

CRIMINALS IN POLITICS: A REVIEW OF BIHAR POLITICS

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ABSTRACT : The nexus of politics and crime has always made the real purpose of politics irrelevant. In the institutions of decentralization of politics, mainly in the assembly elections, panchayat elections, municipal elections, candidates with increasing criminal image have made it clear that politics (struggle for power) was achieved by using democratic means for the welfare of its citizens. It is known that, now the increasing number of candidates and leaders with criminal image, even criminal image, use political power only for their useless interests. Leaders of any political party do not pay attention to develop great political values and principles of citizenship. They do not promote patriotism and nation-building commitment. Politics or the use of political power is nothing new. The ridiculous situation is that the process of increasing criminalization of politics in Bihar has led to the politicization of crime in place of criminalization of politics and has become a prominent feature of the politics culture of today's ruling class. Criminalization of politics is a very serious problem in Bihar, which has already reached dangerous levels. This evil of criminalization of politics attracts special attention of the people as the subject revolves around the vested interests of all party politicians because such people can never hope that politicians will take any initiative to rectify this evil. In this research paper, an attempt has been made to analyze the increasing dominance of criminals in Bihar politics and its remedial measures.

Keywords : Criminal, Criminalisation, Politics, Winnability, Bihar.

I swear to the Lord I steel can't see why democracy means everyone but me.

- Longston Huges, The Black Man Speaks.

INTRODUCTION

Unlike in other states, criminalisation of politics in Bihar is well chronicled and has been dealt in parts mostly by political scientists and journalists covering the state. Beginning in the '50s on narrow caste-based considerations prompted by the state's founding fathers, it assumed horrific proportions in the '90s. Elected representatives routinely disrupt public life and kill with impunity. Innumerable cases against them lie 'pending' in courts - probably for all times to come - and life goes on.

People have seen how kidnapping grew into a multi-million rupee industry in Champaran how; the mass killings in Belchi, Pipra, Dalelchak, Bihta and innumerable such unchartered places happened with political supports of people in power; the coal mafia operations in south Bihar (now Jharkhand); the vicious communal riots in Bhagalpur not witnessed since Noakhali; the dacoit-caste gangs in the Kaimur mountain ranges; and the rise of the extreme Left in regions where minimum wages exist only on departmental files.

So where did it all begin? While it is difficult to arrive at a cutoff date, the trends were visible in the early years. In the '50s, the Aiyar Commission examined 189 charges against six prominent politicians - K.B. Sahay, Satyendra Narain Singh, Mahesh Prasad Sinha, Raghavendra Narain Singh, Ambika Sharan Singh and Ram Lakhan Singh Yadav, an important member of the Narasimha Rao Cabinet. The Aiyar proposals never saw the light of the day. Similarly, the Madhokar Commission found serious charges against the then chief minister Mahamaya Prasad Sinha, which lie tombed somewhere in the Patna secretariat.

With time, upper-caste killer gangs were replaced by powerful backward caste ones. By the turn of the '80s, proclaimed offenders decided that instead of doing the dirty job for politicians, it made sense to contest elections themselves—with no comebacks.¹

It is well known that Bihar always had criminals in politics. There are murders, rapists and kidnappers as members of legislative assemblies and members of parliaments. One such person is Mohammad Shahabuddin supported by the Laloo Prasad Yadav. Although he was no longer allowed to contest, Laloo Prasad Yadav had given his wife a ticket to contest from the Siwan parliamentary constituency of Bihar in 2009.

Call it cynicism if we like, but it was quite unlikely that many were shocked when former Union minister in the NDA government, Ravi Shankar Prasad, was shot at while addressing an election rally at Sasaram some years ago.²

He was, after all, campaigning in the badlands of Bihar, where there is not even a semblance of a divide between criminalisation and politics. Rather than being an exception, it is the norm now to give tickets to history sheeters, known in local parlance as bahubalis.

But while efforts to put morality and ethics above politics have taken a backseat, all political parties, ironically, have the single refrain - to rid Bihar of crime. Paradoxical as it may seem, the nexus between politics and crime is there to stay in Lalooland. What can be more telling than the fact that Pappu Yadav won the Madhepura elections earlier by two lakh votes, even though he contested from jail?

So what prompts all the key players in Bihar to pay lip service to combatting criminalization - even as they hunt with the hounds. Winnability is the key element, concede political observers, pointing out that the compartmentalisation of caste politics has forced political parties to look for other ways to supplement their votebase. Many feel that chances of increasing their tally gets better with the support and backing of such elements.

The inter-caste dispute, growing illiteracy, political corruption, population boom, institutional decay, brain drain, and the growing violence have virtually destroyed the social fabric of the state. The refusal of major political parties to improve things has further speeded up the decline.

The spate of abductions and murders in Bihar and the allegations and counter allegations between the rival political parties here have brought the debate on the viability of political system at the centrestage.

The Association of Democratic Reforms and the National Election Watch says 526 candidates from various political parties have fielded their nominations so far. Of these, the affidavits of 268 are available and 116 of them have a criminal background -- a whopping 43.8 per cent.³

The ADR (ASSOCIATION FOR DEMOCRATIC REFORMS) had demanded that parties should not give tickets to such candidates. They point out that instead of giving tickets to honest and capable candidates, political parties are giving more tickets to candidates with criminal backgrounds. Several of the charges leveled against these candidates are serious in nature like murder, criminal intimidation, assault and wrongful restraint. Speaking on the criminalisation of politics, former Indian Administrative Service official R K Khatri said, "The people of Bihar want to move ahead, but political parties are betraying them by relying so heavily on *bahubalis*. Are there no honest and capable candidates in Bihar? There is still time; they should take the tickets back from these candidates and give them to genuine candidates who want to truly serve the people of Bihar".

Professor Trilochan Satry, dean of IIM Bangalore and founder member of ADR, said, "In the all party meeting with the Election Commission, each party agreed that they will weed out criminal elements." But the political parties have not adhered to their promise to the EC.

From ADR's compilation of data on 5,380 candidates contesting the Lok Sabha election 2014, 17 per cent have declared criminal charges in the affidavits submitted to the Election Commission; 10 per cent have declared serious criminal charges such as murder and rape charges.

Political parties in Bihar seem to have increasingly relied on leaders with criminal antecedents to bolster their electoral prospects over the past one decade.

According to an analysis by the Association of Democratic Reforms and National Election Watch, the number of MPs elected from Bihar who had criminal cases pending against them grew to 87% in 2014 as compared to 2004. The documents filed by candidates of Lok Sabha elections during 2004-2014 revealed that there has been a rise of 122% in the number of contestants with criminal records. Similarly, the number of Members of Parliament (MPs) elected from the state who had criminal cases pending against them grew to 87% in 2014 as compared to 2004.

According to ADR state coordinator Rajiv Kumar, "599 candidates in the fray for 2014 Lok Sabha polls, 184 had declared they were facing criminal cases. Of 184, 133 candidates had criminal cases of serious nature like murder, attempt to murder, kidnapping, dacoity, rape, etc. 50% of the elected MPs from Bihar in 2014 had criminal cases of serious nature pending against them,". In the 16th Lok Sabha, 28 of the 40 MPs from Bihar had criminal cases field against them, while 20 of the faced serious cases. Similarly, in the present Bihar legislative assembly, 141 out of 243 members have declared criminal cases against them.

The BJP, which won 22 Parliament seats in Bihar, has the highest number of MPs (16) with declared criminal cases. Eight of them have been charged with serious offences. The RJD also does not lag behind, as all its four MPs are facing cases of serious nature like their counterparts of the Congress.

The scenario in the state polls was equally worrisome. According to ADR state coordinator, about 70% MPs declared there are criminal cases against them during 2014 polls, as against 42% in 2009 and 38% in 2004. 96% rise in the number of contestants with criminal cases for the state assembly polls from 2005 to 2015. The number of elected MLAs with criminal cases also went up by 43% in 2015 vis-à-vis 2005.

According to a report from Bihar Election Watch and Association for Democratic Reforms, 142 out of 243 MLAs in Bihar had criminal cases pending against them in 2015, when assembly polls were last held. 96 of them had declared serious criminal cases including those related to murder, communal disharmony, kidnapping and crimes against women. Of them, 46 MLAs with criminal cases registered against them; 34 of them are facing serious criminal charges. The numbers of MLAs with criminal case and serious offences are respectively 34 and 19 for the BJP, and 37 and 28 for the JDU. The Congress too has 11 out of 27 legislators in the house with cases of serious crime against them. The JD (U) dominated the house constituted after 2010 elections with 39 MLAs, who have declared facing serious criminal cases, followed by the BJP (23 MLAs). The BJP and the JDU are part of the ruling alliance in Bihar.⁴

Incidentally, some of the MLAs in Bihar have faced fresh criminal charges in the recent past. For example, RJD legislator Rajballabh Yadav was convicted for raping a minor girl in December 2018.

Reforms

Indian Electoral System today is at a point of inflection. What started in early '90s as a lone struggle by a maverick (T. N. Seshan) to cleanse the cesspool of Indian Elections, has now transformed into as well oiled election machinery that has won acclaims for the successful conduct of several difficult electoral battles. Indian Elections are unique because of the number of people that vote, the varied geography it covers as well as the specter of violence that hangs around them. The real game changer has been the speedy roll out of the Electronic Voting Machines (EVMs). From trial runs to all EVM Elections, they have even caught the fancy of the world community. The somewhat checkered implementation of the Voter ID Cards and the mandatory affidavits by candidates has also contributed to the credibility of Indian Elections. But where do we go from here?⁵

To be sure, there are still problems galore. There is the problem of increased Naxalite insurgency and the violence inflicted by them during elections. Beside that the role of money power too has come in for sharp focus. Around 300 present MPs are known to be Crorepatis, giving rise to the feeling that in near future, being a millionaire might become a pre-requisite for the job. However the most serious problem of them all is the twin issue of increasing Criminalisation of Politics and the lack of good people joining politics. Both these are essentially two sides of the same coin.

For our democracy to enter the next level of maturity, we need to usher in a new generation of Electoral Reforms. It is customary in the election season to run campaigns for increased voter turnout. There have been other ideas that have come to fore such as public funding of Elections, option to reject all candidates, provisions for recall of candidates etc. However many of these ideas can only take us thus far. Increased voter turnout will only have an impact if there is a wide choice of good candidates and detailed information about their performance is available. Even though public funding is being touted as a solution to the rising influence of money power, it may end up becoming up another channel for large scale waste of public money.

The problem of the criminalisation of politics needs to be tackled head on. We have for too long, dithered on the premise that any law to debar under trial criminals before they are finally convicted by the highest court, will open the door for falsely implicating innocent persons and will be against the laws of natural justice. However such arguments have become fallacious after more and more MPs & MLAs are being convicted of serious crimes such as murder, rape & sedition. We need to bite the bullet now and make the law applicable to criminals convicted of serious crimes by any court of law. Once convicted they should not be allowed to

contest even if their appeal is pending in a higher court, till the time their conviction is annulled by a competent court. Besides this 'Fast Courts' should be mandatory in case of MPs & MLAs being accused.⁶

The problems facing our nation are serious and the rapid degeneration in the quality of our MPs and MLAs will reverse whatever progress we have made in the past decades. An intense debate on Next Generation Electoral Reforms is the need of the hour and the denizens of Social Media Network should take a lead in this direction. These discussions will hopefully throw up some ideas that will help shape a new dawn.

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