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CRIMINALISATION OF POLITICS IN INDIA



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ABSTRACT

This evil of Criminalisation of Politics in India 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. In this research paper, an attempt has been made to analyze the factors leading to the Criminalisation of Politics in India and its impact on the democracy of India. 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.

The political parties do not pay attention to inculcate noble political values and principles of citizenship in the people. They do not promote patriotism and commitment to nation-building. They do 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 make full use of those differences for creating conflicts among them. The British followed the policy of 'divide and rule'; after India became independent, our politicians have become past masters of the art of creating groups and inciting them against one another.



At the end, the researcher is of the view that Criminalisation of Politics in India is an extremely serious problem, which has already reached dangerous levels. So, the people should wake up at once and force the political parties to mend their ways.

KEYWORDS :Criminalisation of Politics , factors leading , harmonious living ,domain of criminals.

INTRODUCTION:-

Since India's new Constitution came into operation on 26 January 1950, we have had sixteen general elections. These elections are held on the basis of universal adult franchise. They show our people's faith in democracy but we have found that Indian democracy is filled with many unending problems. The greatest ill is the Criminalisation of Politics. Research and studies show that Criminalisation of Politics in India has made joining the political arena' derogatory. It is a common perception that politics is the domain of criminals. People after committing crimes join politics to shield themselves from the law. After 68 years of India's

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Independence the lives of commoners is far worse than under Britishers. The benefits of independence have reached only few, thus creating islands of few ultra rich people surrounded by vast sea of utterly poor. The rich people in nexus with those in power are getting favorable laws enacted to suit their ends. Those in power are shamelessly enjoying 5-star luxuries all at tax payer's expense, while more than 36 crore people out of 125 crore populations in our country are starving to death today. The criminalisation of politics, executive & judiciary is almost complete. The corruption has spread its tentacles far & wide, there is corruption from womb to tomb, from maternity hospital to grave yard. The atrocities perpetrated by politicians are worse than Britishers.

The present political scenario is such that the younger generation wants to keep away from politics. A large number of people (about 25.96%) in India are illiterate. They do not understand the functioning of democratic institutions. They are not aware of the great value of vote. These illiterate people are easily deceived by cheap propaganda. Empty slogans and attractive promises mislead them. Cunning politicians misguide them by their talks for their personal interests. They exploit their ignorance and illiteracy for their selfish ends. Threatening voters to vote for a particular candidate or physically preventing voters from going to the polling booth—especially weaker sections of society like dalits, tribals & rural women—occurs frequently in several parts of the country. Elections sometimes are not completed without violence or claiming a few lives.

Politics is a game of power and people enjoying power are always being at the political forefront. Elections in many parts of the country have become associated with a host of criminal activities. In UP & Bihar, there is hardly a single MP or MLA who does not have a criminal case registered against him. It is a disgrace to the country that several hardened criminals & law breakers who have many cases of murder, rape and dacoity and other heinous crimes pending against them have become lawmakers in the Lok Sabha and the State assemblies and some of them have even become ministers. Around 34% of the members of the current Lok Sabha have criminal cases pending against them. It was 30% in 2009 and 24% in 2004. In 16th Lok Sabha, every third MP has criminal cases. As per the 'Association for Democratic Reforms' (ADR) Report analysis on winning 543 candidates, 20.66% are having serious criminal cases. The charges in several of these cases are of heinous crimes as said above and not just the violation of Section 144 or something similar & 13.47% are charged with non-serious criminal cases.

Muscle power is thought to be the most effective tool for capturing polling booths and casting vote in favour of a particular candidate. As early as in 1977, the National Police Commission headed by Mr. Dharam Vira (Retired Governor) 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. During the election period, particularly in the states of Bihar and UP, newspapers are full of information about the number of criminals with mafia links, who are fielded as candidates by every political party.

12 bombs blasts that shook Bombay on 13th March 1993, had involved the collaboration of a diffuse network of criminal gangs as well as their political Patrons. Vohra Commission headed by the former Union Home Secretary N.N. Vohra was instituted by the Central Government in 1993 to investigate this problem. The committee found deep involvement of politicians with organized crime all over India. The Vohra Committee said in its report that the mafia network was virtually running a parallel government. Vohra Committee report on the nexus between politicians, bureaucrats and criminals came up with startling facts and remedial measures. These were great expectations that some beginning will be made to cleanse politics. But nothing happened. It was barred from publication because it contains high explosive material.

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Despite the country wide debate generated by the Vohra Committee Report submitted in October 1993 on criminalization of politics in India, the system has changed only for the worse. Earlier in the 1960's, the criminal was content helping the politician win the election so that he could in turn get protection from him. The roles have now been reversed. It is now the politicians who seek protection from criminals. The latter succeed in getting direct access to power and hence become legislator or minister.

The Supreme Court judgment of 2nd May 2002 mandated the candidates to disclose their criminal antecedents, if any, as also their financial and educational background. The Election Commission had proposed amendment of statutory rules and the format of nomination papers, to give effect to this judgment of the Supreme Court. But, the Election Commission's requirements that the prospective candidates file an affidavit listing the criminal charges they face has hardly made any dent in the growing criminalization of politics. Although, it has taken noticeable measures to check criminalization in politics, it has already banned convicted people from contesting elections to the state legislature or parliament, it has asked all criminally-charged persons to disclose all the charges pending against them and conveyed that those cases should be settled as quickly as possible but in spite of it, it is found that the Election commission is powerless in preventing criminals from contesting elections. The Representation of the People Act, 1951 allows 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, rape, corruption or theft from the public exchequer, from representing the people in the country's highest legislature forums. These have been a number of cases where persons under trial have contested elections while in jail and won. Unfortunately, no political party stands up to take concrete step to curb this malpractice. Withdrawal of criminal charges against some tainted ministers of the previous governments is a case in point.

People argue in favour of judiciary weeding out crime from politics. But I do not think so. There is no use of putting people contesting elections with criminal back-ground behind the bars, as such people after being freed will find one way or the other to join or be associated with politics. Our country does not have any law to debar such people from contesting elections. Moreover, if judiciary were to declare that people who have even one case of bad conduct on their heads will not be allowed to be a part of the Government, and then this would not be feasible. These people wanting to join this line would get the cases dismissed in one way or other and every time would be back to square one. Suppose that the Government takes the step of jailing criminal candidates and disallowing them to take part in elections and then such people would return to nefarious activities once they are freed.

Thus in a nutshell it shall be inferred that the Judiciary alone is not competent enough to weed out crime from politics. Courts certainly cannot keep off criminals from politics because if that be the case then that would be a breach of Fundamental Rights and India being a democratic nation cannot afford to do so. So it is a shut case. We may say that once the people with criminal background have served their punishments, they may be allowed in politics but then what is the guarantee that once they become the elected representatives, they would not return to resume their unlawful activities. The fact is that after getting elected, they would do it in a large scale while in power. Therefore, this too cannot be implemented. The courts may find it difficult to keep a track of the record of every elected candidate if he or she has switched over to criminal ways. It is not easy to keep tabs on every individual. The Judiciary did make amendments to laws but to no avail. There is no way by which the courts can put a full stop to crime in politics. The task is mammoth and requires intellectual support to meet the solution as soon as it is possible.

We can no longer remain ignorant of our potential, our duties and responsibilities. We need to

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fulfill our true destiny and that can be achieved only if we: “Arise, awake and will not stop until the goal is achieved.” Or else, it will be said about India “too many laws, too little justice; too many public servants, too little public services; too much education, too little wisdom; too many values, too little in practices; too much of promise, too little of delivery; gigantic in potential and lilliputian in reality”.

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