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## CRIMINALIZATION OF POLITICS A CHALLENGE TO DEMOCRACY IN INDIA

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### **Abstract:**

The Political System “The Parliamentary Democracy” adopted by the Constituent assembly was based on the philosophy of popular sovereignty secularism, democratic Republic. This concept adopted in India due to its heterogeneous politico – socio – economic structure and with the belief that the political representative will act as catalyst to homogenize our Country. The politicians were viewed as embodiment of social service, leadership and sacrifice by the people of the Country. The Gandhian concept of political ideology was what people expected in politics. But today exponential increase in the criminalization of politics in India is becoming an integral part of India’s political life. The surfacing scandals after scandals are a clear manifestation of the proliferation of loot and malfeasance in governance. The loot involved in scandals and criminal activities that are done in terms of both money and damage to nation is mind boggling.

### **Key words:**

Democracy, Criminalization, Corruption, Nexus, Black money, Hoarding, Politics.

## Introduction:

The corruption was rampant and growing in India was noticed in the 1950s. India presently ranks very high in the International Corruption Perception Index. Corruption and Criminal activities of the politicians spread like an epidemic from top to bottom and has spared no Organization, Government, Legislatives, Executives and Non Governmental Organizations, Political Offices, Bureaucratic Setup and criminalization of politics are today the natural phenomenon in India.

Lord Acton says “Power tends to corruption and absolute power corrupts absolutely”. Ironically in Indian politics of present days this is the time of criminal activities. Power needs criminal activities to happen and absolute power need criminal powers absolutely! This reminds Paul Klitgardt’s equation that is “Corruption = monopoly + discretion – Accountability”. The same equation we can change a little like this : Criminalization of politics = (Monopoly – Discretion – Accountability) – Legal failures.

Transparency International, an International organization in its world most corrupt nations, lists India in 46<sup>th</sup> place in later 20<sup>th</sup> Century. Corrupt practices and criminalization of politics are worst enemies for any nations, especially a developing nation like India. It is detrimental to development and impediment to better future generation. Gunnar Myrdal, an Economist in his “Asian Drama” (1972) has rightly points “Corrupt practices are highly detrimental to any effort to achieve modern goals and ideals. The prevalence of these practices raises a strong obstacle and inhabitation to development and acts against efforts to consolidate the nation”. For him corruption is the root cause for poverty.

Corruption in politics become an enduring in Indian politics, it is crucial to discuss this because it against the spirit of democracy. A rule that was means to be governed by law has rather ended up being a rule of money and muscle power. What is even more shocking is the acceptability of this both by political entities and the masses. Which means that democracy has become the contradiction of democracy. This leads to the negation of all democratic safe guard provided by our constitution. This is the 3 organs which were supposed to keep a vigilant check on each other. Legislative, Executive and Judiciary are being weakened and its roots are corrupting.

## **Reasons for Criminalization of Politics:**

### **1. Lack of law Enforcement:**

Several laws and judgment have not helped much, due to lack of enforcement of laws and judgment. For example blatant – violation of the model code of conduct, as seen in almost all elections.

### **2. Narrow Self Interest:**

Publishing of the entire criminalization of the candidates fielded by political parties may not be very effective as a major chunk of voters tend to vote through a narrow prism of community interest like caste or religion.

### **3. Use of muscle and money power:**

Candidate with serious records seems to do well despite their public image largely due to their ability to finance their own election and bring substantive resources to their parties. Sometimes voters are left with no option, as all competing candidates have criminal records.

## **Effects of Criminalization of Politics:**

### **1. Against the principle of free and fair Election:**

Using money and muscle power in election, limits the choice of voters to elect a suitable candidates, and also it is against the ethics of free and fair election which is a bed rock of democracy.

### **2. Affecting good governance:**

A major problem is that the law breakers become Law makers. This affects the efficiency of the democratic process in delivering good governance. These unhealthy tendencies in the democratic system reflects the power image of nature of India's state, Institution and the quality of its elected representatives.

### **3. Affecting integrity of public servants:**

It also leads to increased circulation of black money during and after election which in turn increase corruption in society and affect the working of public servants.

### **4. It causes social Dis – harmony:**

It introduces a culture of violence in society and set a bad precedent for the youth to follow and reduce people's faith in democracy as a system of governance.

## 5. Strengthening of Election Commission:

The Election Commission can register a political party but cannot de – register it. Regulating the affairs of a political party is essential for a cleaner electoral process. Therefore it is important to strengthen the election commission.

## 6. Behavioral Change:

Until the citizen realize the people which bring them for votes cannot be trusted and it will be their ultimate disadvantage, the efforts to curb criminalization of politics will have limited impact. Thus voters also need to be vigilant about misuse of money, gifts and other inducements during the election. Fur thus seeing a behavioral change amongst votes, political parties will be forced to field candidates with clean background.

## The Efforts made by government of India to control criminalization in politics:

During the 1993 Government of India has appointed Vohra Committee Points the following facts:

- a) Origin of such nexus is traced even in petty crimes.
- b) Political totally rely upon criminals during the election time.
- c) Criminals gradually develop their own social status.
- d) Criminals involve themselves in much unnoticed activities of Hawala transactions and Black money hording.
- e) Indian underworld is exploited by ISI and other terrorist organizations of Middle – East.
- f) Coastal and Boarder States of India are much affected by the macro – terrorism.
- g) Lack of co-ordination in combating this manure at the Government level.

The report is unambiguous in stating existence of nexus between criminal and politicians and various other machineries of government. It further states “There has been a rapid spread and growth of criminal gangs and armed senas, drug peddlers, mafias and economic lobbies”. Some of these syndicate also have cross – border connection including Foreign International Agencies are running a parallel Government, engaging in all types of illicit activities such as illicit liquor trade, gambling, satta, prostitution, forcible land and property occupation and election related in States of Jammu and Kashmir, Punjab, Gujarat and Maharashtra.

Many even suggest that these kinds of practice are common in democratic setup they even quote Winston Churchill, who said “Democracy is the worst form of Government; unfortunately we do not know anything better than that”. But Churchill was pointing only at how difficult it is to successfully work with democratic politics. Criminalization of politics that too in Democratic

setup, simply destroy the very spirit of what all it makes one democratic nation. These practices make a democratic nation slowly elude into a state of Anarchy.

The Central Vigilance Commission issued a directive to all organizations in 1999. Under its surveillance to identify areas that provide scope for corruption and where transparency in their operation would reduce corruption steps were also taken to publicize tender notices, discretionary grants and out of tours favours so as to introduce transparency and put a check on illegal operations. It is here e-Governance is expected to achieve results that so far elude administrators depending on files and working in secrecy by cutting down drastically the time involved in transaction and rooting out manipulators possible in manual operations.

The criminalization of politics has its foot prints in the emergency declared by Indira Gandhi. She employed the political power and Government machinery to support the voice of the people. She along with her son Sanjay Gandhi let loose a reign of terror with which many anti-national elements, Mafia land lords, goondaism was associated. The power struggle led to bringing in of many people in to politics with criminal background. The concept of muscle power and money power emerged during this period. The assassination of Indira Gandhi saw the peak of the politics and criminal nexus coming out in open. The massacre of Sikh population in 1984 by Congress Party reflected criminal politician playing prominent role.

Parliament of 2008 has nearly 1/5 of the politicians with criminal background. The politics of coalition Government has seen many criminal politicians like Mr. Shibu Soren, Union State Minister. Mr. Prasad becoming ministers in Union Government. This has led to emergence of criminal ruling the State. Mohammad Shahabuddin, member of the Parliament from Siwan, Bihar serving a life sentence in facing more than 30 criminal cases including 8 murders and more than 20 attempts to murder, kidnapping extortion cases. The Delhi – Tandoori case which saw the involvement of Congress party worker in murder and elimination of material witness and an attempt made by them to cover up the whole episode reflect on the involvement of machinery of Government. The Uttar Pradesh Assembly Elections 2002 saw 206 candidates with criminal record getting elected out of 403 seats in Assembly and nearly 74% of the candidates filed in 2007 election by major parties had criminal records against them. This is the case in many states. This is limited only to conventional crimes of property and body. If this is extended to crimes of fraud, tax evasion, money laundering, boot legging during elections, violations of election laws almost 80% of politicians are involved in one or other crimes.

The politics of criminalization has led to emergence of new kind of nexus between politicians – bureaucracy – criminals. This has led to emergency of tightly organized criminal gangs. Example – Dawood Ibrahim gangs in our Country. We see many political Governments being run by mafia gangs who exploit and loot our economic system. They have also becoming source of gun smuggling, providers of human resources to terrorism and drug supply. The criminal politics nexus has led to the weakening of the State and soft State. The election commission has taken serious note of this criminalization and has come out with many recommendations. These recommendations are not being materialized due to criminal themselves are law makers and prevent these laws from coming into existence. This egg and chicken philosophy emerging in politics and criminal nexus is leading to disintegration of State.

The United Nations Drug Control Programme (UNDCP) initiated global action programme in 1996 to check the growing manace of International money laundering business, Black money business was then estimated to amount to about \$500 billion – a sum exceeding the total value of International trade in certain essential articles like Petroleum, Steel, Medicine, Food products, etc. The measures then adopt to check this did not succeed. Underworld money is believed to be the biggest source of Income for International terrorism.

Tackling, Criminalization of politics is the need of the hour in India. 1951 People's Representation Act got amended many times. Recently the Election Commission has suggested nearly 42 points to improve Election System in India. Vohra Committee and many such agencies, institutions, working for the betterment of democratic system have stressed, need to take immediate action to this cause. Criminalization of politics has to curb at local level of politics. Government should establish modal agencies to collect information in this regard.

New provisions and laws have to frame to curb economic offence. Bank and other monetary institutions transactions should be scrutinized. Open permission to monitor one's telephone and e-mail should be given. Special laws such as POTA under modified nature should be enforced. Above all youth movement and public awareness in this cause is a great help. The main object of law and Right to Information Act, E-Governance is to minimize corruption by facilitating transparency in the administration.

The Supreme Court of India gives decision about criminalization of politics in February 2020. That requires political parties to public the entire criminal history of their candidates for election along with the reason to field such suspected criminals will be implemented.

The judgment may have for reaching consequences for curbing criminalization of politics. Yet still a lot has to be done to make cleaner electoral processes in India.



## Significance of Judgment:

It aimed at preserving the purity of election process; some of the judgments are as follows –

1. Directions to ensure the asset disclosure and criminal records of the candidates.
2. The incorporation of the ‘None of the above’ option in the voting machine.
3. Invalidation of clause that protected sitting legislators from immediate disqualification after conviction.
4. Establishment of Special Courts in all States for the quick disposal of cases involving elected representatives.

The political party and its leadership would for the first time have publically own up to criminalization of politics, which they had been denying it all those years.

The judgment assures importance aimed the steady deterioration in politics over the decade, with the decline accelerating in the last 2 decades.

Benjamin Disraeli says ‘that Government is the best which governs the least’. At the same time such governess by politicians who have no corrupt practices and criminal nexus can create sane democratic world. It is also true as. C.D. Deshmukh said “Corruption and Criminalization can be eliminated not by administrative reforms but only by a fanatical intolerance to it”.

If values are concerned with morality, mention must be made of Mahatma Gandhi’s ideal of spiritualism in politics. The root of his politics was spiritualism or morality. Truth and Non – Violence being the means advocated by him, self – purification was declared necessary even in political life, Swaraj was meant to civilize the people to purify and stabilize our civilization.

In the reality of current politics, Morality is not universal but relative. Values depend on facts and situations. The State or Government is the arbiter when values clash openly and it is also the source and promoter of values that need to be fostered with authority. Government sponsored actions that touch values provide political reactions for and against. Secularism is an outstanding constitutional value that is highly politicized and given rise to endless debates and controversies in understanding and combating criminalization in politics in Indian Scenario.

## Conclusion:

We may not see dramatic change in the quality of candidate, campaigns may continue to be more and more personal and even abusive, we may not see a buy change in money power or in buying MLAs post election in the case of hung assembly. But all these are required, however insignificant they may seem. All the dozen and more Supreme Court judgments on electoral reforms since 2002 are infecting responses to citizen initiative that have come from the political system. The strategy so far has been to methodically try and breakdown the solid wall of corruption, when the dam will be reached and the pure waters of a new India flow over the land cannot be predicted.

The reluctance by the political parties to curb criminalization of politics and its growing detrimental effect on Indian Democracy. Indian Courts must now seriously consider banning people accused with serious criminal charges from contesting election.

While there are various arguments for and against. Such a move it will be a step in the right direction for making Indian elections more free and fair.

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