

## POLLUTING POLITICS: A BIRD EYE VIEW OF CRIMINALISATION OF POLITICS IN INDIA

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Name of the Authors:

**Mr. Suvendu Kumar Baral,**

*Research Scholar, Institute for Social and Economic Change (ISEC) Bangalore – 560072, Assistant Professor, Department of Local Governance, Rajiv Gandhi National Institute of Youth Development (RGNIYD) Ministry of Youth Affairs and Sports, Government of India, Sriperumbudur, Tamilnadu (INDIA)*

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### INTRODUCTION

Criminalization of politics is a vital topic to be discussed in any democratic platform. This issue is on focus every now and then. The Government and the governance system credibility is questioned. Sometimes the government loose its legitimacy and authenticity due to the involvement of persons with criminal backgrounds. The Leaders with criminal background use politics as a mask or shield to fulfill their nefarious gains. Political Parties compete with each other to attract criminal elements. Persons charged with heinous crimes also contest elections and get elected. This makes the mockery of democracy because suddenly the law breakers become the law makers. If you look at any assembly election or even the Parliament of India, you will get a true picture of our flourishing sustainable democracy. We have institutions of higher importance to provide certain checks and balances. But, either they are silent or mere spectators of current political scenario. Everybody talks about the need of the stringent rules, regulations and laws to curb criminalization. Then why the society and the polity is helpless in creating laws, which can unseat leaders with criminal backgrounds.

Because, they are the leaders who will decide the future course of action. They are part of policy formulation, design and policy implementation. All the public policies have to go through their legislative process and channels. It's like tiger looking after the deer in its wildest dreams. Existing legal system is bypassed by the perpetrators of the society. They target the loopholes in each and every institutional mechanism. We need to have some serious exercise and thinking about this political phenomenon.

In the largest functioning democracy, most of the political parties' candidates having criminal records. Winnability is considered as the one and only criteria to select those candidates. The society is slowly internalizing these leaders and trying to live with them. We have reached in a situation where the chance of winning a clean candidate against the odd is very low.

Since the crux of political parties are to capture power by any means. Once they are in power they can justify their means by different ways. How far we are vigilant to exercise our vote in a judicious manner need to be evaluated.

The criminals escape in the pretext that they are not convicted by law. They are only accused in few cases and the decision is pending before the court of law. The conviction rate is very low in terms of political leaders. Even if they are convicted by lower courts, they appeal before the higher courts and it goes on for years together. This issue is deliberately overlooked by majority of political parties. They have the political will not to curb criminalization but to capture power. The implementing agency called the police become toys of the political masters, who control them directly or indirectly.

Sometimes we come across very peculiar circumstances like the Government withdraw cases and charges against powerful leaders without showing sufficient reasons and justifications. But now it is compulsory for all the candidates to reveal their dark backgrounds. If any candidate provides wrong credentials and information then actions will be taken against her/him. But the political parties don't show any kind of positive symptoms to clean the system. The political parties are considered as the life blood of democracy, so if they don't clean the system then after sometime the system will be so infected that it will collapse (Godbole:1998).

Criminalisation as a concept covers a wide range of things. It covers a lot of things from legal provisions to punishments (Lacey: 2009). We have the legal provision that every individual is innocent unless proved guilty. The criminal elements are taking advantage of this provision for their goals. But a potential law breaker ought not be permitted to fight the elections. The sole purpose is defeated once we allow them in the electoral race. Because they will try to use all the violent means to come to power and be the policy maker. Allowing them in the election race is to put the democratic system in risk. The Election Commission of India ought to take the extreme step to derecognizing the political parties if they continue to field the candidates with criminal elements after repeated warnings. So far Parliament is unable to bring out a strong legislation to curb these leaders (Kumar: 2001).

The dynamics of Indian politics is very complex and complicated. The criminal elements try to take the advantage of different systems may be caste, community or religion. We fall prey to them without a second thought or consideration. The political parties are in a state of war to capture the power because the power holder control huge resources of the state (Bhambhri: 1979).

We are also cultivating a political culture having leaders with criminal backgrounds. We are integrating and assimilating them in our social, economic and political life. Our rational considerations are unable to determine the right and the wrong. There is lack of communication between the leaders and the people. It leads to the blurred picture of the political system. This political practice has led to a diseases like cancer in the political system. It has to be operated and the cancerous cells must be removed by surgical procedures. Otherwise, complete system or the parliamentary democracy may collapse. It is better to take preventive measures and if required curative measures so that the system can be saved in its full functionality.

Our higher judicial system is considered as impartial and independent. It is expected that it will provide justice to the right person in right time. But, there are allegations that in India justice is bought and sold like a market place. The highest bidders get justice and get free even if they are involved in criminal activities. There is hardly any respect to uphold rule of law. The common people have the perception that the rules and laws are designed to protect the strong.

The central focus in politics is power. Power does not define itself. The only argument is how it is exercised for what purpose right or wrong. Political parties deploy all the means to capture power. Like the planet system all the political parties revolve around power. There are historical evidences of mutualising power for personal gain. The growing intellectuals are showing apathy towards the political system. We can engage them and benefit from them by creating awareness among ourselves. We have to distinguish between clean and criminal leaders. We are undergoing through a severe crises in our political system. We have to in still trust and confidence among the common people to fight against criminalization of politics (Singh: 1988).

Criminalisation of politics is not a new phenomenon in Indian political scenario. Common people are threatened to support the leader by different violent means. But the length and growth have increased in 21st century. They are shielded by the top political elite. There are allegations and counter allegations against these leaders. Presently, the criminals have direct access to power. They are not afraid of the state machinery. Because criminals have become ministers not only in states but also in parliament and they enjoys patronage from the big political leaders. The rules regulations and laws are compromised for them. Monitoring the anti-social elements is a herculean task for any state and government practically.

The cobweb between politics and crime is mainly responsible for our law and order situation. It has far reaching consequences because some of them are directly linked with political murders and extortion. Now politics is the most aspired profession by the criminals. The judiciary takes the issue as a serious matter so they make some judgements which are not conducive to the leaders. Even the leaders accuse the judiciary of intervening in the affairs of the Parliament. We are in such a juncture where the parliament itself is neither legislating any law which will be helpful in unseating the criminal leaders nor supporting the judiciary wholeheartedly. We can no longer tolerate the criminalization of politics at different levels. They have spread their tentacles all over to expand their power.

Although we have moved in a progressive way since our independence. But we never visualized that we will be served by criminal leaders. These so called leaders will be our own creation in a democratic setup. We are nowhere near the developed nations. We will never be able to make a vibrant India through our parliamentary democracy. We are still illiterate, starved and poverty ridden. India is known as a sleeping tiger who is yet to realise its potential powers (Meena: 2006).

We always follows procedure established by law in India. The criminal elements bypass the process and procedures through the loopholes. Any number of laws are not sufficient to keep them away from politics. Initial leaders followed some credible principles and left their foot prints to be followed by the coming generations. But the present leaders are trying to create black spot in the political system itself. The legacy of freedom struggle has faded away from the memories of leaders (Kumar: 2002).

Without joining in the politics, we can still serve the society. We ought to have that positive mind set and outlook. Serving the society through political channel is only one method out of multiple methods. If the leaders really want to serve the society, they can do so without any power or fighting elections (Rao: 2005).

**THE METHOD:**

The investigator adopted mixed method to uncover the truth of criminalization in Politics.

Data: The investigator collected data from secondary sources such as Association for Democratic Reforms (ADR), Election Commission of India (ECI) and PRS Legislative Research. To analyse the data, the researcher adopted descriptive statistics to make generalization.

**Pending criminal cases of MPs**

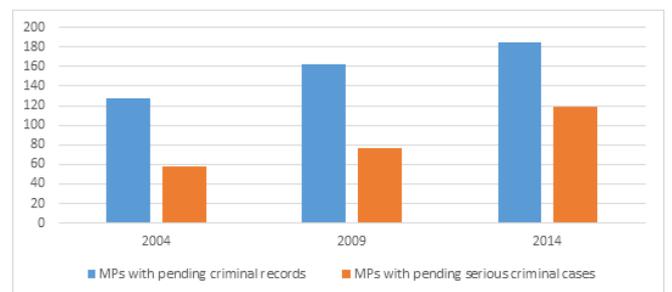
There is a constant increase of MPs with pending Criminal cases since 2004-2014. It is also pity to say that the number of MPs with pending serious cases have also grown substantially. It highlights the present political system we are cherishing for. In spite of all the checks and balances, these tainted leaders are getting elected. During 2014 Lok Sabha Election, out of 542 candidates 185 (34%) winners have declared criminal cases and 119 (22%) winners have declared serious criminal cases against themselves.

. During Lok Sabha 2009 elections out of 520 winners, 162 (31%) winners had declared criminal cases and 76 (15%) winners had declared serious criminal cases against themselves.

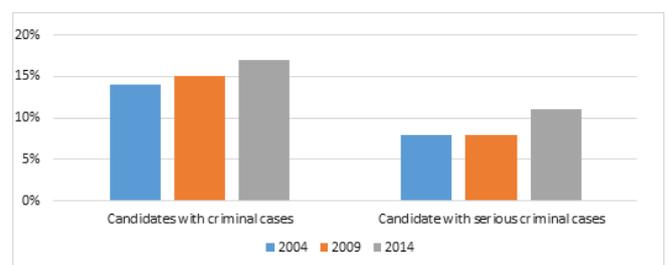
**Comparison of criminal cases between Lok Sabha 2004, 2009 and 2014**

	2004	2009	2014
MPs with pending criminal records	128	162	185
MPs with pending serious criminal cases	58	76	119

Source: ADR Report



If you look at Lok Sabha 2014 elections, 1404 (17%) out of 8205 candidates declared criminal cases and 908(11%) serious pending criminal cases against themselves. During Lok Sabha 2009 elections, 1158(15%) candidates out of 7669 candidates had declared criminal cases and 608 (8%) serious pending criminal cases against themselves. Similarly during Lok Sabha 2004 election, 14% candidate had pending criminal cases and 8% with serious criminal cases pending against them.



**Candidates with Criminal Cases 2004-2014**

	2004	2009	2014
Candidates with criminal cases	14%	15%	17%
Candidate with serious criminal cases	8%	8%	11%

Source: ADR Report

**FINDINGS:**

- 1) Irrespective of national and state parties many criminals are holding strong position .
- 2) There is a growing tendency of criminalisation in our Lok Sabha.
- 3) A substantial number of MPs have serious criminal case pending against them.
- 4) The Election Commission of India is a God without powers to eliminate the criminal elements.
- 5) The judiciary is a silent spectator unable to move out of its sphere of power and interfere in Parliamentary affairs.
- 6) There is no political will to change the present status quo.

**RECOMMENDATIONS:**

The researcher suggested the following recommendations to curb the criminalization in politics. To make the politics clean and transparent is a long road to reach the destination even though a big success starts from the small steps. For achieving pure politics in India there are many visionaries and researchers suggested many strategies in addition to that the following suggestions can also be considered to purify the political river.

- ❖ No society can progress if it is ruled by the anti-social elements. It need multiple attacks from the judiciary, Press and civil society.
- ❖ Leaders are escaping in the name that they are not convicted so far. If that is the case then we have to Fast-track all the case against politicians. Speed judgement is the need of the hour.
- ❖ People with clean record need to come to the political mainstream and have to eliminate the bad elements.
- ❖ All the records of our leaders need to be provided in our finger tips. We ought to use our wisdom, knowledge and prudence to vote for the clean candidate for our political system.
- ❖ We have to seriously look at the present provisions which are not sufficient enough to guard our polity.
- ❖ Political credentials need to be published every now and then so that people will be aware about that.
- ❖ It need to be mandatory for all the Political Parties to field only clean candidates otherwise they will be deregistered and derecognized.

**CONCLUSIONS:**

Before changing our political system, we have to change our attitude of ignoring leaders with criminal backgrounds. A responsible polity is only possible by a vigilant civil society. We cannot always accuse the political parties because ultimately we, the people who vote for them. We have to strengthen our judiciary system in such a way so that it will not be biased towards the rich. Our Election Commission must be empowered to take necessary steps against those criminal elements. The road ahead is difficult but not impossible to create a polity of our choice.

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