

## CRIMINALISATION OF POLITICS – POLITY

An analysis of MPs and MLAs across India shows that 31% of Members of Parliament (MPs) and 29% of Members of Legislative Assemblies (MLAs) have declared serious criminal charges against them.

### Definition of Criminalisation of Politics

**Concept** – Criminalisation of politics refers to the growing participation of individuals with criminal backgrounds in electoral politics.

**Serious Criminal Charges** – These include offences where the maximum punishment is five years or more, or the offence is non-bailable, posing a threat to law and governance.

### Current Statistics (2024)

**Lok Sabha MPs** – The share of MPs facing serious criminal cases has more than doubled from 14% in 2009 to 31% in 2024.

**State Assemblies** – The share of MLAs with serious criminal cases is 29% (over 1,200 MLAs) in 2024.

### Regional Highlights –

1. **Telangana** – Highest share of MPs with serious criminal cases at **71%**.
2. **Bihar**: 48% of MPs facing serious charges.
3. **Uttar Pradesh**: Highest absolute number of MPs with criminal cases (**34 MPs**) and MLAs (**154 MLAs**, 38% of total).
4. **Andhra Pradesh**: Highest share of MLAs with serious criminal cases at **56%**, followed by Telangana at **50%**.

### Reasons for Criminalisation of Politics

**Weak Disqualification Laws** – The Representation of the People Act, 1951 (RPA) disqualifies candidates only after conviction, and since trials often take years, candidates with serious charges continue contesting elections.

**Money and Muscle Power** – Politically influential criminals with financial resources and local networks are perceived as “winnable” candidates.

**Low Voter Awareness** – Though candidates file affidavits detailing criminal cases, many voters remain unaware or vote based on caste, religion, or local influence.

**Party Complicity** – Political parties often justify fielding tainted candidates citing their popularity or electoral chances.

**Judicial Delays** – Frequent adjournments, slow proceedings, and politically motivated withdrawal of cases allow criminal elements to escape conviction.

**Nexus Between Politicians, Bureaucrats, and Criminals** – The Vohra Committee Report (1993) highlighted deep collusion between crime syndicates, politicians, and state machinery.

### Impacts of Criminalisation of Politics

**Erosion of Democratic Values** – Undermines free and fair elections; voters have restricted choices, weakening representative democracy.

**Corruption** – Criminal elements in politics escalate electoral malpractices, including voter intimidation, booth capturing, and misuse of black money.

**Decline of Public Trust** – Repeated election of tainted representatives leads to low voter turnout and reduced faith in democratic institutions.

**Distortion of Policy-Making** – Elected officials may divert policies to protect personal or criminal networks, encouraging clientelism and nepotism over public interest.

## Key Committee Recommendations

**Law Commission 244th Report (2014)** - Suggested disqualifying politicians as soon as charges are framed for offences with a maximum sentence of five years or more, and recommended fast-track courts for MPs and MLAs.

**National Commission to Review the Working of the Constitution (2002)** - Proposed measures to enhance political party accountability, including statutory audits and disclosure of candidates' assets.

**Indrajit Gupta Committee (1998) & 2nd ARC (2007)** - Recommended partial state funding of elections to curb black money and reduce corruption.

## Supreme Court Interventions

**Lily Thomas v. Union of India (2013)** - Ruled that any sitting MP, MLA, or MLC would be disqualified immediately upon conviction for a crime with a sentence of two years or more.

**Public Interest Foundation v. Union of India (2018)** - Directed political parties to publicize criminal records of candidates, detailing offences and charges.

**2020 Supreme Court Order** - Required parties to publish details of candidates with pending criminal cases on websites, social media, and newspapers within 48 hours of selection, along with reasons for their selection.

## Way Ahead / Proposed Reforms

**Implement Law Commission Recommendations** - Disqualify candidates at the charge-framing stage for heinous offences.

**Fast-Track Courts** - Ensure trial completion within 1 year for legislators facing criminal charges.

**Political Party Accountability** - Penalise parties for repeated selection of tainted candidates.

**State Funding & Transparency** - Reduce money power by funding recognised parties and enhancing campaign finance disclosure.

Source: <https://epaper.thehindu.com/ccidist->

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