



## **The increasing trend of criminalization in Indian politics and the future of Indian democracy (With special reference to 2019 lok sabha elections)**

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### **Abstract**

The issue of Criminalization of Politics has remained the most important and sensitive issue of Indian politics. Since the recommendations of the Bohra committee set up to investigate the 1993 Mumbai bombing. Proposal passed in various sessions of parliament, Tears created by political parties over a worsening environment, the restrictions imposed by the Election Commission, expressed deep concern over the increasing trend of criminalization by the Heads of state, irrespective of the awareness created by the media from time to time in this regard, the irony is that at the level of sufficiency in our politics and governance, the nexus of crime and politics is getting stronger day by day like the addition of Fevicol. Sometimes it seems as the entire governance system has also been hijacked by the criminal syndicate. The intelligentsia is also now beginning to realize that the money power, muscle power and state force, triangular form are bent on making politics and administration more relevant by running parallel government. Currently almost all the states of India suffer from this infectious disease of criminalization. Excessive expenditure on elections, indifference of Governments, border lines drawn by Election Commission, indifference to potential malaise among politicians, constant rage of moral values, difference between statement and action of political parties, political patronage to criminals, creating a network of muscle power through money power, the political ambitions of criminal elements and the politics of caste votes are all such facts which are attracting politicians towards crime and criminals towards politics. In such a situation, if the condition and direction of the politics of development is to be maintained properly, the democratic character has to be kept pure, the dignity of the legislative institutions is to keep pure and alive than the Judiciary and Election Commission of our country will have to be enlightened by the Government and political parties, administration and bureaucrats, media and intellectual class. We have to understand our obligations and will have to continuously strive in this direction by reconstructing values seriously and actively. Other -wise, in the coming days, it will be very difficult to distinguish between the political workers and the crime worker, and instead of criminalization of politics, politics of criminal will have to be discussed and worried.

**Keywords:** politics of crime, moral values, money and muscle power, judicial judgement, purity of democracy, electoral boundary lines

### **Introduction**

Indian Democracy, politics and governance have been suffering from the cancer of criminalization of politics for the last 3 decades. This issue has become a central issue of Indian politics. Currently, after the General Election results announced by the Election Commission and on the basis of affidavits submitted by various candidates to the election commission, the representatives elected to Parliament and Legislative Assembly are being analyzed by the media based on criminal background. There was a lot of discussion on this issue in the special session of Parliament convened on the occasion of the Golden Jubilee of Independence. Many MPs expressed deep concern about this crisis in their profession. In this special session, a resolution was also passed to stop criminalization of politics and it was also decided to get politics out of the quagmire of criminalization. Then it seemed as if the knot between the two different worlds of politics and crime would break. When the Election Commission urged political parties not to erase Law-breakers on the Law-making chair, the public breathed a sigh of relief. The Supreme Court has also given strict guidelines to political parties, the Election Commission and Governments to discourage the

criminalization of politics. But despite all these efforts, the fact is that the presence of such elected candidates in the highest elected body of the country is increasing day by day. Sadly, it is a matter of surprise and concern that the criminals and the mafia managers have deep penetration in that administration. The administration which is actually expected to chase and hunt these elements. Until a few year ago, this trend was limited to only a few states. But today, in almost all states, from Panchayat to Lok-Sabha, the number and representation of history sheater candidates in all elections is increasing from election by election. Until two decades ago we used to think that politics can be made crime free, if we try. But today with despair we have to say that to some extent crime has become politics and criminal is the politician.

### **Objectives of Research Paper**

The research paper had a curiosity to analyze the criminal background of elected MPs from the beginning of the last decade of the 20<sup>th</sup> century to the present Lok Sabha. But in view of the prevalence of the subject, an attempt has been made to limit the study to the present Lok Sabha. Through this research paper, it has also been tried to know why the

percentage of representation is increasing despite adequate restrictions. Why are the representatives of people with such criminal backgrounds not being ignored in the distribution of tickets at the time of elections even by political parties who strongly oppose this trend? How much and how is the alliances or mobilization of criminals, politicians, bureaucrats and capitalists impacting politics, administration and democracy? What are the ways for candidates with criminal background to enter politics? How much and how has such representatives elected by the public contributed to establishing and maintaining democratic values and preserving them? The following three objectives of the research paper have been set to know the answer to all these questions. Objectives are

1. Numerical analysis of candidates with criminal background and elected history sheeters in Lok Sabha elections.
2. Trying to know the facts, due to which the number of criminals in politics is increasing day by day.
3. To provide practical suggestions to solve this problem and purify the roots of democracy.

**Review of Literature**

The increasing trend of criminalization in Indian politics is a worrying fact. The Indian Parliament and the state Legislatures are suffering from the side effects of this infectious disease. Today the circumstances are such that you name any crime, you can definitely find an MP or MLA who is associated with that category of crime. This situation presents a question mark on the dignity and credibility of Parliament and Legislatures. While it is true that – “The criminalization of politics is not a new trend for Indian politics, but its urgency has been felt among intellectuals recently” (Bahn, Susheela, 1995) [1]. It is also true that from time to time, the electronic and print media have also been presenting an impeccable analysis of the seriousness of this problem, but the “seriousness of a real problem affected by media publicity cannot be ignored” (Banerjee, 2011) [2]. The political mobilization of criminals, bureaucrats, politicians and capitalists in India is proving fatal for a clean and healthy democracy, but “Unlike some countries where the nexus between criminals and state powers runs parallel government, their nexus in India has been very unique” (John and Roy, 2000) [3]. In this regard, a section of scholars believe that violence and criminalization in the country should be viewed from the perspective of a hopeful social revolution and not as an administrative error” (Naipaul,

1992) [4]. Similarly, in the context of this problem, it is very important to have a deep discussion on this matter that “In the last few years, the increasing number of criminals in Indian politics is repeatedly posing the question that why we are winning these candidates with criminal background in Indian election” (Sastry, 2020) [5]. After studying the different perspectives of scholars on the most sensitive and serious issue, in this research paper, due to the basis of the 2019 Lok Sabha elections, the reason for the problem and suggestions to overcome it have been studied.

**Research Methodology**

This research paper is based on secondary data, which is obtained from the study of various government and non-government websites, books, journals etc. Descriptive, analytical, comparative, percentage and average methods have been used to analyze the criminal background of MPs.

**Hypothesis**

For the analysis of this research paper, this hypothesis has been determined that “criminalization of politics is not an auspicious sign for Indian Governance, politics and democratic system”.

**Discussion and Results**

This problem is bent on destroying Indian politics, administration and democratic values. The figures of the last 3 general elections tell us that the number of elected representatives with criminal tendencies is increasing very rapidly. All major political parties and many states of Indian Union were suffering from this infectious disease. In some states, more than half of the elected representatives to the Lok Sabha are seen to be associated with criminal background. Likewise, more than one third of MPs elected on election symbols of all major political parties seem to be from criminal background. According to a report published in 2008 by the center for the study of developing societies- “The public perception on seriousness of crime and its nexus with politics in the recent years has increased manifold.” [6]

Under this research paper, efforts have been made to present a detailed analysis of MPs with criminal background elected for Lok Sabha elections in 2019 according to political parties and according to states. A detailed interpretation of data related to criminal cases declared by elected MPs for the Lok Sabha elections held in 2009, 2014 and 2019 has been presented under Table no.1, which is as follows –

**Table 1:** MPs with Declared Criminal Cases (Lok Sabha Election-2009, 2014 & 2019)

Sr. No	Lok Sabha Election - Year wise	Total Elected Members	Winners With Declared Criminal Cases	% of Winners with Declared Criminal Cases	Winners with Declared Serious Criminal Cases	% of Winners with Declared Serious Criminal Cases
1.	2009	543	162	30 (29.83%)	76	14 (13.99%)
2.	2014	542	185	34 (34.13%)	112	21% (20.66%)
3.	2019	539	233	43% (43.22%)	159	29 (29.49%)

Source- www.adr india.org

From the analysis of table no-1, we find that as per the affidavit filed by the elected representatives for the 15<sup>th</sup> Lok Sabha, 29.83% of the representatives had criminal cases and 13.99 MPs had serious criminal cases. After the election results of the 16<sup>th</sup> Lok Sabha were announced, this number increased to 34.13% and 20.66% respectively. Similarly, after the current Lok Sabha election results, this figure has

increased even further to 43.22% and 29.49% respectively. That is, from the 15<sup>th</sup> Lok Sabha to the 17<sup>th</sup> Lok Sabha, the number of elected representatives declaring criminal cases has increased by about 44%. Similarly, the number of MPs who have declared serious criminal cases over themselves (Like rape, murder, murder attempt, kidnapping and atrocities on women) has shown an increase of about 109%

in 2019 as compared to 2009. Similarly, cases under IPC-307 are pending against 30 MPs and under IPC-302 against 11 MPs, while the number of MPs pertaining to proven cases is 10. There are cases of atrocities against women on 19 MPs and related to kidnapping on 6 MPs and crimes related to making inflammatory speeches on 29 MPs. Overall, it can be said that the participation of criminal elements getting admission in the highest elected body of

the country is continuously increasing. If this number continues to be recognized with the same speed, then one day will come when it will be very difficult to differentiate between crime workers and politicians.

Similarly, under Table No-2, the party wise position of elected candidates with criminal background elected for the 2019 Lok Sabha elections is discussed which is given below-

**Table 2: Party wise MPs with Declared Criminal Cases (Lok Sabha Election 2019)**

Sr. No	Partywise Position	Party wise elected member	Winners with declared criminal cases	% of winners with declared criminal cases	Winners with declared serious criminal cases	% of winners with declared serious criminal cases
1.	BJP	303	116	39%	87	29%
2.	INC	52	29	57%	19	37%
3.	DMK	23	10	44%	06	26%
4.	YSRCP	22	10	46%	08	36%
5.	AITC	22	09	41%	04	18%
6.	SHS	18	11	61%	05	28%
7.	JD(U)	16	13	81%	08	50%
8.	BJD	12	01	08%	---	----
9.	BSP	10	05	50%	03	30%
10.	TRS	09	03	33%	02	22%
11.	LJP	06	06	100%	03	50%
12.	NCP	05	02	40%	02	40%
13.	SP	05	02	40%	02	40%
14.	Independent	04	02	50%	02	50%
15.	J.K. National Conference	03	01	33%	01	33%
16.	IUML	03	02	67%	01	33%
17.	TDP	03	01	33%	----	----
18.	CPI (M)	03	02	67%	----	-----
19.	Apna dal Soneylal	02	01	50%	01	50%
20.	CPI	02	----	-----	----	-----
21.	AIMIM	02	02	100%	02	100%
22.	SAD	02	01	50%	01	50%
23.	NPF	01	-----	-----	-----	-----
24.	AAP	01	-----	-----	-----	-----
25.	JD (S)	01	-----	-----	-----	-----
26.	AIADMK	01	----	----	---	----
27.	AIUDF	01	01	100%	01	100%
28.	NPP	01	----	-----	-----	----
29.	Sikkim Kranti Kari march	01	----	-----	----	-----
30.	Viduthalai. C. Kat chi	01	01	100%	01	100%
31.	JMM	01	---	----	----	----
32.	MNF	01	----	----	----	----
33.	Revolutionary Soc.Party	01	01	100%	----	-----
34.	Kerala Congress (M)	01	----	----	---	----
35.	AJSU Party	01	01	100%	----	----
36.	NDPP	01	----	----	-----	----
37.	RLP	01	----	----	-----	-----

Source- www.adrindia.org

An analysis of table no 2 makes it clear that some elected representatives of all most all major political parties come under criminalization of politics. In the 2019 Lok Sabha elections, more than one third of the ruling party's MPs (around 39%) and more than half of the MPs of the major opposition party (around 57%) have declared criminal cases against them in their affidavits. In the above list related to 37 political parties, all the elected representatives of 6 political parties engage in the trend of criminalization, while there are 9 political parties whose criminal cases are pending on more than half of the elected representatives. Similarly, if political parties related to MPs in the serious

criminal category are analyzed, we find that more than half of the elected representatives of the 5 political parties are involved in serious criminal matters. In this Lok Sabha election, there are 6 political parties, of which one third or more of the elected representatives are from criminal background, whereas there are three political parties which have serious criminal cases against all the elected MPs.

Similarly, under table no 3, the number of elected representatives connected with criminal back ground in the 2019 Lok Sabha elections are presented a state-wise consideration of the percentage which is underlined-

**Table 3:** state wise Winners with Declared criminal cases (Lok Sabha Election-2019)

S. N	Name of the State or UTs	% of winner with declared criminal cases
1.	Lakshadweep	100
2.	Kerala	90
3.	Bihar	82
4.	Telangana	59
5.	Maharashtra	58
6.	Uttar Pradesh	56
7.	West Bengal	55
8.	Himanchal Pradesh	50
9.	Andhra Pradesh	44
10.	Tamilnadu	43
11.	Delhi	43
12.	Karnataka	36
13.	Jammu & Kashmir	33
14.	Madhya Pradesh	31
15.	Jharkhand	29
16.	Odisha	29
17.	Assam	21
18.	Rajasthan	16
19.	Punjab	15
20.	Gujrat	15
21.	Chhattisgarh	09

Source- www.adrindia.org

From the analysis of Table No.1.2, it is clear that out of the total 21 states or UTs, only Lakshadweep is the union territory from which the sole representative elected is associated with criminal background, while Chhattisgarh is a region from which elected MPs out of the lowest number of MPs, only 9% have criminal cases registered. In this list of states, Kerala and Bihar are the two states from which more than 3 fourth of the elected representatives are attached to the criminal back ground, 90% and 82% respectively. Similarly, more than half of the elected representatives from Maharashtra, Uttar Pradesh, Telangana, West Bengal and Himanchal Pradesh are associated with criminal background.

Overall, it can be said that the picture of the present Lok Sabha is fully capable of clarifying that all major political parties and all major states are caught in the morass of criminalization of politics. The growing number of elected representatives associated with this background in the last 3 Lok Sabha elections is not only worrying but also presents a question mark on the credibility, dignity and reputation of the people’s representative body of the country. Today, there is a fear that the increasing number of history-sheeters in Parliament may not make Parliament itself a historical institution. We want to move towards this conclusion because it would be useless to imagine efficient debate with elected representatives of this category, adherence to parliamentary traditions and quality editing of parliamentary work and procedures.

**Responsible Circumstances for the Increasing Trend of Criminalization in Indian Politics**

Despite all the legal provisions and judicial decisions, elected representatives with criminal background are visible in the Lok Sabha and Legislative assemblies of almost all the states. Such rough and tough candidates are ready to do anything to get the votes of the voters. From time to time, in the debate of the special sessions of Parliament, the election commission’s press briefing and almost all political parties

have repeatedly raised concerns about this infectious disease. In such a situation, the only question is that when all the agencies are against this trend, then what is the way for criminals to enter politics? What are the circumstances that are attracting politicians towards crime and criminals towards politics? Let us discuss all those points in sequence-

1. Excessive expenditure on elections in India is a major factor that has pushed public representatives or candidates into the lap of criminals and mafia elements.
2. This tendency is also increasing due to the apathy of the governments and the election commission’s fixed boundary lines.
3. Apathy towards possible malpractices among politicians and the tendency to be vulnerable to inadequacies.
4. Due to continuous decline of moral values, the attraction of qualified persons towards Lok Sabha is gradually decreasing.
5. Providing shelter and protection to the elements involved in various crimes by politicians. Many times, criminal elements are seen in those cells where the eyes of the general public cannot reach.
6. A network of muscle power has also been created by some politicians by improper use of money power.
7. We also see a substantial difference in the statements and action of political parties. Theoretically, all political parties seem concerned with this growing trend of criminalization, but in practice, it seems that the policies adopted by these parties while distributing tickets or granting ministerial posts, it certainly inspires small criminals to become big criminals.
8. The criminal background of candidates is ignored by political parties against caste equations.
9. Traditional political elite now resort to this tendency to maintain their dominance and influence. Due to the presence of feudalistic tendency in the politics of Bihar and Uttar Pradesh, the society is prone to conflicts.
10. Clearly the division of voters into two classes- the first is the politically enlightened class whose numbers are relatively small, while the other is poor and uneducated voters, whose number is relatively more and who are sponsored by money force and muscle power, they take part in voting.
11. To avoid civilized, democratic and justified way of life by politicians for the attainment of their low and narrow interests.
12. All political parties only blame each other for the encouragement of this trend, but do not try to look in their own way.
13. Most political parties’ resort to constitutional and non-constitutional means to win maximum numbers of party candidates during elections.
14. Lack of legal and constitutional provisions prohibiting contesting elections until proven guilty.
15. Lack of strict adherence to election code of conduct.
16. Apart from the above reasons, lack of political will and perseverance can also be considered as responsible to a large extent for the spread of these infectious disease.

Efforts made by the supreme court and the election commission of India to stop criminalization in politics- We are well aware that India is not only recognized as the largest democratic nation in the whole world, but we are also identified as a country that conducts free and fair

election process. Despite this, criminal elements are directly or indirectly registering their strong presence and strength in Indian politics. Such elements consider- "Democracy to be limited to struggle only for votes and winning elections" [7]. In India both the Election Commission and the Supreme Court are committed to control the trend of criminalization due to being an independent constitutional agency. In India, under section 8 of the representation of the people act, 1951, a provision has been made that "the public representative can be disqualified if he is found guilty and he can be prevented from contesting elections for the next 6 years" [8]. The Supreme Court of India in a 2002 lawsuit called the Union of India vs. Association for democratic reforms and people's union for civil liberties that "It will be mandatory for a candidate to stand for election to the local bodies, assembly and parliament, to give his criminal record, economic record and educational qualification information along with nomination paper" [9]. Similarly, in a lawsuit called Ramesh Dalal vs. Union of India by the Supreme Court in 2005, it was decided that "candidates with a judicial punishment of more than 2 years, any candidates must be debarred from contesting elections".

Recently, while hearing a public interest litigation, the Supreme Court has decided that – "It is mandatory for all political parties to give detailed information about criminal cases of candidates with criminal background on their websites and social media accounts. Also, it will be mandatory for political parties to explain why the political party concerned chose candidates with such criminal tendency as candidates" [10]. Certainly, this decision will prove positive in the direction of healthy and clean politics and strengthening of Indian Democracy.

### **Suggestions for controlling the trend of political criminalization**

Our nation, standing at the mouth of the Diamond Jubilee of independence, is still going through a crisis of faith. The pages of dreams and history cherished at the time of independence are shattered in the air, moral values and humanism have also been swept away in a flood of corruption and muscle power, the tendency towards personal selfishness and individualism has become dominant- in such a situation when democracy has become dependent on musclemen and money wallets, then in these circumstances if democratic character is to be kept auspicious, the dignity and purity of legislative institutions are to be maintained, if democracy is to be healthy, cultured and strengthened than the representatives of the people as well as the entire human society will have to be enlightened in this direction, everyone has to be understand his obligations and his decisive capacity will make the country's blurred picture brighter. In short, the following suggestions can be made to keep democratic values alive and to separate criminals from politics –

1. All political parties and politicians should not provide shelter and protection to the elements involved in serious crime.
2. The Government and the Election commission of India should impose a complete ban on the use of money power and muscle power and both these agencies should introduce mutual co-ordination and necessary activism.
3. To solve this problem by political parties, an analogy should be established in principle and practice or in

statements and actions.

4. Political parties should give priority to national interests over cast equations.
5. Government ensured this by making necessary amendments to the Representation of the People Act, 1951. It is jammed that the person who has been convicted of crime or the candidates against whom criminal cases are pending, should be denied to contest elections.
6. The recognition of political parties which distribute tickets to candidates with criminal background should be banned for a certain period.
7. Continuous awareness and consciousness should be introduced by the voters and recognize the value of their vote and they vote in favor of the appropriate candidates.
8. An independent and impartial committee should be constituted by the Election Commission which examines the criminal back ground of the candidates before the election and recommends a ban on contesting the candidates involved in serious crimes so that the difference between the criminals and the politicians can be done.
9. In order to identify criminal elements at the central and state level, information should be collected through intelligence agencies about the interaction between politicians and criminal elements.
10. Today it is necessary to train people to live properly. Children will have to learn at home that life is not the name to take the right of others by hastening but the life is to respect the rights of others. To live in the absence is no shame, it is a matter of shame to ask the vermillion of suhagan by violence or to grab the property earned by others.
11. If all political parties decide that we will not give tickets to candidates of any criminal tendency, then gradually this problem will be eradicated automatically.
12. To set up speedy and special courts for hearing criminal cases related to political representatives.

### **Conclusion**

Criminalization of politics has become the most sensitive issue in the current political scenario but the irony is that despite all the promises, intentions, declarations and judicial decisions, it is spreading like a contagious disease. The growing attraction of politicians towards power, increasing trend of apathy both by the government and voters and the continued decline of morality in Indian politics-directly or indirectly encouraged this trend. Therefore, if the fertile potential of Indian Democracy is to be sustained, it is imperative to curb this trend immediately. Therefore the need of the hour is that all the major political parties, ordinary citizens, especially the intelligentsia and the media will have to be enlightened today, we have to understand our obligations and continuous efforts will have to be made to stop this trend with serious and active efforts. Otherwise in the coming days it will be very difficult to distinguish between the politics and crime and then instead of discussing the criminalization of politics, the politics of criminals will have to discuss and worry. Therefore, it is our collective responsibility to control the tendency of criminalization or all the elements associated with this trend, so that free and fair elections can be conducted in our country. Good Governance could be established. The

functioning of public servants should become transparent and social tension and hostility should not increase. If the collective efforts of all of us proved successful, then the law breakers will never become law makers.

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