

Question: Discuss the issue of criminalization of politics in India. What are the steps taken to curb it and suggest remedial measures for the same. (250 words)

Answer:

Criminalisation of politics means to use politics or political power for nefarious gains. Close to 43% winners of the 2019 Lok Sabha elections have criminal cases against them, according to the Association of Democratic Reforms (ADR). As per the directives of Election Commission, all candidates contesting elections have to submit a self sworn affidavit declaring criminal charges on them. Despite this, parties nominate these candidates.

The existing forms in which the criminalization of politics exists in the Indian governance are:

1. Electoral Fraud
2. Political Candidates with criminal records/pending
3. Muscle power used to gather votes.
4. Political scams
5. Bureaucratic scams
6. Criminal gangs enjoying patronage of politicians

Cause

One can attribute the causes of criminalization in politics to the fact that India is still a country where the mechanisms which are quintessential to running the various administrative systems are not free of loopholes which feed to the need of men wanting to derive the “extra edge”, or, to overcome the weaknesses which have been attributed to them by the system itself.

Measures taken so far

Currently, under the **Representation of Peoples (RP) Act**, lawmakers cannot contest elections **only after their conviction** in a criminal case. **Section 8 of the Representation of the People (RP) Act, 1951** disqualifies a person convicted with a **sentence of two years or more** from contesting elections. But those **under trial continued to be eligible** to contest elections. The **Lily Thomas case (2013)**, however, ended this unfair advantage.

In 2002, it made it obligatory for all candidates to file an affidavit before the returning officer, disclosing criminal cases pending against them. The famous order to **introduce NOTA** was intended to make political parties think before giving tickets to the tainted. In its landmark judgment of **March 2014**, the SC accepted the urgent need for cleansing politics of criminalisation and directed all subordinate courts to decide on cases involving legislators within a year, or give reasons for not doing so to the chief justice of the high court.

The **September 2018 judgment** of a Constitution Bench, which had **directed political parties to publish online the pending criminal cases against their candidates** was not complied with by the political parties. The judgment had **urged Parliament to bring a “strong law”** to cleanse political parties of leaders facing trial for serious crimes. The ruling by a five-judge Bench concluded that **rapid criminalisation of politics cannot be arrested by merely disqualifying tainted legislators** but should **begin by “cleansing” the political parties.**

Proposed measures to curb criminalization of politics:

- Bringing greater **transparency in campaign financing** is going to make it less attractive for political parties to involve gangsters.
- The Election Commission of India (ECI) should have the power to audit the financial accounts of political parties, or political parties’ finances should be brought under the **right to information (RTI) law.**
- Broader governance will have to improve for voters to reduce the reliance on criminal politicians.
- The Election Commission must take adequate measures to break the nexus between the criminals and the politicians.
- The forms prescribed by the Election Commission for candidates disclosing their convictions, cases pending in courts and so on in their nomination papers is a step in the right direction if it applied properly.

It is a paradox that in the largest democracy on the planet, as we proudly call ourselves, dwell such evils. Without criminalisation in Indian politics the faith of the public on the government will increase, which will result in an increase in voter turnout. Free and fair elections will be held, lesser expenditure on elections and thus less corruption. In all it would be a step towards democracy in its true sense.