

# Criminalization of politics



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CRIMINALISATION OF politics and persons known to have a criminal past becoming legislators and ministers has not only become common but is being openly defended by leaders of political parties. A stage has now been reached when politicians openly boast of their criminal connections.

A statement made in the assembly by a minister of a north Indian state that he patronised and would continue to patronise gangsters to fight and win elections is an indication of the growing phenomenon where criminal background has become a prerequisite to win elections. Despite the countrywide debate generated by the Vohra Committee Report on criminalisation of politics, the system has changed only for the worse. Earlier in the 1960<sup>??</sup>™s, the criminal was content helping (covertly) the politician win the election so he could in turn get protection from him. The roles have now been reversed.

It is now the politician, who seeks protection from criminals. The latter seek direct access to power and hence become legislators or ministers. The Election Commission<sup>??</sup>™s observation that nearly 40 members of the 11th Lok Sabha and 700 members of the state assemblies had a criminal past proves this. The Election Commission<sup>??</sup>™s requirement that the prospective candidates file an affidavit listing the criminal charges they face has hardly made any dent in the growing criminalisation of politics. Some radical reforms in the existing law need to be undertaken urgently. Until this is done, political parties could take some initiative to curb this trend, by denying tickets to politicians with a criminal background. Far from it, party leaders invariably issue tickets to those with a criminal past because they

can not only win elections, but also help other candidates win. The Election Commission is powerless in preventing criminals from contesting elections.

The Representation of People Act allows it to debar candidates convicted of certain crimes, but cannot prevent those under trial or whose appeals from their earlier convictions are pending for disposal before the higher court for multiple murders or rape or corruption or theft from the public exchequer from representing the people in the country's highest legislative forums. There have been a number of cases where persons under trial have contested elections, while in jail and won. Unfortunately, no political party has taken any concrete step to curb this malpractice. It is not difficult to see why political parties put up criminals as candidates. Given a situation in which the sanctity of elections is being increasingly undermined by rigging and booth-capturing, a criminal with muscle power has greater chances of winning than a clean and decent individual without such capabilities.

And most often criminals do win, which is why they are increasingly present in the country's representative institutions. The consequences of the trend, if allowed to continue unchecked, hardly deserve an elaboration and are seen in the increasing criminalisation of the process of governance with ministers, legislators, bureaucrats and unscrupulous businessmen combining to plunder public funds and prey on the public. In fact a new dimension has been added to the process by the criminalisation of bureaucracy and the police. What makes the situation particularly dangerous is that a criminalised administration poses a serious threat to the country's security even as Pakistan-sponsored cross-border terrorism continues unabated. This is clearly reflected in the fact that agents of the Inter Service Intelligence [ISI]

have no difficulty in getting passports and driving licenses and carrying out their deadly assignments in India. De-criminalisation of politics should be the main issue in all elections in the country. While political parties have a serious responsibility not to put up criminals as candidates, voters have an equally strong responsibility of defeating candidates with a criminal record.

Lately, the Election Commission of India has taken noticeable measures to check criminalisation of politics. It has already banned convicted people from contesting elections to the state legislature or parliament, at the same time; it has asked all criminally-charged persons to disclose all the charges they face, in the nomination paper. This information will be easily made available to the public. Cases pending against politicians should be settled as quickly as possible. It is found that cases against them remain pending for long and they keep winning elections while the cases remain pending. Later, with their ministerial power, they manipulate the cases in their favour.

Withdrawal of criminal charges against some tainted ministers of the present government is a case in point.