

## Quadrant II - Notes

**Programme: Bachelor of Arts**

**Subject: Political Science**

**Paper Code: POC 104**

**Paper Title: Constitutional and Social Issues in India**

**Unit: 03**

**Module Name: Criminalization of Politics**

**Module No: 13**

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### **Criminalization of politics**

The criminalization of politics means the participation of criminals in politics which includes that criminals can contest in the elections and get elected as members of the Parliament and the State legislature. It takes place primarily due to the nexus between politicians and criminals.

### **Legal Aspect of Disqualification of Criminal Candidates**

- In this regard, Indian Constitution does not specify as to what disqualifies a person from contesting elections for the Parliament, Legislative assembly or any other legislature.
- The Representation of Peoples Act 1951 mentions the criteria for disqualifying a person for contesting an election of the legislature.
  - **Section 8 of the act**, i.e. disqualification on conviction for certain offences, according to which an individual punished with a jail term of more than two years cannot

stand in an election for six years after the jail term has ended.

- The **law does not bar individuals who have criminal cases pending against them** from contesting elections therefore the disqualification of candidates with criminal cases depends on their conviction in these cases.

### **Reasons for Criminalization**

Lack of Political Will: In spite of taking appropriate measures to amend the RPA Act, there has been an unsaid understanding among the political parties which deters Parliament to make strong law curbing criminalisation of politics

Lack of Enforcement: Several laws and court judgments have not helped much, due to the lack of enforcement of laws and judgments.

Narrow Self-interests: Publishing of the entire criminal history of candidates fielded by political parties may not be very effective, as a major chunk of voters tend to vote through a narrow prism of community interests like caste or religion.

Use of Muscle and Money Power: Candidates with serious records seem to do well despite their public image, largely due to their ability to finance their own elections and bring substantive resources to their respective parties.

- Also, sometimes voters are left with no options, as all competing candidates have criminal records.

### **Effects:**

Against the Principle of Free and Fair Election: It limits the choice of voters to elect a suitable candidate. It is against the ethos of free and fair election which is the bedrock of a democracy.

Affecting Good Governance: The major problem is that the law-breakers become law-makers, this affects the efficacy of the democratic process in delivering good governance. These unhealthy tendencies in the democratic system reflect a poor image of the nature of India's state institutions and the quality of its elected representatives.

**Affecting Integrity of Public Servants:** It also leads to increased circulation of black money during and after elections, which in turn increases corruption in society and affects the working of public servants.

**Causes Social Disharmony:** It introduces a culture of violence in society and sets a bad precedent for the youth to follow and reduces people's faith in democracy as a system of governance.

- Recent Steps by the Supreme Court to Curb Criminalization of Politics:
  - In February 2020 Supreme Court (SC) ordered the political parties to publish the entire criminal history of their candidates for Assembly and Lok Sabha elections along with the reasons that forced them to field suspected criminals.
  - The SC in *Public Interest Foundation vs Union Of India, 2018* had also directed political parties to publish online the pending criminal cases of their candidates.

## **Conclusion**

Parties are inevitable .No free country has been without them. No one has shown how representative government could be worked without them. They bring order out of the chaos of a multitude of voters.