

Essay on Criminalization of Politics

“As per Election Commission estimates 1,500 candidates in the 1996 Parliamentary election had criminal records and 40 of them got elected to the 11th Lok Sabha. In the State Legislatures, the picture is even more distressing. Out of the 4,072 sitting MLA's in all the states, more than 700 have criminal records.”

Criminals enter Politics to become Politicians and then patronize other criminals. The dire consequences of this unholy alliance between Criminals and Politicians are that at every level from bottom, Panch at Panchayat level to Chief Minister or Ministers at State and Central level, Criminals are being elected and appointed to the positions of power.

Politics has now become a shortcut way of earning. Once elected a person can accumulate money sufficient for his few generations. Neither Gandhiji nor the other freedom fighters who sacrificed all luxuries and comfort for the cause of the nation would have ever dreamt that a day would come when India's governance would pass into the hands of criminals and corrupt anti-social elements.

The reason many criminals enter politics is to gain influence and ensure that cases against them are dropped or not proceeded with. They are able to make it big in the political arena because of their financial clout. Political parties tap criminals for funds and in return provide them with political patronage and protection. As the Times of India pointed out: “Indeed, today, far from shrinking at the thought of harboring criminal elements, parties seek them out judging the muscle and money combination they represent to be of enormous value. Rough estimates suggest that in any State election 20 percent of candidates are drawn from criminal backgrounds. For the parties, it means overflowing coffers and unlimited funds to fight elections

and for the criminals, it means protection from the law and respect in the eyes of society.”

Another reason why political parties are not averse to fielding mafia dons is that winnability, not merit or experience, determines who gets to contest elections. And mafia dons and other powerful gangsters have shown that they can convert their muscle power into votes often at gunpoint. Voters in many parts of the country are forced to vote for the local strongman. The reign of ten-or that these criminals have spread in their area of operations ensures that they win the seat for the party.

In the 2000 elections to the Bihar State Assembly, every single one of the underworld dons and scamsters who contested the polls either from jail or in hiding was elected, with big margins. Among those who won with huge margins were men accused of offenses ranging from extortion and kidnapping to murder. Some of them were even brought from the jail by a police van for the swearing-in ceremony at the assembly building.

An indomitable Mr. tried his best to cleanse the system, but he failed. Mr. Sheshan’s successor, Mr. Gill faced the same problem. The Ex. Chief Election Commissioner Mr. Lingdoh also found himself in such a pitiable position, that he has no concrete remedy to cleanse the system, but to appeal to the voters: Not to vote for the criminals. Mr. T.S. Krishnamurthy, the Chief Election Commissioner, also faces the same dilemma. Most of the dreaded dacoits of Chambal or Murena valley were driven to crime as a result of their own victimization or because of some social, economic, or personal causes. But for the modern criminals turned politician, crime has become a way of life, and most of them thrive-with the blessing of the senior Politicians, Ministers, and even the Chief Ministers and Union Ministers. The pity of the parties that have given tickets to

such candidates.

During the last election, many candidates in Bihar collected illegal guns and explosives to be used by them to ensure victory. What a shame on the part of our lawmakers who cannot make a law to ban at least a person for contesting elections who is punished by the law and sentenced to imprisonment. Thousand of unauthorized arms manufacturing units worked overtime to meet the increasing demand for firearms. Tickets were given to the candidates with criminal records even by National Parties. U.P is not behind Bihar in fielding candidates with criminal backgrounds. The recent case of Amar Mani Tripathi, Minister in the Mayawati Government, being charged for the murder of Madhumita, a Poet, is a flagrant example of nexus between Criminals and Politics.

A virtual impression seems to have gained ground that you could commit a crime and get away with it if you have Political patronage at the proper level. The Police dare not to proceed against you or if having initiated an action shall drag away their feet to defeat the ends of justice. With politics and crime intertwined, bureaucracy and the Police have also become part of the nexus. This unholy affinity is having a malignant effect on public life and poses a threat to the democratic structure of the country. Politics has become such a lucrative and beneficial business, that whoever can invest or bid both money power and muscle power, can earn through for a few generations and enjoy unfettered power and respect among the society.

No one wants to vote for a criminal. And yet for years, criminals have been using our electoral system to enter politics with citizens hopelessly looking on. Until recently our laws sanction Election officials asking candidates for detailed information about their criminal and financial backgrounds, let alone making this information available to the public before the polls began.

But as India went to her largest election exercise over this year, the balance has perhaps begun to shift in favor of voters. India's 2004 elections are the first and the largest national election exercise that is being fought under the new election disclosure rules instituted in 2003. Candidates for Parliament and State Assemblies are now required to submit sworn affidavits along with their nomination papers giving information about their criminal, financial and educational backgrounds.

Nationwide, citizens wanting to know more about their candidates have a better opportunity before casting their ballot. To the cynics, this is a drop in the ocean and may not lead to much. This may be the beginning of a new era in Indian democracy; an era of opportunity for citizens' initiatives to mobilize around publicly available information.

During the current elections cycle, the Election Commission opened the gates for the media and citizens to collect copies of candidate affidavits from Returning Officers and the District Election Officers. Ten States are having some form of election watch campaign, indicating a broad-based nationwide civil society initiative to give teeth to the EC rules. Some State Election Commissions have already made candidate disclosures public on their websites and election watches have been distributing analysis to the media and citizens.

In a nation crying for reforms in our electoral system, the process of power, and judiciary, this verdict and people's right to know must be the starting point of democratic reform. This is also a moment for us to reflect. Once again the resilience of our democratic system, the inherent strength of institutions, and the constitutional checks and balances stand as testimony to the maturity and vibrancy of our governance system. We congratulate the advocates who marshaled the arguments ably on behalf of citizens and helped the court form its

conclusions. Millions of Indians, several organizations, and media all have fought this battle for democracy and liberty in keeping with glorious traditions of citizen assertion and people's sovereignty. We salute those sentinels of freedom.

But there are certain pitfalls we should avoid. This should not be seen as a struggle between the people and the political parties. Politics is a noble endeavor. There cannot be democracy without robust politics and strong parties. Parties have a difficult job in our diverse society and very often the politicians are as many victims of a vicious cycle as they are villains. The revulsion of politics is dangerous. Very often they are captive in the hands of politics which dominate the electoral scene in a first-past-the-post system. Our parties are striving hard to sustain our democracy against great odds. They need our full support in this endeavor.

We are confident, however, that our parties and legislators will exhibit the requisite courage, wisdom, and foresight to accept this verdict of the Supreme Court and use it as a launching pad for engineering far-reaching and vital electoral and governance reforms.

Neither should this be viewed as a turf battle between Parliament and Judiciary. No democrat can question the supremacy of elected legislature in lawmaking. Equally the judiciary has the ultimate responsibility to interpret the constitution and uphold fundamental rights. True, there are concerns about the judicial usurpation of executive and legislative authority and those concerns are legitimate. But the campaign for electoral reforms is the wrong case to contest judicial role.

This judgment opens up many vistas and the battle for reclaiming our republic for the people has just begun. We, on behalf of the National Campaign for Electrical.

Reforms, appeal to the political parties, media, and enlightened citizens to fully respect this verdict of the Supreme Court and work for genuine democratic reforms to help us fulfill our potential as a nation and minimize avoidable suffering.

The Patna High Court's latest ruling on countermanding of elections in constituencies where candidates with criminal records were contesting is a positive move to check the criminalization of politics in India. The Patna High Court has directed the Election Commission to consider countermanding of elections in constituencies where candidates facing criminal trials were contesting. The court has also asked the Commission to take a decision to this effect before the announcement of the results. Though on the appeal filed by the Election Commission the Supreme Court has stayed the ruling of Patna High Court and said that once the Election Process has begun such rulings are not feasible. The Apex Court also said that the matter will be looked into at a later stage. The Patna High Court ruling is a positive step to prevent the entry of criminals into electoral politics. Some pointed out that the court's ruling can be misused to prevent an individual from contesting elections by withholding him on criminal charges through manipulation.

The enormous problem of the nexus between criminals and politicians cannot be ignored any longer. The submission of an affidavit may have some deterrent effect but seems as it will also result in a futile exercise as in India, votes are being cast on the basis of caste, creed, and religion. The poor illiterate people of this country still vote to their caste man or to the man of fellow religions, or to the fellow who belongs to their region. Moral values and ethics have long been banished from the political arena of our country, but we cannot have such an indifferent attitude. We shall have to find a solution to eradicate the menace for which we are ourselves also responsible to a great extent.

In a democratic country, all the powers lie in the hands of the voters that is the general public. An awakening among the general mass can only show the right place to such criminal politicians.