



An Assessment of the Impact of Criminalization of Politics on Democratic Process of India

KEYWORDS

Political criminalization; Electoral process; Criminal administration; Democracy; Policy making

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ABSTRACT

This paper aims to examine that in recent years, criminalization of politics in India has become a very serious problem. There have been allegations that certain elements in politics don't have faith in democratic values and practices. They indulge in violence and take refuge in other undemocratic methods to win elections. Undoubtedly, this is not a healthy trend in politics, and there is an urgent need to apply serious check on such tendencies. The paper argues the fact, that after independence, criminalization of politics has remained a dominant factor, affecting the democratic process of India. The candidates with criminal background enter in politics and become elected representatives of the people; they at times create such situations where it seems that there is no rule of law but the rule of dads and mafias. The Indian democratic institutions are in the dirty hands of criminals being supported by the institution of the corrupt bureaucracy. The criminalization of politics has detrimental effect on the administration of law and order as well justice delivery system. The chances of procuring convictions of criminals in major offences have become increasingly difficult if not possible. So it is the need of the hour that people should wake up at once and force political parties to mend their ways.

Introduction

Indian democracy is popularly known as the world's largest democracy. India stands as a model for many emerging democracies around the world. Free and fair elections are the hallmark of a well functioning democracy. While we are justifiably proud of our democracy, but there are number of areas which need to be reformed for us to realize the true potential of a well functioning democracy. At present there are number of challenges posed to the democratic system of India, one such challenge has been criminalization of politics. Criminalization of politics has many forms, but perhaps the most alarming among them is the significant number of elected representatives with criminal charges pending against them. Even the politics parties out of the glamour of political power and consequent benefits, do not hesitate in given tickets to the criminals and at the same time have no objection to use them in winning the election.

The growing criminalization of politics and politicization of the criminals have taken heavy toll on policing in the country. The phenomena has further eroded the credibility, effectiveness and impartiality of the police and resulted into lack of trust and confidence in police forces in large sections of the society. The administration and police are the first casualties of the criminalization of politics, resulting into a system of law that is neither fair nor impartial. The government of India woke up belatedly to this alarming situation and convened a conference of Chief Ministers on the theme, "Administration of Criminal Justice in India" in 1992. In this conference a resolution was passed in which it was mentioned that, "over the years the expenditure on criminals justice administration on all the three areas of police, judiciary and jails has declined". They also expressed their grave concern over the increasing criminalization of politics and politicization of administration. Ultimately this conference resulted in the formation of committee under the Home Ministry, Government of India for follow up action. Union Home Secretary, N. N. Vohra was made chairman, and secretary R&W, Director I.B, Director CBI and Special secretary to Home as its members. How-

ever, the situation has remained unchanged. Our political system continues to be controlled by the criminals. After more than 65 years of India's independence, the life of common man has not changed as much as it should have been, because our democratic system continues to be the victims of criminalization of politics. So there is an urgent need to check the problem of criminalization of politics, as it has left negative impact on our democratic traditions and values.

Vohra committee report (1993)

It was in this backdrop and amidst alleged charges of corruption involving politician and general perception of criminalization of politics, that the government of India appointed a committee to take stock of all the available information about the activities of crime syndicates/Mafia organization that allegedly had developed links with and were being protected by some government functionaries and political personalities. The committee after considering the matter submitted its report to the Government of India in 1993. The committee in its report pointed out that, "the nexus between criminal gangs, police, bureaucracy and politicians" had come out clearly in various parts of the country. It also stated that there has been rapid spread and growth of criminal gangs, armed senas, drugs mafias, smuggling gangs, drugs peddlers and economic lobbies in the country which have over the years developed an extensive networks of contacts with the bureaucrats/ Government functionaries at the local levels, politicians, media persons and strategically located individuals in the non state sector. In certain states like Bihar, Uttar Pradesh and Haryana, the mafia gangs enjoyed the patronage of old local politicians and the protection of Government functionaries. The report further said that the mafia network was virtually running a parallel government, making the state apparatus virtually irrelevant. The syndicates had acquired substantial financial muscle power as well as respectability to wield enough influence to make the task of investigating and prosecuting agencies extremely difficult. Even members of the judiciary had not escaped from the influence of mafia and not infrequently officers in- charges

cases were transferred long before they could complete their task. The much talked Vohra committee report was finally discussed in both the houses of parliament on 23 and 24 August 1995. The report had suggested setting up of a nodal agency under the Ministry of Home Affairs, Government of India, to be handled directly by the Union Home Secretary, who would be assisted by one or more selected officers of the Ministry for the collection and compilation of all information received from different intelligence agencies. Subsequently, an All-Party Meeting was held on 15 September 1995, under the chairmanship of the then Union Home Secretary, Shri S. B. Chavan, to look in to the whole gamut of criminal-politician nexus and related issues of declaration of assets and liabilities of the Members of the Parliament and Ministers. The points which inter alia, constituted the agenda were;

- Setting up of a Parliamentary committee on Ethics as distinct from the committee of privileges.
- Adoption of code of conduct at the level of Political Parties to ensure a cleaner public life, e.g., not to give party tickets to persons having criminal record.
- All Political Parties should have open audited accounts which must be published annually.
- Changes in the legal system, simplification of the procedure and dispensation of quick justice.

However, it is unfortunate that since the submission of Vohra committee report, no effective steps have been taken to check the entry of criminals in politics, and they continue to enjoy political and other privileges. "Criminalization of politics is really worrying because parliament of India is losing its credibility", says the CPI's Indrajit Gupta. Jai Pal Reddy, the JD leader says, "All Political Parties have nexus with criminals and the links differ from one party to other party". Therefore, the malady of criminalization of politics would remain confined to the theoretical planes, unless the identity of the politicians having close links with criminals is brought out. The Vohra Committee has done the basic spade work and pointed out the various facts and dimensions of this malady of criminalization of politics, and how the mafia network was virtually running a parallel Government. Thus, it is need of the time to take immediate steps to ban entry of criminals in politics.

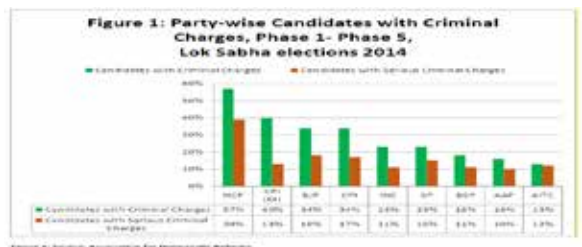
Criminalization of politics and role of political parties

The number of Political Parties in India has been continuously increasing. The mushroom growth of Political Parties is not the result of improvement of political standards, nor is it because more qualified and service-minded persons are entering the field of politics that are determined to serve the Country and its people. On the contrary, it is a clear indication of political standards going down to abysmal levels. The field of politics nowadays does not attract selfless gentlemen, eager to serve the society, but attracts persons with criminal background. Therefore; it is very unfortunate that over the years such a situation has emerged which has compelled every one of us to think about the future of democratic polity of India.

On 28th of August 1997, the Election commissioner of India, G.V.G.Krishnamurti startled the nation by revealing the statistics, showing politicization of criminals. According to him, out of 1, 37,752 candidates who had contested elections to the Lok Sabha in 1996, nearly 1500 had criminal records of murder, dacoity, rape, theft and extortion. UP

alone accounted for 520 such candidates and Bihar had the second largest number of 350 candidates. Nearly, 700 MLAs out of 4722 in the Country then were involved in criminal cases and trails were pending against them in twenty five states and two Union territories. According to the survey conducted by Association for Democratic Reforms (ADR) of 62, 847 self declared affidavits of candidates, covering all Assembly and Lok Sabha elections since 2004 to 2013, shows that 11,030(18%) had pending criminal cases against them, while 5,2053(8%) candidates had serious criminal charges including murder, rape, corruption, extortion, decotiy etc. Among serious cases, there were 1229, cases of murder, 2632 cases of attempt to murder, and 496 instances of violation of Indian Panel Code (IPC).

According to another analysis of candidate's data compiled by the A.D.R: 7 percent of 5,380 candidates, who contested the 16th Lok Sabha election 2014, have declared criminal charges in their affidavits submitted to the Election Commission of India and 10 percent have declared serious criminal charges such as murder and rape. Among the six national parties, the Indian National Congress[INC], the Bhartiya Junta Party[BJP], the Communist Party of India(Marxist)[CPIM], the National Congress Party[NCP], the Communist Party of India[CPI] and Bahujan Samaj Party[BSP], the NCP had the highest percentage of candidates with criminal charges(57 percent) followed by the CPI(M) (40 percent). The NCP also had the highest percentage of candidates with serious criminal charges (39 percent) followed by the BJP (18 percent). Figure (1) mentioned below shows the proportion of candidates with criminal charges fielded by some major political parties in 2014 Lok Sabha elections.



Criminalization of politics has become a serious threat to Indian democracy. Time is running out and unless something is done to stem the rot, the entire system may collapse. What is required today is to carry out urgent reforms in our electoral system so as to check entry of criminals in our democratic institutions.

Judicial efforts to check criminalization of politics

The Judiciary in India has been continuously striving to prevent criminality and other unethical activities practiced by legislators. The Union Government, all Political parties and several NGOs including our "Citizens for National Consensus" (CNC) have been advocating electoral reforms with the view to strengthening democracy at various levels. However despite promises, Political parties have not brought about the required changes in the Representation of People's Act. On May 2002, the supreme court of India gave a historic ruling following Public Interest Litigation (PIL) by an NGO. It ruled that every candidate contesting election to Parliament, State legislatures or Municipal Corporation, has to declare the following things along with the application for his/her candidature.

- A Candidate's criminal records (convictions, acquittals

and charges).

- The Candidates financial records (assets and liabilities).
- The Candidates educational qualifications

If the candidate fails to file any of the above three declarations, the Returning Officer will have the right to reject his nomination papers. In this regard the Election Commission had sent a notification on June 28, 2002 to all State Election officers with a view to enforce the same. The Supreme Court's thrust has always been that the people and the voters have the right to know about the candidate's criminal records, assets, liabilities and educational qualifications. The Returning officer has to publish these declarations for the voter's knowledge and surely, the people will get an opportunity to know the background of their candidates. If he furnished wrong details and where later detected by the Returning officer, the later could take a decision. If the opposing candidate brought out a convincing document to prove that the declaration of his opponent is false, then the Returning officer has the right to reject the nomination.

A number of commissions and committees such as, the law commission of India, Election Commission and Vohra Committee etc have examined the issue of criminalization of politics but the situation is escalating every now and then. On 10th July 2013, the Supreme Court of India, in its historic and landmark judgment of Lily Thomas v. Union of India case (along with Lok Parihari V. Union of India), ruled that any member of Parliament (MP), Member of Legislative Assembly (MLA) or Member of Legislative Council (MLC) who is convicted of crime and awarded a minimum of two year imprisonment, loses membership of the house with immediate effect. This is in contrast to the earlier position, wherein convicted members held on to their seats until they exhausted all judicial remedy in lower, state and the Supreme Court of India. Further section 8 (4) of the Representation of Peoples Act which allowed elected representatives 3 months to appeal their conviction, was declared null and void (unconstitutional) by the bench of Justice A.K Patnaik and Justice S.J Mokhopadhaya. On 1 October 2013, Rasheed Masood became the first MP to lose his membership of Parliament under the new guidelines, when he was sentenced to 4 years imprisonment of cheating, forgery and corruption. Again on 10 March 2014, Supreme court delivered another remarkable judgment on a PIL filed by Public Interest Foundation, directing the subordinate courts to dispose of cases U/S 8 (1) (2) (3) within one year from the date of charge sheet before concerned High Court. Hence, it is realized that the Judiciary is trying its best to check criminalization in India politics.

Conclusion

Criminalization of politics in India is extremely a serious problem, which has already reached at dangerous level. This evil of criminalization calls for special attention of the people, because the subject revolves around the vested interests of politicians of all hues, as such people can never hope that the politicians would take any initiative to rectify this evil. The prevailing trend is spreading like cancer. It is nullifying all the constitutional safeguards of democracy; it is spoiling bureaucracy by making it partial; it thwarts press; even threatening judiciary, and thus is destroying the foundation of democracy. The entry of criminals in politics must be restricted at any cost. If it is not checked, it will erode the political system totally. The dearth of talented persons in politics may collapse the country internally as well externally. The parliament has taken some steps by amending the laws such as IPC, and PR Act, but the exercise has proved futile. The supreme court of India has also made efforts to check the evil, but the problems remains unabated. Actually roots of the problem lie in the political system of the country. There is lack of political will to combat the problem. The political parties also do not believe in higher ethical values. They should unitedly make efforts to prevent entry of criminals in politics.

REFERENCE

1. Manhor, James. (2002) Parties and party system in Zoya Hassan (Ed.) Parties and party Politics in India, Oxford University Press, New Delhi.3:24. | 2. Shastri, Sandeep. (2003) Local Democracy and political parties in India, Sage Publication, New Delhi.8:26-27. | 3. Minch, Malikarjun. (2013) Criminalization of Politics and Indian Administration, the SAJAMR Spectrum, a Journal of Multidisciplinary Research.4: 23. | 4. Johli, Atul. (1991) Democracy and Discontent, Cambridge University Press.6:17-18. | 5. Nayar Kuldeep. (August7, 1995) "The Vohra Report-Sparing the Culprits" Indian Express. | 6. Santosh, Kumar. (1995) Vohra Committee Report, the Indian Journal of Public Administration.6:642-643. | 7. Dr Fadia. B. L. (2008) Crime and Politics in India, Sahitya Bhawan Publication, Agra.7:34. | 8. Association for Democratic Reforms (ADR) database, [http:// www.adrindia.org](http://www.adrindia.org). | 9. Trilochan, Shastry. (2014) Electoral reforms and citizens initiatives, Economic and Political Weekly.6:2-3. | 10. Nithya, Nagarathinam, (April 30, 2014) Criminalization of politics, the Hindu. | 11. Panda, Bajjayant. (2014) Decriminalization of Politics, [http:// www.indianews.com](http://www.indianews.com) | 12. Kumar, Jitendra. (2013) A welcome step to cleanse criminalization in politics, [http:// www.mondaq.com](http://www.mondaq.com). |