

## CRIMINALIZATION OF INDIAN POLITICS

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### ABSTRACT

*India has witnessed a crisis of empathy, quality, fairness, integrity, honesty, and intellectual capability among the members of its legislatures, both at the Centre similarly because the State level. The very spirit and objective of democracy can be lost if India continues to suffer at the hands of such law-makers who are a liability to the society. Corruption has been rampant in Indian polity, not only at the electoral level, but also at the chief level. Additionally to the current, India stands witness to an alarmingly high number of individuals with criminal background who have polluted Indian polity. India stands as a model for several emerging democracies round the world. While we are justifiably happy with our democracy, there are variety of areas which require to be strengthened for us to comprehend truth potential of a well functioning democracy, Our election system, from the choice of candidates, to the style during which funds are raised and spent in election campaigns, are in dire need of great changes. The criminalization of our social group has been observed almost unanimously by all recent committees on politics and electoral reform. Criminalisation of politics is of forms, but the foremost alarming among them is the significant number of elected representatives with criminal charges pending against them. The financing of elections has also become a serious issue within the past few decades. It's widely believed that the value of fighting elections has climbed far above the legal spending limits. This has resulted in lack of transparency, widespread corruption, and therefore the pervasiveness of so-called 'back-money'. This evil of Criminalization of Politics concerns special attention of the people because the topic revolves round the vested interests of politicians of all hues; intrinsically the people can never hope that the politicians would take any initiative to rectify this evil. The prevailing trend is spreading like cancer. It's nullifying all the constitutional safeguards of democracy; that's, it's spoiling bureaucracy by making it partial; it thwarts press; and even threatens judiciary; and thus is destroying the inspiration of democracy. Therefore the people should come to life directly and force the political parties to fix their ways.*

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**Keywords:** *Politics, Crime, Attention, Elections, Bureaucracy, Constitution, Criminalization.*

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### Introduction

Criminalization of politics in India has attained a stage, where it needs serious attention from the citizens, government and political parties as there was a gradual decline in values of all sections of our society. The worst a part of picture is that "criminal record" becomes a necessary qualification for entry into politics. In India Politics isn't a welfare work anymore, instead it emerged as a lucrative profession or business. Today it's wont to believe that crime is the shortest access to legislature and parliament of India. It's now believed that the safest haven for criminals is politics and political parties have gone overboard in associating criminals with them more due to their muscle and money power, which is meant to make sure victory in polls. Criminalization of the social group is threatening the very roots of democracy in India. The roots of corruption belong the election expenses of the candidates, the

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expenses incurred by the candidates are way more. Because the candidates generally haven't got such lot money to spend, the funds usually come from the business world or the underworld. Once the candidate becomes a Member of Parliament, Member of legislature or a minister, he needs to reciprocate to his donors in a very big way. This can be the basis explanation for corruption. Corruption at higher levels of political leadership results in corruption within the bureaucracy and other wings of the administration just like the police or the general Public Works Department. It spreads from top to bottom. It travels downwards into the whole bureaucratic apparatus and also amongst the civilians. Together with money power, muscle power has also polluted elections. Unfortunately, an oversized number of our MPs and legislators have criminal records against them.

### **Criminalization of Politics – The Evil Part of Indian Election System**

The conduct of elections also contains a number of issues that require to be addressed. While the large size of the electorate makes holding elections a frightening task, it mustn't function a justification for the presence of issues like booth capturing, intimidation of voters, tampered electoral rolls, large-scale rigging of election and other polling irregularities; the proliferation of non-serious candidates, and also the abuse of faith and caste within the mobilization of voters. It's well-known incontrovertible fact that all most all political parties take the assistance of criminal elements to dominate the election scene in India. But this process is influencing the mind and therefore the will of the people both to achieve the bulk to rule the country per their will. The system of democracy is now becoming the dictatorship of some, because the democracy of India is now in hands of the criminals who don't seem to be capable any due to hold the post of legislature. Criminalization of politics in India is an especially significant issue, which has already reached dangerous levels. The political parties don't listen to inculcate noble political values and principles of citizenship within the people. They are doing not promote patriotism and commitment to nation-building. They are doing 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 fill up use of these differences for creating conflicts among them. Criminalization of politics and corruption publicly life has become the largest threat to India, the world's largest democracy. Criminalization of Politics may be visualized into two different senses. In narrow sense it refers to the direct entry and interference of Criminals into State legislatures and parliament of India, while on wider sense it refers to interference of criminals into politics either directly or indirectly like financing any candidate, providing anti-social manpower, booth capturing, murder of rival candidates, providing muscle power services, additionally as campaigning or canvassing for any candidate contesting elections. Since last twenty years the competitive use of antisocial forces for the mobilization of party funds, for management of elections, organizing meetings and conference and even recruiting workers at lower levels from among anti-social elements has increased many folds. Approximate all political parties from national to regional taking services of criminals to win election. Earlier criminals went to lend outside support but now they themselves have entered within the electoral arena and became not only members of the house but even became ministers. Thus we've got a brand new phenomenon in Indian politics called "Tainted ministers

### **What is Criminalization of Politics**

The term 'criminalization of politics' doesn't find place in any Social Science compendia in India or elsewhere yet. In the recent past, however, scholars have become increasingly aware of this phenomenon, and some of them are even writing about it, without, perhaps, realizing the urgency of cataloguing it specifically and analysing it in depth in its complexity. The task seems to own been left to journalists and other writers who, with their worthy contributions notwithstanding, have their own limitations in doing justice to the task. Political criminals have been defined as 'true believers' who perceive their ideologies and illegal acts as necessary incursions on the 'spurious' social order. Political crime is defined as a politically motivated law-breaking behaviour by altruistic individuals. Austin Turk defines political criminals as individuals who have been identified by the authorities as current or potential threats because their ideologies or antisocial acts are seen to challenge the system. Such persons become targets of political policing, and also the offences attributed to them are political crimes. Criminalization of politics is after all the merchandise of the political elite which resorts directly or indirectly to criminal and illegal ways to hold on to its power and privileges. Over time criminalization of politics has led to politicization of criminals. Similarly, criminalization of the economy has rendered the massive black money economy as the mainstay of our economic structure. While in the political field mafia elements become members of the Parliament, legislative assemblies and municipal corporations, within the economic field they function as contractor mafia, coal mafia, land mafia, cooperative mafia and even educational mafia. The phenomenon of criminalization, it's to be noted, runs across ideologies and political parties for the only purpose of protecting and enhancing the positions of power and privileges.

### Reasons for Crimilization

- **Vote Bank:** within the election process both the political parties and individual candidates must spend a large sum of a money for the criminals roughly called goondas for purchasing votes of the mortal in an exceedingly illegitimate manner. A political link with them provided a congenial climate to political crime in constituency. The political parties and independent candidates have astronomical expenditure for vote buying and other illegitimate purposes through these criminals approximately called goondas to won in the election. Those that don't know why they must vote comprise the bulk of voters of this country. Therefore majority of the voters are maneuverable, purchasable. To realize their support is simpler for the unscrupulous than the conscientious.
- **Corruption:** In every election all parties without exception put up candidates with a criminal background. although a number of us whine about the choice taken by the parties, the overall trend is that these candidates are elected to office. By acting in such a way we fail to comprehend that the best power that democracy arms the people is to vote incompetent people out of power. Independence has taken place through a two-stage process. The primary stage was the corrupting of the institutions and also the second stage was the institutionalization of corruption. As we glance at the corruption scene today, we discover that we've arched this stage because the corrupting of the institutions successively has finally led to the institutionalization of corruption. The failure to pander to corruption has bred contempt for the law. When there's contempt for the law and this can be combined with the criminalization of politics, Corruption flourished.
- **Money Power:** The elections to Parliament and State Legislatures are very expensive and it's a widely accepted undeniable fact that huge election expenditure is the root cause for corruption in India. A candidate should spend lakhs of rupees to urge elected and whether or not he gets elected, the whole salary he gets during his tenure as an MP/MLA are meager compared to his election expenses.
- **Gangsterism:** The politicians are thriving today on the premise of muscle power provided by criminals. The people who constitute the voters are in most cases too reluctant to require measures that might curtail the criminal activities. Many of politicians chose muscle power to achieve vote bank within the country, and that they apply the idea that, if we are unable to bring faith within the Community then we are able to generate fear or threat to urge the ability within the style of election.

### Consequences of Criminalization of Politics

While the implications of criminalization of politics are as ominous as they're wide-ranging, it is neither advisable nor possible to encapsulate the phenomenon in narrow or expedient terms. Inevitably, a broader definition of the term are often formulated only after a assessment of the maze of socio-economic and political developments that have taken place over the last four decades in India is disbursed. It becomes equally important to concentrate on the forces and trends set in motion by individuals or groups who, having vitiated the atmosphere, have now unleashed criminalization in alarming Proportions. The issue is not confined to the process of criminals entering politics and dominating the scene. One should note also of the factors, processes and trends, which have necessitated and facilitated the method of criminalization to become a potent instrument within the battle for power. It's a settled principle that criminalization of politics corrodes the legitimacy of the Collective ethos, the hopes and aspiration of the citizen and also potentially obstruct the effectiveness of the principle of rule of law. There's no shadow of doubt that democracy in India could be a product of the rule of law and aims to ascertain an egalitarian Social order. It's not only a political philosophy but also an embodiment of Constitutional philosophy. Many times it's witnessed that elections in India are fought with the assistance of cash power which is gathered from black sources and sometimes also with tainted money so as to retain their power within the subsequent election. The voters, political parties and also the law and order machinery of the state are all equally liable for this. Under current law, only people that are convicted a minimum of on two counts be debarred from becoming candidates. This leaves the sector open for charge sheeted criminals, many of whom are habitual offenders or history-shelters. It's mystifying indeed why someone should be convicted on two counts to be disqualified from fighting elections. The important problem lies in the definitions. Thus, unless someone has been convicted, he's not a criminal. Mere charge-sheets and pending cases don't suffice as bars to being nominated to fight an election. Therefore the law should be changed accordingly.

## Conclusion

Over the past twenty years, the Indian political arena saw increasing presence of criminal elements in its midst. From time to time, the committee wrote to the government of India urging it to create necessary changes to the Representation of the People Act, to form it difficult for persons with record to hunt elective office, but the governments of the day chose to not act. In the absence of a legal framework to forestall criminalization of politics, many citizen groups, newspapers and magazines are conducting informal surveys over the years. If it's not checked it, will erode the system totally. The death of talented persons in politics may collapse the country internally in addition externally. Variety of commissions and committees like, the Law Commission of India, commission, and Vohra Committee etc. have examined the problem of criminalization of politics but the menace is increasing day by day. The Parliament has taken efforts by amending the laws, such as, IPC and also the RP Act but the exercise has proved futile. The Supreme Court of India has also made efforts to test the evil but the matter remains unabated. The Court has in unequivocal terms wants to stop criminalization of politics. It says, those that break the law shouldn't be allowed to create the law. It's important to notice that there are many serious problems with electoral processes that can't be attributed to intended manipulation. The road between intentional corruption and unintended maladministration stemming from incompetence, negligence, lack of resources or simple bad luck may be a fine one, and it's often in practice impossible to take care the extent to which a given problem with an election are often attributed to intentional manipulation or an unintentional mistake. An oversized number of the issues that beset contemporary elections are the results of limited state capacity and lack of experience instead of intentional efforts to subvert the democratic process. But regardless of the reason for poor electoral conduct, it can't be denied that when elections fail, democracy and governance can suffer considerable damage that always takes a really very long time to remedy.

## References

- ✧ Aiyar, S.P. and Srinivasan, R., Studies in Indian Democracy, Allied Publishers, Bombay, 1965.
- ✧ Banerji, Dilip, Election Recorder, Book Front Publishing Forum, Calcutta, 1990.
- ✧ Bhargava, G.S., 'Seshan's Shadow Over Election Commission? The Hindustan Times, February 27, 1998.
- ✧ Chandidas, R., et al. (eds.), Indian Votes: A Source Book of Indian Elections, Popular Publishing House, Bombay, 1968.
- ✧ Dixit, J.N., 'Preserving the Republic: No. Alternative to Electoral Reforms', The Indian Express, July, 12 1994. Ganguly, Bangendu and Ganguly, Mira, Voting Behaviour in a Developing Society, Sterling, New Delhi, 1975.
- ✧ Jain, Kiran and Jain, P.C., Chawla's Elections: Law and Practice, Bahri Brothers, New Delhi, 1998.
- ✧ Krishnamurthy, T.S., The Miracle of Democracy: India's Amazing Journey, Harper Collins, New Delhi, 2008.
- ✧ S.K. Khanna, Contemporary Indian Politics, Discovering Publishers House, New Delhi, 1999.
- ✧ Roy, Rameshray, 'Elections, Electorate and Democracy in India', Indian Journal of Public Administration, October-December 1971, pp.1-40.
- ✧ Sharan, P., 'Reform of Indian Electoral System's, Journal of Constitutional and Parliamentary Studies, Vol.11, No.3, July-September 1977, pp.26-36.
- ✧ Tummala, K.K., 'The 2004 General Election in India in its Aftermath', Asian Journal of Political Science, 12(2): 31-58, 2004.
- ✧ Venkataraman, R., 'Reform of Electoral System: Observance of Laws', Bhavan's Journal, Vol.39, No.15, March 15, 1993, pp.33-35
- ✧ Wigram, Anthony, 'Electoral Reform for Better Government', Contemporary Review, Vol.228, No.1321, February 1976, pp. 96-98.

