



Cite this article as:

Mr. Premjith Orappurakkad, *“The Crime: Behind The Power Of Indian Politics”*, Vol. I, Special Issue (July-Sept) Nyayavimarsha (e-ISSN: 3048-5134), Pages 12 to 20 (28th Sept 2024), available at <https://nyayavimarsha.com/detail/the-crime-behind-the-power-of-indian-politics>

Publisher Details Are Available At:

<https://nyayavimarsha.com/journal>

Editorial Board Members Details Are Available At

<https://nyayavimarsha.com/editorial>

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THE CRIME; BEHIND THE POWER OF INDIAN POLITICS

India follows the highest level of democracy and parliamentary system. The number of voters in India is more than 950 Million, which gives more attention and importance to general election. The large numbers of voters are framing government to lead and control the state for themselves. The process of election and elected candidates are playing crucial role in Indian democracy. Indian democracy brings both modern and reformed ideology to politics. The concept of democracy followed by multiparty system, which is existing in India, considered as valuable as common man government. There is no bar to enter politics in India, which is good for sometimes and worst for ever also. Politics stands as open ground for all players, the ground, which is allowed all games in one court. Now all able to know that players belong different games try to prove that they are better than others. They are doing nothing and enter the ground through criminal background only. This is the reality of our present political system. Indian democracy has wide scope because it is a combination of different good governing systems in the modern world. For example we adopted parliamentary system from Britain, Fundamental rights from United States, Directive principles of state policy from Irish constitution, Emergency from the Weimar Constitution of Germany, Amendment provisions from South Africa e t c. Our constitution, the Supreme law of land protect its own people and control government, also guide the entire state. Now a days both bodies of government, law-making body and law enacting body, are not performing well due to criminalization of Indian politics. It is true that the Government, which is one of the elements of State, is containing criminals. Criminalization of politics defines as the situation when criminals participate in the politics of government, ie. Contest election and get elected to the parliament and state legislatures. This growing menace has become a big problem for our society, affecting the basic principles of democracy, such as fairness in elections and criminals entering into parliament or state legislatives.

According to data from Association for Democratic Reform (ADR), the number of candidates with criminal charges elected to parliament in India has been rise since 2004. In 2004, 24% of parliamentarians had pending criminal cases, which rose to 43% in 2019, 46% in 2024. In a petition filed in 2003, it was claimed that there has been an increase of 44% in the number of MPs with declared criminal cases since 2009. State legislatures are coming to join it. 50% of legislatures have pending criminal cases against them some are very serious

cases in nature that can be punishable up to death sentence or imprisonment for life. The stunning aspect is that winning chances of criminal candidates are more than 3% of clean character candidates in India. It shows the route level growing or moral destroying power of criminalization in our society. Crime and Power has become each sides of a coin now. In the present scenario crime has the power to determine power in politics. India spends more money in elections than United States. According to Centre for Media Studies, expense of general election in 2019 was 50000crore. Political parties are investing more and more in elections, they should be taken heavy returns also. Indian politics embrace criminals for collect fund for party, set off financing, manage black money e t c. The criminals are good for parties because they protect financially and be a safeguard for political parties. In old times, parties get into trouble to gathering crowd and capturing booths at the time of election. At present the situation changed, they need more money than yesterdays to collect votes by confusing ordinary men. Political parties take advantages from failure system of our government. Our government systems are failed because of criminalization in politics. To file FIR in police station, a large number of people compelled to give money and at the same time one can do it by free of cost with the support of political party leader. It denotes the system failure or rising hand of criminals up to law and order. All systems run as per will of ruling party, not the welfare of people. 144 police officers engage to give protection to one lakh people and forty seven thousand police officers are engaged for security of 14800 political leaders. In our country, 75% of people do not believe in police and India is the only country, where after seeing police people feel scared instead of feeling safe. It means that the people are scared of government because of criminal character.

We can see that two types of criminalization in politics, which are direct and indirect. Direct one is visible and experience in our day to day life but the indirect one is more dangerous and intangible, cannot recognize it easily. Weak system pour water for political parties, it is one of the examples for indirect criminalization. Leaders are offering that system is weak so we will escape you from system eg. Police, road facilities, Hospitals, Education, Unemployment e t c.

FORMULA FOR WIN ELECTION

Firstly decide an area then do the cast calculation and find the majority one. Choose a Bahubali type character from majority, the work, which system cannot do, you finish it and

people start casting vote for you. In case if people are getting smarter or someone being more cautious, then create a riot. It will become a compulsion for the people to vote you. The hidden plan of parties in India that the system never be efficient and do not stand for common people. Maintaining weak systems in government is also a part of criminalization of politics. If the day when the system gets strong and able to handle problems of people then the leaders business will be closed for ever. Now politics drive over the government systems of our country by power, which is protected by criminals.

In India, 65% of population is below 35years and our Lok sabha's average age is 54, rajyasabha's average age is 63.5. If we leave one or two cases, then there is no way for common people to enter politics. If you search on google for “Top ten young politicians”, then you will not get even a single name, whose family does not have any political connections. After independence, less than 0.5% of politicians have sent their children to join Army. We don't demand anything in the manifesto, we only see religious matters in the manifesto and become happy. There is an interesting phenomena, in which all political parties come together against transparency in funding but acting as not even friends in another times. Politicians are not ready to come together, even national security matters, eg. Uri attack, Balakot attack etc. This is genuine character of politics in India that only works on self - interest not on national interest. It is easy to protect national interest by the support of common people, but to keep anti national ideas, need the help of criminals.

REASONS AND OUTCOMES OF CRIMINALIZATION

There is several reasons take responsibility to contribute criminalization in politics. Vote bank politics and money power are the main factors to generating criminalization. Both political parties and candidates are using criminal activities to generate money, influence voters and secure their support. Ineffective judicial system and delayed justice also become the reason of criminalization in politics. It is reality that our election machineries are not functioning effectively, voters are not aware of the history of candidate, qualification and cases charged against them due to loopholes of our system. Several judgements and laws are unable to help people due to lack of enforcement. Vested interests always take role of villain, voters are bothered about caste and religious matters than the quality of candidates. Corruption shows the way to politico – criminal nexus. This nexus works between politicians

and criminals in different levels, which will be black money, kidnapping, drugs matters and organized crime syndicates also.

Negative effects come over democracy and rule of law due to criminalization of politics, the criminal politicians may prioritize their own interests than the welfare of state or people. Dirty criminal activities in politics make impact on the principle of free and fair elections. Criminalized politics weakening the great democratic institutions, criminals in politics may try to manipulate the whole system to their advantage. Criminal activities in politics affecting public servant's integrity. Criminalization in politics loose the public confidence in elected politicians and it promote a culture of violence in society.

LEGAL ASPECTS OF DISQUALIFICATION OF CRIMINAL CANDIDATES

Indian constitution has no provisions to disqualify criminal candidates. The Representation of People Act 1951, (section 8 of the Act) mentions the criteria for disqualifying a person for contesting an election of the legislatures, who have been convicted for an offence, that carries a imprisonment of two year or more, they cannot conduct election for 6 years. The Law commission in its 179th report recommended an amendment to the Representation of People Act 1951; it suggested the people with criminal back ground should be disqualified for 5 years or until acquittal. No action had been taken on the report of law commission and Representation of People Act is silent on the matter about pending cases.

The Election Commission of India can reduce or remove the term of persons disqualification, who is punished under section 8 of Representation of People Act 1951.

SUPREME COURT OBSERVATIONS

Actually judiciary has its own limitations to enter voluntary into the issue of criminalization in politics. Apex court has been observed on legal aspects in criminal and power politics in India. Supreme Court in Lij Thomas case, removed the statutory protection of convicted legislators from immediate disqualification in 2013, and 2014, directed the completion of trails involving elected representatives within one year. In 2017, court asked the centre to frame a scheme to appoint special courts to exclusively try cases against politicians and for political parties to publicize pending criminal cases faced by their candidates in 2018. Supreme Court ordered political parties to publish the criminal records of their candidates on their website, social media handles and news-papers. The court also

directed the Election commission of India to create a framework to ensure that the information on candidate's criminal records was disseminated effectively.

Supreme court crack down

Supreme Court stands for national interest always; it held that state government cannot withdraw criminal cases against politicians without the permission of high court. Court punished nine political parties including BJP, Congress, JDU and RJD, held that guilty of contempt for incomplete disclosure on candidates ahead of 2020 Bihar elections and eight of them also fined.

INITIATIVES or RECOMMENDATIONS

- In 1983, Vohra committee on criminalization of politics was constituted with an object to identify the extent of the political – criminal nexus and to recommend ways in which the criminalization of politics can be effectively dealt with.
- The 244th report (2014) submitted by the law commission dealt with the need to curb the trend of criminal politicians in legislature posing serious consequences to democracy and secularism.
- The law commission recommended disqualification of people against whom charges have been framed at least one year before the date of scrutiny of nominations for an offence punishable with a sentence of five years or more.
- In 2017, the Union government started a scheme to establish 12 special courts for a year to fast track the trial of criminal cases against MPs and MLAs.
- Possession of any kind of arms is considered a cognizable offense in neighbourhood of polling station.
- Election Commission India implements Model Code of Conduct by using its constitutional power under article 324.
- Elections get some what transparency through the mandatory affidavit of Election commission, which declares assets and existing criminal charges of candidates.

India has adopted parliamentary system from Britain and there is a very important thing in that called **Shadow Cabinet**. We left that, very few people know about this and these people do not let us to know that what happens in this, that if take an

example of the Home minister of the ruling party, another home minister of opposition will be assigned parallel to him and the activities of the ruling party's home minister will be reached to people through opposition's home minister. And in the same way this happens in every department. And it will be very beneficial for the people, because in India, the whole ministry is involved in very small things and it cannot be known which minister is a faulty.

There are many concepts like this, which we should demand from political parties manifesto. Because we people always fight over temple and mosques. All these things cannot be corrected at once, but we have one thing in our hand, that at least we should not vote for some criminals. Government should implement strict legal provisions like life time ban, it will be champion the cause of decriminalization in politics. Proactive judiciary and active citizenry can do more for good politics in India. State funding of election, it was the recommendation of Dinesh Goswami committee and Inderjeet committee, able to control black money usages in elections and it will minimize criminalization also. Number of political parties with criminal offences increase day by day, it is essential to strengthening Election Commission to regulate political parties and clean electoral process.

If politics is social service, then why there is salary and if it is a job then why there is not any exam and qualifications? Ask it and find solution .This is only way to make awareness among students and common people. It is necessary to protect our society and clean Indian politics.