Criminalization of Politics

Why in news?

The rising number of elected representatives with criminal backgrounds in Parliament and state legislatures is a matter of deep concern to all law-abiding and right-minded citizens.

What is the problem?

- The increasing trend of criminalisation of politics has steadily been eating into the vitals of our democratic polity along with growing corruption of a humongous nature.
- This perilous drift needs to be checked both by all political parties as well as the judiciary.

What is the impact of criminalization?

- When criminals turn into elected representatives and become law-makers, they pose a threat to the functioning of a democratic system.
- The very future of our democracy gets imperilled when such offenders masquerade as leaders, making a travesty of the entire system.
- Apart from being the world's largest democracy, India must also evolve into the ideal one by correct fundamental flaw of letting criminals and the corrupt turn into elected representatives.

The increasing trend of criminalisation of politics is linked to political control of state machinery, corruption, vote-bank politics and above all, loopholes in the legal system.

- If criminalisation of politics occurs, good governance will get seriously undermined. Criminals will become the political bosses of bureaucrats and subvert the system to serve their interests.
- In such a scenario, the bureaucratic system ceases to resist corruption and often embraces it to carry out the diktats of criminal political bosses and also to suit its own ends.
- This is a pervasive malaise in our body politic, which is assuming cancerous proportions.
- As a result, the three main pillars of our democracy, namely, Parliament, judiciary and executive, get progressively weakened, and the fundamental concept of a democratic system gets subverted.
- Over the years, there have been some attempts at decriminalising politics and alarm calls raised with regard to the imperative need for reform.

What were some warnings by the Supreme Court?

The Vohra Committee (1993) set up by the Centre warned that "some political leaders become the leaders of these gangs and, over the years, get themselves elected to local bodies, state assemblies and the national Parliament."

- The Supreme Court had flagged the issue on several occasions, and in 2021 observed: "The nation continues to wait and is losing patience."
- In 2002, the Court ruled that every candidate contesting election has to declare his criminal and financial records along with educational qualifications.
- It must be said that mandatory declaration of assets and existing criminal charges in self-sworn affidavits to the EC, prior to elections, has brought in some degree of transparency.
- Further, in 2005, the Supreme Court had ruled that a sitting MP or MLA will be disqualified from contesting the election if convicted and sentenced for imprisonment for two years or more by a court of law.
- In 2014, the court accepted the Law Commission recommendations and passed an order directing that trials against sitting MPs and MLAs should be concluded within a year of charges being framed and conducted on a day-to-day basis.
- As a follow-up to these directives, in 2017, the Union government started a scheme to establish 12 special courts for a year to fast track the trial of criminal cases against MPs and MLAs.
- The apex court has since then issued many directions, including asking the Centre to set up a monitoring committee to examine reasons for delay of investigation in these cases.
- The number of pending cases continues to be a matter of grave concern, so much so that

As per media reports, the Supreme Court (2022) had been informed that the number of pending criminal cases against sitting and former MLAs and MPs had risen to close to 5,000 towards the end of December 2021.

What is needed?

- Timely corrective measures need to be put in place without any further delay, for the common man to have faith in the fairness of the system.
- The body politic of this evil can be cleansed only by
    1. A time-bound justice delivery system,
    2. Firmer steps by the Election Commission of India (ECI) and
    3. A proper strengthening of relevant laws.
- Fast-tracking the judicial process will weed out the corrupt as well as criminal elements in the political system.
- All political parties must come together and develop a consensus on keeping criminals - some with serious charges including kidnapping, rape, murder, corruption and crimes against women - out of the system.

- There cannot be any leniency to criminals and the corrupt in public life, especially when it comes to a range of crimes which are serious and heinous in nature.
- Checking the nexus between crime, money and muscle power will be among the first few steps required to be taken.
- The growing dependence of political parties on criminals for muscle power and "electability" must be stopped.
- Parliament, judiciary and executive will have to find common ground to put firm mechanisms in place to deal with increased criminalisation of politics.

Reference

1. Indian Express | Democracy interrupted

