CHAPTER - II
LINKAGE BETWEEN POLITICIANS AND CRIMINALS
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"The government of the people, by the people, for the people shall not perish from the earth".

Lincoln: Gettysberg Address

The present Chapter deals with the linkage between politicians and criminals. In India large numbers of cases have come to the light to indicate that the unholy alliance between the politicians and the criminals have reached an alarming state. In many cases like Umeshwar Prasad Singh, a Congress (i) MLA from Colonelganj constituency in Gonda district, UP even though he had several criminal cases against him got elected in 1980 and 1985 Assembly Elections. In Maharashtra gangsters Pappu Kalani from Ulashnagar and Hitendra Thakur from Thane were nominated by ruling congress (i) party as candidates for the February 1990 elections. Md. Shabuddin who has several criminal cases against him was given ticket from Siwan Constituency, Bihar for Parliamentary elections by RJD. Criminals are found to be aided and abetted by politicians. The nexus between them has become a pervasive reality. Politicians are foster mothers of the criminals. Although the malady existed earlier in few states of India, it has now
encompassed the whole network of administrative apparatus of the country.¹ Criminal activities are carried on under the patronage of administration and politicians. The money thus acquired by mafia is shared among partners. This money is also used by mafia in building contacts with administrators and politicians. It is also with this money that a network of muscle power is built, which at times is used by politicians for their election and other purposes. In India politician - criminal nexus has extended maximum support to each other for building an exclusive, inaccessible empire of their own.²

The framers of the constitution provided for the provision for oath taking by the newly elected legislators before assuming their offices in the 3rd schedule of the Indian constitution. By such a provision the framers of the constitution wanted to limit the jurisdiction of the legislators. They are also made conscious to perform their responsibilities in public life in accordance with the provisions of the constitution and should always keep in mind not to do anything which will go against either of the constitution or of the interest of the people. Though such a provision exists in theory, in practice hardly a legislator keeps in mind the oath taken by him before assuming his office. The oath taking, therefore, is considered as, ‘oath taking is a sun-set fabric seen for an hour in the evening and then faded into the night’. It implies that an oath like a sunset fabric has its importance to a

legislator only at the time of taking oath. After the end of the oath taking, the legislators forgot the words of the oath and they are guided by personal interest and personal elements. This reason, *inter-alia* in the power competition the legislators created linkage with the criminals.

Like oath taking provision, parliamentary privileges of the legislators are mentioned in the Constitution of India under Articles 105 and 194. The parliamentary privileges provide them some concessions unlike ordinary citizens. However, such privileges should be exercised by the legislators in the same spirit as mentioned in the constitution. But it seems that a few legislators are found to misuse such power and privileges for their personal gain by making it a business proposition. They even do not dare to create illegal link with the criminals, extremists and terrorists. Such an action on the part of the legislator is a threat to national unity, integrity and sovereignty.

Criminalisation of politics is a facet of corruption. Sri N.N Vohra, Union Home Secretary in his report on the issue of politician criminal nexus has observed “A network of mafias is virtually running a parallel government pushing the state apparatus into irrelevance”.\(^3\) The history of corruption in Post Independence India starts with the Jeep Scandal in 1948, when a transaction concerning purchase of Jeeps for the army needed for Kashmir operation was entered into by V.K Krishna

Meneon, the then High Commissioner for India in London with a foreign firm without observing official procedure.\(^4\)

In 1951, A.D Gorwala a highly responsible civil servant in his official report as early as 1951 made two observations—(i) quite a few of Nehru’s ministers were corrupt (ii) the government went out of its way to shield its ministers. Corruption charges in cases like Mudgal case (1951), Mudra deals (1957-58), Malaviya-Sirajuddin scandal (1963) and Pratap Singh Kairon case (1963) were leveled against the congress ministers and Chief Ministers but no Prime Minister resigned.\(^5\)

The Sanathan Committee in its report (1964) observed that there is widespread impression that failure of integrity is not uncommon among ministers and that some ministers have enriched themselves illegitimately obtained good jobs for their sons and relatives through nepotism and have reaped other advantages inconsistent with any notion of purity in public life.\(^6\) Corruption cases like Fairfax, HBJ Pipeline and HDW Submarine deal came up since Indira Gandhi’s Prime Ministership. The famous Bofors deal is well known. Narsimha Rao was the first Prime minister to be prosecuted in corruption charge Cases like Rs.2500 crore-

Airbus A-320 deal with Franch involving Kickback, 1990, Harshad Mehta security

\(^4\) Similar point has been explained in, the Report of the Inquiry Committee led by Ananthsayanam Ayyanger. As suggested by the committee the then government announced on 30\(^{th}\) September 1955 that the Jeep Scandal Case was closed and on 3 February 1956 Krishna Menon was included into the Nehru Cabinet as Minister without portfolio.


scam, 1992, Gold star steel and Alloys controversy, 1992, JMM Bribery case, Hawala scam of Rs.65 crore and Urea scam, 1996 also came up during the period of Narsimha Rao Government.\textsuperscript{7} Tehelka is an addition to thousands of past and present eruptions in the cancerous body polity of the country. The Commonwealth games scandal, the 2G Spectrum allocations Scam surcharged the political atmosphere of the country.\textsuperscript{8}

The collapse of Janata Party Government (1977-80), fall of V.P Singh and Chandrashekhar Government (1990-91), turning his minority government into majority by Narsimha Rao, spilt the Telugu Desam Party (1994), defection of Ajit Singh with his supporters to Congress (1993), defection of S.S Vaghela from BJP, maneuvering defection of Kalyan Singh to keep the BJP led government in power in U.P are some of examples to prove that a sizeable number of our politicians are not immune to corruption.\textsuperscript{9}

From this it is found that criminalisation of politics has become a headache for Indian democracy. It is shameful to admit that in the world’s largest democracy the cult of the Goondas prevails. Goondas and criminals are hired to capture booths and kill political rivals. In this way the entire democratic process is negated.\textsuperscript{10}

It is now proposed to make an analysis of the politicians elected in the 15\textsuperscript{th} Lok Sabha to identify the politicians elected with criminal records. A total of 8070

\textsuperscript{7} R. Upadhya, 'Political Corruption in India: an analysis', Paper no 219, South Asia Analysis, 30\textsuperscript{th} March 2001.
\textsuperscript{8} A.K, Ray, 'Civil Rights Movements and Social Struggle in India, EPW, vol. XXI, No. 28, 12\textsuperscript{th} July 1986.
\textsuperscript{9} Jay Dubashi, 'In Inside BJP', Times of India 22 March 2001.

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candidates representing 369 parties contested in 15th Lok Sabha Elections. Out of the 369 parties, only 36 parties have been successful in sending one or more M.P into the Lok Sabha. 333 parties that contested elections did not win even a single seat and 19 parties have 3 or less M.Ps in the Lok Sabha. National Election Watch (NEW), New Delhi looked at affidavits of 533 declared winners M.Ps for the Lok Sabha 2009 out of 541 declared results affidavits of 8 M.Ps, all from Tamilnadu are not available on Election Commission’s Website and about 10 affidavits have not been properly scanned and uploaded. Unclear details in them have not been taken into account.11

The following table 2.1 shows a comparative analysis of M.Ps with criminal records in 2004-2009 Lok Sabha.12

Table 2.1: MPs with criminal records in 2004 &2009 Lok Sabha

<table>
<thead>
<tr>
<th>MPs with criminal records</th>
<th>2004</th>
<th>2009</th>
<th>increase</th>
<th>%increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>128</td>
<td>150</td>
<td>22</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

Source: National Election Watch (NEW) Press release, New Delhi, as accessed on 17th May 2009 4:00p.m (Sunday).

From the above table it is seen that there is an increasing trend of the entry of the M.Ps with criminal records in the Lok Sabha. Their number has increased from 2004 to 2009 Lok Sabha by 17.2%. Such an increase of the entry of the

11 National Election Watch (NEW) Press release, New Delhi, as accessed on 17th May 2009 4:00p.m (Sunday), www.adrindia.org
12 Ibid.

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criminals in public life affects the functioning of Indian democracy adversely. The following table shows the total number of criminal cases against the M.Ps of 2004 and 2009 Lok Sabha.\textsuperscript{13}

Table 2.2: Total numbers of criminal cases against the M.Ps of 2004 & 2009 Lok Sabha

<table>
<thead>
<tr>
<th>Total criminal cases</th>
<th>2004</th>
<th>2009</th>
<th>Increase</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>429</td>
<td>412</td>
<td>(-) 7</td>
<td>(-) 4</td>
</tr>
<tr>
<td>MPs with serious criminal charges</td>
<td>55</td>
<td>72</td>
<td>(+) 17</td>
<td>(+) 30.9%</td>
</tr>
<tr>
<td>MPs with serious charges</td>
<td>302</td>
<td>213</td>
<td>(-) 89</td>
<td>(-) 29.5%</td>
</tr>
</tbody>
</table>

Source: National Election Watch (NEW) Press release, New Delhi, as accessed on 17th May 2009 4:00p.m (Sunday). www.adrindia.org

The above table shows that the total number of cases against Lok Sabha M.Ps in 2004 was 429 while it was 412 in 2009 Lok Sabha. Again the number of serious criminal records against the M.Ps was increased by 30.9% in 2009 from 2004 while there is a decrease of serious charges against the M.Ps from 2004 to 2009.

Political parties are solely responsible in criminalisation of Indian politics by picking up known criminals as candidates. Political parties nominated and rewarded such persons with ministerial office. No major party is exempt from this behavior. Evidence points to the fact that criminals are not only surviving but actually thriving in politics. Election Commissions records show that one in every

\textsuperscript{13} Ibid.
seven legislators in our country has a criminal record. The following table presents the data of M.Ps with criminal charges elected from the different political parties in the 15th Lok Sabha elections.

<table>
<thead>
<tr>
<th>Party</th>
<th>Total MPs</th>
<th>MPs with criminal charges</th>
<th>Percentage of MPs with criminal charges</th>
<th>MPs with serious criminal charges</th>
<th>Percentage of MPs with serious criminal charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>BJP</td>
<td>116</td>
<td>42</td>
<td>36.21</td>
<td>19</td>
<td>16.38</td>
</tr>
<tr>
<td>INC</td>
<td>202</td>
<td>41</td>
<td>20.30</td>
<td>12</td>
<td>5.94</td>
</tr>
<tr>
<td>SP</td>
<td>22</td>
<td>8</td>
<td>36.36</td>
<td>7</td>
<td>31.82</td>
</tr>
<tr>
<td>SHS</td>
<td>11</td>
<td>8</td>
<td>72.73</td>
<td>3</td>
<td>27.27</td>
</tr>
<tr>
<td>JD(U)</td>
<td>20</td>
<td>7</td>
<td>35.00</td>
<td>3</td>
<td>15.00</td>
</tr>
<tr>
<td>BSP</td>
<td>21</td>
<td>6</td>
<td>28.57</td>
<td>6</td>
<td>28.57</td>
</tr>
<tr>
<td>BJD</td>
<td>14</td>
<td>4</td>
<td>28.57</td>
<td>1</td>
<td>7.14</td>
</tr>
<tr>
<td>AITC</td>
<td>19</td>
<td>4</td>
<td>21.05</td>
<td>4</td>
<td>21.05</td>
</tr>
<tr>
<td>NCP</td>
<td>9</td>
<td>4</td>
<td>44.44</td>
<td>3</td>
<td>33.33</td>
</tr>
<tr>
<td>DMK</td>
<td>16</td>
<td>3</td>
<td>18.75</td>
<td>1</td>
<td>6.25</td>
</tr>
<tr>
<td>RJD</td>
<td>4</td>
<td>3</td>
<td>75.00</td>
<td>2</td>
<td>50.00</td>
</tr>
<tr>
<td>CPM</td>
<td>15</td>
<td>3</td>
<td>20.00</td>
<td>1</td>
<td>6.67</td>
</tr>
<tr>
<td>ADMK</td>
<td>7</td>
<td>3</td>
<td>42.86</td>
<td>3</td>
<td>42.86</td>
</tr>
<tr>
<td>RLD</td>
<td>5</td>
<td>2</td>
<td>40.00</td>
<td>1</td>
<td>20.00</td>
</tr>
<tr>
<td>JD(S)</td>
<td>3</td>
<td>2</td>
<td>66.67</td>
<td>1</td>
<td>33.33</td>
</tr>
<tr>
<td>TDP</td>
<td>6</td>
<td>2</td>
<td>33.33</td>
<td>1</td>
<td>16.67</td>
</tr>
<tr>
<td>JVM</td>
<td>1</td>
<td>1</td>
<td>100.00</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>VCK</td>
<td>1</td>
<td>1</td>
<td>100.00</td>
<td>1</td>
<td>100.00</td>
</tr>
<tr>
<td>AIMIM</td>
<td>1</td>
<td>1</td>
<td>100.00</td>
<td>1</td>
<td>100.00</td>
</tr>
<tr>
<td>SAD</td>
<td>4</td>
<td>1</td>
<td>25.00</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>IND</td>
<td>9</td>
<td>1</td>
<td>11.11</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>JMM</td>
<td>2</td>
<td>1</td>
<td>50.00</td>
<td>1</td>
<td>50.00</td>
</tr>
<tr>
<td>TRS</td>
<td>2</td>
<td>1</td>
<td>50.00</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>AIFB</td>
<td>2</td>
<td>1</td>
<td>50.00</td>
<td>1</td>
<td>50.00</td>
</tr>
<tr>
<td>Total</td>
<td>533</td>
<td>150</td>
<td>28.14%</td>
<td>72</td>
<td>13.51%</td>
</tr>
</tbody>
</table>

Source: National Election Watch (NEW).15

The above table shows that BJP has maximum M.P having criminal cases. Of the 116 total elected BJP members 42(36.2%) have criminal cases against them out of which 19(16.3%) M.Ps have serious criminal cases against them. Which is followed by 41(20.3%) Congress M.P s with criminal cases out of which 12(5.9%) M.Ps have serious criminal charges against them. Samajvadi Party (S.P) has 8(36.3) M.Ps with criminal cases out of which 7 (31.8%) have serious charges followed by Shivsena which has 8 (72.7%) M.Ps with criminal charges out of which 3 (27.7%) have serious charges. The table shows that out of the total 533 M.P s 150 (28.1%) of them have criminal charges against them out of which 72 (13.5%) of them have serious criminal charges against them. A study of the data presented in the above table conclusively proves that all the political parties pick up known criminals as candidates. No political parties are exempt from this behavior. In this vicious cycle created by the political parties, Indian politics has been criminalized and honest candidates are left with no chance of winning.

Now it is proposed to make an analysis of the M.P s with criminal background in the 15th Lok Sabha state wise. The following table 2.4 below displays state wise data relating to the number of M.P s with criminal background.

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15 National Election Watch (NEW) Press release, New Delhi, as accessed on 17th May 2009 4:00p.m (Sunday).www.adrindia.org
16 S. Singh ,op.cit., p18
<table>
<thead>
<tr>
<th>State</th>
<th>Total MPs</th>
<th>MPs with criminal charges</th>
<th>Percentage of MPs with criminal charges</th>
<th>MPs with serious criminal charges</th>
<th>Percentage of MPs with serious criminal charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uttar Pradesh</td>
<td>79</td>
<td>30</td>
<td>37.97</td>
<td>21</td>
<td>26.58</td>
</tr>
<tr>
<td>Maharastra</td>
<td>48</td>
<td>23</td>
<td>47.92</td>
<td>9</td>
<td>18.75</td>
</tr>
<tr>
<td>Bihar</td>
<td>40</td>
<td>17</td>
<td>42.50</td>
<td>6</td>
<td>15.00</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>42</td>
<td>11</td>
<td>26.19</td>
<td>3</td>
<td>7.14</td>
</tr>
<tr>
<td>Gujrat</td>
<td>26</td>
<td>11</td>
<td>42.31</td>
<td>7</td>
<td>26.92</td>
</tr>
<tr>
<td>Karnataka</td>
<td>28</td>
<td>9</td>
<td>32.14</td>
<td>5</td>
<td>17.86</td>
</tr>
<tr>
<td>West Bengal</td>
<td>42</td>
<td>7</td>
<td>16.67</td>
<td>7</td>
<td>16.67</td>
</tr>
<tr>
<td>Tamilnadu</td>
<td>31</td>
<td>7</td>
<td>22.58</td>
<td>5</td>
<td>16.13</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>14</td>
<td>6</td>
<td>42.86</td>
<td>1</td>
<td>7.14</td>
</tr>
<tr>
<td>Kerala</td>
<td>20</td>
<td>6</td>
<td>30.00</td>
<td>2</td>
<td>10.00</td>
</tr>
<tr>
<td>Orissa</td>
<td>21</td>
<td>5</td>
<td>23.81</td>
<td>2</td>
<td>9.52</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>29</td>
<td>4</td>
<td>13.79</td>
<td>2</td>
<td>6.90</td>
</tr>
<tr>
<td>Chattisgarh</td>
<td>11</td>
<td>2</td>
<td>18.38</td>
<td>7</td>
<td>7.60</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>24</td>
<td>2</td>
<td>8.33</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Haryana</td>
<td>10</td>
<td>2</td>
<td>20.00</td>
<td>1</td>
<td>10.00</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>6</td>
<td>1</td>
<td>16.67</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>NCT Delhi</td>
<td>7</td>
<td>1</td>
<td>14.29</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Dadar &amp; Nagar Haveli</td>
<td>1</td>
<td>1</td>
<td>100</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Andaman &amp; Nicobar Island</td>
<td>1</td>
<td>1</td>
<td>100</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Assam</td>
<td>14</td>
<td>1</td>
<td>7.14</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>5</td>
<td>1</td>
<td>20.00</td>
<td>0</td>
<td>0.00</td>
</tr>
<tr>
<td>Total</td>
<td>533</td>
<td>150</td>
<td>28.14</td>
<td>72</td>
<td>13.51</td>
</tr>
</tbody>
</table>

Source: National Election Watch (NEW) Press release, New Delhi, as accessed on 17th May 2009 4:00p.m (Sunday). www.adrindia.org
From the above table 2.4 it is seen that amongst the Indian states U.P has maximum M.Ps with criminal cases 30(37.9%) out of which 21(26.5%) of them have serious criminal charges against them. Maharasthra is second with 23(47.9%) M.Ps with criminal charges out of which 9(18.7%) have serious criminal charges against them. Maharasthra is followed by Bihar 17(42.5%), Andhra Pradesh 11(26.1), and Gujrat 11(42.3%). Sometime ago, the Supreme Court had directed the Election Commission that detailed information about the assets, criminal records educational qualifications etc of the candidates should be obtained by an affidavit sworn in by the candidate and submit it at the time of submission of nomination papers. However, when the Election Commission tried to act on these directions, all political parties strongly opposed to it, reasons of which were obvious. All parties prefer candidates who have a greater chance of success without bothering to know about their criminal records. If a candidate can spend money for the party or is capable of winning elections through money and muscle power he is most welcome. That is why the criminals, anti-social elements succeed in getting elected to Assemblies and Parliament.17

The National Commission to Review the Working of the Constitution (NCRWC) has observed that criminalisation has become a worrisome characteristic of Indian politics and electoral system. In 1996 as many as 39 members of Parliament including 4 ministers faced criminal charges which included murder, rape, dacoity, abduction, assault and breach of peace. An

investigation into the records of 500 persons who were candidates in the Lok Sabha elections of 1998 revealed that 72 of them had criminal proceedings pending against them. A recent report cited by the Commission says that 169 members of the Uttar Pradesh Legislative Assembly have criminal records.\(^{18}\)

The nexus between criminals and politicians runs deep and wide in India. It ensures virtually every mainstream party in every state; the links may differ from party to party and in nature from state to state. In India the crime politics nexus goes beyond politics. Today, politicians accused each other of hiring criminals to kill their rivals. The criminals are fighting elections providing finance to politicians and political parties, becoming M.Ps, M.L.As and ministers. Gone are the days when the criminals were a pawn in the hands of politicians. The position is practically reversed today. It is the criminals who are using politicians and political parties as instrument for their personal advancement. All political parties have link with the underworld. It has played a very prominent role in all elections and in the administration. Virtually our democracy has turned into a government of criminals by the criminals and for the criminals. The best way to survive in politics is to acquire a criminal connection.\(^{19}\)

From the above discussion, it is clear that the political parties are solely responsible in criminalizing Indian politics. Now it is proposed to make a survey of

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\(^{18}\) Debate on *Crime and Politics* organized by the National Election Commission to review the working of the Constitution (NCRWC) speech by V. Venkatesan, New Delhi, Published in *The MILL Gazette*, Vol 18, Issue 26, 22 December 2001, pp. 2-3.

the nexus between politicians and criminals and to examine how far the nexus has become pervasive nature and the manner in which it propagates irrespective of political ideology. (Table 2.4 of this Chapter explains pervasive nature of the nexus stating number of M.Ps with criminal background elected to the 15th Lok Sabha state wise).

**Bihar**

The nexus between criminals and politicians in Bihar began in the late 1960 when criminals took part in politics. The nexus got crystallized and institutionalized during the emergency. In 1977 the Bihar Assembly had 20 M.L.As who were history-shelters and criminal cases were pending against them. Laloo Prasad Yadav heeding a minority government encouraged criminals like Dularchand Yadav to fight what he called Brahmin dominated social order. In 1990 opponents were killed with the help of criminals during elections campaigns. The Rastriya Janata Dal (RJD) government under Rabri Devi ministry had 74 members in the cabinet out of which no less than 29 were history sheters. The opposition called it ‘criminal cabinet’.\(^\text{20}\) The composition of the cabinet had become a topic of discussion in Patna’s political circles. Md. Taslimuddin selected from Bihar was removed from the union ministry for his past antisocial activities and accused in criminal cases. His son sarfaraj Ahmed, the Minister of State for Revenue and Reforms had, through the years, been accused of assault, arson and loot. Industry minister S.P Yadav belonging to Belaganj constituency was

\(^{20}\) *Sunday, 17-23 August, 1997.*
considered to be a terror in Gaya district. Brij Bihari Prasad former Science and Technology minister faces a C.B.I inquiry in connection with irregularities in the Combined Engineering Tests. His links with the Muzaffarpur mafia are well known.21

There are 748 candidates out of 2097, (i.e. about 36%) contesting across all phases in Bihar Assembly Elections 2010, who have pending criminal cases against them as per their self attested under oath declarations. Out of these, 441 (21%) candidates have got serious cases against them, like that of murder, attempt to murder, kidnapping, extortion, causing hurts by dangerous weapons and dacoity.

In the Bihar 2005 Assembly elections, 39% of candidates had pending criminal cases and 23% candidates had serious pending criminal cases. All major parties analyzed across all phases have given tickets to candidates with criminal backgrounds. BJP has 64 out of 99 (65%) candidates with pending criminal cases, LJP has 40 out of 72 (56%), RJD has 91 out of 165 (55%) ,JD (U) has 76 out of 140 (54%), BSP has 87 out 227 (38%) and INC has 87 out of 232 (38%) candidates with pending criminal cases contesting Bihar Assembly elections 2010.22

In the Bihar 2005 Assembly Elections, the percentage of candidates with pending criminal cases were BJP (53%), LJP (44%), JD (U) (44%), INC (39%),

21 Indian panorama: Triumphs and Tragedies, op.cit, p. 328.

22 National Election Watch report on Bihar Assembly election as accessed on 04.08.2011, 09:52p.m at www.adrindia.org
RJD (44%) and BSP (18%). In the case of candidates with serious pending criminal cases, BJP had 32%, LJP (27%), JD (U) (23%), INC (24%), RJD (25%) and BSP (11%).

- All major parties analyzed across all phases also have given tickets to candidates with serious pending criminal cases like murder, attempt to murder, theft, dacoity etc. JD (U) has the maximum percentage i.e. 38% candidates with serious pending criminal cases in Bihar Assembly Election 2010 followed by LJP with 32%, RJD and BJP with 27% each, BSP with 25% and INC with 19% candidates.23

The party wise list of candidates across all phases given tickets by the main parties in all phases in Bihar Assembly Elections 2010 is as follows:

**Table 2.5: Party wise breakup of criminal candidates**

<table>
<thead>
<tr>
<th>Name of the political parties</th>
<th>Total no of candidates analysed</th>
<th>candidates with pending criminal cases</th>
<th>%candidates with pending criminal cases</th>
<th>Candidates with pending serious criminal cases</th>
<th>%candidates with pending serious criminal cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>BJP</td>
<td>99</td>
<td>64</td>
<td>65%</td>
<td>27</td>
<td>27%</td>
</tr>
<tr>
<td>LJP</td>
<td>72</td>
<td>40</td>
<td>56%</td>
<td>23</td>
<td>32%</td>
</tr>
<tr>
<td>RJD</td>
<td>165</td>
<td>91</td>
<td>55%</td>
<td>45</td>
<td>27%</td>
</tr>
<tr>
<td>JD(U)</td>
<td>140</td>
<td>76</td>
<td>54%</td>
<td>53</td>
<td>38%</td>
</tr>
<tr>
<td>BSP</td>
<td>227</td>
<td>87</td>
<td>38%</td>
<td>57</td>
<td>25%</td>
</tr>
<tr>
<td>INC</td>
<td>232</td>
<td>87</td>
<td>38%</td>
<td>44</td>
<td>19%</td>
</tr>
</tbody>
</table>

*source: Association for Democratic reforms and National Election watch survey report 2010 (www.adrindia.org) Acessed on 04.08.2011 at 09:52p.m

23 Ibid.
Sudama Mandal, a notorious dacoit was arrested by the police from the toilet of a minister from Bhagalpur, Bihar. When notorious dacoit Kamdeo Singh was killed in a police encounter early in 1980, politicians including Chief Minister and several other Bhumihar ministers went all the way to Kamdeo's house to offer their condolence to the bereaved family. Similarly, Ramesray Prasad Singh, Bihar congress (I) Revenue minister maintained links with a criminal gang and Mahendra Prasad Rajya Sabha congress (I) MP patronized the Jehanabad Bihar criminal lobby and both of them are well secured from the government. Mention may also be made of the names of Ram Vichar Rai, Raghavendra Pratap Singh and, Inderdeo Bhagat, etc who were ministers in Rabridevi ministry and who had criminal charges against their names.²⁴

A few years ago, two MLAs from jehanabad (Bihar) district, namely Ram Jatan Sinha and Sardar Krishna, were involved in a Court case in Patna. The order passed by the Patna High Court is a revealing reflection of the state of affairs in Bihar. The judge observed "the case presents a true picture of politicians today- a picture of post election gang warfare'. One group was led by the petitioner, Ram Jatan and the other led by Sardar Krishna, both members of the Legislative Assembly. The two groups fired at each other. The CRPF intervened and the result was that one Jawan and four others were killed. Our democratic pattern of society stands in great danger from politicians like the petitioner, but such scathing observations had little impact on the political system. Kapil Deo Singh, a minister in the Karpoori Thakur cabinet declared on the floor of the Bihar assembly: 'I am

²⁴ S.K Ghosh, op.cit, p. 314.
honest enough to admit that I keep goondas, for without them, it is virtually impossible to win elections.\textsuperscript{25} Politicians with criminal antecedents becoming ministers have been a long standing tradition in Bihar and this tradition has been well maintained without break, even till recent years. It has spread to other states.

**Uttar Pradesh**

In Uttar Pradesh, politicians criminal nexus is well entrenched over the years. In 1990 out of 425 MLAs over 280 had criminal cases pending against them out of which 52 MLAs including four ministers had heinous cases.\textsuperscript{26}

Sarju Prasad saroj, who had several cases of kidnapping, criminal assault, wrongful confinement, forcible and land grabbing and extortion pending against him was elected from Pratapgarh consistency on a Congress(I) ticket but subsequently he joined Janata Dal after the fall of Indira Gandhi government at the centre. Shortly after in 1980 when Indira Gandhi came to power, he joined congress (I) and became MLA. He was allegedly charged with abducting a rickshaw puller’s daughter. The helpless girl after she was rescued from the M.L.As village alleged that she had been criminally assaulted by the MLA and several of his friends.\textsuperscript{27}

Umeshwar Prasad Singh, a Congress (i) MLA from Colonelganj constituency in gonda district, UP even though he had several criminal cases against him got elected in 1980 and 1985 Assembly Elections. Mulayam Singh

\textsuperscript{25} Ibid, p. 315.
\textsuperscript{26} Ibid.
\textsuperscript{27} Ibid.
Yadav, Defence Minister in I.K Gujral’s cabinet, United Front Ministry had criminal links with Arun Shuklas gang. There were as many as 117 criminal charges against Mulayam Singh Yadav. Shukla campaigned for Mulayam Singh moving around in jeeps with armed gangs. The second in command in shuklas gang was his brother kailash Shankar shukla yet he was given a Janata Dal ticket to contest the local municipal corporation elections in 1989 when Yadav was the party’s State president. Kamlesh Pathak another criminal who was involved in 16 criminal cases including murder was held under NSA in 1986 but Yadav got him released.28

Hari Shankar Tewari a mafia don of eastern U.P have won every contested elections. Motilal Vohra, Governor of U.P attended every small and big functions Tewari organized. Tiwari is charged with 9 murders, 10 attempted murders, 3 dacoities and several kisnappings. But he won four assembly elections by rigging.29

During the Janata rule, a minister was charged with sharing his dias at a public meeting with notorious gangster Vikram Mallah, and against Chief Minister Ram Naresh Yadav, it was alleged, got thumping majority from Nidauli kalan because of dacoit Alwar’s influence. Notorious dacoit Chabiram of Manipuri district, allegedly, stayed with his accomplices for three days in March 1981 in Darulshafas legislators multi storied building. He was later spotted out moving out with a minister. A senior police officer quipped if the police were allowed to raid
legislators room at Darulshafa it would definitely ferret out a couple of dacoits wanted by the police.\textsuperscript{30}

Gangs of U.P are well connected with U.P politics. Notorious gangsters Mukhtar Ansari was close to BSP leader Mayawati who was arrested by the police for kidnapping businessman Ved Prakash Goel but Goel refused to identify Ansari. Ansari celebrated his acquittal at Uttar Pradesh Bhavan, the government Guest house.\textsuperscript{31}

\textbf{Madhya Pradesh}

A close study of the nexus between politicians and criminals in Madhya Pradesh reveals that Politicians belonging to almost all parties in Madhya Pradesh have worked as informers of dacoit gangs operating in the Chambal valley and supplied firearms to them in return for their protection and help during elections. When the dacoits are underground and being hunted by the police, they are contacted by the politician’s who promise a let-up in police pressure in return of votes. The other way of gaining political linkage is through the process of surrender. The surrendered dacoits are used by the politicians for their advantage. They are used in election campaign and whenever the need arises.\textsuperscript{32}

Narsingh R Dixit, the Home minister of Madhya Pradesh maintained links with dacoit gang leaders. It was reported that when a Central MInister was camping in Gwalior circuit house in Madhya Pradesh, the dreaded dacoit Mohar

\begin{footnotesize}
\textsuperscript{30} Ibid, p. 316.
\textsuperscript{31} S K Ghosh, op.cit, p. 316.
\textsuperscript{32} Ibid, pp. 316-317.
\end{footnotesize}
Singh had free access to him while senior officials and prominent citizens of Gwalior had to wait for hours to get an interview.\textsuperscript{33}

**Gujrat**

In Gujrat the nexus between politicians and criminals is well entrenched. There are cases of releasing convicted criminals having links with politicians undergoing long term imprisonment. The criminals are released on parole on the recommendations of the politicians in power to fight elections. It is alleged that the prohibition laws in the state are flouted by gangsters, the earnings by bootlegging run into crores of rupees and shared between gangsters, politicians and policeman. Dreaded gangsters such as Babu Satyam Bhaiya, Dilip Shankar Rao Maratha and Mahendra Singh Rathod established their links with the Congress (i).\textsuperscript{34}

In a recent incident a Congress M.P from Porbandar Sri Vitthal Radadiya was caught on camera at Karjan near Vadodara toll plaza, pointing a gun to the attendant of the toll plaza during an intense argument with the attendant.\textsuperscript{35}

**Kerala**

Kerala would certainly top the list on sex scandals in the country. Sex scandals have rocked the state creating tremors among major political parties like the CPI (M), CPI, and Congress etc. It shows the nexus between politicians and sex mafia. It exposes the moral pretensions of many politicians. It has been said that in the state coalition politics sex seems to play a big role. Leading politicians in

\textsuperscript{33} Ibid.
\textsuperscript{34} Ibid., p. 317
\textsuperscript{35} News report accessed on www.ibnlive.com on 06/01/14 at 12:45 p.m
Kerala are involved in sex scandals in which SreeDevi allegedly procured girls for leading politicians in return for hard cash. It led to the arrest of four persons including Sree Devi and damaged the career of CPI (M) leader and Kozhikode Mayor T.P Dasan who was expelled from the party. The nexus between the politicians and sex mafia is responsible in criminalizing Indian politics. In Kerala there are pimps who have established close links with political leaders whom they later blackmail into submission. In the state's murky condition politics sex seems to play a big role.36

Maharashtra: - Mumbai

Successive ex-Chief Ministers of Maharashtra have been accused of having close links with powerful gangsters such as Haji Mastan, Karim Lala etc. In Maharashtra the gangsters are reported to have been financing politicians with funds to fight elections. Powerful gangsters are running parallel government in Maharashtra. In Maharashtra political parties are responsible in criminalisation of politics by picking up known criminals as candidates. For example gangsters Pappu Kalani from Ulashnagar and Hitendra Thakur from Thane were nominated by ruling congress (i) party as candidates for the February 1990 elections though under detention both were elected. The Shiv Sena backed by the BJP has accepted criminals. Notorious Sena operators who had good relations with BJP leaders of the state Bhim Bahadur Thapa was murdered in 1992 by rival gangs. MLA

36 Also refer to, article on 'sex, lies and politics' published in Sunday, 30 November – 6th December 1997.
Gajanan kirtikar charged with vandalism and arson was appointed the Minister of State for Home.\(^{37}\)

About 40 years ago big gangs did not exist in India's commercial and industrial city Bombay. There were gangs but not well organized. In those days gang leaders respected politicians and law enforcers. A perceptible change came about two decades after Politicians had by now learnt that to attain power they required money and muscle power. They found that they could get money and muscle power from the Dadas. In the course of years with the support of the politicians in power gangs led by Haji Mastan, Yusuf Patel, karim Lala Pathan, Dawood Ibrahim, Varadrajan Mudaliar, Babu ReshamRam Naik, Arun Gawli to name a few came into prominence.\(^{38}\)

West Bengal

Like other Indian states in India the nexus between politicians and criminals in West Bengal has become clear. The Bowbazar blast in Calcutta in March 1993 exposed the nexus between the Satta don Rashid Khan and local CPI (M) functioneries, Jhunnu Ansari a notorious criminal of Calcutta was arrested for his involvement in the post-Ayodhya riots in December1992 and bailed out by the ruling Left Front government. Ansari contested Calcutta Municipal Corporation polls in 1995 and was elected as an independent. The left front needed one more seat to got an absolute majority. It approached Ansari and the latter said ‘Yes’.

\(^{37}\) S. K Ghosh, op.cit, pp318-319, also see, Indian panorama Triumphs and Tragedis, p. 319

\(^{38}\) Ibid.
Ansari who is known as rigging master is used by the politicians in the election.\textsuperscript{39} In 2006 the Association for Democratic Reforms a NGO conducted a survey in West Bengal during the Assembly Elections and based on the nominations papers of the contesting candidates, the NGO prepared an analytical report of various candidates regarding their criminal and financial liabilities. A part of the report is presented below.

West Bengal Election Watch (WBEW) analyzed affidavits of 571 candidates out of 1654 who contested 2006 Assembly Elections. Out of these 571 candidates analysed, 133 candidates i.e. 23\% declared pending criminal cases against them. AITC had 62 out of 186 (33\%) candidates with pending criminal cases, INC had 28 out of 72 (39\%), BJP had 1 out of 17 (6\%), CPI(M) had 24 out of 206 (12\%), AIFB had 4 out of 32 (13\%), and RSP had 3 out of 22 (14\%) candidates with pending criminal cases. Out of these 133 candidates with pending criminal cases, 85 had serious pending criminal cases like murder, attempt to murder, kidnapping, robbery, extortion against them. AITC had 36, INC had 19, CPI (M) had 17, AIFB had 2, RSP had 2 and BJP had 1 candidate with pending serious criminal cases. There were 496 candidates analysed from four main parties AITC, CPI (M), INC & AIFB and out of these 496 candidates, 118 (24\%) had pending criminal cases against them. There were 247 IPC charges of heinous nature on these candidates which included murder, attempt to murder, kidnapping, extortion, etc.

\textsuperscript{39} Ganashakti, 3 April 1992.
A total of 14 candidates out of 571 analysed i.e. 2% were Crorepatis. A total of 7 candidates declared zero assets out of 571 candidates analysed. A total of 35 candidates out of 571 candidates analysed declared liabilities above 5 lakhs. Among major parties, the average asset per candidate for AITC was Rs.17.33 Lakhs, for INC was Rs 37.64 Lakhs, for CPI (M) was Rs. 18.86 Lakhs and for AIFB was Rs. 21.46 Lakhs each. A total of 48% of candidates (273 of 571 candidates analysed) had not furnished PAN card details.

Recently a Trinomool Congress M.P Kunal Ghosh was sent to 14 days judicial custody in connection with the Sarada group chit fund scam for conspiring with Sarada promoter and scam kingpin Sudipta Sen.  

Numbers of women candidates were just 139(8%) as compared to 1515 men (92%). More than 65% candidates (371 of 571 candidates analysed) were graduates & above. Affidavits of 283 MLAs out of 294 MLAs were analyzed by WBEW. Out of the 85 candidates with the most serious criminal cases against them, 30 won and the remaining 55 were rejected by the voters. Out of 283 MLAs analysed, 45 (16%) have pending criminal cases against them. Out of these 45 MLAs with pending criminal cases, there were pending serious criminal cases against 30 MLAs (11%). Out of 45 MLAs with pending criminal cases in West Bengal 2006 Assembly, 20 are of CPI (M), there are 8 MLAs from AITC, 6 from INC and 2 from AIFB. Out of 7 crorepati MLAs in West Bengal 2006 Assembly, 2

40 Indo-Asian news service, NDTV, November 30, 2013, accessed on www.ndtv.com on 06.01.14 at 12:43 p.m.
are of CPI (M), 3 are of INC, 1 is of AITC, and 1 is of WBSP. Among major parties, the average asset per MLA for INC was Rs. 35.32 lakhs, for CPI (M) was Rs 19.07 lakhs, and for AITC was Rs. 21.71 lakhs. Average asset of an MLA from West Bengal was Rs 20.15 Lakhs. Out of 283 MLAs analysed, 125 had not declared their PAN details. Out of 139 women candidates, only 37 won. Hence, only 13% of MLAs from West Bengal are women.

**Delhi**

Gangsters and Congress (I) party linkup came openly to the surface when Sanjoy Gandhi bestowed his patronage to the mafia gang leaders. The system flourished during the Asian Games in 1982 and during the anti sikh riots in 1984 following the assassination of Indira Gandhi. Powerful politicians belonging to the ruling Congress (I) government utilized the services of the gangsters to commit various atrocities on innocent Sikh men, Women and Children. Currently the nexus thrives on unauthorized construction and occupation of land, issue of permits, licenses, passports, kidnapping for ransom, smuggling of firearms, drugs and explosives and widespread illicit manufacture and sale of liquor in jhopries.\(^41\)

In Punjab a minister in Barnala ministry and the son of another minister in the same ministry were found to be in league with the militants. Prem-Singh Chandumajra, a minister in Barnala ministry was arrested by the police along with about 400 AISSF members as soon as President’s rule was imposed.\(^42\) In Andhra

\(^41\) *Indian panorama Triumphs and Tragedies*, pp. 329-330.
\(^42\) Ibid.
Pradesh the linkup between Home Minister K.P Reddy and the gangster Kotha Dass reportedly led to a conflict between Home Minister and the Hyderabad city police Commissioner. P.V Pavithran. kotha dass’s gang was arrested by the police on 30 April 1981 and immediately Pavithran was asked by the Home Minister to proceed on leave. In his statement which was only signed by him and counter signed by five police officers, Kotha Dass said his gang politically supports K.P Reddy, the home minister, irrespective of his political affiliation.43

Assam

In Assam, links between Bhrigu Phukan Home Minister in P. Mahanta cabinet (1985) and ULFA militants are well known. When the question of searching the houses of 18 ULFA militants were raised by the police in Barpeta district, the Superintendent of police was given a list of these persons and was directed not to conduct searches or to arrest them. Chief minister P. Mahanta had publicly accused Phukan of being hand in glove with ULFA militants. In other states of North-East politicians including some ministers and Chief Ministers are well known to have links with the underground rebels.44

The above discussion makes it clear that the nexus between the politicians and the criminals has become very prominent in all the states. The politicians are responsible for this evil that has crept into our society. The politicians are thriving today on the basis of muscle power provided by criminals. From the above analysis

43 SK Ghosh, op.cit.p. 318.
44 Indian panorama: Triumphs and Tragedies, p 333.
of the nexus between the politicians and the criminals as growing in the Indian states, it may be said that the nexus between the politicians and the criminals is responsible in criminalizing Indian politics. There was a time when parliament was packed with such eminent personalities as Jawaharlal Nehru, Sardar Patel, Moulana Azad among others. Fifty years after the Lok Sabha has become a den of criminals. For creation of such a political situation all political parties are responsible. It is astonishing to note that Phoolan Devi who had been involved in several murder cases got elected to the Lok Sabha from Uttar Pradesh. The reason why Mulayam Singh Yadav’s party gave her a ticket to contest the polls was that it wanted to get the votes of the Mallah community which is a sizeable vote bank in Uttar Pradesh. The nexus has come to ensure virtually every mainstream political party in every state.\textsuperscript{45}

How to barricade the entry of the criminals into the Parliament and State Legislatures. For this, there is a need of reformation of poll process. The Representation of Peoples Act of 1950 and 1951 does not help.\textsuperscript{46} It is because those who have been convicted for one or more of a list of criminal offences are debarred from contesting elections. The political parties give tickets to the criminals to contest the election because in most cases they are not convicted and in most cases are either under investigation or simply charge sheeted. The police out of fear of reprisal, wanted to keep the investigation pending. On the other hand the court does not give importance to quick disposal of such cases where powerful

\textsuperscript{45} Ibid, 334.
\textsuperscript{46} Also refer to section 8(1) of the Representation of Peoples Act 1951.
gangsters are involved. Uma kant Yadav who had 44 criminal cases pending against him allegedly shot dead a policeman in full view of hundreds of people was a freeman and become an MLA with BJP ticket in Uttar Pradesh.47

There has been a pervasive trend towards criminalisation of politics and a phenomenal rise in gangsterism and mafia rule in the political process. Criminalisation of politics continues to be a very big concern with an increase in the number of M.Ps with criminal records in 2004 from 128 to 150 in 2009. Even the number of M.P s with serious criminal cases has gone up.48 The reason for this seems to be the undemocratic and autocratic selection and nomination of candidates by political parties. In order to ensure the winability of candidates parties ignored honesty to give preference to muscle and money power.

A.K Deol, Special Director of Intelligence Bureau conducted a study on linkage between politicians and criminals in all the states of India.49 Although the situation in many states has been reviewed in the report, conditions prevailing in U.P and Bihar, Madhya Pradesh, Rajasthan and Maharashtra are extremely dangerous. The report states that the criminalisation of politics has become an essential part of the election process in India.

Criminalisation of politics has become a worrisome characteristic of Indian politics and electoral system. In 1966 as many as 39 members of parliament

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49 Also refer to, The Report of the A.K.Deol, Special Director of Intelligence Bureau, August 2001-July 2002.
including four ministers faced criminal charges which included murder, rape, dacoity etc. An investigation into the record of 500 persons who were candidates in Lok Sabha elections of 1998 revealed that 72 of them had criminal proceedings pending against them.\footnote{Also refer to, Report of the \textit{National Commission to Review the Working of the Constitution} (NCRWC), February 2000- March 2002.}

According to an estimate in 1996 of the 4092 representatives in Indian legislatures as many as 700 have criminal background. In the same year Uttar Pradesh elections, 185 out of the 420 MLAs were believed to be history sheeters.\footnote{Also refer to, \textit{Report NCRWC}, op.cit.}

To combat criminalization it is desirable to strengthen the existing laws by removing certain lacunae. The Representation of Peoples Act, 1951,(RPA) for instance, disqualify a person from contesting election if he or she has been convicted in the manner specified in sub section (1),(2) & (3) of section (8) of the Act. The Act states that a convicted person is disqualified for the period of imprisonment and 6 years thereafter. But under section 8(1) disqualifies a person only for a period of 6 years from the date of conviction whatever the term of imprisonment. However there is a provision in the Act to exempt sitting members of parliament and the state legislature from disqualification following conviction under any of the preceding three sub section if they have filed an appeal against their conviction within 3 months of the judgment. The exemption will be in force until the court disposes of the appeal.\footnote{Also refer to, Section 8 of the \textit{Representation of the Peoples Act, 1951} (RPA, 1951) and sub section (1), (2) & (3) of the Act.}
The incongruities in section 8 of the RPA, 1951 came into focus in the Jayalalitha disqualification case. The Supreme Court’s constitution Bench ruled that she was ineligible to hold the office of Chief Minister of Tamil Nadu following her conviction and disqualification under section 8(3) of the RPA, 1951. Section 8(1) for instance, mentions 10 categories of grave offences. A person found guilty of any of these will be disqualified even if the sentence imposed by a Court is not significant. However, this has given rise to an anomalous situation; a person convicted for an offence u/s 8(1) of the RPA, 1951 and sentenced for a period exceeding 6 years can contest an election even while serving the sentence of imprisonment because his or her disqualification ceases to operate at the expiry of 6 years. This is in contrast to those found guilty of committing offences U/S 8(2) & (3), who may be disqualified for a much longer period than those disqualified under section 8(1), even though the offences mentioned in section 8(2) and 8(3) are considered less grave then those mentioned in section 8(1).\(^53\)

Jayalalitha was convicted and sentenced to three years by a trial court. The execution of her sentence was stayed by the appellate court. But the Bench held that a stay on the execution of a sentence did not amount to a stay on the sentence itself. The inconsistency between section 8(1) and 8(3) was left unresolved by the Bench. There seems to be no good reason why disqualification for a lesser period be prescribed for serious offences of the nature mentioned in section 8(1) and a person should be allowed to contest elections even while serving a sentence of

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\(^{53}\) Also refer to, Report, NCRWRC, op.cit.
imprisonment. It is therefore, has proposed that in all cases u/s 8, a person shall be disqualified for the period of imprisonment and 6 years thereafter. The Bench had made it clear that it would not hesitate to strike down section 8(4) in its entirely if it is found to be violative of Article 14 of the Indian Constitution.54

In *Lily Thomas v. Union of India*,55 the Supreme Court of India has recently strike down section 8(4) as violative of the constitutional provisions. As a result of which some of the tainted political leaders were put behind bars including Lalu Prasad Yadav, but it is only a matter of time when the Parliament comes an amendment of law to resolve this situation and providing protection to all tainted leaders and criminals, because in last 60 years Parliament in India never had the true courage to come to the forefront to deal with the issue of criminalisation of politics, and lastly it was the Supreme Court of India which has provided the much needed reformation by striking down section 8(4) of Representation of Peoples Act, 1951 as violative of the Constitution of India.

The Representative of the People (Amendment) Ordinance, 2002 provides that the candidates would furnish information to the Election Commission if they have been convicted for any offence, entailing a jail term of one year or more; a candidate would also tell the Commission whether any Court has framed charges against him/her for any offences, entailing, a jail term of two years or more on conviction; and a candidate within 90 days of his/her election would apprise the

55 [http://www.pucl.org/Topics/Law/2013/vote_none.pdf](http://www.pucl.org/Topics/Law/2013/vote_none.pdf) accessed on 11/01/2014 (Saturday) at 9:33 p.m
presiding officer of the legislative body of his/her personal assets. Any willful omission by any legislator would be treated as breach of privilege. But all political parties are found to be indifferent in following such provisions strictly.\textsuperscript{56}

In a historic order the Supreme Court Bench comprising Justice M.B Shah, Justice B.P Singh and Justice H.K Sema ruled on 2\textsuperscript{nd} May 2002 and the Election Commission issued a directive on 28\textsuperscript{th} June 2002 to enforce the Supreme Court ruling of 2\textsuperscript{nd} May 2002. In its directive the Election Commission said that detailed informations about assets, criminal records, and educational qualification etc. besides, every candidate at the time of filing nomination paper shall furnish full informations in an affidavit. Furnishing of any wrong or incomplete information or suppression of any material by any candidate in the affidavit may result in rejection of his/her nomination. The Returning Officer shall disseminate the informations furnished by each candidate in the affidavit by displaying a copy of the affidavit on the Notice Board of his office and also by making the copies available freely and liberally to all other candidates and the press. However, when the Election Commission tried to act on these directions all political parties strongly opposed to it, reasons of which were obvious.\textsuperscript{57}

Election Commission focusing on crime – politics ties said 'no law breaker should be a law maker'. Keeping in mind the Report of the Vohra Committee on

\textsuperscript{56} The Tribune, online edition, 30 July 2008.
\textsuperscript{57} Also refer to Report NCRWRC, op.cit.
the powerful nexus between criminals—politicians in Indian states, the Commission appealed the political parties to clean up the political arena.

On 10th January 2000 President A.P.J Abdul Kalam gave his assent to a Bill to amend the Representation of Peoples Act 1951 to prevent criminalisation of politics. Law Commission of India also initiated efforts to cleanse Indian polity from criminal elements. The Parliamentary Standing Committee on Law and Justice headed by Rajya Sabha member EMS Natchiappan sought public opinion against criminal entry into public life. Vice President and Rajya Sabha member Bhairon Singh Sekhawat referred Election Commissions poll reforms 20 point proposal to the panel and the same proposal was also submitted to the Prime Minister Manmohan Singh on 5th July 2004 soon after the Congress-led UPA government assumed office in May 2004 by the then Chief Election Commissioner T.S Krishnamurthy, but the Law Ministry failed to evolve a political consensus in an all-party meeting on this issue and subsequently the Commission’s 20 point proposal was shelved on the pretext of lack of consensus.58

Criminalisation of politics has become a worrisome characteristic of Indian politics and electoral system to combat criminalisation of politics. The Appleby ARC in 1953 and the ARC 1966 recommended for establishment of ombudsman type of institution in India since then in number of occasions the Lokpal bill was introduced in the parliament but the parliament failed to get it passed due to several

objections raised by the opposition. Due to the failure of the government Anna Hazare a social activist went on hunger strike demanding the Lokpal bill to get passed in the Parliament. For this, Anna Hazare and his team prepared a draft of the Lokpal bill named Jan Lokpal bill. But there are basic differences between the government version and the Jan Lokpal bill which created controversy. Meanwhile a fraction of Anna Hazare team under the leadership of Arvind Kejriwal formed Aam Aadmi Party and contested assembly election of Delhi and with the support of the Congress formed the government which created an easy path to the Jan Lokpal bill for its clearance. The bill was introduced in the winter session of the Lok Sabha 2013 and was passed. It has been expected that after introduction of the Lokpal Institution the process of criminalisation of Indian politics shall be to some extent shacked.

From the above analysis it may be concluded that there has been a steady deterioration in the standards, practices and pronouncements of the political parties which fight the elections. Money power, muscle power, corrupt practices and unfair means are being freely employed to win elections. Over the years, several measures have been taken by Parliament, Election Commission with a view to check criminalisation of Indian politics but nothing could be achieved. As a result, there has been a pervasive trend towards criminalisation of politics and a phenomenal rise in gangsterism and mafia role in the political process. Nexus between politicians and gangsters is the most formidable problem for the future of Indian politics. Every segment of the Indian society must stand up manfully and fight every adverse influence, political or executive instead of leaving the fortune of the country in the hands of the criminals.