

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.

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