



**KAMARAJ IAS ACADEMY**  
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# Criminalisation of politics: ADR approaches ECI

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## Why in News:

For years, activists and independent electoral watchdogs like ADR have been raising concerns over political parties fielding candidates with criminal antecedents. Recently ADR is seeking strict action to be initiated against the defaulting political parties, which had contested 2023 Assembly elections held in Tripura, Meghalaya, Nagaland and Karnataka, 2022 Assembly elections held in Gujarat, Himachal Pradesh, Uttar Pradesh, Uttarakhand, Goa, Manipur and Punjab and 2021 Assembly elections held in West Bengal, Tamil Nadu, Kerala, Assam and UT of Puducherry

## About Criminalisation of Politics

Criminalization of politics in India has been a matter of concern for many years. It refers to the infiltration of criminals, lawbreakers, and corrupt individuals into the political system, who then use their power and influence to further their own interests at the cost of the country and its citizens.

The problem is widespread and has been a topic of discussion and debate for many years.

The roots of this problem can be traced back to the post-independence era when the country was struggling to establish its democracy.

The political environment was highly charged, and political parties were desperate to gain an edge over their opponents. In this highly competitive environment, many politicians turned to criminal elements to help them win elections. This marked the beginning of the criminalization of politics in India.

Over the years, this trend has only worsened. Today, many politicians with criminal backgrounds have managed to secure top positions in political parties, and in some cases, even become ministers in state and central governments. This has had a devastating impact on the country as a whole.

For instance, In the 2019 Lok Sabha elections, according to ADR, 43% of the newly-elected MPs had pending criminal cases against them.

ADR's analysis of candidates in the 2014 Lok Sabha elections found that 34% of the candidates had criminal cases against them, and 17% had serious criminal cases.

According to the NCRB's "Crime in India" report for 2019, there were 9,427 cases of crimes committed by politicians, of which 4,029 cases were related to corruption.

The ADR and NEW's analysis of the 2020 Bihar assembly elections found that 328 out of 1,463 candidates had declared criminal cases against themselves, and 245 had declared serious criminal cases.

## Concerns with Criminalisation of Politics

### Threat to Democracy:

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Criminalization of politics poses a serious threat to democracy as it undermines the rule of law and democratic institutions. When politicians with criminal backgrounds hold public office, they can use their power to subvert the justice system and create a culture of impunity.

### **Governance Issues:**

When politicians with criminal backgrounds hold public office, they are likely to be more interested in serving their own interests rather than those of the people. This can lead to a lack of good governance, and a failure to address important issues facing the country.

### **Corruption:**

Criminalization of politics often goes hand in hand with corruption. Politicians with criminal backgrounds are more likely to use their power for personal gain, which can lead to widespread corruption.

### **Criminalization of Political Parties:**

Criminalization of politics can lead to criminalization of political parties, with criminal elements gaining control of political parties and using them for their own benefit. This can further weaken democratic institutions and undermine the rule of law.

### **Public Perception:**

When politicians with criminal backgrounds hold public office, it can erode public trust in the political system. This can lead to apathy and disillusionment among the public, with people losing faith in democratic institutions and the rule of law.

### **Importance Judgement over the Issue**

#### **Public Interest Foundation v. Union of India (2019):**

In this case, the Supreme Court of India ordered political parties to publish the criminal records of their candidates on their websites, social media handles, and newspapers.

The court also directed the Election Commission of India to create a framework to ensure that the information on candidates' criminal records was disseminated effectively.

#### **Lily Thomas v. Union of India (2013):**

In this case, the Supreme Court of India declared that any member of parliament or state legislative assembly who is convicted of a crime and sentenced to a prison term of two years or more would be disqualified from holding office.

The court also declared that a convicted lawmaker could not contest an election or continue as a member of the legislature while the appeal was pending.

#### **Association for Democratic Reforms v. Union of India (2002):**

In this case, the Supreme Court of India directed the Election Commission of India to issue guidelines to ensure that candidates with criminal records were not given tickets to contest elections by political parties.

The court also ordered that candidates must disclose their criminal records in their nomination papers.

#### **Manoj Narula v. Union of India (2014):**

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In this case, the Delhi High Court held that a person cannot be disqualified from contesting elections merely because they have been charged with a criminal offense. However, the court also held that political parties must not field candidates who have a criminal background.

### **State of Uttar Pradesh v. Raj Narain (1975):**

In this case, the Supreme Court of India held that citizens have a fundamental right to know the antecedents of their representatives. The court directed that election affidavits should contain information on candidates' assets, liabilities, educational qualifications, and criminal records.

### **The Way Forward**

The problem of criminalization of politics is not limited to any particular political party or region. It is a nationwide problem that needs to be addressed urgently.

The first step towards addressing this issue is to create greater public awareness about the problem. This can be done through the media, civil society organizations, and educational institutions.

The second step is to bring about greater transparency in the political system. This can be achieved by introducing measures such as the disclosure of criminal records of political candidates, stricter election funding rules, and increased monitoring of political campaigns.

The third step is to strengthen the legal framework to ensure that politicians with criminal backgrounds are held accountable for their actions. This can be done by introducing stricter laws and penalties for political corruption and by ensuring that the judiciary is independent and free from political influence.

### **Conclusion**

The solutions to curb criminalization of politics are multi-faceted and require a concerted effort from all stakeholders. By enacting strict laws, setting up fast-track courts, introducing electoral reforms, creating public awareness, and demonstrating political will, it is possible to clean up the political system and ensure that it works for the benefit of the people.