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# ADR–NEW Report Highlights Persistent Criminalisation of Politics Among Chief Ministers, Reviving Debate on Electoral Reforms

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## Recent Developments:

- The Association for Democratic Reforms (ADR) and National Election Watch (NEW) have analysed the self-sworn election affidavits of all **31 incumbent Chief Ministers of 28 States and 3 Union Territories**, based on the affidavits submitted before their latest elections.
- The report reveals that **14 out of 31 Chief Ministers (45%)** have declared criminal cases against themselves, while **11 Chief Ministers (35%)** face serious criminal cases punishable with imprisonment of **five years or more**.
- The analysis also shows that the **average declared assets** of Chief Ministers stand at **₹118.07 crore**, while **D.K. Shivakumar (Karnataka)** has declared assets exceeding **₹1,413 crore**, making him the wealthiest Chief Minister according to the affidavits.

## Criminalisation of Politics:

### *Meaning:*

- **Criminalisation of politics** refers to the increasing participation, nomination, and election of individuals with criminal backgrounds to legislative and executive public offices.
- The **phenomenon** becomes particularly serious when persons facing grave criminal charges influence law-making, public policy, governance, and administrative decision-making.
- The **issue** represents both the entry of criminals into politics and the growing nexus between political actors and organised criminal networks.

### *Why the Issue Matters:*

- **Democratic governance** depends upon representatives possessing integrity, accountability, and respect for the rule of law, whereas criminalisation weakens these democratic foundations.
- The **presence of elected representatives** facing serious criminal charges raises concerns regarding ethical governance, public confidence, and institutional credibility.
- The **issue** has emerged as one of India's most important electoral reform challenges because it directly affects the quality of representative democracy.

## Key Findings of the ADR–NEW Report:

### *Criminal Background of Chief Ministers:*

- **14 out of 31 Chief Ministers (45%)** have declared pending criminal cases in their election affidavits.
- **11 Chief Ministers (35%)** have declared serious criminal cases involving offences punishable with imprisonment of **five years or more**.

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- **Two Chief Ministers** have declared cases relating to **attempt to murder**, indicating that serious criminal allegations are not uncommon even among the highest executive offices at the State level.

### *Financial Profile of Chief Ministers:*

- **The average declared assets** of all **31 Chief Ministers** amount to **₹118.07 crore**, reflecting substantial variation in personal wealth.
- **Four Chief Ministers** have declared assets exceeding **₹100 crore**, indicating the concentration of high personal wealth among a section of political executives.
- **The report** is based entirely on **self-sworn election affidavits**, thereby enhancing transparency while relying upon legally declared information submitted to the **Election Commission of India**.

### Status of Criminalisation of Politics in India:

#### *Present Scenario:*

- **Criminalisation of politics** has emerged as a persistent structural challenge in India's electoral democracy, with a considerable proportion of elected representatives facing pending criminal proceedings.
- **The Association for Democratic Reforms** has consistently reported an increase in the proportion of elected representatives declaring criminal cases over successive elections.
- **During the 2014 Lok Sabha Elections, 186 out of 541 elected Members of Parliament (34%)** declared criminal cases, compared to **158 out of 521 Members (30%)** elected in **2009**, indicating a rising long-term trend.
- **The continuation of this trend** demonstrates that electoral success often remains disconnected from the criminal background of candidates.

### Major Causes of Criminalisation of Politics:

#### *Political and Electoral Factors:*

- **Political parties** often prioritise electoral winnability over ethical considerations by nominating candidates possessing significant financial resources, local influence, or coercive capacity.
- **Money power and muscle power** continue to influence electoral competition because criminal networks frequently provide financial support, logistical assistance, and political mobilisation.
- **The politico-criminal nexus** enables mutual exchange of protection, influence, and electoral benefits between politicians and organised criminal groups.

#### *Institutional and Governance Factors:*

- **Delayed judicial processes** allow criminal cases against politicians to remain pending for several years, enabling accused persons to contest multiple elections before final judicial determination.
- **Weak enforcement of electoral laws** and inadequate compliance with judicial directions reduce the deterrent effect of existing legal provisions.
- **Limited voter awareness**, identity-based voting patterns, and inadequate dissemination of candidate information often reduce the electoral impact of criminal antecedents.
- **Loopholes in the electoral process** permit individuals facing serious criminal charges to contest elections until conviction, thereby sustaining the problem despite greater transparency.

### Implications for Indian Democracy:

#### *Governance and Democratic Institutions:*

- **Criminalisation of politics** weakens public confidence in democratic institutions by creating perceptions that political influence can override the rule of law.

- **The increasing presence of criminally accused representatives** may adversely affect transparency, accountability, ethical governance, and evidence-based public decision-making.
- **The phenomenon** reinforces the need for comprehensive electoral reforms, including speedy disposal of criminal cases involving elected representatives, stronger institutional accountability, and greater transparency in candidate selection.
- **The issue** also highlights the importance of balancing the constitutional principle of **presumption of innocence** with the broader public interest in maintaining the integrity of democratic governance.

## Constitutional and Legal Framework:

### *Constitutional Position:*

- **The Constitution of India** does not expressly prescribe criminal antecedents as a ground for disqualification from contesting elections to **Parliament** or **State Legislatures**.
- **Articles 102 and 191** empower **Parliament** to prescribe disqualifications for Members of Parliament and State Legislatures through legislation.
- **Article 324** vests the **Election Commission of India (ECI)** with the superintendence, direction, and control of elections, forming the constitutional basis for ensuring free and fair elections.

### *Representation of the People Act, 1951 (RPA):*

- **The Representation of the People Act, 1951** provides the statutory framework governing qualifications, disqualifications, and the conduct of elections in India.
- **Section 8** disqualifies a person convicted of specified offences from contesting elections, and a person sentenced to imprisonment for **two years or more** remains disqualified during imprisonment and for **six years** after release.
- **The existing legal framework** does not disqualify candidates merely because criminal cases are pending against them, as the criminal justice system follows the principle of **presumption of innocence until proven guilty**.

## Judicial Interventions:

### *Important Supreme Court Judgments:*

- **Association for Democratic Reforms v. Union of India (2002):** The **Supreme Court** directed all electoral candidates to disclose their criminal antecedents, educational qualifications, assets, and liabilities through election affidavits, significantly improving electoral transparency.
- **Lily Thomas v. Union of India (2013):** The **Supreme Court** struck down **Section 8(4)** of the **Representation of the People Act, 1951**, resulting in the immediate disqualification of convicted Members of Parliament and Members of Legislative Assemblies without waiting for the disposal of an appeal.
- **Public Interest Foundation v. Union of India (2019):** The **Supreme Court** directed political parties to publish the criminal antecedents of their candidates through their official websites, social media platforms, and newspapers, along with reasons for selecting such candidates over individuals with clean backgrounds.
- **The Supreme Court** has consistently emphasised that while courts cannot legislate new disqualification criteria, greater transparency and informed voting are essential for preserving democratic integrity.

## Measures Taken by the Election Commission of India:

### *Institutional Initiatives:*

- **The Election Commission of India** has strengthened transparency by making the disclosure of criminal cases, financial assets, liabilities, and educational qualifications mandatory through election affidavits.

- **The Commission** has implemented the **Model Code of Conduct** using its constitutional authority under **Article 324** to promote ethical electoral practices.
- **The Election Commission** has adopted strict measures to curb **booth capturing, intimidation, illegal possession of arms near polling stations, and the misuse of muscle power** during elections.
- **Continuous monitoring, deployment of security forces, and enhanced election management** have contributed to improving the credibility of the electoral process.

### Challenges in Decriminalising Politics:

#### *Persisting Structural Issues:*

- **Slow judicial proceedings** continue to delay the disposal of criminal cases involving political representatives, allowing many accused candidates to remain electorally active for prolonged periods.
- **Political parties** often continue to prioritise electoral success over ethical considerations while selecting candidates.
- **The influence of money power, identity politics, and local patronage networks** continues to reduce the electoral costs associated with criminal antecedents.
- **The absence of internal democracy within political parties** further limits transparency and merit-based candidate selection.

### Way Forward:

#### *Electoral and Institutional Reforms:*

- **Fast-track courts** should ensure the timely disposal of criminal cases involving elected representatives and electoral candidates without compromising the principles of natural justice.
- **Political parties** should adopt transparent and merit-based candidate selection processes while voluntarily avoiding the nomination of individuals facing serious criminal charges.
- **Voter awareness programmes** should encourage informed electoral choices based on constitutional values, integrity, and public service rather than narrow identity considerations.
- **The Election Commission of India** should continue strengthening disclosure norms, digital access to candidate information, and effective monitoring of electoral expenditure.
- **State funding of elections**, as recommended by committees such as the **Dinesh Goswami Committee (1990)** and the **Indrajit Gupta Committee (1998)**, may reduce the influence of illicit money and improve electoral fairness.
- **Institutional reforms** should balance the **presumption of innocence, electoral fairness, and the need to preserve the integrity of democratic institutions**, thereby ensuring that reforms remain constitutionally sustainable.

### Significance for UPSC:

#### *Why the Topic Matters:*

- **Criminalisation of politics** directly relates to **Indian Polity, Governance, Electoral Reforms, Constitutional Bodies, Rule of Law, and Ethics in Public Administration**, making it relevant for both **Prelims and General Studies Paper II**.
- **The issue** illustrates the interaction between **constitutional rights, judicial activism, electoral transparency, democratic accountability, and institutional reforms**.
- **The topic** frequently features in questions relating to **free and fair elections, political reforms, and strengthening democratic institutions**.

### Value Addition for UPSC:

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***Prelims Value:***

- Article 102, Article 191, Article 324
- Representation of the People Act, 1951
- Section 8 of the Representation of the People Act, 1951
- Association for Democratic Reforms v. Union of India (2002)
- Lily Thomas v. Union of India (2013)
- Public Interest Foundation v. Union of India (2019)
- Model Code of Conduct
- Election Affidavit
- Association for Democratic Reforms (ADR)
- National Election Watch (NEW)

***Mains Value (GS-II):***

- The criminalisation of politics weakens democratic legitimacy, public trust, and ethical governance; therefore, sustainable electoral reforms must combine judicial efficiency, institutional accountability, political responsibility, and informed citizen participation while fully respecting constitutional principles and the rule of law.