

CRIMINALIZATION OF POLITICS IN INDIA: EVOLUTION AND CAUSES

***Gulshandeep**, Research Scholar, Department of Political Science, Desh Bhagat University, Mandi Gobindgarh.

** **Dr. Sumanpreet Kaur**, Assistant Professor, Department of Political Science, Desh Bhagat University, Mandi Gobindgarh.

All those who exercise power over others must be spiritual, not just religious in the ordinary sense of the term, by manifesting, more or less the divine within, by which they will use that power, for the good of the people, to serve the people. Whatever be the development of a nation, it cannot be great if character does not develop. We must become a great people in a great nation and not remain small people in a great nation. Swami Ranganathananda of the Ramakrishna Mission, Hyderabad.¹

Despite the best intentions of the drafters of the Constitution and the Members of Parliament at the onset of the Indian Republic, the fear of a nexus between crime and politics was widely expressed from the first general election itself in 1952. In fact, as far back as in 1922, Mr. C. Rajagopalachari had anticipated the present state of affairs twenty five years before Independence, when he wrote in his prison diary: "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..."²

Criminalization of politics is a major issue of concern in the Indian politics. When crime becomes highly visible on the political agenda and with it new problems emerge in politics, development of unholy nexus between criminals and politicians is called criminalization of politics. It is, therefore, essential to know the meaning of crime and politics.

Notion of Criminalization of Politics

When, political power is used by self-interest-seeking persons for nefarious and pecuniary gains or various other advantages, such as, to get special position in administration, or to rise to the higher stage of administration which is normally not feasible. Hence, where political power has been or is being used by some persons for the attainment of undue privileges and when this is rampant in the arena of politics it is generally called criminalisation of politics. To get undue favour or to gain something not legal or normal through the use of political power has been termed as crime. Here the word crime is used in politics in special sense. The term crime means an action which constitutes a serious offence against an individual or the state and is punishable by law. Hence, gaining something by the use of political power is a crime and is also punishable.

For example, an officer in administration wants to be promoted to higher post which is not his due. The person succeeds in his mission by using political power. But the matter does not stop here. The person who helped to get undue privilege will again use this person for the achievement of his purposes which are, in normal course, not due. This is the policy of give-and-take and this happens behind the curtain.

The use of political power is not something new. Even in ancient Greece politics was used by people for personal gains or for rising to a higher stage of power. The misuse or abuse of political power greatly pained Greek philosopher Plato (BC 427-347). That is why he thought of a philosopher-king and introduction of communism in property and family. He meant that the members of the administrative class will have no private property and family. Plato's argument was-these two will divert the attention of the members of the ruling class and will corrupt them. He also thought that if the king is a philosopher he will feel no personal attachment to property and wealth. Plato built up this model for the construction of his ideal state. Our point is the mismanagement of the contemporary city-states which were democratic pained him.

Rousseau (1712-1778) was a great admirer of democracy, but he was quite apprehensive of its real existence. He thought that people are corrupt and this will lead to the fall of democracy. That is why we find him saying: were there a people of gods, their government would be democratic. So perfect a form of government is not for men.

Even in Rousseau's time there were great inequalities of property and wealth. Some people earned property and built up wealth through unfair means and this created un-equalities in wealth and power. So wealth was used to get patronage in political arena and political power was also used to get wealthy.

Causes of Criminalisation of Politics

The most important cause of criminalisation of politics is the unholy nexus between politicians and bureaucracy. Ramchandra Guha (India after Gandhi) says, "In Jawaharlal Nehru's time the civil service was shielded from politics, transfers, promotions and the like were decided within the executive branch itself. From the 1970s, however, individual bureaucrats came increasingly to ally with individual politicians or political parties. When the party they allied with was in power, they get the best postings. In return, they energetically implemented the partisan agenda of the politicians".

This undesirable and dangerous relationship between bureaucracy and political leaders opened the door of criminalisation of politics. The great founders of Indian nation-state thought of an independent bureaucracy. But within two decades of freedom their hope and dream shattered. Both came to an understanding to help each other and this led to the criminalisation of politics.

The interference of politicians in the administration may be regarded as another reason of criminalisation of politics. Guha's says, "In a letter to the prime minister, the retired civil servant M. N. Buch has highlighted

the consequences of this politicisation of the administration. The way the government is now run means that the disciplinary hierarchy of the civil services has completely broken down. A subordinate who does not measure up and pulled up by his superior knows that he can approach a politician, escape the consequences for his own misdeeds and cause the harm to his superior”

In the 1970s this started in embryonic form and today this has assumed an epidemic. Most of the politicians of modern India interfere with administration in one form or another. The civil servants are becoming more and more corrupt, so also the politicians. The net result is politics is, ultimately, criminalised.

Caste and religion both are equally responsible for the criminalisation of politics. In bureaucracy there are certain fixed procedures and rules in the promotion. But caste and religion both interfere in this process. Less qualified and inefficient civil servants get promotion. The quota system is fully responsible. It has been found that a minister of a particular caste or religion will distribute favour to the members of his own caste and religion. In many states of India this is found. The Panchayat elections, like other elections, in the recent past, have demonstrated again that there can be no sanctity in India as long as politics continues to be based on caste and religion.

The influence of muscle power in Indian politics has been a fact of life for a long time. As early as in 1977, the National Police Commission headed by Dharam Vira observed, ” the manner in which different political parties have functioned, particularly on the eve of periodic election, involves the free use of musclemen to influence the attitude and conduct of sizeable sections of the electorate. The politicians are thriving today on the basis of muscle power provided by criminals. The common masses who constitute the bulk of voters are in most cases are reluctant to take effective measures that would curtail the criminal activities. Once the political personalities join the criminal elements, the nexus becomes extremely dangerous. Many of the politicians chose muscle power to gain vote bank in the constituency, and normally they assume that if they were unable to bring faith in the community, then they would generate fear or threat to get the power in the form of election.

The political parties and independent candidates have astronomical expenditure for vote buying and other illegitimate purposes through these criminals or musclemen. A link between the politician and criminals in a constituency provides a congenial climate to political crime. Those who do not know why they ought to vote comprise the majority of this country. Therefore, majority of voters are easily manoeuvred and purchased. Most of them are individually timid and collectively coward. To gain their support is easier for the unscrupulous than the conscientious. It has been long established that criminals being wooed by political parties and given cabinet berths because their muscle and money power fetches crucial votes. Elections are won and lost on swings of just one percent of the vote, so parties cynically woo every possible vote bank, including those headed by accused criminals. Legal delays ensure that the accused will die of old age before

being convicted, so political parties virtuously insist that these chaps must be regarded as innocent till proved guilty.

The system of party government is also responsible for the criminalisation of politics. On the eve of general election the leaders of the party give promises to the electorate. The purpose is to win the election. If the party luckily comes to power, the members of the ruling party try to implement the promises. The dark side of this situation is the party in power does not consider the feasibility and rationality of the action or promises unreasonable and impractical ways and techniques are adopted. This is a cause of criminalisation of politics.

Today, criminalisation is a fact of Indian electoral politics, and for this, the voters, political parties and the law and order machinery of the State are equally responsible. In actually delivering good governance, people have very little faith in the efficacy of the democratic process. This extends to accepting criminalization of politics as a fact of life. This process is further encouraged by the toothless laws against the convicted criminals contesting the elections. Under the current laws, only people who have been convicted at least on two counts be debarred from contesting elections. This leaves the field open for charge-sheeted criminals, many of whom are habitual offenders or history -sheeters. It is mystifying indeed why a person should be convicted on two counts to be disqualified from contesting elections. The real problem lies in the definition. Thus, unless a person has been convicted, he is not a criminal. Mere charge-sheets and pending cases do not suffice as bars to being nominated to contest an election. So the laws have to be changed accordingly.

In post-independent India strong public opinion against corrupt practices has not developed. Each person knows that that system or practice is corrupt. But there is nobody to protest against it. Rather, he thinks that this is the system and he accepts it. This tendency has finally opened the door of the criminalisation of politics. But if anybody objects to the corrupt practice he is either penalised or deprived of his due.

Un-development, illiteracy, poverty and prismatic nature of Indian social system are collectively responsible for the criminalisation of politics. The shrewd and self-interest-seeking politicians —in collaboration with corrupt civil servants — adopt various types of unfair means to satisfy their greediness and ill-motives. The Indian society is in transition. From various sources the government of India is getting funds for development.

The government also spends huge amount of money through Five Year Plans. A large amount of money is laundered by politician and bureaucrats. There is a close alliance between the two and this has led to the worst type of criminalisation of politics.

Generally speaking, criminalization of politics may be termed as a systematic act of subversion of the usual course of politics by illegal means intended to attain private gain or end. It gives rise to a situation where there are a great deal of erosion of values, organized violations of norms, rules and principles, dearth of security of life, liberty and property, lack of transparency and accountability, dominance of muscle power and black money, plunder of resources, rampant corruption, denial of justice and rule of law, and unconventional forces to establish substantial control over the political process.³

Criminalization of politics can be visualized into two different senses. In narrow sense, it refers either to the direct entry and interference of criminals into the political parties, state legislatures and parliament of the country or politicians adopting criminal means to achieve their own political goal.⁴ In wider sense, it refers to interference of criminals into politics either directly or indirectly like financing any candidate, providing anti-social manpower, booth capturing, contract killing of rival candidates, providing muscle power services, as well as campaigning for any candidate contesting elections.⁵ It may be mentioned here that the criminals apply their power disobeying social customs, social barrier, state law and prohibition and through the unlimited use of the muscle power during election period, they compel the countrymen to behave against their own intention in such a way are quite common in Indian experience today, especially in rural India. So, in the present India the politics means a picture of the unlimited and reckless use of the muscle power.⁶

The politicians of our country indulge in the corrupted functions of the criminals but they remain aloof completely from the criminal activities. The politicians use the corrupted persons for fulfilling their own political objective. The political leaders, most of the time, are too much practiced to create the fight against their political opponent with the help of their private armies⁷ and they also habituated to threat and terrorise the common people. Therefore, now politics, crime and violence are a tie. They are only concerned with power and never feel the responsibility. Their sense of value has certainly deteriorated to the lowest ebb.⁸

Criminals enter politics to enjoy the privileges of political leaders in the legislatures and then patronize other criminals. This has created a negative impact on the Indian political system. If this trend continues, then there is a possibility that in India, instead of government of people, by the people and for the people may become government of criminals and for the criminals. It is need of the hour to break the nexus between criminals and politicians.

Mahatma Gandhi, who fought against the imperial power peacefully, was also concerned with the purification of political life and therefore, suggested inclusion of morality into politics. Ancient Indian society was praised rather glorified by him as “where kings and swords were inferior to the swords of ethics.”⁹ M. N. Roy and Jaya Prakash Narayan even opposed the system of party politics because in elections, political parties adopt corrupt practices. So, they suggested party-less democracy in India.

In August 1947, when the Congress Ministers of West Bengal came to meet Mahatma Gandhi, father of the nation, the latter advised the former: From today you have to wear the crown of thorns strive ceaselessly. Cultivate truth and non-violence; be humble; be forbearing. The British no doubt put you on your mettle. Now, on your own you will be tested through and through. Beware of power; power corrupts; do not let yourselves be entrapped by its pomp.¹⁰

But politicians did not pay heed to his advice and teachings on the need to maintain highest probity in public life and pursue politics of morality. This advice was forgotten by the successive leaders of free India. As a consequence, criminals entered into the arena of politics. Criminalization of politics is eating the vitals of political life and system which has posed a serious threat to democratic system of the country.

Criminalization of politics in India is a post-independence development. During the freedom movement, there was no nexus between the politicians and the criminals. The Congress under the leadership of Gandhiji had adopted the policy of adhering to truth and non-violence, abjure violence at any cost. Therefore, there was hardly any scope for criminals to get involved in political programs of the Congress. Not only this, even the left and revolutionary parties never thought of taking any assistance from anti-social elements although their program included violent methods. Thus, criminals had absolutely no role to play in Indian politics.

Till 1960s the criminal was only contended by playing second fiddle to the politicians to enable them win election and in turn, to get protection for him. By 1970s, political parties took help of criminals for contesting elections. On 12-13 August 1971, the infamous Baranagore-Conssipore carnage was perpetrated in which more than 150 youth were slaughtered by Congress goons in connivance with the State administration. Therefore, this election of West Bengal Assembly in 1972 was completely rigged and the dominance of the criminals in the affairs of the Congress was complete.¹¹

A stage has now reached in the political life of India when there is hardly any reservation in rewarding persons with a criminal record with high positions, and the thin line dividing many politicians from the criminals has disappeared.¹²

It is normally alleged that Mrs. Indira Gandhi spearheaded this moral decay in politics. Loyalty to personality became more important than loyalty to principles. Those who proved their loyalty were rewarded with plum political posts even if they were hijackers, heroine peddlers or hard core criminals.

In December 1978, two impetuous young men were arrested for hijacking an Indian Airline plane on its flight from Lucknow to Delhi. They had done so as a protest against Indira's harassment by the Janata Government. When Indira Gandhi returned to power, criminal proceedings against the hijackers were withdrawn, and one of the culprits was later elected to the U.P. Vidhan Sabha for his 'loyalty'.¹³

New trends came to Indian politics, that politicians are hiring gangsters to kill their rivals, attack polling booths and loot polling boxes during election. They are fighting elections, providing finance to politicians and political parties, becoming MPs, MLAs and Ministers.¹⁴

In the course of time, with the blessings of politicians, criminal gangs lead by mafia leaders such as Hajji Mastan, Karim Lala, Dawood Ibrahim, Yusuf Patel, Varadarafin Mudaliar, Alamzeb, Babu Resham, Arun Gauhi, Shabir Ibrahim to name a few, came into prominence. They resorted to looting of matka and liquor dens and resorted to stabbings and killing in the streets. The control of the streets has passed on from the police to the gangsters of the under-world and they rule the streets with impunity. Powerful gangs could enlist the support from the politicians and the police by paying protection money.¹⁵

The recent trends show that there has been a surge in the proportion of criminal MLAs and MPs in the country. In the Lok Sabha of 2004, the number of winning candidates who faced with criminal charges was 24 percent which further rose to 30 percent in 2009 and furthermore to 34 percent in 2014.¹⁶ As many as 186 (34 percent) winners out of 541 analysed had declared criminal cases against themselves.¹⁷ Moreover, the majority-winning party, BJP, is leading the chart with as many as 98 winning candidates (35 per cent) out of total 282, are facing criminal charges.¹⁸ And the irony is that the chances of winning of a candidate with criminal cases in the 16th Lok Sabha elections were 13 per cent while for a candidate with a clean record it was merely 5 per cent.¹⁹ The situation is at its worse in Uttar Pradesh where almost 47 percent of the total MLAs in the Legislative Assembly of 2012, have declared criminal cases against them.²⁰ In 2007 assembly elections for the whole of Uttar Pradesh, out of 403 MLAs considered, 140 (35 percent) MLAs had declared criminal cases against themselves.²¹ The statistics provided are indicative of the rising trend of criminalisation of politics in UP. However, the political parties alone are not to be blamed for giving the ticket to such a candidate but also the voters, who do not utilize their franchise in a proper and effective manner.

Above is a picture from one of the leading newspapers ²² of the country about the recent UP Assembly elections of 2012. The Samajwadi Party reclaimed the state with an astounding majority.

Thus, it can be observed, that almost all the political parties from national to regional taking services of criminals and anti-social elements to ascertain their win by any means. Besides, these criminals and the anti-socials realized well that it is quite impossible for the political leaders to ensure the success in the election without their lawless assistance. This is the major reason that the criminals are too enthusiastic to enter into the electoral politics, considering it to be the best 'profession' which would not only endow them with state power but also with patronage and protection for their other activities.²³ Thus, a new phenomenon in Indian politics called "Tainted politicians" has evolved.

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