



CRIMINALIZATION OF POLITICS AND POLITICAL PARTIES IN INDIA

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ABSTRACT :

The use of politics or political power is not something new. Even in ancient Greece politics was used by people for personal gains or for rising to a higher stage of power. The misuse or abuse of political power greatly pained Greek philosopher Plato (BC 427-347). That is why he thought of a philosopher-king and introduction of communism in property and family.

KEYWORDS : *political power , communism in property and family , philosopher-king.*

INTRODUCTION

He meant that the members of the administrative class will have no private property and family. Plato's argument was these two will divert the attention of the members of the ruling class and will corrupt them. He also thought that if the king is a philosopher he will feel no personal attachment to property and wealth. Plato built up this model for the construction of his ideal state. Our point is the mismanagement of the contemporary city-states which were democratic pained him.

The meaning of the term is quite known to educated people and newspaper readers. For academic purposes a definition is to be given here. When politics or political power is used by self-interest-seeking persons for pecuniary gains or various other advantages such as to get special position in administration or to rise to the higher stage of administration which is normally not feasible.

So criminalization of politics means to use politics or political power for nefarious gains. To gain something not legal or normal has been called crime. Here the word crime is used in politics in special sense. For example an officer in administration wants to be promoted to higher post. But this is not his due. He uses politics or political power to achieve this. The person succeeds. But the matter does not stop here. The person who helped to get undue privilege will again use this person for the achievement of his purposes which are, in normal course, not due. This is the policy of give-and-take and this happens behind the curtain.

The preamble of our constitution aims to provide 'political justice' to the people. When the criminal elements are becoming a part of the legislature, then securing any form of justice, be it social, economic or political, is a hollow promise. The sovereign of India is crippled by these criminal elements who uses threat, intimidation, violence and even sexual assault to win the elections.



This evil of Criminalization of Politics calls for special attention of the people because the subject revolves around the vested interests of politicians of all hues; as such the 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; that is, it is spoiling bureaucracy by making it partial; it thwarts press; and even threatens judiciary; and thus is destroying the foundation of democracy. So the

people should wake up at once and force the political parties to mend their ways.

The British followed the policy of 'divide and rule'; after India became independent, our politicians have become past masters of the art of creating groups and inciting them against one another. They want to fish in the troubled waters and when the water is placid, they trouble it to achieve their selfish ends. The corner-stone of democracy is objective discussion of the public issues by the people. The representatives of the people are expected to encourage such discussions, generate valuable ideas and take decisions in the larger interests of the people. But even the democratic forums like legislative assemblies and Parliament are not used for sincere discussions due to the criminalization of politics.

Criminalisation of politics and corruption in public life has become the biggest threat to the democracy of India, which is the world's largest democracy. According to Kautilya the genesis of corruption is at the administrative level but in the modern times the roots of corruption lie in the elections which is the base of the democratic process. The expenses incurred by the candidates are much more. As the candidates generally don't have so much money to spend, the funds usually come from the business world or the underworld. Once the candidate is elected as an MP, MLA or chosen as minister, he has to reciprocate to his donors in a big way. This is the root cause of corruption.

It spreads from top to bottom. It travels downwards into the entire bureaucratic apparatus and also amongst the civilians. Along with money power, muscle power has also polluted elections. Unfortunately, a large number of our MPs and legislators have criminal records against them. Corruption at higher levels of political leadership leads to corruption in the bureaucracy and other wings of the administration like the police or the Public Works Department.

The mushroom growth of political parties is not the result of improvement in political standards; nor is it because more qualified and service-minded persons are entering the field of politics, determined to serve the country and its people. On the contrary, it is a definite indication of political standards going down to abysmal levels. The field of politics nowadays does not attract selfless gentlemen, eager to use their expertise and time for nation-building; it attracts rowdies and criminals with proven records of hooliganism, who want to become rich quickly and dominate the officials and law-abiding citizens. Subject to rare exceptions, in short, the politics in India has become a profitable business.

In India, electoral candidates are required by law to disclose all pending criminal charges. A recently published study of these declarations by the Association of Democratic Reforms, a watchdog agency, found that a fifth of the candidates contesting seats had criminal charges filed against them. The study only covers half of India's states, and when the study is completed the proportion of alleged lawbreakers found to be standing for parliament will almost certainly increase.

Even the political parties out of the glamour of political power and consequent benefits do not hesitate in giving tickets to the criminals and do not object to their use in winning the elections. Thus, politicization of criminals needs to be checked by all means at disposal.

Large numbers of acquittals of criminal politicians and lighter sentences to them in most of the cases where the accused is found guilty of the offence make the mockery of the system. The Dinesh Goswami Committee (1990) suggested that legislative measures must be taken to check booth capturing, rigging and intimidation of voters. In its 170th report, the Law Commission of India recommended that in electoral offences and certain other serious offences framing of charge by the court should itself be a ground of disqualification in addition to conviction.

The Supreme Court sought to know the rate of conviction of politicians in criminal cases and asked whether its direction to complete trial against them within a year was being effectively implemented.

The apex court said that data about the conviction rate of politicians in criminal cases would open up a "new dimension" and sought to know whether it would act as a "deterrent" if the trial against lawmakers is completed in a year. "We would also like to know what is the rate of conviction. That will throw open a new dimension. We will see that criminal cases against politicians, if it does not end in conviction, then why? What are the reasons for it," a bench of justices Ranjan Gogoi and Navin Sinha said.

The top court made these observations while hearing petitions seeking to declare the provisions of the Representation of People (RP) Act, which bar convicted politician from contesting elections for six years after serving jail term, as ultra-vires to the constitution. During the hearing, the bench asked the lawyer appearing for one of the interveners about the data of cases pending against lawmakers in trial courts and high courts across the country and also whether there was stay on any of them.

If the trial against politicians is over in one year, do you think it would be a deterrent," the bench asked. Referring to a data, the counsel claimed that an estimated 34% of parliamentarians had criminal record. The bench observed that a direction was earlier passed by the top court that trial against politicians should be completed within a year and wanted to know how effectively was that order being implemented.

CAUSES OF CRIMINALIZATION OF POLITICS:

The most important cause of criminalization of politics is the unholy nexus between politicians and bureaucracy. Ramchandra Guha (India after Gandhi) says, "In Jawaharlal Nehru's time the civil service was shielded from politics, transfers, promotions and the like were decided within the executive branch itself. From the 1970s, however, individual bureaucrats came increasingly to ally with individual politicians or political parties. When the party they allied with was in power, they get the best postings. In return, they energetically implemented the partisan agenda of the politicians".

This undesirable and dangerous relationship between bureaucracy and political leaders opened the door of criminalization of politics. The great founders of Indian nation-state thought of an independent bureaucracy. But within two decades of freedom their hope and dream shattered. Both came to an understanding to help each other and this led to the criminalization of politics.

The interference of politicians in the administration may be regarded as another reason of criminalization of politics. Guha's says, "In a letter to the prime minister, the retired civil servant M. N. Buch has highlighted the consequences of this politicization of the administration. The way the government is now run means that the disciplinary hierarchy of the civil services has completely broken down. A subordinate who does not measure up and pulled up by his superior knows that he can approach a politician, escape the consequences for his own misdeeds and cause the harm to his superior"

In the 1970s this started in embryonic form and today this has assumed an epidemic. Most of the politicians of modern India interfere with administration in one form or another. The civil servants are becoming more and more corrupt, so also the politicians. The net result is politics is, ultimately, criminalized.

Caste and religion both are equally responsible for the criminalisation of politics. In bureaucracy there are certain fixed procedures and rules in the promotion. But caste and religion both interfere in this process. Less qualified and inefficient civil servants get promotion. The quota system is fully responsible. It has been found that a minister of a particular caste or religion will distribute favour to the members of his own caste and religion. In many states of India this is found.

The system of party government is also responsible for the criminalization of politics. On the eve of general election the leaders of the party give promises to the electorate. The purpose is to win the election. If the party luckily comes to power, the members of the ruling party try to implement the promises. The dark side of this situation is the party in power does not consider the feasibility and rationality of the action or promises unreasonable and impractical ways and techniques are adopted. This is a cause of criminalization of politics.

In post-independent India strong public opinion against corrupt practices has not developed. Each person knows that that system or practice is corrupt. But there is nobody to protest against it. Rather, he thinks that this is the system and he accepts it. This tendency has finally opened the door of the criminalization of politics. But if anybody objects to the corrupt practice he is either penalized or deprived of his due.

The political parties do not pay attention to inculcate noble political values and principles of citizenship in the people. They do not promote patriotism and commitment to nation-building. They do not want to unite the people of nation by stressing the importance of harmonious living. On the contrary, they

perpetuate the differences among the people and make full use of those differences for creating conflicts among them.

The decency, decorum and sobriety once considered inseparable from the public offices are thrown to the wind; these elected representatives would stoop down to any level, for achieving their personal political aims or the interests of their parties. From village panchayat meetings to Parliament, the common behavior includes selfish quarrel, cheap arguments, disrespect to authorities, violation of healthy conventions, and waste of time.

The main reason for such downslide in political standard is the absence of reasonable restrictions to formation of political parties and admission of members to the political parties. For example, in the 2009 Lok Sabha elections, 369 parties contested. And, totally 8070 candidates represented these parties. Out of 369 parties, 333 parties did not win even in a single constituency. Even among the remaining 36 parties, 19 parties won only in three or less number of seats! Why should there be such a large number of non-serious political parties and candidates, making a mockery of the election process?

In all political parties, these criminals are given red-carpeted welcome; because their 'services' are needed to these parties frequently for carrying on unlawful activities during the bandhs, strikes, rallies etc., organized by them. When such criminals become political leaders, they seek to achieve whatever they want without caring for rules and regulations; they would not hesitate to adopt criminal methods for attaining their goals; whether it is winning an election or elimination of rivals. For these hard core criminals, the offences like threatening officials, kidnapping and even murder do not appear bad.

CAUSES FOR THE CRIMINALIZATION POLITICS

- 1. The unholy nexus between politicians and bureaucracy:** In Jawaharlal Nehru's time the civil service was shielded from politics, transfers, promotions and the like were decided within the executive branch itself. From the 1970s, however, individual bureaucrats came increasingly to ally with individual politicians or political parties. When the party they allied with was in power, they get the best postings. In return, they energetically implemented the partisan agenda of the politicians".
- 2. Caste and religion:** Both are equally responsible for the criminalization of politics. In bureaucracy there are certain fixed procedures and rules in the promotion. But caste and religion both interfere in this process. Less qualified and inefficient civil servants get promotion. The quota system is fully responsible. It has been found that a minister of a particular caste or religion will distribute favor to the members of his own caste and religion. In many states of India this is found.
- 3. The system of party government:** Is also responsible for the criminalization of politics. On the eve of general election the leaders of the party give promises to the electorate. The purpose is to win the election. If the party luckily comes to power, the members of the ruling party try to implement the promises. The dark side of this situation is the party in power does not consider the feasibility and rationality of the action or promises unreasonable and impractical ways and techniques are adopted. This is a cause of criminalization of politics.
- 4. In post-independent India strong public opinion against corrupt practices has not developed:** Each person knows that that system or practice is corrupt. But there is nobody to protest against it. Rather, he thinks that this is the system and he accepts it. This tendency has finally opened the door of the criminalization of politics. But if anybody objects to the corrupt practice he is either penalized or deprived of his due.
- 5. Un-development, illiteracy, poverty and prismatic nature of Indian social system:** These are collectively responsible for the criminalisation of politics. The shrewd and self-interest-seeking politicians — in collaboration with corrupt civil servants — adopt various types of unfair means to satisfy their greediness and ill-motives. The Indian society is in transition. From various sources the government of India is getting funds for development.

6. **The government also spends huge amount of money:** Through Five Year Plans and various short and long term government sponsored programmes, a large amount of money is laundered by politician and bureaucrats. There is a close alliance between the two and this has led to the worst type of criminalization of politics.
7. **Delay in deciding the cases of Criminalisation politics:** this is the biggest cause to mushroom growth criminalization of politics. The trials and hearing are pending for decades together this keep the our criminal politician out of the fear of punishment.
8. **Use Muscle power:** in Indian political system more particularly from 1990s the political life politician start from raudism and hooliganism through this instrument they attract the attention their political leader to have asylum out of the police custody. These are use as weapon in the time of elections to create the fear among the people and booth capturing.
9. **Inadequate rules on party funding :** Many parties including national and regional political parties have not been filing their contribution reports before the Election Commission, in accordance with the provisions of section 29c of representative act 1951. This however did not prevent these political parties from wrongly claiming income tax exemption under 13a Tax act. It is shocking that the income Tax department has been routinely granting tax exemption even to those political parties who are not entitled to it

According to 2016 data as many as 51 MPs and MLAs have declared cases of crime against women, including of alleged rape and abduction.

Of the 51, 48 are Members of Legislative Assembly (MLAs) and three are Members of Parliament (MPs), said a study by Association for Democratic Reforms (ADR), a non-government organisation working for electoral reforms. Giving party-wise details, the study stated that among various recognised parties, the BJP has the highest number of MPs and MLAs (14), followed by the Shiv Sena (7) and the All India Trinamool Congress (6) who have declared cases related to crime against women.

“There are 51 MPs and MLAs who have declared cases of crime against women such as charges related to assault or criminal force to woman with intent to outrage her modesty, kidnapping, abducting or inducing woman to compel her marriage, rape, husband or relative of husband of a woman subjecting her to cruelty, buying minor for purposes of prostitution and word, gesture or act intended to insult the modesty of a woman,” the ADR study said.

ADR and National Election Watch have analysed 4,852 out of 4,896 election affidavits of current MPs and MLAs. This includes 774 out of 776 affidavits of MPs and 4,078 out of 4,120 MLAs from all the states of India.

Out of the analysed 1,581 (33%) MPs and MLAs with declared criminal cases, 51 have declared cases related to crimes against women, it said.

CONCLUSION:

Criminalization of politics, has greatly vitiated socio-political fabric. Election in the world largest democratic country have been an ever larger number of criminal elements and this trend is discernible across all political parties. It is ironical that while Indian citizen have the power to change their government democratically, they have not been able to stem the criminalization of politics and the consequent erosion of civil liberties. Despite all the agitation of civil society over this issue. Political parties tend to succumb to the temptation of enlisting the support of criminal element and accord primacy to their winnability factor and electoral clout. The pursuit of power has become the *raison d'être* of every political party. Hence, the brazen recourse to money and muscle power and divisive politics based on communal identity and caste.

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