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Criminalisation of the Indian Politics

Dhiraj Kuamr Sharma¹, Chandan Kumar²

¹ Final year (10th semester) student of B.A LL.B At:- University Law College (Vinoba Bhawe University) Hazaribag, Jharkhand.

² Student of 8th semester B.A LL.B At :- University Law College (Vinoba BHawe University) Hazaribag, Jharkhand

ABSTRACT :-

The criminalisation of politics in India undermines democratic integrity and public trust, with a substantial range of elected officers having crook backgrounds. Despite legislative frameworks and Supreme Court directives geared toward increasing transparency and responsibility, the problem persists due to socio-financial disparities, political patronage, and systemic weaknesses. Key judicial measures encompass mandatory disclosure of crook records and the disqualification of convicted legislators. However, effective enforcement is missing. Addressing this difficulty requires comprehensive reforms, consisting of more potent enforcement mechanisms, expedited judicial techniques, legislative adjustments, and multiplied voter consciousness.

Introduction :-

The criminalization of politics in India represents a significant challenge to the state's democratic integrity. This phenomenon, characterised by the infiltration of people with criminal backgrounds into the political arena, undermines public believe and the effectiveness of governance. Despite numerous legislative measures and judicial interventions, the superiority of criminal factors in politics stays alarmingly excessive. Factors inclusive of socio-monetary disparities, political patronage, and systemic weaknesses inside the electoral and judicial procedures make contributions to this persistent problem. The Supreme Court has implemented essential directives, which includes mandatory disclosure of crook data and the instantaneous disqualification of convicted legislators, yet powerful enforcement remains a challenge. Addressing the criminalization of politics requires a multifaceted technique regarding more potent enforcement mechanisms, judicial and legislative reforms, political will, and extended public awareness. This article examines the volume, reasons, and implications of political criminalization in India and explores potential answers to restore integrity and duty in the u . S . A .'s political device.

Historical Context and Evolution :-

India's political scene hasn't always been entangled with crime. In the past, strength regularly rested with local strongmen who used pressure and favors to manipulate their areas. But after independence, matters had been one of a kind. Leaders who fought for freedom dominated the political landscape, and it was a cleanser time. However, over the years, competition for power and a decline in moral values brought about politicians relying extra on muscle and cash to win elections. This paved the manner for today's criminalization of politics.

Extent of Criminalisation :-

The quantity of criminalization in Indian politics may be gauged from diverse studies and reviews. According to statistics from the Association for Democratic Reforms (ADR), inside the 2024 Lok Sabha elections, 46% of elected Members of Parliament (MPs) had crook instances pending in opposition to them, with 31% facing serious costs like murder, rape, and kidnapping¹. This represents a worrying fashion in comparison to preceding elections, highlighting the growing influence of criminal elements in the political sphere.

If we look upon birthday party-wise distribution in crime. We find that

Party wise² ninety four(39%) out of 240 Winning candidates from BJP, 49(forty nine%) out of ninety nine Winning applicants from INC, 21 (57%) out of 37 Winning candidates from SP, thirteen(forty five%) out of 29 Winning candidates fielded by AITC, thirteen(59%) out of 22 Winning candidates

¹ Association for democratic reforms (ADR) “ Lok Sabha,2024 election analysis at (ADR India) <https://adrindia.org/content/analysis-criminal-background-financial-education-gender-and-other-details-winning-31>

² Association for democratic reforms (ADR) “ Lok Sabha,2024 election analysis at (ADR India) <https://adrindia.org/content/analysis-criminal-background-financial-education-gender-and-other-details-winning-31>

fielded through DMK, 8(50%) out of 16 Winning candidates fielded with the aid of TDP and 5 (71%) out of seven winning candidates from Shiv Sena have declared crook cases in opposition to themselves in their affidavits.

Party clever Winning candidates with Serious Criminal Cases: 63(26%) out of 240 Winning applicants from BJP, 32(32%) out of 99 Winning candidates from INC, 17 (46%) out of 37 Winning candidates from SP, 7(24%) out of 29 Winning applicants fielded via AITC, 6(27%) out of 22 Winning candidates fielded by DMK, five(31%) out of 16 Winning applicants fielded by way of TDP and four (57%) out of 7 triumphing candidates from Shiv Sena have declared critical crook cases in opposition to themselves of their affidavits.

Causes of Criminalization :-

Several factors make a contribution to the criminalization of Indian politics:-

1. Electoral System and Competition

The first-beyond-the-put up electoral machine encourages candidates to hire all viable means, including unlawful activities, to stable a win. The extreme opposition often leads political parties to nominate candidates with criminal backgrounds who possess the resources and muscle electricity wished for electoral fulfillment³.

2. Weak Legal Framework

While the Representation of the People Act, 1951, provides for the disqualification of convicted individuals, these legal guidelines are often circumvented. The gradual tempo of the judicial machine permits many accused people to contest elections whilst their cases are pending, as a consequence exploiting legal loopholes⁴.

3. Socio-Economic Factors

In many elements of India, local strongmen with crook backgrounds can exert big impact over the voters, mainly in regions with high tiers of poverty and illiteracy. These individuals regularly offer protection and services that the kingdom fails to deliver, as a result garnering popular help⁵.

4. Political Patronage and Corruption.

Political parties frequently offer protection and patronage to people with criminal backgrounds in exchange for their support at some point of elections. This symbiotic dating ensures that crook factors continue to thrive in the political panorama⁶.

Legal Framework

India has several prison provisions geared toward tackling the criminalization of politics:-

1. Representation of the People Act, 1951.

This Act lays down the qualifications and disqualifications for membership in Parliament and country legislatures. Section eight of the Act disqualifies individuals convicted of certain offenses from contesting elections. However, the supply for appeal permits many **convicted** politicians to contest elections whilst their appeals are pending, diluting the effectiveness of this law⁷.

2. Supreme Court Directives.

The Supreme Court has played a proactive role in addressing this problem through diverse landmark judgments:-

Union of India (UOI) v. Association for Democratic Reforms (ADR) (2002)

In this case, the Supreme Court mandated that all candidates should expose their criminal facts, instructional qualifications, and financial belongings of their nomination papers. This degree aimed to beautify transparency and allow citizens to make informed selections⁸.

Lily Thomas v. Union of India (2013)

The Supreme Court dominated that any MP, MLA, or MLC convicted of a criminal offense and sentenced to at the very least two years in jail might be without delay disqualified from retaining office, even if they appealed the conviction. This selection overturned the preceding provision that allowed convicted lawmakers to preserve in office during the pendency of their appeals⁹.

³ Dr. Subhranian "electoral system and their impact on Indian politics " Journal of Indian political science , vol 45, no. 2018 .

⁴ R. Mehta " The role of judicial deals in the criminalisation of politics" , Indian review, Vol. 12 , no . 1, 2020

⁵ S. Gupta, "Socio-Economic Dimensions of Political Criminalization in India," Economic and Political Weekly, vol. 55, no. 4, 2019, pp. 34-56.

⁶ P. Kumar, "Political Patronage and Criminalization: A Case Study of Bihar," Indian Journal of Public Affairs, vol. 17, no. 3, 2021, pp. 112-136.

⁷ Representation of the People Act, 1951, Sections 7 and 8.

⁸ Supreme Court of India, Union of India (UOI) v. Association for Democratic Reforms (ADR), (2002), 5 SCC 294.

⁹ Supreme Court of India, Lily Thomas v. Union of India, (2013), 7 SCC 653.

Public Interest Foundation v. Union of India (2018)

The Court directed political parties to post the crook antecedents in their candidates on their websites and in newspapers and digital media. This order aimed to increase voter awareness approximately the criminal backgrounds of applicants¹⁰.

Efforts to Address Criminalization

Several measures have been proposed and carried out to lower the criminalization of politics in India:-

1. Special Courts.

Following the Supreme Court's directives, unique courts were hooked up to expedite the trial of crook cases involving elected representatives. This aimed to make sure that such instances are resolved within 365 days from the date charges are framed, thereby preventing delays and making sure swift justice¹¹.

2. Electoral Reforms.

Comprehensive electoral reforms had been cautioned to tackle the basis causes of criminalization. These encompass country investment of elections, stricter enforcement of spending limits, and the advent of proportional illustration to lessen the emphasis on prevailing at all expenses¹².

3. Public Awareness and Civil Society.

Civil society groups just like the ADR play a essential position in elevating consciousness approximately the criminal backgrounds of candidates and advocating for electoral reforms. Increased public scrutiny can stress political parties to appoint candidates with smooth statistics.¹³

4. Legislative Action.

The Supreme Court has constantly entreated Parliament to enact laws disqualifying individuals with severe criminal expenses from contesting elections. Legislative action is important to create a sturdy felony framework that could efficaciously deal with this problem¹⁴.

Implications of Criminalization

The criminalization of politics has a long way-accomplishing implications for governance and democracy in India:-

1. Erosion of Public Trust.

The presence of people with crook backgrounds in legislative our bodies erodes public trust in democratic institutions. It creates a belief that politics is a corrupt and threatening enterprise, deterring honest and capable people from coming into the political arena¹⁵.

2. Poor Governance.

Lawmakers with crook backgrounds are more likely to interact in corrupt practices and prioritize their personal pastimes over public welfare. This undermines the fine of governance and hampers the implementation of regulations aimed at socio-monetary development¹⁶.

3. Weakening of Rule of Law.

The involvement of criminals in politics weakens the rule of regulation. It creates a state of affairs in which the law is selectively enforced, and people with political connections can prevent responsibility for his or her actions¹⁷.

4. Social Fragmentation

Criminalization regularly ends in the upward push of identity-primarily based politics, where candidates exploit caste, faith, and nearby identities to garner support. This can exacerbate social divisions and avert efforts toward country wide integration¹⁸.

Case Studies

Several case research illustrate the impact of criminalization on Indian politics:-

1. Bihar

¹⁰ Supreme Court of India, *Public Interest Foundation v. Union of India*, (2018), 9 SCC 505.

¹¹ Supreme Court of India, "Directive on Special Courts for Politicians," (2014), 6 SCC 473.

¹² 11. Election Commission of India, "Proposals for Electoral Reforms," ECI Report, 2020.

¹³ Association for Democratic Reforms (ADR), "Public Awareness Campaigns," ADR Report, 2021.

¹⁴ Supreme Court of India, "Recommendation for Legislative Reforms," (2019), 10 SCC 321.

¹⁵ N. Sharma, "Public Trust and Political Corruption in India," *Indian Journal of Governance*, vol. 21, no. 1, 2020, pp. 89-104.

¹⁶ V. Bhardwaj, "Governance and Criminalization of Politics: An Indian Perspective," *Journal of Public Policy and Administration*, vol. 22, no. 2, 2019, pp. 55-78.

¹⁷ A. Singh, "The Rule of Law and Criminalization of Politics," *Indian Constitutional Law Review*, vol. 14, no. 3, 2021, pp. 134-156.

¹⁸ M. Rao, "Identity Politics and Criminalization in Indian Elections," *Journal of Social Sciences*, vol. 19, no. 4, 2018, pp. 204-225.

Bihar has been a kingdom wherein the criminalization of politics is especially stated. Leaders like Mohammad Shahabuddin, who faced numerous crook prices, wielded big political influence and had been elected to Parliament more than one times notwithstanding their criminal facts¹⁹.

2. Uttar Pradesh.

Uttar Pradesh has also seen numerous politicians with extreme criminal backgrounds. The case of Mukhtar Ansari, a politician with a long history of criminal instances, highlights how people with crook backgrounds keep to maintain political strength and have an effect on²⁰.

Judicial Interventions and Their Impact.²¹

Judicial interventions were pivotal inside the war against the criminalization of Indian politics. Over the years, the Supreme Court of India has issued numerous landmark judgments and directives aimed toward curbing the influence of criminal factors in the political sphere. These interventions have sought to beautify transparency, put in force responsibility, and make sure that individuals with serious crook backgrounds are barred from contesting elections or holding public office

Key Judicial Directives :-

Disclosure of Criminal Records

In the landmark judgment of Union of India (UOI) v. Association for Democratic Reforms ²²(ADR) (2002), the Supreme Court mandated that all applicants contesting elections have to divulge their crook facts, educational qualifications, and financial assets of their nomination papers. This directive aimed to growth transparency and enable voters to make informed selections primarily based at the backgrounds of applicants. The court's ruling turned into a vast step in the direction of making sure that the voters is privy to the criminal antecedents of those looking for to symbolize them.

Disqualification of Convicted Legislators :-

In Lily Thomas v. Union of India (2013),²³ The Supreme Court dominated that any Member of Parliament (MP), Member of the Legislative Assembly (MLA), or Member of the Legislative Council (MLC) convicted of a crime and sentenced to at the very least two years in prison could be straight away disqualified from conserving workplace. This ruling overturned the sooner provision that allowed convicted lawmakers to retain in office at the same time as their enchantment was pending. The judgment was a landmark choice aimed at making sure that convicted individuals may want to no longer exploit the felony procedure to remain in power.

Fast-Tracking of Criminal Cases

The Supreme Court has additionally directed the established order of unique courts to expedite the trial of criminal instances regarding elected representatives. In a 2014 directive, the Court emphasised that these trials must be completed within a year from the date prices are framed. This degree aimed to prevent delays and make certain swift justice, thereby decreasing the capability of crook factors to govern the judicial technique to their gain.

Publicizing Criminal Records

In Public Interest Foundation v. Union of India (2018)²⁴, the Supreme Court ordered political parties to post the crook antecedents in their applicants on their web sites and in newspapers and digital media. This order turned into supposed to boom voter focus approximately the crook backgrounds of applicants and to place strain on political events to chorus from nominating people with extreme crook fees.

Contempt Proceedings for Non-Compliance

In 2020, the Supreme Court initiated contempt lawsuits in opposition to political parties that failed to observe its 2018 directive. The Court reiterated that political parties must provide reasons for choosing applicants with crook backgrounds and make certain this statistics is publicly to be had. Non-compliance could bring about contempt of court docket, underscoring the judiciary's dedication to imposing its directives.

¹⁹ K. Sinha, "Case Study of Mohammad Shahabuddin: Politics and Crime in Bihar," Bihar Journal of Political Science, vol. 9, no. 2, 2020, pp. 77-99.

²⁰ R. Jain, "Mukhtar Ansari: A Case Study of Criminalization in Uttar Pradesh Politics," Uttar Pradesh Journal of Social Research, vol. 11, no. 1, 2021, pp. 45-69.

²¹ Supreme Court of India, "Impact of Judicial Interventions on Criminalization of Politics,"

²² Supreme Court of India, Union of India (UOI) v. Association for Democratic Reforms (ADR), (2002), 5 SCC 294.

²³ Supreme Court of India, Lily Thomas v. Union of India, (2013), 7 SCC 653.

²⁴ Supreme Court of India, Public Interest Foundation v. Union of India, (2018), 9 SCC 505.

Challenges and the Need for Further Reforms :-

Despite these full-size judicial interventions, the powerful implementation of the Supreme Court's directives stays a venture. Several factors contribute to this difficulty:

Lack of Enforcement Mechanisms :-

While the Supreme Court has issued several directives, the shortage of strong enforcement mechanisms method that compliance is frequently inconsistent. Political parties and applicants sometimes find ways to bypass those directives, undermining their effectiveness.

Slow Judicial Process :-

The judicial system in India is plagued by using delays, and the slow tempo of trials regularly permits people with crook backgrounds to contest elections while their instances are pending. Despite the establishment of special courts, the sheer extent of instances and procedural complexities retain to pose full-size challenges.

Political Resistance :-

There is regularly sturdy resistance from political events in opposition to reforms that could disqualify applicants with criminal backgrounds. Many parties depend on the sources and have an effect on of such people to steady electoral victories, developing a reluctance to fully include judicial directives aimed at curbing criminalization.

Need for Legislative Support :-

While the judiciary can interpret and put in force present laws, comprehensive legislative reforms are vital to deal with the basis reasons of criminalization in politics. The Supreme Court has continually urged the Parliament to enact legal guidelines that disqualify people with serious crook prices from contesting elections, however progress on this the front has been slow.

Conclusion:-

The criminalization of Indian politics poses a grave threat to the integrity and functionality of the usa's democratic procedures. Despite diverse legislative and judicial efforts to mitigate this difficulty, the presence of people with crook backgrounds in the political landscape remains a huge subject. The roots of this problem are multifaceted, involving socio-financial elements, political patronage, and systemic weaknesses within the judicial and electoral frameworks. The Supreme Court of India has played a critical function in addressing the criminalization of politics via landmark judgments and directives aimed toward enhancing transparency, accountability, and speedy justice. Measures which includes obligatory disclosure of crook information, immediately disqualification of convicted legislators, rapid-monitoring of criminal instances, and publicizing criminal antecedents of applicants have been good sized steps forward. However, these interventions face demanding situations in effective implementation, regularly hindered by using lack of enforcement mechanisms, judicial delays, and political resistance.