

## **CRIMINALIZATION OF POLITICS A CHALLENGE TO DEMOCRACY IN INDIA**

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### **ABSTRACT**

India's legislators, both at the federal and state levels, have demonstrated a lack of empathy, quality, fairness, integrity, honesty, and intellectual capacity. If India continues to suffer at the hands of such law-makers who are a burden to the public, the whole spirit and goal of democracy may be lost. Both at the top level and at the electoral level, corruption has been rife in Indian politics. In addition to the current situation, India has seen an alarmingly large number of people with criminal histories who have tainted Indian politics. For many newly developing democracies throughout the world, India serves as a model. While we may legitimately be proud of our democracy, there are a number of areas that need to be enhanced if we are to realise its true potential. Our electoral process, from candidate selection to the manner in which campaign money are raised and dispersed, need major reform. All recent committees on politics and election reform have nearly universally noted the criminality of our socioeconomic group. The most concerning aspect of the criminalization of politics is the large number of elected officials who are currently facing criminal prosecution. Within the last several decades, the funding of elections has also grown to be a significant problem. It is commonly accepted that the cost of influencing elections has increased well beyond the permitted expenditure caps. As a result, there is little openness, there is a great deal of corruption, and there is thus a lot of 'back-money' around. People pay particular attention to this problem of criminalising politics since it involves the self-interests of politicians of all stripes, and they can never realistically expect that they will take any action to address it. The current fashion is growing like a cancer. It undermines all of the fundamental safeguards for democracy, spoils bureaucracy by making it partial, stifles the press, and even poses a threat

to the judiciary, undermining democracy in its very essence. As a result, the people should take direct action and pressure the political parties to change their methods.

**Keywords:** Elections, bureaucracy, the constitution, criminalization, and politics.

## **Introduction**

The criminalization of politics in India has reached a point where it requires significant attention from the populace, the government, and political parties due to a steady erosion of values across our society. The worst aspect of the situation is that having a "criminal record" now counts as a requirement for entering politics. Politics is no longer a charity job in India; instead, it has developed into a successful industry or profession. Today, many people tend to think that crime provides the easiest route to India's legislative and parliament. Political parties have gone overboard in connecting criminals with them more owing to their strength and financial resources, which is intended to ensure victory in polls. Politics is now thought to be the safest shelter for criminals. The foundations of democracy in India are under risk because to social group criminalization. Election-related costs borne by candidates, which are significantly higher, constitute the foundation of corruption. Since candidates often don't have a lot of money to spend, the money usually comes from business or the criminal underworld. The candidate must give back to his donors greatly after he is elected as a member of parliament, a legislator, or a minister. This may serve as the primary justification for corruption. Corruption in the bureaucracy and other parts of the administration, such the police or the general Public Works Department, is a result of corruption at higher levels of political authority. From top to bottom, it extends.

It spreads downward among the general populace as well as the entire bureaucratic system. Elections have also been tainted by brute power in addition to financial influence. Unfortunately, a disproportionately large percentage of our lawmakers and MPs have criminal convictions against them.

## **Criminalising politics: The False Face of India's Election Process**

There are a number of concerns related to election administration that also need to be addressed.

While the size of the electorate makes holding elections a terrifying task, this shouldn't serve as an excuse for the existence of problems like booth capturing, voter intimidation, falsified voter registration lists, widespread election rigging, and other polling irregularities; the proliferation of unqualified candidates; and the misuse of religion and caste in the mobilisation of voters. It is a well-known undeniable truth that virtually all political parties in India enlist the aid of criminal groups to dominate the electoral arena. However, this process is having an impact on how people think, and as a result, how they will act to gain the majority and control the nation as they see fit. Because India's democracy is now in the hands of criminals who don't appear qualified to occupy legislative positions, some people are starting to view it as a dictatorship. The criminalization of politics in India is a serious problem that has already gotten out of hand. The political parties don't pay attention when individuals try to instill in them lofty political ideas and civic virtues. They are not doing anything to encourage nation-building and patriotism. By highlighting the value of peaceful life, they do not seek to bring the nation's citizens together. On the contrary, they accentuate existing distinctions among individuals and amplify their usage in escalating disputes between them. The biggest threat to India, the greatest democracy in the world, is the criminalization of politics and public corruption. Politics' criminalization might be seen in two distinct ways. In a narrow sense, it refers to criminals' direct entry and interference into state legislatures and the Indian parliament, while in a broader sense, it refers to criminals' direct or indirect interference in politics, including funding candidates, providing anti-social manpower, capturing booths, killing rival candidates, offering muscle power services, and canvassing for candidates. The competitive use of antisocial forces to raise party funding, run elections, organise meetings and conferences, and even hire lower-level employees from anti-social components has expanded during the past twenty years. Nearly all political parties, both national and local, use convicts as a means of electoral victory. Criminals used to rely on outside assistance, but today they have entered the electoral process and are not only members of the house but are also ministers. As a result, "Tainted ministers" is a brand-new phenomena in Indian politics.

### **What is political criminalization?**

The phrase "criminalization of politics" is not yet used in any Indian or international social science compendia. But in recent years, scholars have grown more and more aware of this

phenomena, and some of them have even written about it—possibly without realising the significance of properly collecting it and thoroughly understanding its complexity. The work appears to have been given to journalists and other authors, who, despite their wonderful contributions, have their own constraints in properly carrying out the assignment. Political criminals are described as 'true believers' who see their ideas and illicit behaviour as essential intrusions on the 'spurious' societal order. Political crime is described as ethical people breaching the law for political reasons. Political criminals, according to Austin Turk, are those who have been singled out by the police as present or future risks because of their antisocial beliefs or behaviour. Such individuals become the focus of political police, and the offences that are allegedly committed against them are political crimes.

After all, the political class, which uses direct or indirect criminal and unlawful means to maintain its position of power and privilege, is the source of the criminalization of politics. Politicisation of criminals has resulted from the criminalization of politics throughout time. The huge black money economy has become the foundation of our economic system as a result of the criminalization of the economy. While mafia members join the Parliament, legislative bodies, and municipal corporations on the political front, they also operate as contractor mafias, coal mafias, land mafias, cooperative mafias, and even educational mafias on the economic front. It should be underlined that the phenomena of criminalization cuts across ideologies and political parties with the sole intention of preserving and advancing the positions of power and privilege.

## **Reasons for Criminalization**

### **Voting bank:**

In order to buy votes from mortals in a very unlawful way, criminals often referred to as goondas must be paid a significant number of money by both political parties and individual candidates. A political connection with them created a favourable environment for political crime in the constituency. In order to win the election, political parties and independent candidates spend exorbitant sums on vote buying and other illegal activities carried out by these criminals, who are often referred to as goondas. The majority of voters in our nation are those who are unsure of why they should cast a ballot. The bulk of voters are thus malleable and commodifiable. It is easier for the dishonest than the honest to get their support.

## **Corruption:**

Every party, without exception, nominates candidates with a criminal history during an election. Although some of us complain about the decision made by the parties, these people often win election to government. By responding in this manner, we fail to understand that democracy gives its citizens the greatest power, which is the ability to remove inept leaders from office. Independence was achieved over the course of two stages. The first step included the institutionalisation of corruption, and the second involved the corruption itself being corrupted. Looking at the corruption situation today, we see that we have reached this point because corruption has finally been institutionalised as a result of the corruption of institutions through time. The inability to combat corruption has led to a disrespect for the law. Corruption grew when people disregarded the law and this was paired with making politics illegal.

## **Money Influence:**

There is no disputing the fact that India's widespread corruption is a result of exorbitant election costs for elections to the Parliament and state legislatures. A candidate must invest thousands of rupees to win the election, and whether or not he succeeds, the pay he receives as an MP or MLA is pitiful in comparison to his election costs. • Gangsterism Based on the idea that criminals may supply muscle, politicians are prospering today. The majority of the time, the voters are too unwilling to demand actions that may stop illegal activity. Many politicians rely on brute force to win votes throughout the nation, and they implement the theory that, if we can't inspire trust among the people, we may still incite fear or danger to influence voting behaviour.

## **Consequences of Political Criminalization**

Although the consequences of the criminalization of politics are grave and far-reaching, it is not wise nor practicable to sum up the issue in simple or practical words. A more comprehensive definition of the word is often developed only after an evaluation of the confusing socioeconomic and political changes that India has seen over the last 40 years has been made. Concentrating on the forces and trends started by people or organisations that have poisoned the environment and now let loose a criminality of worrisome proportions becomes equally crucial. The problem extends beyond the phenomenon of criminals taking

control of politicians. The circumstances, procedures, and trends that made it necessary and possible for the criminalization approach to develop into an effective weapon in the struggle for dominance should also be noted. It is a well-established fact that criminalising politics undermines the validity of the collective ethos, the aspirations of the citizenry, and may even impair the efficiency of the rule of law. There is no question that India's democracy is a result of the rule of law and tries to establish an equal social order. It is an embodiment of constitutional philosophy in addition to being a political philosophy. Elections in India are often contested with funds obtained from questionable sources, and sometimes even using tainted funds, in order to maintain political control over the next election. The state's police and order apparatus, political parties, and voters are all equally responsible for this. Only those who have been found guilty on at least two counts are now prohibited from running for office. This opens the market to criminals with charge sheets, many of whom are repeat offenders or history shelters. Why a person would need to be found guilty on two counts in order to be barred from running in elections is quite puzzling. The definitions are where the main issue is. So, until someone has been found guilty, they are not criminals. Simple charge sheets and open cases are insufficient to prevent someone from being nominated to run in an election. As a result, the legislation has to be adjusted.

## **Conclusion**

The presence of criminal elements inside the Indian political region has grown during the last twenty years. The committee sometimes wrote to the Indian government requesting it to amend the Representation of the People Act in order to make it more difficult for those with a criminal past to run for office, but the governments of the time declined to take any action. Numerous citizen organisations, newspapers, and magazines have been conducting informal surveys throughout the years in the lack of a legislative framework to prevent the criminalization of politics. If not checked, it will completely undermine the system. The loss of brilliant politicians might bring about both an internal and exterior collapse of the nation. Numerous commissions and committees, like the Law Commission of India, the Vohra Committee, and others, have looked at the issue of the criminalization of politics, but the danger only becomes worse by the day. The RP Act and other legislation have been amended by the Parliament, but these attempts have been ineffective. The Indian Supreme Court has

attempted to test the evil, but the problem has not eased. The Court has made it clear that it wishes to cease making politics a crime. It asserts that individuals who violate the law shouldn't be permitted to make new ones. It's crucial to recognise that there are several significant issues with election systems that aren't the result of deliberate manipulation. The line separating intentional corruption from unintentional maladministration brought on by incompetence, negligence, a lack of resources, or just plain bad luck may be thin, and it is frequently impossible in practise to determine whether an election issue is more commonly attributable to intentional manipulation or an unintentional mistake. Instead of deliberate attempts to thwart the democratic process, an excessive number of the problems that plague modern elections are the product of insufficient governmental capability and inexperience. But whatever of the cause of the bad electoral behaviour, it is certain that when elections fail, democracy and governance may sustain significant harm that is always very difficult to repair.

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