

“CRIMINALISATION OF POLITICS AND ADMINISTRATION (INDIA)”

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ABSTRACT

The growing criminalisation of politics and politicization of criminals have taken heavy toll on policing in the country. This phenomenon has further eroded the credibility, effectiveness, and impartiality of the police and resulted into lack of trust and confidence in police forces in large sections of the society. After Independence ‘criminalization of politics’, people with criminal backgrounds becoming politicians and elected representatives and ‘criminalization of administration’ or politicalization of administration, not rule of law but rule of dada’s and thug seating into the vitals of the country have become chronic and administration was accused of inaction and collusion. The democracy of India are now in hands of the criminal who are supported by the administrators. A new trend of giving tickets to the confirmed criminals and history sheeters or even to the persons behind the bars has grown very rapidly more than that the situation appears to be more alarming when we find such persons being elected for the State Assembly or Parliament. Elections are won not by right but by might. It seems that we are living in a ‘jungle raj’ where there is no law. Criminalization of Indian politics and the consequent cult of the gun is the greatest danger that faces Indian democracy today. The elections to Parliament and State Legislatures are very expensive and it is a widely accepted fact that huge election expenditure is the root cause for corruption in India. Criminalisation of politics and corruption in public life has become the biggest threat to India, the world’s largest democracy. The political parties and independent candidates have astronomical expenditure for vote buying and other illegitimate purpose through these criminals or so called goondas. The electorate have made certain wrong choices in the past, but in the future national interest should guide them in making

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intelligent choices. Criminalization is a fact of Indian electoral politics today. The voters, political parties and the law and order machinery of the state are all equally responsible for this. Misuse of state power and criminalization of politics can be reduced and eliminated only if people participate on a larger scale in running the affairs of the state. Power must be decentralized, rules and regulations must be transparent, and there must be greater involvement of people in the government running through citizens, committees, cooperatives etc. Public opinion needs to be mobilized on all these fronts. Opposition to individual politicians with criminal antecedents is necessary; but only deeper systemic reform can address the real crisis. This nexus is the real shoot in arm to the criminalization of politics or in other words 'Bemired politics'. Indian politics is not a philanthropic activity instead it has become a means to accrue power by the avid and abhorrent leaders.

Keywords: Criminalization, Administration, jungle raj, democracy, Politics, Politicians, political parties, Corruption, bureaucracy, elections etc.

INTRODUCTION:

Many years ago, Napoleon said that the great difficulty with politics is that there are no established principles. He noted that politics and principles have seldom gone together. If at all they did, it was generally in the nature of an exception, or that the principle itself was distorted to suit the political objective. The growing criminalisation of politics and politicization of criminals have taken heavy toll on policing in the country. This phenomenon has further eroded the credibility, effectiveness, and impartiality of the police and resulted into lack of trust and confidence in police forces in large sections of the society. After Independence 'criminalization of politics', people with criminal backgrounds becoming politicians and elected representatives and '**criminalization of administration**' or politicalization of administration, not rule of law but rule of dadas and thug seating into the vitals of the country have become chronic and administration was accused of inaction and collusion. Earlier politicians patronized criminals and provided them protection from the law-enforcement agencies in exchange for the use of their muscle power during elections. And now it is the opposite with the criminals themselves taking over the reigns of power and patronizing the politicians and their parties. The democracy of India are now in hands of the criminal who are supported by the administrators

The persons who are related to this phenomenon are known as politicians. They are supposed to be the persons with all the qualities needed for the good governance. But the present scenario has completely been changed. Now the people who are in the politics appear to be the criminals. They have a number of criminal cases under trial against themselves. Still they rule the state and the country. They are being elected as public representatives for Assembly and Parliament. Whether they win or snatch victory in elections no one can say. It seems that politics has become synonym for crime. Criminalisation is a term which comes of the word 'crime' which appears to be very unpleasant and devouring politics in the name which is given to the art of governance. While on the hand crime is an unlawful act of handing anything, politics is the legal way which takes or deals anything socially. It means has people's representatives should always be conscious of the good governance so that the ideals of constitution must be achieved. A new trend of giving tickets to the confirmed criminals and history sheeters or even to the persons behind the bars has grown very rapidly more than that the situation appears to be more alarming when we find such persons being elected for the State Assembly or Parliament. Elections are won not by right but by might. It seems that we are living in a '**jungle raj**' where there is no law.

Criminalization of Indian politics and the consequent cult of the gun is the greatest danger that faces Indian democracy today. Leaders of all political parties and intellectuals deliver eloquent speeches expressing their abhorrence at the infiltration of criminals into the electoral arena. Stress is laid on eliminating the use of muscle power in the electoral process. Yet, the majority of the parties remain satisfied with expressing such pious sentiments. In any case there is no inhibition in securing the services of musclemen and anti-social elements in order to ensure success at the hustings. Quite often the plea put forward for this purpose is that it is a defensive measure to off-set and resists the doings of the anti-social elements engaged by the rival candidates. The malady has gone deep into our body politic in ruthless manner, the danger is that the electoral process would pass into the hands of anti-social elements and thus slide down and degenerate into a farce.

Mohammad Sahabuddin was elected to four successive terms in the Indian Parliament from 1996-2008 from Siwan constituency Bihar on RJD ticket. In 1996, Sahabudding was named as a

Minister of State for the Home Ministry in the H.D. Deve Gowda government. He is currently serving a life sentence for kidnapping with intent to murder and as many as 34 cases of serious crime are pending against him. Mukhtar Ansari won the Mau seat in the Uttar Pradesh Elections, 2007 as an Independent while lodged initially at Ghazipur jail. Arun Gawli is one of the most notorious criminals turned politicians who is based in Mumbai. With his operations centre at Dagdi Chawl in Bayculla he now enjoys the position of MLA. However, he has not been convicted of any crimes but has spent almost ten years in prison. Shibu Soren is another politician who was the chief minister of Jharkhand and was found guilty of murder of his secretary. Raja Bhaiya is a SP leader who has royal ancestry; however he is a criminal and has spent considerable amount of time in Jail under the POTA (Prevention of Terrorist Activities) Act. Adiq Ahmat was a member of Lok Sabha from the Phulpur Lok Sabha Constituency in Uttar Pradesh. He is currently in prison facing trial in 35 criminal cases including several cases of murder. In the Indian general elections, 2009, he was allowed to contest in election since he is yet to be convicted in any case.

The leaders who achieved independence for India spent long years in jail; many a politician today ought to, justly, be in jail. The former were imprisoned for fighting a just cause against an alien rule; the latter are no better than common criminals- petty thieves, gangsters, murderers and rapists. For politics today has become not the last but the first resort of the scoundrel. An important reason for the criminalization of politics is the very system of power that operates in India. Also, there is little transparency in the exercise of power by the State. With the assumption of so much power, the scope for misusing that power also increases. A large number of cases have come to light to indicate that the unholy alliance between the organized crime, the politicians and the bureaucrats have reached an alarming state. In many cases criminals are found to be aided and abetted by politicians and bureaucrats. The intelligence agencies have told that nexus between them has become a pervasive reality. Although the malady existed earlier at lower levels and in few states, it has now encompassed the whole network of administrative apparatus of the country.

Components:-**(1) Muscle Power:**

The influence of muscle power in Indian politics has been a fact of life for a long time. As early as in 1977, the National Police Commission headed by Dharam Vira observed: “The manner in which different political parties have functioned, particularly on the eve of periodic election, involves the free use of musclemen and ‘Dadas’ to influence the attitude and conduct of sizable sections of the electorate. The Panchayat elections, like other elections in the recent past, have demonstrated once again that there can be no sanity in India as long as politics continues to be based on caste and Gangsterism.

The politicians are thriving today on the basis of muscle provided by criminals. The common people who constitute the voters are in most cases too reluctant to take measures that would curtail the criminal activities. Once the political aspect joins the criminal elements the nexus becomes extremely dangerous. Many of politicians chose muscle to gain vote bank in the country, and they apply the assumption that, if we are unable to bring faith in the community then we can generate fear or threat to get the power in the form of election.

Money Power:

The elections to Parliament and State Legislatures are very expensive and it is a widely accepted fact that huge election expenditure is the root cause for corruption in India. A candidate has to spend lakhs of rupees to get elected and even if he gets elected, the total salary he gets during his tenure as an MP/MLA will be meagre compared to his election expenses. How can he bridge the gap between the income and expenses? Publicly through donations and secretly through illegal means. The expenditure estimation for an election estimated as Rs 5 per voter as election expenditure, for 600 million voters, and calculation of all the expenses in a general election estimated around Rs 2,000 crore. There is the period between elections. This requires around Rs 250 crore. Then there are state elections and local elections. All told, the system has to generate around Rs 5,000 crore in a five year cycle or Rs 1,000 crore on average each year. Where is this money to come from? Only criminal activity can generate such large sums of untaxed funds. That is why you have criminals in politics. They have money and muscle, so they win and help others in their party win as well.

Reasons of This Criminalization:-**(1) Vote Bank:**

The political parties and independent candidates have astronomical expenditure for vote buying and other illegitimate purpose through these criminals or so called goondas. A politician's link with them constituency provides a congenial climate to political crime. Those who do not know why they ought to vote comprise the majority of voters of this country. Therefore majority of the voters are manoeuvrable, purchasable. Most of them are individually timid and collectively coward. To gain their support is easier for the unscrupulous than the conscientious.

We have long witnessed criminals being wooed by political parties and given cabinet posts because their muscle and money fetches crucial votes. Elections are won and lost on swings of just 1% of the vote, so parties cynically woo every possible vote bank, including those headed by accused robbers and murderers. Legal delays ensure that the accused will die of old age before being convicted, so parties virtuously insist that these chaps must be regarded as innocent till proved guilty.

(2) Corruption:-

In every election all parties without exception put up candidates with a criminal background. Even some of us whine about the decision taken by the parties, the general trend is that these candidates are elected to office. By acting in such a manner we fail to realize that the greatest power that democracy arms the people is to vote incompetent people out of power.

Independence has taken place through a two-stage process. The first stage was the corrupting of the institutions and the second stage was the institutionalization of corruption. As we look at the corruption scene today, we find that we have reached this stage because the corrupting of the institutions in turn has finally led to the institutionalization of corruption. The failure to deal with corruption has bred contempt for the law. When there is contempt for the law and this is combined with the criminalization of politics, corruption flourishes. India is ranked 66 out of 85 in the Corruption Perception Index 1998 by the German non-government organization Transparency International based in Berlin. This means that 65 countries were perceived to be less corrupt than India and 19 were perceived to be more corrupt.

(3) Loop Holes In The Functioning Of Elections Commission:-

The Election Commission must take adequate measures to break the nexus between the criminals and the politicians. The forms prescribed by the Election Commission for candidates disclosing their convictions, cases pending in courts and so on in their nomination papers is a step in the right direction if it applied properly. Too much should not be expected, however, from these disclosures. They would only inform people of the candidate's history and qualifications, but not prohibit them from casting their votes, regardless, in favour of a criminal.

For the past several general elections there has existed a gulf between the Election Commission and the voter. Common people hardly come to know the rules made by the commission. Bridging this gap is essential not only for rooting our undesirable elements from politics but also for the survival of our democratic polity. This is an incremental process, the rate of success of which is directly proportional to the increase in literacy rate in India. The electorate have made certain wrong choices in the past, but in the future national interest should guide them in making intelligent choices.

(4) Denial of Justice and Rule of Law:-

Criminalization is a fact of Indian electoral politics today. The voters, political parties and the law and order machinery of the state are all equally responsible for this. There is very little faith in India in the efficacy of the democratic process in actually delivering good governance. This extends to accepting criminalization of politics as a fact of life. Toothless laws against convicted criminals standing for elections further encourage this process. Under current law, only people who have been convicted at least on two counts be debarred from becoming candidates. This leaves the field open for change sheeted criminals, many of whom are habitual offenders of history-sheeters. It is mystifying indeed why a person should be convicted on two counts to be disqualified from fighting elections. The real problem lies in the definitions. Thus, unless a person has been convicted, he is not a criminal. Mere charge-sheets and pending cases do not suffice as bars to being nominated to fight an election. So the law has to be changed accordingly. The growing criminalisation of politics and politicization of criminals have taken heavy toll on policing in the country. This phenomenon has further eroded the credibility, effectiveness, and impartiality of the police and resulted into lack of trust and confidence in police forces in large

sections of the society. The administration and the police are the first casualties of criminalisation the politics, resulting into a system of law that is neither fair nor impartial.

Foundation For Democratic Reforms:

The Government of India woke up belatedly to this alarming situation and convened a conference of Chief Ministers on the “Administration of Criminal Justice in India” in 1992. The conference took note of the lack of financial support to not only police but other two wings of criminal justice system, namely, the judiciary and the jails. In the resolution passed in the conference, it was mentioned that, “over the years, the expenditure on criminal justice administration on all the three areas of police, judiciary and jails has declined”.

The economy of India was till recently, and to some extent even now is, controlled by the state, often arbitrarily. Anyone wanting to start a business or run an industry or be gainfully self-employed had to seek state patronage in the form of licenses and permits as well as as protection from official harassment. Politicians of a sort found a lucrative opportunity in brokering that state patronage. Nor for them the area of politics that deals with the genuine needs and interests of the populace.

Brokering state patronage by necessary creates a set of favourites around a politician; permits are awarded to such people irrespective of merit, even as illegal activities are allowed to flourish by keeping the police clear of them. Official authority is misused in both cases. And once such corrupt practices mar the political field, the way is clear of the entry of criminals. To buy votes, to force people to vote for a certain person or party, to ensure the victory of a certain candidate, to terrorize opposition to submission – the unscrupulous politician engages gangsters and ‘gonads’ gradually, these criminals themselves enter our legislatures legitimately, democratically and made the law of the land. What an irony!

Misuse of state power and criminalization of politics can be reduced and eliminated only if people participate on a larger scale in running the affairs of the state. Power must a decentralized, rules and regulations must be transparent, and there must be greater involvement of people in the government running through citizen, committees, cooperatives etc.

Criminalisation of politics and corruption in public life has become the biggest threat to India, the world's largest democracy. The roots of corruption lie in the election expenses of the candidates. The expenses incurred by the candidates are much more. As the candidates generally don't have so much money to spend, the funds usually come from the business world or the underworld. Once the candidate becomes an MP, MLA or a minister, he has to reciprocate to his donors in a big way. This is the root cause of corruption. Corruption at higher levels of political leadership leads to corruption in the bureaucracy and other wings of the administration like the police or the Public Works Department. It spreads from top to bottom. It travels downwards into the entire bureaucratic apparatus and also amongst the civilians. Along with money power, muscle power has also polluted elections. Unfortunately, a large number of our MPs and legislator have criminal records against them.

SUPREME COURT DIRECTIONS:

The Union Government, all political parties and several NGOs including our "Citizens for National Consensus" (CNC) have been advocating electoral reforms with a view to strengthening democracy at various levels, despite promises, political parties have not brought about the required changes in the Representation of Peoples' Act. On May 2, 2002, the Supreme Court gave a historic ruling following public interest litigation by an NGO. It ruled that every candidate, contesting an election to Parliament, State Legislatures or Municipal Corporation, has to declare the following along with the application for his/her candidature.

- A candidate's criminal records (convictions, acquittals and charges)
- The candidate's financial records (assets & liabilities)
- The candidate's educational qualifications

With the political temperature rising in the country. Why do parties admit and nominate criminals as candidates? Clearly, they perceive that the winning chances are enhanced by nominating them. The parties have not taken a vow to destroy India. They are only prepared to do whatever it takes to win the elections and once victorious, to retain power. But if public opinion is clearly against unsavoury candidates, parties will be forced to refrain from projecting politicians with criminal links. That is the clear message from the DP Yadav episode. BJP felt that his induction would benefit the party in a few constituencies in Western UP; but once it realized that the public ire might cost it more votes across the country, he was jettisoned. But we

cannot always rely on alert media and public opinion to check criminalization. Not every such politician and his offspring may be involved in nationally-known crimes (for instance, Vikas Yadav, the son of DP Yadav is an accused in Nitish Kataria and Jessica Lal murder cases and is widely believed to have been shielded by his influential father). In order to purge criminals from our public life, we need to dig deeper and go to the root causes of criminalization. In order to understand the reasons for the growing criminalization of politics, we need to answer three questions.

First why are criminals thriving? There is a growing market demand for criminals in society. The justice system has become moribund and ineffective, no longer capable of resolving disputes or punishing criminals in a credible and speedy manner.

Second, what motivates such ‘successful’ criminal entrepreneurs to enter politics? An incident recounted by a police official will answer the question. Some years ago, the leader of a criminal gang known for many murders began taking active interest in the affairs of the ruling party in a state at the local level.

Third, why do parties invite criminals to be candidates? In a constituency-based first-past-the-post (FPTP) system of election, the local caste clout, and ability to bribe or browbeat voters, and resort to polling irregularities like bogus voting enhances chances of victory. Though many criminal gangs are initially ‘secular’, they soon spilt on caste or communal lines.

If we are serious about decriminalization of politics, all these three problems need to be addressed. Justice must be made accessible, speedy and affordable; crime investigation must be insulated from the vagaries of partisan politics, and made accountable; and we must move towards better electoral system like proportional representation with effective safeguards to ensure democratic choice of candidates and prevent fragmentation on caste lines. Public opinion needs to be mobilized on all these fronts Opposition to individual politicians with criminal antecedents is necessary; but only deeper systemic reform can address the real crisis

All right minded citizens should put their head together find out ways and means of saving Indian democracy from this menace. If criminals continue to flourish without any check and carry on their activities no body's life, property and honour would be safe. Indian democracy must be saved from the prominence of criminals and all the evil that it implies. Under no circumstances should law be taken into one's own hands. However, in this respect the rules of the country themselves are not free from blame, for they have been guilty of inciting the people to take recourse to violence.

Now, the fact is that this nexus has grown very strong. One can easily imagine the scenario like to emergence. Corruption is multifaceted problem and need a multi-pronged strategy to tackle it. Establishing and strengthening institutions like Lokauakta and Lok Pal may go a long way in this regard. There is no instant solution to the menace of corruption. No event of magic and gimmick can succeed in its eradication. It needs a societal intervention and a long struggle to cleanse the public life. We can only hope that with honest educated and committed people life. We can only hope that with honest educated and committed people entering politics, a more responsible and straightforward relationship will develop between politicians and bureaucracy. Societal intervention will isolate the crime syndicates. Therefore, the need of the hour is to break the nexus and save the democracy.

Stress is laid on eliminating the use of muscle power in the electoral process. Yet, the majority of the parties remain satisfied with expressing such pious sentiments. No one is seriously concerned to check this process of criminalisation. The House of State Assemblies and Parliament always witness with the abuses and quarrels among its members.

This criminalisation has moved all the ideals of democracy. No one can say what will be the end of this alarming situation. It becomes the duty of the genuine mind in this critical situation to make efforts to save our democracy from this menace. If the criminals continue to flourish in this way, nothing will remain intact. No one will be spared even the creators of this situation. Hence everyone must take it seriously.

This evil of Criminalization of Politics calls for special attention of the people because the subject revolves around the vested interests of politicians of all hues; as such the people can never hope that the politicians would take any initiative to rectify this evil. The prevailing trend is spreading like cancer. It is nullifying all the constitutional safeguards of democracy; that is, it is spoiling bureaucracy by making it partial; it thwarts press; and even threatens judiciary; and thus is destroying the foundation of democracy. So the people should wake up at once and force the political parties to mend their ways.

The number of political parties in India has been phenomenally increasing. The mushroom growth of political parties is not the result of improvement in political standard; nor is it because more qualified and service-minded persons are entering the field of politics; determined to serve the country and its people. On the contrary, it is a definite indication of political standards going down to abysmal levels. The field of politics nowadays does not attract selfless gentlemen, eager to use their expertise and time for nation-building; it attracts rowdies and criminals with proven record of hooliganism, who want to become rich quickly and dominate the officials and law-abiding citizens. Subject to rare exceptions, in short, the politics in India has become a profitable business.

COCLUSION:

The administration and the police are the first casualties of criminalisation of the politics, resulting into a system of law that is neither fair nor impartial. The Government of India woke up belatedly to this alarming situation and convened a conference of Chief Ministers on the **“Administration of Criminal Justice in India”** in 1992. The conference took note of the lack of financial support to not only police but other two wings of criminal justice system, namely, the judiciary and the jails. In the resolution passed in the conference, it was mentioned that, **“over the years, the expenditure on criminal justice administration on all the three areas of police, judiciary and jails has declined”**. They also expressed their grave concern at the increasing criminalization of politics and politicization of administration. The conference recommended formation of a committee under the Home Minister, Government of India for follow up action. Nothing however, happened. The Government constituted a committee with Union Home Secretary N.N Vohra as Chairman, and Secretary R&W, Director I.B., Director

C.B.I. Special Home as members. Democracy implies rule of law and the holding of free election to ascertain the will of the people. But in quite recent times this peaceful process of social change has been much vitiated. Violence, rigging, booth-capturing have become the order of the day. This fact was highlighted during the elections to the local bodies – District Boards, Municipalities and Municipal Corporations and elections to the Lok Sabha and a number of state legislatures. It was found that confirmed criminals and history sheeters, even those who were behind the bars at the time were given tickets by different political parties and what is more surprising is the fact that they won the elections. There was violence on a large scale, not in meheyan alone, but in a number of other places and hundreds of lives were lost. The cult of the gun prevailed; goondas and criminals, often hired for the purpose, captured booths, indulged in rigging and violence or threats of violence, and in this way the entire democratic process was negated.

The radical cause of increasing criminalisation of politics is nexus of muscle power, money power and politics. Criminalisation of politics is actually a mysterious enigma. The statutory limit is- Rs 15 lakhs for a Lok Sabha seat (depending on the constituency and the number of voters), Rs 3 to 6 lakhs for state legislatures (depending on the area), and Rs 75,000 for municipal corporations. The political parties and the candidates appraise and spend a huge amount compared to the meagre limits. They incur the capital through funds and donations. The questions pings, who furnishes such funds and donations? These funds generally come from underworld or the business bizarre. After becoming the MP or MLA they become altruist and venerate to the supporting factors before the elections and victory. The criminals and mafia thus dwell and flourish under the aegis of these MPs and MLAs. This nexus is the real shoot in arm to the criminalization of politics or in other words ‘Bemired politics’. Indian politics is not a philanthropic activity instead it has become a means to accrue power by the avid and abhorrent leaders.

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