❖ Continuous involvement of criminals into politics lead to the criminalisation of political parties. This will undermine the democratic values and rule of law.

- ❖ When criminals becomes politicians come ministers public will lose it's trust on government and this will lead to the disillusionment among public.

Initiatives taken against infiltration of criminals into Politics

1. Constitutional and legislative initiatives

- Articles 84 and 173 of Indian constitution deals with eligibility, whereas articles 102 and 191 deals with the disqualification of the House of Parliament and state legislative assemblies respectively. But nowhere constitution mentions the term criminalisation of politics.
- Chapter IX A of Indian Penal Code deals with offences relating to elections like bribery, improper influence, and impersonation during election related penalties.
- Section 8 of Representation of People Act (RPA), 1951 Act clearly states that, if a person is convicted of any criminal offence, or he/she sent to jail for 2 or more years he/she will be disqualified for the post for 6 years counted from the time of release. Also during National or State Assembly elections the contesting candidates must required to furnish an affidavit, declaring their criminal records and Assets and liabilities. If failed to furnish the details, concealment of information or giving of false information considered as an offence under Section 125A of the RPA. The Representation of People Act plays a crucial role in decriminalising Indian politics by prohibiting the entry of people with criminal records into the electoral politics.
- Establishment of Special Courts: The Union Government constituted 12 Special Courts for expeditious trial of criminal cases involving MP/MLAs in 02 in NCT of Delhi and 01 each in the state of West Bengal, Bihar, Karnataka, Tamil Nadu Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh, Kerala and Telangana, were constituted. Hon'ble Supreme Court of India will monitor the performance of these special courts.
- In 1983, Vohra Committee was formed with an objective to identify the nexus between crime and politics and suggested ways to be dealt with the issue⁶.
- The 244th report submitted by the Law Commission in 2014 dealt to curb the criminal elements in politics and recommended disqualification of people against

whom charges have been framed . The report disclosed the trend of criminal politicians posing the severe threat to the values of democracy.

2. Judicial initiatives

- **Association for Democratic Reforms v. Union of India (2002):** In 2002, The Supreme Court ruled that every aspiring candidates contesting election should declare their criminal records along with financial and educational qualifications.
- **Ramesh Dalal vs. Union of India (2005):** In the this case if any MP or MLA convicted and sentenced for imprisonment for two or more years will be disqualified from contesting the election.
- **Lily Thomas v. Union of India (2013):** The Supreme Court has declared that any MP or MLA who is convicted of a crime and sentenced to a term of two years or more would be disqualified from holding office.
- **Manoj Narula v. Union of India (2014):** The high court of Delhi court held that political parties should not field candidates who have a criminal record.
- **Public Interest Foundation v. Union of India (2019):** The Supreme Court has ordered political parties to disclose the criminal records of their candidates on their websites, social media handles, and newspapers.

What best can be done?

- Election Commission of India should strictly enforce the directives of Supreme Court. If political parties don't comply with the rules should be deregistered.
- The Recommendation of Dinesh Goswami and Inderjeet committee regarding state funding of election should be implemented to reduce black money during elections. N.N Vohra committee suggestions about decriminalising of Indian Politics should be accepted.
- Speedy and time- bound investigation and justice delivery system helps to weed out criminal elements from politics.
- Political parties of India should follow rule of the land and must not nominate are select the candidates having criminal backgrounds. For building the strong democracy cleansing the political parties is crucial.

- Voters should be vigilant and should not accept any bribe or inducements during election. The core values of democracy shine brighter when voters are aware of the value of single vote.

Conclusion

India is one of the strongest democratic system in the world. A powerful and value oriented Constitution exists to provide its citizens the core values of freedom, equality and social justice. People can freely participate in the governance and development of the nation through electoral process. The thin line between ethics and politics is widened over the years. The close nexus between Crime and Politics is considered a grave threat to Democracy. Political System can't able to sustain and work properly if criminal elements erode the concept of good governance. There should be a healthy environment between rulers and ruled. The legislature and executive should make and implement stringent laws to put an end to the entry of immoral criminals in politics of India. Judiciary should uphold the principles of rule of law. The responsible citizens of India must aware about the election processes and background of contestants. A vote for a genuine candidate will enhance the core principles of Our Democracy.

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