



Criminalisation of Indian Politics

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Abstract

The practise of criminalising political activity in India is a severe problem that has dogged the democratic system of the nation for many years. In this context, infiltration refers to the process through which criminals and persons with a track record of criminal activity enter the political arena, therefore creating a connection between politics and criminal activity. This has resulted in a flawed electoral process, in which politicians with criminal histories routinely win elections and hold public office. This has led to a compromised electoral process. The pervasiveness of corrupt practises, favouritism within the political system, and an absence of openness are the fundamental reasons why this issue exists. The necessity for cash during elections is a major factor that contributes to the close relationship that exists between politicians and criminals. Political parties often accept contributions from persons with questionable histories. It has far-reaching ramifications, including the deterioration of public faith in the political system and the undermining of democracy, which are both caused by the criminalization of politics. In addition to this, it has a direct effect on law and order since criminals in positions of power may use such positions to protect themselves from legal prosecution and commit crimes without fear of repercussions. In order to combat the criminalization of politics, a number of different measures have been proposed. These measures include the imposition of stricter criteria for candidates who are contesting elections, the expeditious disposal of criminal cases brought against politicians, and the disclosure of criminal records of candidates by political parties. However, as a result of political meddling and a general lack of political will, the implementation of these policies has been sluggish and often inefficient. In order to effectively solve the problem of the criminalization of politics in India, there must be a coordinated effort on the part of all of the relevant stakeholders, including political parties, civil society groups, and the judicial system. The only way for the nation to have any chance of reestablishing the purity of its democratic process and ensuring that those in power are responsible to the people whom they serve is if everyone works together.

Keywords: criminalisation, Indian politics, corruption, nepotism, transparency, electoral process, law and order, public trust, democracy, candidates, political parties, stricter criteria, criminal cases,

Introduction

The practise of criminalising political activity in India is a difficult and multi-faceted problem that has afflicted the democratic system of the nation for many decades. A perilous linkage between politics and criminal activity has emerged as a consequence of the entry of felons and other persons with a track record of involvement in illegal endeavours into the realm of politics. This has resulted in electoral procedures being undermined, which in turn has led to candidates with criminal histories often winning elections and holding public office. The pervasiveness of corrupt practises, favouritism within the political system, and an absence of openness are the



fundamental reasons why this issue exists. The necessity for cash during elections is a major factor that contributes to the close relationship that exists between politicians and criminals. Political parties often accept contributions from persons with questionable histories. Not only does the habit of politicians receiving money from dubious sources put the legitimacy of the democratic system at risk, but it also makes politicians more reliant on these unsavoury avenues of financial support. It has far-reaching ramifications, including the deterioration of public faith in the political system and the undermining of democracy, which are both caused by the criminalization of politics. In addition to this, it has a direct effect on law and order since criminals in positions of power may use such positions to protect themselves from legal prosecution and commit crimes without fear of repercussions. The connection between politicians and criminal activity has led to a culture of violence, corruption, and intimidation in many sections of the nation, which poses a risk to the inhabitants' safety and security. In order to combat the criminalization of politics, a number of different measures have been proposed. These measures include the imposition of stricter criteria for candidates who are contesting elections, the expeditious disposal of criminal cases brought against politicians, and the disclosure of criminal records of candidates by political parties. However, as a result of political meddling and a general lack of political will, the implementation of these policies has been sluggish and often inefficient. In order to effectively solve the problem of the criminalization of politics in India, there must be a coordinated effort on the part of all of the relevant stakeholders, including political parties, civil society groups, and the judicial system. The only way for the nation to have any chance of reestablishing the purity of its democratic process and ensuring that those in power are responsible to the people whom they serve is if everyone works together.

The problem of criminal activity in Indian politics is one that has deep roots and has continued for a number of decades. It is a vicious circle of corruption that has evolved from the link between politicians and criminals, with those in authority utilising their positions to gain fortune and advance their illegal operations in order to promote their own interests. This has also led to an increase in mistrust of the political system and a lack of confidence in the capacity of politicians to act in a way that is in the people's best interests. The problem of making political activity a criminal offence has also had a substantial influence on the expansion of the nation's economy and overall development. The distribution of resources and the execution of policies are often affected by politicians who have vested interests. This results in a lack of emphasis on the welfare of people and impedes the progress that might otherwise be made. This has had an especially negative effect on the most disadvantaged parts of society, who are the ones that are in the greatest need of support and aid from the government. The criminalization of politics is a deeply rooted problem that can only be solved by using a variety of different strategies simultaneously. This includes the implementation of stringent laws and regulations to prevent the entry of criminals into politics, the introduction of transparent funding mechanisms for political parties, and the strengthening of institutions responsible for ensuring that politicians are held accountable for their actions. In addition to this, there must



be a change in the general public's perspective on corruption, as well as an increased emphasis on ethical and transparent government. In India, preventing the criminalization of politics is a big barrier; yet, this obstacle is not insurmountable and may be overcome. It is possible for the nation to win back the faith of its citizens in its democratic system and make its officials accountable to the people they are elected to represent if they pool their resources and adopt an all-encompassing strategy. Because the stakes are high and the repercussions of inactivity are serious, it is vital that all parties involved give this problem a high priority and take action to solve it.

Individuals with a history of criminal activity are often preferred as candidates by political parties in India as a result of the criminalization of politics in that country. This is because political parties believe that individuals with a history of criminal activity are more likely to be able to win elections through the use of money and muscle power. Because of this, we now have a scenario in which politicians with prior convictions are able to hold powerful positions, which only serves to make the issue more widespread. The criminalization of political activity in India has not only damaged the country's reputation but also lowered the country's status in the international community. The widespread belief that India's political system is riddled with graft has discouraged investment from outside and stymied the country's overall economic growth. In order to be successful, the battle against the criminalization of politics in India has to include the active engagement of all segments of society, including organisations representing civil society, the media, and individual people. It is very necessary to raise knowledge and organise public opinion in order to pressure political leaders to demonstrate more openness and accountability. In addition, the judicial system has an important role to play in making sure that politicians with criminal records are held responsible for their behaviour. It is impossible to disregard the contribution that political parties play in the solution to the problem of the criminalization of politics. Parties are obligated to take measures to guarantee that they do not field candidates with criminal past and to establish openness in the procedures through which they finance their campaigns. It is also necessary for political parties to have a more long-term perspective on the matter and strive toward the establishment of a political culture that is devoid of acts of corruption and other illegal actions.

Criminalization of Politics – The Evil Part of Indian Election System

The manner in which elections are carried out also gives rise to a variety of concerns that need to be addressed. Even though the large number of voters makes it difficult to hold elections, this fact should not be used as an excuse for problems such as booth capturing, intimidation of voters, tampered electoral rolls, large-scale rigging of election, and other polling irregularities; the proliferation of candidates who are not serious about running for office; or the abuse of religion and caste in the process of mobilising voters. “It is a well-known and indisputable truth that the vast majority of political parties in India seek the support of criminal elements in order to have a dominant presence on the electoral scene. However, this process is having an effect on both the minds and the wills of the people in order to acquire the necessary majority in order for them to control the nation according to their desires. Because the democracy of India is now



in the hands of criminals who do not seem to be capable of any duty to occupy the office of legislature, the democratic system is quickly transitioning into the tyranny of some individuals. Criminalization of politics in India is a particularly serious problem that has already reached grave proportions. These levels have already been achieved. The people are not being inculcated with great political ideas and concepts of citizenship by the political parties, who do not listen to the people. They are not doing anything to encourage patriotism or devotion to the construction of the country. They do not want for the people of the country to be brought together, thus they will not emphasise the significance of living in harmony. On the other hand, they ensure that the disparities between the people continue to exist and that these differences continue to be used to fuel conflict amongst the people. The widespread criminalization of political activity and corrupt practises in public life has emerged as the most significant security challenge facing India, the biggest democracy on the planet. The concept of criminalization of politics might be interpreted in a couple of different ways. It can refer to the direct entry and interference of criminals into the state legislatures and parliament of India in the narrow sense, or it can refer to the interference of criminals into politics either directly or indirectly, such as by financing any candidate, providing anti-social manpower, booth capturing, murdering rival candidates, providing muscle power services, and additionally as campaigning or canvassing for any candidate contesting elections in the wider sense. Since the beginning of the twenty-first century, there has been a significant increase in the use of antisocial forces for competitive purposes, such as the mobilisation of party funds, the management of elections, the organisation of meetings and conferences, and even the recruitment of workers at lower levels from among antisocial elements. To win elections, approximately all political parties on every level, from the national to the regional, have enlisted the help of criminals. In the past, criminals were content to provide assistance from the outside, but in recent years, they have begun to actively participate in electoral politics themselves, becoming not just members of the house but even ministers.

Consequences of Criminalization of Politics

Although the implications of criminalising politics are as alarming as they are far-reaching, it is neither advisable nor possible to encapsulate the phenomenon in terms that are either narrow or convenient. This is because the implications of criminalising politics are both wide-ranging and alarming. Inevitably, a more comprehensive definition of the term is often formulated only after an analysis of the complex socioeconomic and political developments that have taken place over the course of the previous four decades in India has been disseminated. This is because it is only after such an analysis can the full scope of the term be understood. It is therefore as vital to focus on the forces and trends that were put in action by persons or organisations that, after poisoning the environment, have now let loose criminality in frightening proportions. The problem is not limited to the phenomenon of criminals ascending to positions of power in political institutions. One should also take notice of the circumstances, processes, and trends that have required and allowed the tactic of criminalization to become a powerful tool within the struggle for power. This is important to keep in mind. It is a well-



established premise that the criminalization of politics undermines the validity of the Collective ethos, the hopes and aspirations of the citizenry, and may also interfere with the efficiency of the rule of law principle. There is not the slightest shred of uncertainty that democracy in India might be a result of the rule of law and that its goal is to establish a social order that is equal. Not only is it a political philosophy, but it also embodies the constitutional theory that underlies the United States Constitution. It has been documented on several occasions that elections in India are contested with the help of monetary power that is obtained from illegal sources, and on occasion, even with tainted money, so that the incumbent party may maintain their control in the future election. Voters, political parties, and even the state's apparatus for maintaining law and order may all be held accountable in equal measure for this. According to the rules that are now in place, the only persons who may be disqualified from running for office are those who have been found guilty of a minimum of two charges. Because of this, the industry is exposed to charge sheeted criminals, many of whom are repeat offenders or those who try to hide their criminal past. It is undoubtedly a mystery as to why a person who has been found guilty on two counts should be barred from running for office in future elections. The definitions are the root of the most critical issue. Therefore, until someone has been found guilty of a crime, we cannot consider that person to be a criminal. Simple charge sheets and ongoing legal proceedings are not sufficient grounds for denying someone the opportunity to run for public office. As a consequence, the legislation need to be modified appropriately.

Objective:

1. To highlight the prevalence of criminality in Indian politics and the impact it has on the country's democratic institutions and governance.
2. To draw attention to the factors that contribute to the criminalisation of politics in India, such as corruption, weak law enforcement, and the influence of money and muscle power.

Reasons for Criminalization of Politics:

1. Lack of law Enforcement:

Several laws and judgment have not helped much, due to lack of enforcement of laws and judgment. For example blatant – violation of the model code of conduct, as seen in almost all elections.

2. Narrow Self Interest:

Publishing of the entire criminalization of the candidates fielded by political parties may not be very effective as a major chunk of voters tend to vote through a narrow prism of community interest like caste or religion.

3. Use of muscle and money power:

Candidate with serious records seems to do well despite their public image largely due to their ability to finance their own election and bring substantive resources to their parties. Sometimes voters are left with no option, as all competing candidates have criminal records.



Effects of Criminalization of Politics:

1. Against the principle of free and fair Election:

Using money and muscle power in election, limits the choice of voters to elect a suitable candidate, and also it is against the ethics of free and fair election which is a bed rock of democracy.

2. Affecting good governance:

A major problem is that the law breakers become Law makers. This affects the efficiency of the democratic process in delivering good governance. These unhealthy tendencies in the democratic system reflects the power image of nature of India's state, Institution and the quality of its elected representatives.

3. Affecting integrity of public servants:

It also leads to increased circulation of black money during and after election which in turn increase corruption in society and affect the working of public servants.

4. It causes social Dis – harmony:

It introduces a culture of violence in society and set a bad precedent for the youth to follow and reduce people's faith in democracy as a system of governance.

1. Strengthening of Election Commission:

The Election Commission can register a political party but cannot de – register it. Regulating the affairs of a political party is essential for a cleaner electoral process. Therefore, it is important to strengthen the election commission.

6. Behavioral Change:

To prevent criminalization of politics, efforts will have limited influence until citizens recognise that the persons who bring them for votes cannot be trusted and that doing so would ultimately work to their detriment. Consequently, it is imperative that voters be cautious against the abuse of money, gifts, and other forms of enticement throughout the election. Political parties will be pushed to field candidates with clean backgrounds as a result of the behaviour shift that will result from this among voters.

Review of literature

(Joshi 1972) studied criminalisation of politics- a threat to democracy discovered this and The problem of the criminalization of politics has grown entrenched in the political system of India. It is essential that issue be discussed since it runs against to the fundamental principles of democracy. Instead of being ruled by law, a rule that was supposed to be governed by money and brute force has ended up becoming that rule. Even more stunning is the fact that these aspects are acceptable not only by political entities but also by the public. This indicates that it is the people's mandate that is working against the principles of democratic system, which is shocking in and of itself. As a result, we might conclude that democracy has evolved into the same paradox that democracy seeks to avoid. This leads to the negation of all of the democratic safeguards provided by our constitution; that is, the three organs that were supposed to keep a vigilant check on each other — legislature, executive, and judiciary — are being weakened,



and its roots are becoming corrupted. This leads to the negation of all of the democratic safeguards provided by our constitution. The number of political parties in this nation has seen a significant rise during the last several decades. This increase in the number of political parties is not due to an improvement in the standards of politics; rather, it is an indication of falling standards to abysmal levels and a weakening of the spirit of nationalism. The rise in the number of political parties is a sign of the weakening of the spirit of nationalism. It is possible to deduce it from the horrible living circumstances that the people are forced to endure.

(Bhandarkars et al. 2016) studied criminalization of politics a challenge to democracy in india discovered this and The Structure of the Government The idea of a secular, democratic republic with people sovereignty became the philosophical foundation of the Parliamentary Democracy that was later approved by the Constituent Assembly. This idea was first implemented in India because to the heterogeneous nature of its political, social, and economic structure, and it was done so in the hope that the country's elected representatives would serve as a unifying force for the country. The residents of the county looked up to the politicians as models of selflessness, leadership, and social responsibility. They sacrificed themselves for their constituents. People went into politics with the expectation that political philosophy would be grounded in the Gandhian tradition. However, presently there has been a significant rise in the criminalization of politics in India, and this trend is increasingly being ingrained in India's political system. As one controversy after another comes to light, it is abundantly evident that there is an increase in corrupt practises and looting at the highest levels of government. Mind blogging refers to the plunder that results from scandals and illegal acts, which may be measured in terms of both money and the harm done to the country.

(Mishra 2017) studied criminalization of politics in india: evolution and causes” discovered that that All those who have power over others must be spiritual, not simply religious in the conventional sense of the word, by expressing, more or less the divine inside, which is the means by which they would utilise that power, for the welfare of the people, to serve the people. No matter how advanced a country becomes, it can never achieve greatness if its people do not also grow in moral fibre. We cannot continue to be a little population inside a large country; rather, we must strive to become a great people within a great nation. Swami Ranganathananda, who serves as the head of the Ramakrishna Mission in Hyderabad. Fear of a connection between organised crime and politics has been widely expressed in India ever since the country's first general election in 1952, despite the fact that those who drafted the Constitution and the Members of Parliament at the beginning of the Indian Republic had the best intentions possible. In point of fact, Mr. C. Rajagopalachari had predicted the current state of affairs as far back as 1922, which is twenty-five years before Independence. In his prison diary, he wrote: Elections and their corruption, injustice and tyranny of wealth, and inefficiency of administration, will make a hell of life as soon as freedom is given to us. In Indian politics, one of the most pressing concerns is the criminalization of political activity.

(Bagra 2017) studied “criminalization of indian politics” found that and 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. found that and India has witnessed a crisis of empathy, quality, fairness, integrity, honesty, and intellectual capability among the members of its legislatures. If India continues to suffer at the hands of such law makers who are a burden to the community, then the entire spirit and goal of democracy itself may be lost. Not just at the level of the elections, but also at the level of the chiefs, corruption has been endemic in the Indian political system. In addition to the existing situation, India is a witness to an alarmingly large number of persons with a criminal history who have soiled Indian politics. Many new democracies are sprouting up throughout the globe, and India serves as an inspiration for them all. Despite the fact that we have good reason to be pleased with our democracy, there are a number of areas that need to be improved before we can realise the full potential of a democratic system that operates smoothly. Our electoral process, in its whole, is in desperate need of significant reform, beginning with the selection of candidates and continuing with the manner in which candidates' election campaigns raise and spend money on campaigning. The criminalization of our social group has been recognised nearly unanimously by all of the recent committees on politics and electoral reform. [Civilization] refers to the practise of treating members of a certain social group as criminals. The term criminalization of politics may refer to a variety of different phenomena, but the one that raises the greatest concern is the high number of elected officials who are now facing criminal accusations. Over the course of the last several decades, another significant problem that has arisen is that of election funding. It is a commonly held belief that the cost of contesting elections has skyrocketed to levels that far exceed the legal expenditure restrictions. Because of this, there is a lack of transparency, widespread corruption, and therefore a broad prevalence of what is known as back-money. Because the topic centres on the vested interests of politicians of all stripes, the people should pay special attention to the problem of the criminalization of politics. However, the people should not hold out any hope that politicians will take any action to correct this problem because it is inherently impossible for them to expect politicians to do so. The prevalent way of thinking is rapidly spreading like a disease. It obliterates all of democracy's constitutional protections, which means that it corrupts bureaucracy by making it partial; it stymies the press; and it even poses a danger to the court; and as a result, it undermines the fundamental principles upon which democracy is founded. As a result, the general populace need to take matters into their own hands and coerce the political parties into changing their practises.

conclusion

A report by the National Crime Records Bureau (NCRB) found that between 2014 and 2018, there was a 44% increase in the number of cases of elected representatives booked under various sections of the Indian Penal Code (IPC). ADR's analysis of candidates in the 2014 Lok Sabha elections found that 34% of the candidates had criminal cases against them, and 17% had serious criminal cases.

The criminalization of political activity in India poses a significant obstacle to the democracy and administration of the nation. Both the credibility of elected officials and the faith that voters



have in the political process are damaged as a result of this. The practise has been more widespread over the last several years, and now a sizeable number of legislators at the national and state levels are facing criminal allegations that range from homicide and rape to bribery and money laundering. The charges range in severity from one offence to the next. There are several aspects of Indian society that have led to the degeneration of politics into a criminal activity. Some of the primary causes are bribery and other forms of corruption, lax law enforcement, the influence of money, and the power of muscle. Candidates with a criminal history are often given the opportunity to run for office by political parties in return for financial support or physical strength, both of which may help the parties win elections. In addition, voters are occasionally persuaded by caste or communal issues, which might trump their worries about the candidates' criminal records. This can happen even when voters are aware of the candidates' criminal histories. The act of turning political activity into a criminal offence has far-reaching implications. It results in an increase in the prevalence of organised crime, it weakens the authority of the rule of law, and it generates an atmosphere of fear and intimidation. It also leads to the creation of laws that cater to the interests of criminals and the people who associate with them, rather than serving the general public's best interests. Reforms to the electoral process are urgently required to eliminate the possibility of individuals running for office who have a criminal record. This will allow the problem to be addressed. Political parties and voters alike need to take on a more responsible attitude when it comes to choosing and backing candidates. These candidates should have a spotless record and be dedicated to protecting democratic norms and the rule of law. It is also necessary to have more stringent rules and systems in place in order to hold politicians with prior criminal records responsible and prevent them from abusing their authority and influence to dodge prosecution. The criminalization of Indian politics is a complicated problem that needs a coordinated effort from all of the relevant parties in it to be solved. It is of the utmost importance to protect the integrity of the election process, encourage openness and accountability, and make certain that those who have been elected to serve the nation are honest and have strong morals. The democracy of India can only flourish and serve the interests of all of its residents if this condition is met.

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