



Mains Practice Question

Q. Indian democracy faces various challenges due to criminalisation of politics. Examine the reasons, challenges and steps taken in this regard. (250 words)

15 Mar, 2019 GS Paper 2 Polity & Governance

Approach

- Give some data to prove the criminalization of politics.
- Examine the reasons, challenges and steps take in regards to the criminalization of politics.
- Give a way forward.

Introduction

- Data from the **Association for Democratic Reforms (ADR)** indicates that 179 out of the 543 elected MPs in the 16th Lok Sabha have some kind of criminal case pending against them.

Body

The reasons criminalisation of politics:

- **Vote Bank:** Criminals are 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.
- **Denial of Justice and Rule of Law:** Toothless laws against convicted criminals standing for elections further encourage criminalization. Delay in justice is another root cause of increasing criminalization.
- **Illiteracy and lack of awareness:** The rate of loss of criminals is directly proportional to the increase in literacy rate in India. In absence of literacy, people usually vote based on freebies, sensationalism and propaganda being presented.
- **Lack of ethics** or values in Indian politics, generally all major or minor political parties in India used to play blame game, instead of finding a collective solution of the problem.

Challenges:

- The primary sacrifice at the altar of criminalisation is that of governance, along with transparency and accountability.
- **Favouritism and nepotism:** Permits are awarded to people irrespective of merit and once such corrupt practices mar the political field, the way is clear for the entry of criminals.
- The political interference in the investigation of offence by police and at different stages of trial appears to crumbling the criminal justice delivery system.
- **Corruption:** 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.
- **Criminals have more chances of winning:** While any random candidate has one in eight chances of winning a Lok Sabha seat, a candidate facing criminal charges is twice as likely to win as a clean candidate, due to muscle and money power at his helm.

- Election Commission has limited powers to legislate on election related laws.
- Criminalization of Indian politics and the consequent cult of the gun is the greatest danger that faces Indian democracy today.

Steps taken:

- **Executive efforts:**

- Representation of people's act 1950 and 1951 are main acts to take care of the political system in India.
- The Representation of the People's Act, 1951, was amended to facilitate use of Electronic Voting Machines (EVMs).

- **Judicial Efforts:**

- Apex Court made it mandatory for candidates to submit an affidavit with full disclosure of criminal cases, if any, and details of their asset and income.
- In 2003, None Of The Above (NOTA) option was also introduced by the judiciary.
- The apex court ruled that a sitting MP and MLA convicted of a jail term of two years or more would lose their seat in the legislature immediately (Lily Thomas vs. Union of India, 2013).
- The Supreme Court favoured the creation of special courts for expediting criminal cases involving politicians
- the Allahabad High Court banning caste and religion based political rallies

- **ECI efforts:**

- The ECI has achieved considerable success in containing the role of muscle power through measures such as the effective implementation of the model code of conduct and the setting up of the expense monitoring cell.
- Mandatory declaration of assets and existing criminal charges in self-sworn affidavits to the ECI prior to elections has brought in some transparency.

Way forward

- 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.
- 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.
- Judicial system will have to be overhauled drastically to ensure that justice is dispensed swiftly in all cases.