

Criminalization of Politics is Dangerous to Indian Democracy

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Abstract

The Bihar election in October 2020, was the first election in which a Supreme Court decision (issued in February 2020) requiring political parties to publish the full criminal record of candidates and reasons for placing suspected criminals was used. The decision also requires that such information be published in the local and national newspaper and on the social media platforms of the parties. While the judiciary may have far-reaching effects on political crime, there is still much to be done to create a clean electoral system in India. Given the skepticism of political parties in preventing political delinquency and its growing harmful effects on Indian democracy, Indian courts should now seriously consider preventing people accused of serious criminal offenses from interfering in elections.

While there are various arguments against and against such a move, it will be a step towards the right way to make India's elections large and free. It is also a shame that 30% of Lok Sabha members in 2009 had criminal convictions, which increased to 34% in 2014, and has reached a staggering 43% in terms of the 17th Lok Sabha elected members in 2019. The severity of the pain is best understood in the shocking image that 29% of those elected to Lok Sabha in 2019 have declared serious cases.

Just as India's law does not prevent criminals from waiting to run for office, those facing extrajudicial killings as well as serious criminal offenses are free to compete. With the Indian judiciary already struggling and it could take years to resolve the case, all political parties in the country feel confident and unequivocal and shamelessly dismiss any number of candidates with a criminal record if their chances of winning are high.

Introduction

Political crime has become a regular part of India politics. It is important to discuss this because it is against the spirit of democracy. The rule that what was intended to be the rule of law rather ended up being the law of money and muscle power. What is even more shocking is the acceptance of both parties by the political parties at the same time mass, which means it is a human authority that operates against the principles of democracy system. We can say that democracy has become the antithesis of democracy. This leads to disregarding all the protections of democracy provided by our constitution; that is, three organs which they had to deal with carefully - the legislature, officials and judges- it is weakened and its roots are ruined. The number of political parties has increased significantly in the country. This increase of the number of political parties does not exist due to the development of political standards; rather it is an indication of the values that fall into new levels and the fragility of the spirit of nationality. It can be based on the sad state of affairs of the people. Lives are for you the masses became worse under colonial rule but even after independence, the benefits of being a free and democratic nation has not yet reached all the citizens living in the country. It still exists a group of people that governs policy making as part of government or through to support the government, which helps them to do their job through decision makers. The political arena now attracts criminals and riots with a proven history of bullying, which we aim to enrich and govern workers and law-abiding citizens. Therefore, the politics of the country the nation has become a lucrative business; rather than a field of dedication once and for all commitment to improving the well-being of the subjects involved.

Research Methodology

Keeping in view of availability of the resources and the scope of the present study, the research study is conducted on the basis of secondary sources of data. Secondary data have been collected from various books, Journals, research articles.

Research design

The research is an exploratory research

Data collection

Secondary data is used for the study. The main sources are websites, press releases in venture capital, newspaper reports of various economic surveys and journal etc.

Research Gap

The literatures on the study of Criminalization of politics have become the head of the Indian democracy and it is a sad fact now. . It is more vicious than terrorism. Our ancestors, who fought for our freedom and struggle after the war 70 years ago had a dream but we see the dream disappearing today. The criminalization of political parties is a result of the interaction between

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criminals and politicians as a result of which the corrupt have become our leaders and heroes. In many research papers the focus on Political Crime has become a permanent feature of Indian politics. It undermines the very idea of democracy. No political party is taking steps to reduce or eliminate the criminal elements in their ranks as they ultimately prove to be to their advantage. Therefore, it is high time now - Parliament must take serious steps to curb this threat. We must change the nature of the government; make it transparent, responsive and universal.

Statistical analysis

The recent trends face BJP has 116 MPs or 39% of people who have won criminal cases, followed by 29 (57%) MPs in Congress. About half of Lok Sabha's newly elected members are guilty of criminal offenses, an increase of 26% compared to 2014, according to the Association of Democratic Reforms (ADR). Of the 539 winners assessed by the ADR, 233 or 43% of MPs are criminal.

The BJP has 116 MPs or 39% of people who have won criminal cases, followed by 29 (57%) MPs in Congress, 13 (81%) in JDU, 10 (43%) in DMK and nine (41%).) from TMC.

In 2014, 185 Lok Sabha members (34%) were convicted of criminal offenses and 112 members of Parliament had serious criminal offenses. In 2009, 162 (about 30%) of the 543 Lok Sabha MPs were convicted of crimes and 14% were serious offenses, he said.

In the new Lok Sabha, about 29% of cases related to rape, murder, attempted murder or crimes against women, a non-governmental organization.

"We have increased by 109% [in 2019] the number of members of Parliament with serious cases since 2009". Eleven winners - five from the BJP, two from the BSP, one from Congress, the NCP and the YSR Congress Party, as well as the independent - have been charged with murder.

Pragya Singh Thakur, a newly elected BJP MP in Bhopal, is facing terrorism charges in connection with the 2008 Malegaon explosion. The Bharatiya Janata Party has faced a lot of criticism for its replacement. In addition, the 29 winners announced charges related to hate speech.¹

Dean Kuriakose of Congress, a winner in the Idukki region of Kerala, has been charged with 204 criminal offenses, including culpable homicide, burglary, robbery, and criminal intimidation.

There was a 19.2 percent increase in the number of MPs without a criminal record at UP in 2017 in 2012, which is the largest increase in the number of lower crime-free legislatures in the five constituencies. The new UP conference will have 260 MLAs (403) with no criminal record. The government has seen a decline in the number of MPs with a criminal record, from 189 in 2012 to 143 in 2017. However, the number of MPs with critical UP records increased from 98 in 2012 to

¹43% newly-elected Lok Sabha MPs have criminal record: ADR, Association for Democratic Reforms, MAY 26, 2019
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107 in 2017. Punjab reported. a 3 percent increase in the number of MPs without criminal records in 2017 in 2012, with 19 MPs having a clean record elected in 2017 compared to 16 in 2012.

Goa has seen a 10 percent increase in MPs with no criminal record, while 31 MPs with no criminal record were elected in 2017 compared to 28 in 2012.

Manipur and Uttarakhand have seen a decline in the number of MPs with no criminal record. Manipur, who did not have MPs with criminal records in 2012, elected two MPs with serious criminal offenses. In Uttarakhand, these numbers have tripled, from four in 2012 to 14 in 2017.²

Reasons

Below we will try to get into the reasons why politically criminalization has become an ongoing practice in a country that calls itself a democracy in all official documents. Much of this could be due to the prevailing social conditions in India and the lack of another human government. India gained independence from the papers but many people still suffer from colonial hangover. So the British were replaced by local artisans and roadies. And this led to a new kind of politics in India, which is deteriorating and distorted, but which is a factor in the country.


The emergence of the politics of the electoral bank

One of the main reasons why political parties bring such candidates to the polls is in the process that these conflicts provide for them. The total number of services provided by these people is large and includes the assistance they provide in carrying out illegal activities during strikes, protests, rallies, etc. And when those criminals get the appointment of political leaders, they try to achieve their goals and aspirations with the laws and regulations that should govern but unfortunately do not. Political parties spend a lot of money buying votes and doing other illegal activities through these scams or so-called gangs. Most Indians are unaware of the ongoing politics in the nation so they do not know who to vote for. So most franchise owners in the country are affordable which makes it easier for political parties to gain support.

Corruption

Political parties claim to be different and better than other existing parties but a common factor affecting almost all parties, the criminal background of the candidate they support. But the fact that these candidates not only run for office but also win and reach the political office is reflected in the failure of democracy as the main strength of the citizen is to show the way out of the candidates and such authority already exists. it has not been used properly by humans. Corruption is a dual system, firstly, institutions commit corruption and then corruption is instilled in institutions. Therefore, corruption and institutionalism complement each other which makes all

²Association for Democratic Reforms

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institutional institutions null and void. Corruption in the governance of our country is now entrenched in the institutions as it is easily identified by various scams rife across the country. The inability to deal with corruption has led to lawlessness. The combination of lawlessness and criminalization of politics has led to the rise of corruption. In the Corruption Perception Index 1998, India is ranked 66th out of 85, by the German non-governmental organization Transparency International founded in Berlin, which also proves that India is a corrupt country with more than 65.8 countries.³


Opportunities in the functioning of the Electoral Commission

Another reason for raising criminals in the country's political system is loopholes in the functioning of the Electoral Commission. It is the job of the Electoral Commission to take the necessary steps to end communication between politicians and criminals. The Electoral Commission has put in place forms for candidates to disclose details of their property, pending court cases, convictions, etc. during the submission of nomination papers. This is a good step that the Commission has taken to ensure that voters are aware of the candidate's criminal record but it has not been used properly. This disclosure only informs people about the background and credentials of the candidate, but does not prevent them from relinquishing their rights, no matter what they say, in favor of the criminal. There has been a gap between the functioning of the Electoral Commission and the voters over the years so the average person is not aware of the rules adopted by the commission. It is important to close this gap so that we can not only get rid of political unpleasantness but also strengthen our democratic politics. And this can be achieved by increasing the literacy rate in the country. Voters, while exercising their voting rights, must make wise choices in the national interest. Also, the Commission only has the power to suspend but not to cancel the registration of the party, which also interferes with the functioning of the Electoral Commission.

Denial of Justice and Law Enforcement

Crime has become a reality in Indian politics today. Political parties, voters and all law and order systems are equally responsible for bringing about such conditions. There is very little belief in the country about the effectiveness of the democratic process of bringing about good governance, which goes beyond even swallowing up the fact that politics is a crime. Laws enacted by criminal candidates are weak and have no teeth leading to the promotion of such practices. "If basic rights can be taken away from those who have been convicted but not convicted, why not the same thing happen to politicians?" This allows unscrupulous criminals, who are often criminals, to run for office and gain political office.

³Kschitkara, Electoral Reform-Toward Decriminalization <http://www.scribd.com/doc/245455570/Electoral-Reform-Toward-Decriminalization#scribd>

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Legal Threads

Legal efforts to stem the tide of this scourge have been minimal. Committee after committee was set up, hundreds of millions spent but in the end nothing came of it. Why would a thief ever investigate him? The situation is the same with lawmakers, why would they ever make a strong law that would lead to their persecution? Another tactic is to pass a law and not to do it. However the Supreme Court has been the precursor to this case and issued bold judgments. Second, the passing of dynamic laws such as the Right to Information underpinned by a strong public opinion have been seen as a tool in the hands of the common man against democratic ministers. Let's take a look at some of these instruments. The Vohra Committee had submitted its report about 20 years ago to curb the increase in political crime but as is often the case in the country, no further action has been taken in this report. This was stated by the Speaker of Lok Sabha and the President of India in a petition filed by them on 16 May, "The issue of political criminal justice affects the whole country. It is very worrying that on the other hand, our morals tolerate 'fake incidents' (brief killings) of suspected criminals and terrorists, while our main body, which represents the Indian Parliament - holds people arrested for human trafficking, and has been convicted of kidnapping and murder charges. "⁴

Supreme Court Judgments


The 12th Supreme Court decision issued on May 2, 2002 made it compulsory for persons appointed to disclose their criminal records, if any, and their financial and educational history. The Electoral Commission had proposed certain amendments to the legal rules and the format of the nomination forms, to give effect to the Supreme Court judgment. The Supreme Court decision is a milestone in the history of electoral reform and the crackdown on corruption among government officials. It is ironic that the legislature and the executive are responsible for shaping and implementing national laws and regulations. The role of the judiciary in dealing with the current situation is huge and crucial. The other two sides of the government, the legislature and the executive, have been complaining about the Supreme Court's intervention, but it is important that the Apex Court takes such drastic measures to end this unwanted situation.⁵

Right to Information and Political Crime Act

The Supreme Court held that the right to information - the right to a precedent, including criminal history, or the property of nominees - is a fundamental right conferred on Article 19 (1) (a) of the Constitution of India and that information is essential to democracy. In a ruling dated 13 May

⁴An Eye Opening Account of Crime-Politics Nexus,Vohra Committee Report, <http://milapchoraria.tripod.com/rajyasabha/id13.html>

⁵*Union of India v. Association for Democratic Reforms &Anr.*, (2002) 5 SCC 294.

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2002, the Supreme Court ordered the Electoral Commission to collect information from each candidate by affidavit as required by the nomination papers: That the candidate be convicted / acquitted / acquitted of any criminal offense. in the past, if any; whether the candidate had been charged in any pending trial of any offense which may be punishable by imprisonment for two years or more, and the charge against which the court or tribunal noted. If so, it needs your details; assets (immovable, movable, banked, etc.) of the baptismal candidate and his or her spouse and dependent; debts, if any, especially of any overdue period of any public finance institution or Government payments and qualifications of the nominee. The Right to Information Act of 2005 is a historical law that empowers people and punishes government officials for their failure to answer questions in a timely manner.

Conclusion

To think of a democratic political system without political parties is absurd. Despite this, there is no word for 'political party' in the Constitution. It is in the Tenth Schedule to the Constitution that the word finds its expression. However, this was introduced after 38 years of national independence. And so far, no provision has been made for the type of political party to be allowed to operate or for the nature and basis for the election of political party candidates.

The negative definition of democracy given to former US President Abraham Lincoln states, "Democracy is a government of the people, of the people and of the people". It provides for an environment in which the rights of not only the majority of citizens but also the minority are protected. In a democracy, people are independent and therefore a great source of power. But political criminalization has led to the domination of money and muscle power that has posed a threat to the very foundations of the nation's democracy. The concept of "Rule of Law" has been declared by the Supreme Court as the basis of our 14th constitution⁶ which means that in order for a country to govern according to the provisions of the constitution it is obligatory to keep the law but in practice, hooligans (in the name of a politician) . When these criminals become Members of Parliament or Members of Parliament, they ensure that only those laws and policies that serve their interests and do not conflict with them. For example, the Whistleblower Protection Act, 2011. The President of the country approved the relevant Act in 2014 but this law has not yet come into effect as the rules required for the Act to take effect have not yet been enacted. This case is just an example of how lawbreakers can deceive citizens, there are many other examples showing the same thing.

⁶*KesavanandaBharati v. State of Kerala*, (1973) 4 SCC 225.

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Especially in provinces such as Uttar Pradesh, the situation is critical. Women's safety is at an all-time low, thanks to racist leaders. Cases are only made under the auspices of the minister, broadcast and sponsored by state media. The new leadership that is written to be promising rather looks bleak. Therefore, it is impossible to eradicate this scourge until mankind is revived in the truth and honesty.

It can therefore be concluded that political criminalization undermines the very foundations of our country's democracy. And the disappointing fact is that no political party is taking steps to reduce or eliminate the criminal elements in their parties as it ultimately proves to benefit them. But in order for the principles of democracy to continue and appear to benefit the masses there is a pressing need to eliminate political crime in the country.

Our justice system must also act “before it kills democracy” in order to clean up the political system without unnecessarily and relentlessly waiting for an unwilling Parliament to pass a strong law to achieve political victory. It is also very relevant to Indian Justice now to prevent a threat to the basic structure of the Indian Constitution. Especially since the phrase “people have found the right government” will also apply to Judges!