

# CRIMINALIZATION OF POLITICS

Semester2, P.G. Political Science, Patna  
University, Patna

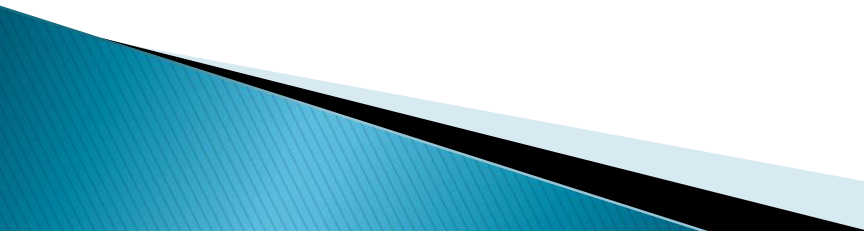
By – Dr Shefali Roy, Head, Dept. of Political  
Science, P.U.

Email id– [shifalira@gmail.com](mailto:shifalira@gmail.com)

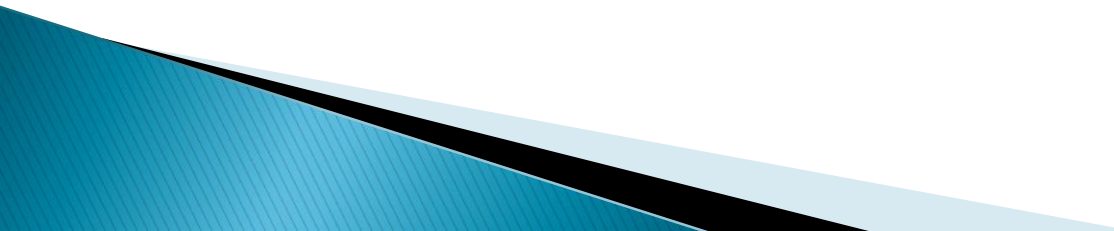
# MEANING

- ❑ Criminalization of politics means criminals entering into politics and contesting elections and even getting elected to parliament, state legislatures and local self government.
- ❑ It creates a nexus between politicians and criminals
- ❑ Criminals get patronage of politicians and politicians take help of muscle power and money of criminals to win elections
- ❑ In course of time criminals felt motivated to contest elections

# INDIAN SCENARIO

- ▶ It is not a new phenomenon in India; first case of booth capturing was reported as early as 1957 which hired goons to suppress turnouts and in return criminals were protected from prosecution
  - ▶ Until late 1960s the re election rates of incumbents were high and goons were given political favours
  - ▶ The cost of contesting elections kept increasing due to rising population and political competitions
  - ▶ The number of political parties also increased from 55 in 1952 to 464 in 2014
  - ▶ Criminalization of politics is a grave problem in India.
- 

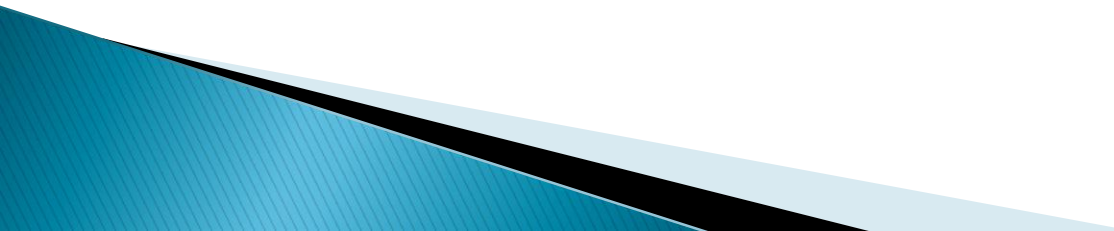
# KEY FACTS

- ▶ 17% of 5,380 candidates contesting elections of 2014 were found prosecuted for criminal charges in their submitted affidavits to the Election Commission
  - ▶ 10% with serious charges of murder and rape
  - ▶ Once convicted politicians leave their seat but silently hand it over to kith and kin.
  - ▶ Proxy rule continues which makes the situation still worse
  - ▶ Even the situation in India is more or less the same
- 

# REASONS

- ▶ The first reason is corruption. All political parties put up candidates with criminal background
- ▶ Second reason is winnability. Probability of winning becomes strong when criminals contest.
- ▶ Majority of voters are purchasable and coward so criminals get upper hand
- ▶ There is very little faith in the efficacy of democracy and governance
- ▶ Toothless laws against convicted criminals further encourage this process.
- ▶ There is a scarcity of state capacity to work on development issues therefore they align on criminal lines

# MEASURES TO CURB

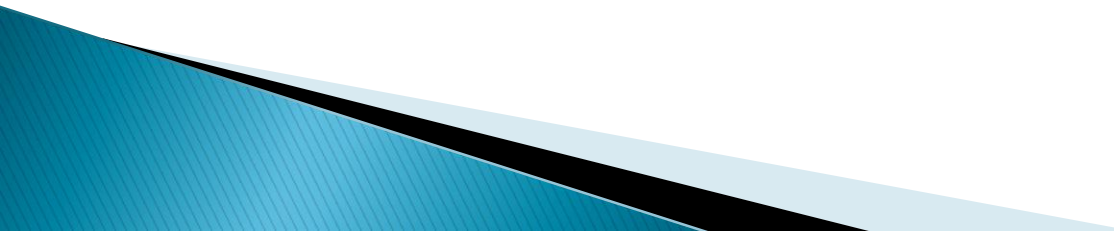
- ▶ Bringing more transparency in campaign financing
  - ▶ The Election Commission should have the power to audit the financial accounts of political parties
  - ▶ Fast track courts are necessary to expedite the process of investigation
  - ▶ Inculcating moral values and sensitizing politicians are must for breaking the nexus between the politicians and criminals.
- 

# SUPREME COURT JUDGMENTS

- ▶ The supreme court in Public Interest Foundation vs Union of India, 2018 had directed political parties to publish online pending criminal cases of their candidates
- ▶ In 2017 supreme court asked centre to frame a scheme to appoint special courts to exclusively try cases against politicians
- ▶ In 2013 supreme court in Lily Thomas vs Union of India ruled that sitting MP or MLA convicted of a jail term of two years or more would lose their seat in legislature immediately
- ▶ In 2013 SC gave to voters an option of NOTA on EVMs
- ▶ In 2002 SC made obligatory for candidates to file affidavit
- ▶ In 2001 SC in a case of Union of India vs. Association for democratic reforms & another... recommended to amend People's Representation Act in order to contain criminals from being elected

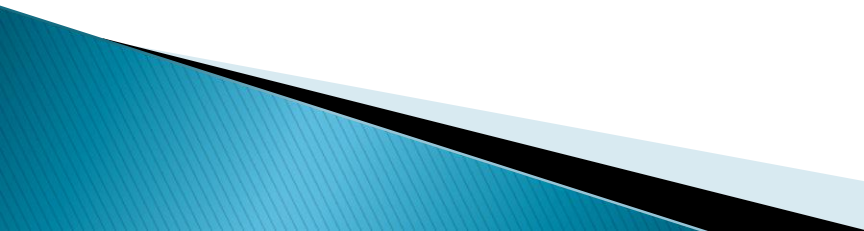


# INDIAN CONSTITUTION

- ▶ Indian Constitution does not specify the disqualifications.
  - ▶ Section 8 of Peoples Representation Act 1951 talks of prohibiting a convicted for more than two years for a period of six years after the jail term has ended.
  - ▶ but unfortunately there is very low conviction rate as cases are dragged for many years.
- 




# CONSEQUENCES OF CRIMINALIZATION

- ▶ The law breakers become law makers so democratic process fails to deliver good governance
  - ▶ Increased circulation of black money during and after elections
  - ▶ It introduces a culture of violence in society and sets a bad precedent for the youth of the society.
  - ▶ Voters develop a feeling of apathy Which is dangerous for the Democracy
- 

# CURRENT SITUATION

- ▶ 43% MPs have criminal cases
- ▶ Tainted 116 elected MPs
- ▶ 204 cases pending against MPs
- ▶ All major political parties have tainted MPs
- ▶ Cases are very high in Bihar and Bengal
- ▶ 34% tainted in 16<sup>th</sup> Lok Sabha
- ▶ Source: <https://www.dhyeyaias.com> (retrieved on 02.05.2020)

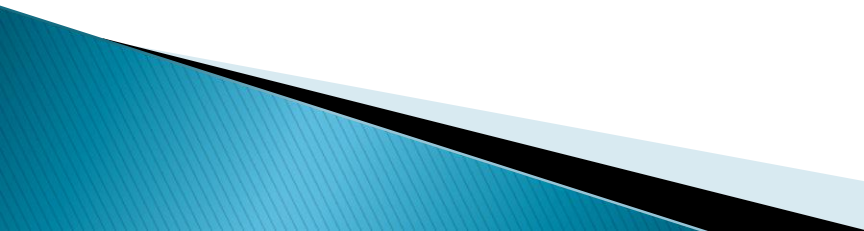
# COMMITTEE ON CRIMINALIZATION

- ▶ The Vohra Committee was constituted to study the problem of criminalization in politics and nexus between bureaucrats, criminals and politicians after the Mumbai serial blasts in 1993.
  - ▶ It was headed by N.N. Vohra the then Home Secretary of Gol
  - ▶ In 1997 Supreme Court recommended the appointment of a high level Committee to ensure in depth investigation of Vohra Committee report.
  - ▶ Much improvement was not ascertained.
- 

# LAW COMMISSION REPORT

- ▶ Law Commission in its 170<sup>th</sup> report recommended to make necessary changes under rule 4 of Conduct of Election rules, 1961, debarring a candidate from contesting elections if charges have been framed against him/her by a court in respect of certain offences and necessity for the candidate to furnish details of criminal cases, if any, pending against him.

# CONCLUSION

- ▶ Democracy furnishes conditions for supremacy of rule of law and ensures administration of criminal justice.
  - ▶ Process of ballot not bullets should prevail in election process and governance.
  - ▶ The burden is now on people to take a pledge that they will never vote a person with criminal leanings
  - ▶ Before the problem magnifies and morality erodes completely a silent revolution is required.
- 

# SUGGESTED READINGS

- ▶ Introduction to the Constitution of India by Brij Kishore Sharma
- ▶ Constitutional Law by D.D. Basu
- ▶ India's Constitution by M.V. Pylee
- ▶ Indian political system by A. P. Avasthi
- ▶ Weblink– [iasexamportal.com](http://iasexamportal.com)
- ▶ [economicstimes.com](http://economicstimes.com) dt.25.07.2018