# Do Politicians in Power Receive Special Treatment in Courts? Evidence from India

## Rubén Poblete-Cazenave    Erasmus University Rotterdam

**Abstract:** *Do politicians in power receive special treatment in courts? I study judicial discrimination in the world's largest democracy, India, by analyzing whether pending criminal cases against politicians who marginally win their election are more likely to be closed without a conviction than cases against politicians who marginally lose their election. I find that winning office increases the chances of a favorable outcome only for politicians from the ruling party. Evidence suggests two main explanations for this result: (1) members of the legislative assemblies aligned with the ruling party misuse executive powers to manipulate prosecutors and police officers, and (2) witnesses turn hostile in high-profile criminal cases.*

An independent and impartial judiciary is one of the cornerstones of any democracy and is crucial for preventing usurpation and tyranny by those holding power (Locke 1689; Montesquieu 1748). However, despite constitutional guarantees, in practice, elected politicians might affect the legal system by exerting undue influence over actors involved in legal proceedings (e.g., judges, prosecutors, police, witnesses). This might be particularly problematic in contexts in which law-and-order officials depend on the government (Transparency International 2007).

While this concern is more prevalent in developing countries, media reports suggesting political bias shape citizens' perceptions that politicians are above the law (Gloppen 2013), eroding trust in legal institutions even in well-established democracies.[1] Do elected politicians receive special treatment in courts? Is this systematic? If

so, how do the politicians accomplish it, and what can be done to prevent it?

This article provides the first causal evidence of the impact of winning office on a wide range of pending criminal cases. I focus on the largest democracy in the world, India, and provide evidence concerning ongoing criminal cases against candidates running for state legislatures.

Several features make India a suitable context for studying this topic. Before an election, candidates for state legislatures must disclose any pending criminal cases or past convictions. This disclosure provides details on politicians' criminal cases, details generally not accessible in most countries (Djankov et al. 2010). Moreover, elected politicians can be prosecuted during their time in office and face the same legal proceedings as any ordinary citizen, which allows me to construct a valid control

[1]The 2017–2018 competitive report of the World Economic Forum reveals similar public perceptions regarding how independent the judicial system is from influences of the government, individuals, or companies for countries such as Brazil, India, Italy, and Spain.

[2]Constructing a valid control group in other countries is challenging, as officeholders have either political immunity or face specific courts.

group.[2] To separate the causal impact of winning office on pending criminal cases from other confounding factors, I exploit exogenous variation on political power resulting from close electoral races (Lee 2008).

I analyze the status of the criminal cases at the end of the legislative term. I employ two sources of information. First, using information disclosed by rerunning candidates, I construct a unique data set of over 1,200 pending criminal cases for first-time candidates in close races for the legislative assemblies. Second, I complement the analysis using administrative judicial information for nearly 1,200 criminal cases against politicians. I compare the probability of a pending criminal case being closed without a conviction during the legislature for politicians who barely won the election and those who barely lost their election.

The results show that the impact of winning office on legal outcomes crucially depends on the candidates' political alignment with the state's ruling party. Winners who are members of the state's ruling party are more likely to have their pending cases closed without a conviction during their time in the legislature. Evidence shows that threats and abuse of power can be used by members of legislative assemblies (MLAs) from the ruling party to affect the behavior of actors involved in the criminal justice system.

***Literature and Contributions.*** Understanding whether politicians influence the legal system is relevant because if they do, this would violate equality under the law and facilitate corruption by allowing politicians to operate with impunity (Fisman and Miguel 2007; Rose-Ackerman 1999). Such a system might attract dishonest individuals and criminals into politics and thus raise serious concerns about the quality of the political system.[3]

Literature on comparative judicial politics analyzes judicial independence and how judicial power emerged, given that courts cannot enforce their rulings (Ferejohn, Rosenbluth, and Shipan 2009; Vanberg 2015). The executive can simply ignore courts' rulings, and the legislature can change the laws. Ultimately, the literature finds that judicial powers stem from political power, not by constitutional law (Ramseyer 1994), and clear differences exists in de jure and de facto judicial independence (Ríos-Figueroa and Staton 2014; Yadav and Mukherjee 2014).[4]

In normal political circumstances, the executive and legislature show extensive deference to the judiciary (Ferejohn 1998). Parties follow courts' rulings and do not get involved with judges' careers. However, elected branches can influence courts' rulings if courts anticipate that politicians will not respect the rulings. In this case, courts adapt their policy preferences toward the preferences of the political branches (Carrubba, Gabel, and Hankla 2008; Ferejohn 1998). Such judicial anticipation makes it difficult to empirically study judicial independence.[5]

This article contributes to the study of political influence on courts' decisions on a micro level. Instead of studying political influence at the branch level, this article provides causal evidence that individual political power (i.e., winning office) matters for influencing courts' outcomes. In this setting, politician–defendants always follow the court's decision, but they can affect the outcome by influencing actors involved in the legal process using the powers of their office.

Empirical literature analyzing political influence on case outcomes is scarce. Most articles analyze corruption cases and whether individuals linked with a certain political party receive differential treatment in courts. A few articles have found evidence of partisan biases in the prosecution of corruption cases in the United States (Alt and Lassen 2012; Gordon 2009; Nyhan and Rehavi 2017) and the number of cases against politicians in India (Michaelowa, Panda, and Martin 2019). On the judiciary side, evidence shows that judges favoring the ruling party or incumbents have better career opportunities in Japan (Ramseyer and Rasmusen 2001), India (Aney, Dam, and Ko 2021), and Brazil (Lambais and Sigstad 2019).

This article analyzes criminal cases that were initiated prior to the nomination of first-time candidates. This approach reduces the likelihood of analyzing cases that might be manipulated by being in a position of power, which is a common concern when studying corruption cases where the decision to prosecute is endogenous.

This article also contributes to the literature on judicial discrimination. Most papers focus on the effect of a fixed characteristic of defendants, such as race (e.g., Arnold, Dobbie, and Yang 2018; Rehavi and Starr 2014), on sentencing. In contrast, the political status of the accused can vary during the legal proceeding against them. More importantly, defendants with political power can directly influence legal proceedings. This context makes

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[3]Candidates with criminal backgrounds are common in Asia (Vaishnav 2017), and the consequences are sizable (Chemin 2012).

[4]Vanberg (2015) reviews two reasons. First, politicians benefit from independent courts, as they can prevent extreme policies in the context of high political turnover. Second, public support for independent courts forces politicians to respect courts' rulings; otherwise, they will be punished at the polls.

[5]Ferejohn (2002) notes that judicial involvement in politics (i.e., judicialization of politics) springs the politicization of the judiciary, as politicians become interested in influencing judges' selection as a way to influence policy making. On the judicialization of politics, see Hirschl (2008) and Fischer (2020). Note that reverse causality is not an issue for our setting.

it more challenging to pin down the mechanisms for discrimination as the results do not necessarily reflect only judges' biases.

Finally, this article relates to the literature studying the role of the judiciary in political accountability and corruption (Avis, Ferraz, and Finan 2018; Zamboni and Litschig 2018). It highlights that prosecuting corrupt politicians, especially those in the ruling party, might be more challenging.

# The Indian Context: Political Power and Legal Proceedings

Since its inception in 1947, the Indian judiciary has not been exempt from political pressures. This was particularly salient during the Indira Gandhi government and, especially, during the emergency rule (1975–1977), where the use of constitutional amendments and appointment of "committed" judges became common (Bhuwania 2014; Dua, Singh, and Saxena 2007; Sudarshan 1990).[6]

Despite such pressures, the judiciary has been able to consolidate its powers and independence in the areas of judicial appointments and transfers, and it has declared several constitutional amendments unconstitutional (Neuborne 2003). Political turnover in the government, the decentralization of power in the government, and the Supreme Court's decisions, along with public support, were crucial to improving judicial independence (Mehta 2007; Sudarshan 1990; Yadav and Mukherjee 2014). Today, the judiciary is regarded as the most powerful government institution in India (Mate 2010). However, are elected politicians above the law in India?

In what follows, I describe India's current institutional setting, which provides the necessary background for the theoretical discussion. Subsequently, I explore why—despite institutional features granting judicial independence and the separation of powers—elected politicians might have their criminal cases favorably resolved.

## Indian Institutional Setting

**Legislative Assemblies.** India is a federation with a parliamentary system comprising 31 legislative assem-

blies. Members of the legislative assemblies (MLA) are elected using a simple plurality (first-past-the-post) rule and face no term limits. The leader of the party that wins the majority of the seats in the assembly usually becomes the chief minister, in whom lies de facto executive power. Most elections occur every 5 years; the Election Commission of India (ECI), a nonpartisan organization with a good reputation, conducts the elections.

Since November 2003, the ECI has required all candidates to present an affidavit disclosing any previous convictions or pending criminal cases. To avoid the reporting of false accusations, only open cases filed in court at least 6 months before the nomination must be reported.[7] Candidates' disclosures are subject to scrutiny by the public and especially by political adversaries. If the information is inaccurate, candidates could face fines, incarceration, and/or disqualification from public office. Reported cases are perceived as truthful and not politically motivated (Vaishnav 2017).[8]

MLAs' duties are to make laws and ratify public expenditures. MLAs are also involved in public service provision and act as intermediaries between citizens and the state (Vaishnav 2017).

**State Legal Institutions.** India follows common law, in which lower courts follow the decisions of higher courts. The constitution obliges the state to separate the judiciary from the executive and legislature.

State governments exercise the sovereign function of maintaining law and order. Judicial institutions are the same across states and courts. Most criminal cases are heard by subordinate local courts. Judges of subordinate courts are tenured and are appointed on the recommendation of the chief justice of the corresponding high court of the state.

Criminal offenses are considered acts against the state; therefore, public prosecutors represent the interests of the state before the courts. Prosecutors are appointed by the state government and are not permanent employees. Similarly, the executive controls police forces, who oversee criminal investigations, examining witnesses, making arrests, maintaining evidence, and ensuring attendance of witnesses at court, among other things.

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[6]Two well-known instances are the first (1981) and second (1993) judges' transfer cases, which allowed politicians to fire and transfer judges without the consent of the judiciary (Dua 1983; Fischer 2020). In 1993, the transfer of judges without consent was abandoned and the chief justice took an active role in appointments.

[7]Such cases have already undergone independent investigations by the police and the prosecutor, and a judge has considered the evidence sufficient to proceed with the case.

[8]Based on administrative judicial records, I find that the majority of the candidates truthfully report their cases. See Appendix C in the supporting information (SI; p. 21).

Finally, MLAs are subject to the same laws as non-elected individuals. They can face prosecution when in office, without the need for legislative approval. Also, criminal cases do not prescribe in India.

## Why Elected Officials Might Obtain Different Legal Outcomes

Research on judicial politics identifies several ways an ongoing criminal case might be impacted if the defendant gets elected to public office while the case is still pending.[9] Specifically, winning office provides the defendant with additional ways to incentivize legal actors—such as judges, prosecutors, court staff, police, or witnesses—to derail court proceedings, misplace evidence, obtain favorable testimony, or grant a more lenient sentence.

First, newly elected politicians may have a higher capacity to offer bribes (Dal Bó, Dal Bó, and Di Tella 2006; Fisman, Schulz, and Vig 2014). Second, they can use threats more effectively to manipulate behavior (Dal Bó and Di Tella 2003). For instance, politicians might directly threaten witnesses or their families to prevent them from providing testimony. Third, elected politicians could use their power and connections to impact the careers of law-and-order officials (Helmke 2004; Staton, Reenock, and Holsinger 2022). Being able to affect the payoff of individuals involved in the legal process increases the chances that elected politicians will obtain a favorable outcome in their criminal cases. Hence, I formulate Hypothesis 1:

*H1*: Winning office increases a politician's chances of obtaining a better outcome in outstanding legal cases.

How credible are the threats of newly elected politicians? In India, individual MLAs do not have direct control over law-and-order officials. However, MLAs from the state's ruling party can credibly affect the careers (and hence the behavior) of officials who depend on the state government (e.g., prosecutors, police officers) through appointments, dismissals, forgone career opportunities, salaries, and conditions of service.

Staton, Reenock, and Holsinger (2022) argue that if law-and-order officials care about their careers, their decision making will be tied to the interests of those who have power over their careers. Such is the case for prosecutors, police officers, and even judges. Lal Sharma (1997) argues that prosecutors usually receive instructions from the state government when deciding which cases to withdraw.[10] Furthermore, Batra, Grover, and Khanna (2005) point out that prosecutors commonly resign or are replaced when the ruling political party changes.

Politicians routinely threaten to transfer law-and-order officials who can affect legal proceedings (see Chemin 2012; Iyer and Mani 2012). For instance, the 2019 Status of Policing in India report shows that 72% of officers have felt political pressure while investigating cases involving influential persons. The most common threats are unscheduled transfer, suspension, or dismissal. These credible threats give more leverage to MLAs from the ruling party, who can bribe officials more effectively, to manipulate officials' decision making (Chemin 2012; Dal Bó, Dal Bó, and Di Tella 2006). Even judges, who are now better insulated from political pressures, can be affected by offers of governmental jobs after retirement (Aney, Dam, and Ko 2021). Hypothesis 2 reflects the fact that MLAs from the state's ruling party have greater leverage to influence courts.

*H2*: Incumbents from the governing party are more likely to obtain favorable legal outcomes.

## Data, Outcome Variable, and Sample

Information on candidates' criminal cases comes from the Association for Democratic Reforms (ADR). Candidates' affidavits are processed and published on their website (http://myneta.info/). I parsed, processed, and structured the information contained in the affidavits for 80 assembly elections for 2003–2017 using web-scraping techniques.

I parse large amounts of unstructured raw text using regular expressions to obtain details on charges according to the Indian Penal Code (IPC), a description of the case (e.g., case number, court's name, dates), and the candidates' age, education, and financial assets and liabilities, among others. See Figures A.1 and A.2 in SI Appendix

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[9]Since Bentley (1908), academics have recognized that interest groups play an active role in lobbying the courts and policy making. More recently, Dal Bó and Di Tella (2003) present a model in which even honest officials (e.g., judge, prosecutor, police, or witness) decide differently than they otherwise would have because of threats from a pressure group (here, an elected politician). Dal Bó, Dal Bó, and Di Tella (2006) model influence when bribes and threats are available. Credible threats reduce the optimal amount of bribes.

[10]A salient example regards the former chief minister of Bihar, Jagannath Mishra. He was prosecuted for manipulating funds when he was not in power. Soon after being elected as chief minister, the prosecution was discontinued. A prosecutor can withdraw cases after obtaining written permission from the state government (see Section 321 of Code of Criminal Procedure 1973).

A (p. 3) for an example of how the information is presented.

I match candidates' affidavits with electoral information from the ECI to determine winners and runners-up, as well as incumbent candidates. I identify candidates across databases and elections using fuzzy string matching and an iterative matching process due to the lack of candidates' identifiers and Indian name spelling. SI Appendix B (p. 11) provides details on the procedure.

## Population of Interest

To study the impact that obtaining political power has on criminal case resolution, this article considers candidates with pending criminal cases. Specifically, I focus on first-time candidates, as this reduces the number of pending cases that might be affected by a person's being in a position of power.[11]

## Outcome Variable

To measure the impact of winning office on ongoing criminal cases, I analyze whether the status of a case at the end of the legislative period is favorable for the accused politician. The best outcome for a defendant is when the case is *closed without a conviction.* Any other outcome is not as favorable.[12] Therefore, I use closed without a conviction to define a favorable outcome for a politician.

## Samples

Determining the status of a criminal case is difficult due to the lack of available information and institutional challenges. To overcome this, I use two methods and data sources to construct two different complementary samples. To track the status of the case, the first method uses information from consecutive affidavits, and the second employs administrative judicial data.

Both data sets complement the analysis, as each sample presents benefits and drawbacks. The first approach allows me to identify the status of a large sample of criminal cases for politicians contesting close elections. However, there might be potential selection issues because this can be measured only for candidates who run again. The second approach does not require candidates to run

again to determine the status of the case. However, the sample of crimes for candidates contesting close elections is small, leading to less precise estimates. I will describe each procedure.

## Consecutive Affidavits: Discontinuity Sample

I can determine the status of a case at the end of the legislature by comparing affidavits from consecutive elections. If a reported case is not in the next election's affidavit, then the case was closed and the candidate was not convicted. Alternatively, if the case appears in the next election's affidavit, then the case was closed and the candidate was convicted or the case is still pending.[13]

To determine whether a case was closed without conviction at the end of the legislative period, I examine whether there is a match among any of the criminal cases for the same candidate in the next election's affidavit. If there is no match, then the case was closed without conviction. Otherwise, the case has not been closed without a conviction. I use the information on the criminal charges and other information (e.g., case number, dates, court) to identify the same case across affidavits.

I manually check all potential matches to reduce the measurement error in the outcome variable. As this is a time-consuming process, I do this for the sample that is most important for identification: winners and runners-up in close electoral races (elections in which the margin of victory is no more than 5 percentage points). Following Angrist and Lavy (1999), I refer to this sample as the *discontinuity sample.*[14] SI Appendix B (p. 11) describes the procedure.

There are 1,210 pending cases associated with winners and runners-up in close elections held from 2004 through 2012 (679 for winners and 531 for runners-up). Of these cases, 60% were closed without a conviction by the end of the legislative session (see top half of Table 1). Most of the cases contained a serious criminal charge.[15] Among serious cases, 56% were closed without a conviction. Cases of a less serious nature were closed without a conviction at a higher rate (65%).

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[11]SI Appendix D.3 (p. 34) discusses the sample selection.

[12]A conviction is not per se worse than a pending case: a lenient punishment might be preferable to a long, expensive trial with a potentially harsher punishment. Unfortunately, data on punishments are not available. The Results section explores additional outcome variables.

[13]Since 2014, people have been banned from running in elections if they were convicted of crimes for which they received a punishment of imprisonment for over 2 years.

[14]Previous papers studying MLA elections use a win margin of 5 percentage points to identify a close race (e.g., Fisman, Schulz, and Vig 2014). The MSE-optimal bias bandwidth (Calonico, Cattaneo and Titiunik 2014) based on the administrative sample is 6.4 percentage points. See Empirical Strategy section.

[15]See SI Appendix B (p. 11) for the definition of serious crimes.

**TABLE 1  Share of Criminal Cases Closed without Conviction within a Legislative Term**

|  | All | | Serious | | Less Serious | |
|---|---|---|---|---|---|---|
|  | Observations | Mean | Observations | Mean | Observations | Mean |
| **Discontinuity Sample** | | | | | | |
| Winners and runners-up | 1,210 | 0.60 | 686 | 0.56 | 524 | 0.65 |
| **Administrative Sample** | | | | | | |
| All candidates | 1,236 | 0.60 | 591 | 0.53 | 645 | 0.65 |
| Winners and runners-up | 441 | 0.68 | 174 | 0.60 | 267 | 0.73 |

*Notes*: This table shows the share of criminal cases closed without conviction within the legislature using two different samples. The discontinuity sample is based on information from consecutive affidavits for winners and runners-up contesting elections where the margin of victory was no more than 5 percentage points. The administrative sample uses information from administrative judicial data coming from the eCourt system.

## Administrative Judicial Data: eCourts Project

Administrative judicial data from the Department of Justice (eCourt project) are employed to complement the discontinuity sample. The eCourts project offers information on active and closed civil and criminal cases detailing the type of case, the parties involved (petitioner, respondent), the court's name, and relevant dates (filing, decision), among others.

Obtaining these data and identifying politicians' criminal cases is challenging due to institutional and computational limitations. The number of cases that can be identified is limited due to the type of information provided by the politicians in their affidavits and the information available in the eCourts system. Finding a case in the system requires knowledge of specific details about the case and manually entering a CAPTCHA.[16]

To get access to the judicial information systematically, I used machine learning techniques (optical character recognition) for CAPTCHA solving. To maximize the chances of finding politicians' cases, all cases for every judicial district in a state were scraped. I searched for cases against nonincumbent candidates (regardless of their winning margin) in elections in the following states: Karnataka 2008 and 2013, Madhya Pradesh 2013, Andhra Pradesh 2014, Jharkhand 2014, and Maharashtra 2014. The judicial database for each state contains millions of active and closed criminal cases (e.g., 5.9 million cases for Maharashtra for the period 1980–2014).

To identify criminal cases, I use the case number in the associated court/police station, year of filing, corresponding judicial district, and the name of a defendant-politician. Potential matches provided by the procedure were manually checked to precisely identify the correct match (if any). See details in SI Appendix B.3 (p. 13).

I obtained judicial information for 1,236 criminal cases for nonincumbent candidates, among which 441 were from winners and runners-up. The bottom half of Table 1 shows that 60% of the cases were closed without a conviction during the legislative session. For serious and less serious crimes, this share is 53 and 65, respectively. For cases from winners and runners-up, these numbers are higher.

A limited number of cases are from candidates contesting close elections (see Figure A3 in SI Appendix A, p. 5). This provides less statistical power to precisely estimate the impact of winning office on judicial outcomes compared with the discontinuity sample. Therefore, these data are mostly used to analyze potential selection issues in the previous sample and to explore the reasons for the disposition of the cases. For further details about these two samples, see SI Appendix B (p. 11).

## Empirical Strategy

The ideal experiment to estimate the causal impact of winning office on legal outcomes is to randomly assign political power across people facing similar criminal cases and compare legal outcomes among those with political power and those without. To approximate this experiment, I compare the status of the criminal cases by the end of the legislative session for candidates who ran in close elections.

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[16]The process requires either a unique identifier used only in the eCourt system or exact information about the court, case type, case number, and year of filing. CAPTCHA is a program that seeks to prevent access to nonhuman users by generating tests that are easy for humans to pass but not for computers.

Close elections provide exogenous variation in political power, implying that candidates who barely lost are a good counterfactual for candidates who barely won. This relies on no relevant actor having precise control over the election results (Lee 2008). Additionally, given that in the discontinuity sample the outcome variable is observable only for candidates rerunning, another assumption is required to obtain a causal estimate of the effect of winning office on legal outcomes. That is, conditional on the election result, the outcome for candidates rerunning is representative of those not rerunning.

I do not find evidence against the validity of these two assumptions (see analysis in SI Appendix D, p. 27). There is no evidence of manipulation in close electoral races. A McCrary (2008) test rejects the null of discontinuity at the cut-off (win margin equal to zero). Additionally, predetermined characteristics before the elections across winners and runners-up contesting close elections are well balanced. Particularly, candidates from the current state ruling party are not more likely to win a close election. This suggests that candidates barely losing are a good comparison group for candidates barely winning, as their baseline characteristics are similarly distributed just above and just below the cut-off.

Regarding the second assumption, evidence from the administrative judicial sample suggests that legal outcomes for candidates rerunning are not significantly different from those not rerunning. The status of a pending case does not seem to be related to the decision to rerun conditional on the candidates' previous electoral ranking. Moreover, the probability of rerunning is not significantly different for candidates with and without criminal accusations, suggesting that other factors, such as the result of the previous election, are more important in the decision to run again than having pending legal proceedings. Finally, I do not observe that candidates rerunning and not rerunning have systematically different baseline characteristics.

## Descriptive Statistics at the Criminal Case Level

Table 2 provides descriptive statistics at the criminal case level for winners and runners-up. The top of the table shows information on the case's characteristics and the most common types of criminal offenses. There are no systematic differences between the cases of runners-up and winners. Serious offenses occur in 58% of the cases for runners-up and 56% for winners. On average, there are almost four criminal offenses per criminal case for both winners and runners-up. In nearly 1% of the cases, the accused has been framed. Over 50% of the cases include charges affecting the human body, such as voluntarily causing hurt or assault. The second most common type of offense relates to crimes against public tranquility, such as rioting or unlawful assembly. Table A.1 in SI Appendix A (p. 5) shows the 10 most common criminal charges.

The rest of the table shows the characteristics of candidates, constituencies, and states and how balanced these are for winners and runners-up. There are no systematic differences for baseline characteristics between winners and runners-up, but there are a few exceptions. Winners are slightly more educated than runners-up, and a higher share of winners belong to constituencies with reserved seats (scheduled castes and scheduled tribes), although the share of these candidates is very small.

The bottom of the table shows state-level information related to the judicial system. The conviction rate is the average rate of convictions per year during the period of the legislature. On average, 35% of all cases resolve in a conviction. A significant number of cases roll over into the following year, as shown by the average pendency rate (share of cases for which a trial has not been completed within a year). Also, a substantial number of seats in subordinate courts are empty, as shown by the high vacancy rates (number of vacancies in districts and subordinate courts over the approved strength).

## Econometric Specification

To estimate the effect of political power on ongoing criminal cases, I compare the case status at the end of the legislature for candidates who barely won the election and those who barely lost it. Consider the following specification for estimating the regression discontinuity (RD) treatment effect:

$$Y_{cids} = \alpha + \beta \cdot winner_{ids} + f\left(\text{win margin}_{ids}\right)$$
$$+ e_{cids} \; \forall \text{win margin}_{ids} \in (-h, h), \quad (1)$$

where $h \in [0, 100]$ is a neighborhood around the cut-off (win margin$_i$ = 0) or bandwidth. $Y_{cids}$ is a dummy equal to one if an ongoing criminal case $c$ is closed without conviction before the next election for candidate $i$ in constituency $d$ from state $s$. $Winner_{ids}$ is a dummy equal to one if the candidate won the election, and zero otherwise. The control function $f\left(win\ margin_{ids}\right)$ is a continuous function of the running variable (win margin), and $e_{cids}$ are the residuals. The parameter of interest, $\beta$, estimates the (local) average impact of winning an

**TABLE 2**  Summary Statistics for Winners and Runners-Up Contesting Close Elections

| | Runners-Up | | Winners | | Difference |
|---|---|---|---|---|---|
| | Mean | Standard deviation | Mean | Standard deviation | |
| **Case Characteristics** | | | | | |
| Serious crimes | 0.578 | (0.494) | 0.558 | (0.497) | −0.020 |
| Number of charges | 3.691 | (2.929) | 3.589 | (2.883) | −0.102 |
| Charges framed | 0.019 | (0.173) | 0.013 | (0.148) | −0.006 |
| Against human body | 0.533 | (0.499) | 0.539 | (0.499) | 0.006 |
| Breach of public tranquility | 0.403 | (0.491) | 0.432 | (0.496) | 0.029 |
| Property crimes | 0.320 | (0.467) | 0.315 | (0.465) | −0.005 |
| Intimidation | 0.307 | (0.462) | 0.264 | (0.441) | −0.043 |
| **Candidate Characteristics** | | | | | |
| Number of crimes | 6.456 | (6.358) | 6.010 | (6.668) | −0.445 |
| Female | 0.013 | (0.114) | 0.028 | (0.165) | 0.015 |
| Net asset (in ln) | 15.222 | (1.670) | 15.488 | (1.837) | 0.266 |
| Age | 45.318 | (9.299) | 43.895 | (8.984) | −1.423 |
| Years of education | 12.833 | (3.074) | 13.709 | (2.927) | 0.876* |
| Voting share | 0.336 | (0.072) | 0.361 | (0.089) | 0.025* |
| **Constituency Characteristics** | | | | | |
| Electorate (in ln) | 5.390 | (0.371) | 5.386 | (0.517) | −0.004 |
| Turnout | 62.677 | (12.963) | 64.204 | (13.928) | 1.526 |
| Number of candidates | 13.134 | (4.712) | 13.380 | (6.247) | 0.246 |
| SC/ST | 0.058 | (0.235) | 0.115 | (0.319) | 0.056† |
| **State Characteristics** | | | | | |
| GDP pc (in ln) | 10.141 | (0.572) | 10.272 | (0.552) | 0.132 |
| Conviction rates | 0.352 | (0.201) | 0.374 | (0.207) | 0.022 |
| Pendency rates | 0.837 | (0.077) | 0.846 | (0.076) | 0.009 |
| Vacancy rate | 0.188 | (0.078) | 0.179 | (0.076) | −0.009 |

*Notes*: *Charges framed* refers to when charges have been framed against the politician by the corresponding court. *SC/ST* denotes the share of seats at the legislature reserved for scheduled castes (SC) or scheduled tribes (ST). GDP pc (in ln) denotes gross domestic product per capita in natural logarithm. Errors are clustered at the district level.
†$p < .1$, *$p < .05$, **$p < .01$.

election on the probability that a pending criminal case is closed without a conviction.

Additionally, the impact of winning office on judicial outcomes could differ depending on the candidate's political alignment because MLAs from the state's ruling party might have more political power than MLAs from other parties. Hence, I separately estimate specification 1 for candidates from the new ruling party and candidates from other parties.

There are two additional parameters of interest:

$$\beta^{RP} = E[Y_{cids}|winner_{ids} = 1, ruling\ party_{ids} = 1]$$
$$- E[Y_{cids}|winner_{ids} = 0, ruling\ party_{ids} = 1],$$
$$\beta^{NRP} = E[Y_{cids}|winner_{ids} = 1, ruling\ party_{ids} = 0]$$
$$- E[Y_{cids}|winner_{ids} = 0, ruling\ party_{ids} = 0], \quad (2)$$

where *ruling party*$_{ids}$ is a dummy equal to one for a candidate *i* belonging to the party of the new chief minister in

state $s$. $\beta^{RP}$ captures the causal impact of winning office on legal outcomes for candidates in the new ruling party, whereas $\beta^{NRP}$ is analogous but for candidates not in the new ruling party. Note from Equation (2) that the comparison group for winners of the ruling party is runners-up of the ruling party. This is relevant since party affiliation is endogenously chosen before the elections, and the likelihood that a certain party becomes the new ruling party is not random.[17]

I follow different approaches to estimate Equation (1). The first is a nonparametric approach only using observations arbitrarily close to the cut-off (i.e., small $h$) and excluding the control function (Angrist and Lavy 1999).[18] The idea is that this "discontinuity sample" is a close approximation to a randomized trial, and therefore it is unnecessary to include the control function (Pettersson-Lidbom 2008). This approach avoids any misspecification of the control function, yet it requires many observations in a small neighborhood around the cut-off. The discontinuity sample provides many observations on races with a narrow margin of victory. I use two samples near the cut-off: $h \leq 5$ and $h \leq 2$. As an additional specification check, I estimate a linear model with different slopes in both sides at the cut-off (Imbens and Lemieux 2008). The idea behind the linear model is that once the trend effects of the covariate generating the discontinuity (win margin) are completely controlled, there should be no need to hold any other covariates fixed (Angrist and Lavy 1999). Finally, the standard errors are clustered at the district level.

# Results

I start with an informal graphical analysis and then proceed with a formal analysis showing the estimations of Equation (1). Figure 1 shows the predicted probability of a case being closed without a conviction by candidates' win margin based on the discontinuity sample. Panel (a) shows this for all candidates, and Panels (b) and (c) show the results for candidates from the ruling party and not from the ruling party, respectively. The scatter points are the binned means of the outcome variable against the running variable. The solid lines are the predicted value of a local linear smoother (using raw data) on each side

**FIGURE 1  Predicted Probability of a Case Being Closed without Conviction, by Candidate's Win Margin**
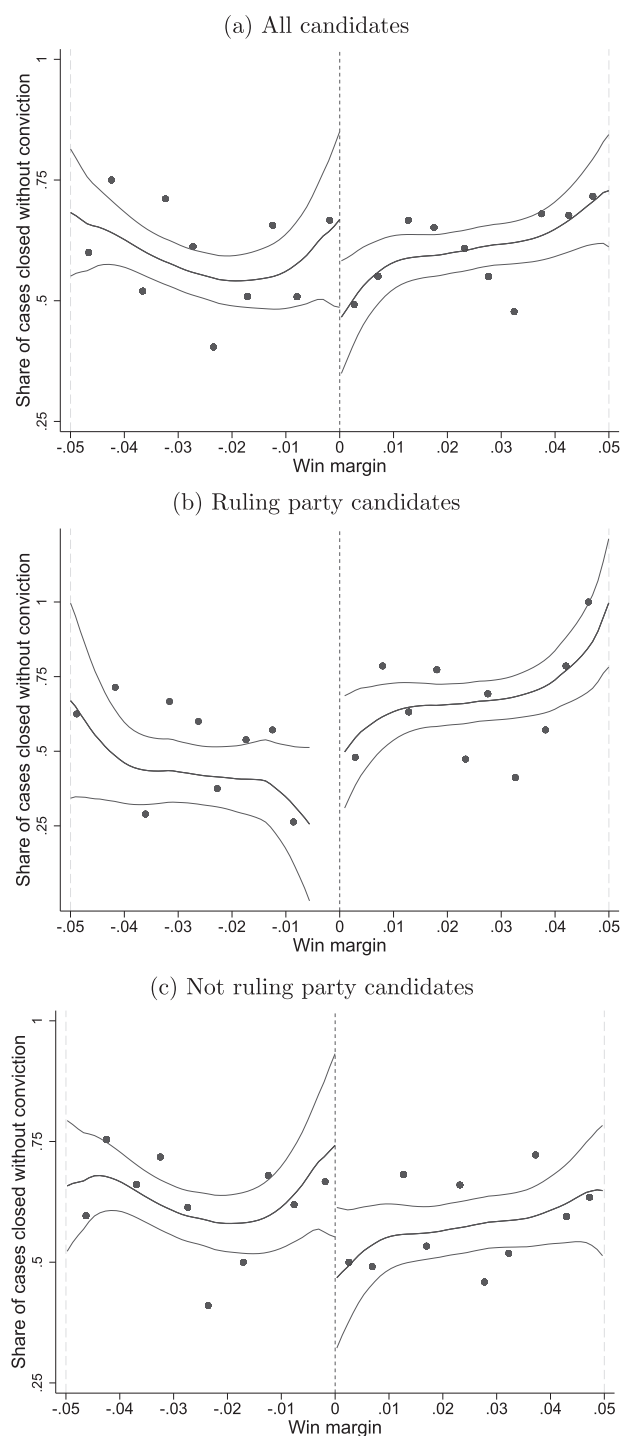


(a) All candidates

(b) Ruling party candidates

(c) Not ruling party candidates

*Notes*: Scatter points show the average share of cases closed without conviction by win margin bin. The solid lines represent the predicted value of a local linear smoother on each side of the threshold at zero. The outer gray lines denote the 95% confidence intervals. Observations are from the discontinuity sample.

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[17]The exogenous variation I am exploiting for a causal estimate is given by the "as good as random" allocation of political power at the candidate level.

[18]Hahn, Todd, and Van der Klaauw (2001) analyze a related nonparametric approach to regression discontinuity estimations. See also Imbens and Lemieux (2008).

**TABLE 3 Effect of Winning Office on the Likelihood of a Pending Criminal Case Being Closed without Conviction: Discontinuity Sample**

| | (1) | (2) | (3) | (4) | (5) |
|---|---|---|---|---|---|
| **A. All Candidates** | | | | | |
| Winner | 0.026 | 0.024 | 0.041 | −0.010 | 0.029 |
| | (0.044) | (0.040) | (0.074) | (0.054) | (0.092) |
| Observations | 1,210 | 1,184 | 450 | 442 | 1,210 |
| Dependent variable mean | 0.597 | 0.598 | 0.580 | 0.588 | 0.597 |
| **B. New Ruling Party Candidates** | | | | | |
| Winner | 0.248** | 0.201** | 0.266* | 0.162† | 0.241† |
| | (0.077) | (0.066) | (0.103) | (0.090) | (0.137) |
| Observations | 345 | 335 | 141 | 140 | 345 |
| Dependent variable mean | 0.591 | 0.588 | 0.603 | 0.600 | 0.591 |
| **C. Not Ruling Party Candidates** | | | | | |
| Winner | −0.049 | −0.041 | −0.049 | −0.049 | −0.044 |
| | (0.049) | (0.044) | (0.093) | (0.069) | (0.111) |
| Observations | 865 | 849 | 309 | 302 | 865 |
| Dependent variable mean | 0.599 | 0.602 | 0.570 | 0.583 | 0.599 |
| Controls | − | √ | − | √ | − |
| Control function | − | − | − | − | Linear |
| Bandwidth | 5 | 5 | 2 | 2 | 5 |

*Notes*: *New ruling party candidates* refers to candidates belonging to the party of the new chief minister. Robust standard errors clustered at the district level are in parentheses.
†$p < .1$, *$p < .05$, **$p < .01$.

of the threshold, with gray lines denoting the 95% confidence intervals.

Because these figures use information from the discontinuity sample, the running variable (win margin) is bounded by 5 percentage points to each side of the threshold. Therefore, these figures are a close-up of the relationship between the win margin and the probability of a case being closed without a conviction. Figure 1(a) shows a fairly flat line to the left of the cut-off and a slight upward slope on the right of the cut-off. The local linear predictors based on raw data suggest a discontinuity around the cut-off (zero), although the confidence intervals are large. The positive relationship between win margin and judicial outcomes for winners seems to be steeper for ruling party members (Figure 1b). Also, there seems to be a discontinuous jump at the cut-off (zero) for candidates from the new ruling party. Figure 1(c) is similar to Figure 1(a), as expected, given that most of the

candidates in the sample are not from the ruling party. The discontinuity around the cut-off suggests that candidates who barely won are less likely to have their cases closed without conviction than candidates who barely lost.

Table 3 formally evaluates the impact of winning office on judicial outcomes using the discontinuity sample. Each column shows a different specification. Columns 1 and 2 follow the discontinuity sample approach for candidates in elections in which the win margin is no more than 5 percentage points. In turn, columns 3 and 4 use a smaller bandwidth (2 percentage points). In some specifications, I include covariates to increase the precision of the estimates and to reduce small-sample biases in the basic specification produced from observations not too close to the threshold (Imbens and Lemieux 2008). Column 5 uses a local linear polynomial to estimate the impact of winning office on judicial outcomes.

Panel A shows the estimated impact of winning office on judicial outcomes for all candidates ($\beta$ in Equation 1). Overall, there is no evidence that winning office impacts the probability of a pending criminal case being closed without a conviction during the legislative session. The point estimates are small and not significant at conventional levels, regardless of the specification.

Panel B shows evidence of the impact of winning office on criminal case resolution for candidates of the ruling party ($\beta^{RP}$). There is a significant positive premium for winning office and being politically aligned with the state's ruling party. Based on column 1, winners connected to the government increase the chances that a pending criminal case against them will be closed without conviction by over 20 percentage points. The likelihood is slightly reduced when controlling for other covariates. As the bandwidth used gets smaller (2 percentage points), the RD estimates become less precise, yet they are in a similar range and still significant at a 5% confidence level. A local linear control function produces similar results.

Panel C shows the effect of winning office for candidates from parties other than the ruling party ($\beta^{NRP}$). None of the estimates is significant at conventional levels. Despite this, if anything, it seems that the probability of a pending criminal case being closed without conviction is reduced by nearly 5 percentage points if the defendant is elected.

Note that candidates might not belong to the same political party at the next election. A party might deny a candidate a place on the ticket or candidates might choose to run for another party, and these party defectors' cases obtain worse judicial outcomes. SI Figure A.5 shows the RD graphs considering only party loyalists. The discontinuity at the threshold for the sample that pools all candidates disappears. Similarly, there is no discontinuity for candidates not from the ruling party, which seems to be driven by an improvement in judicial outcomes for candidates who barely won as well as a deterioration of judicial outcomes for candidates who barely lost. In turn, candidates from the ruling party (losers and winners) seem to get more favorable outcomes when only considering party loyalists. Yet, there is still a discontinuous jump around the threshold favoring winners. SI Table A.2 shows the results considering only party loyalists. The results are in line with the ones presented in Table 3.

## Ruling Coalition

Whenever a party fails to obtain the majority of seats in the legislature, a coalition of parties can form the new government. Table A.3 in SI Appendix A (p. 8) shows the results for candidates in and out of the coalition using two measures of political power for ruling coalitions. The results for winners of the ruling coalition are in line with the previous results, regardless of the measure employed.

## Political Alignment with the Central Government

Do MLAs aligned with the prime minister's party receive favorable outcomes for their court cases? These MLAs might have different methods to influence legal outcomes at the central level or might face political persecution from state governing parties.

The prime minister's party was the Indian National Congress (INC) until May 2014, when the Bharatiya Janata Party (BJP) came into power. Because the case status is measured at the end of a legislative session (typically 5 years), some cases overlap the two different federal governments. Table A.4 in SI Appendix A (p. 9) shows the estimations separately for the period under the control of the INC (2004–2014) and for 2004–2017, when the INC and the BJP were in power.[19] There is no evidence of judicial discrimination in favor of or against winners in the prime minister's party. This suggests that favoritism occurs only within the state-level government.

## Additional Evidence from the Administrative Sample

This section uses the administrative sample to examine judicial outcomes for candidates further away from the cut-off and after the legislative session. Unlike the discontinuity sample, this sample does not contain enough observations around the cut-off to precisely estimate the impact of winning office on judicial outcomes (see Figure A.4 in SI Appendix A, p. 6). Therefore, while the analysis is informative, it must be viewed with caution.

Figure 2 shows graphical evidence for the eCourt sample analogous to Figure 1. It shows judicial outcomes for candidates in elections that had a margin of victory within 35 percentage points, regardless of their final ranking. Two vertical dotted lines demarcate the domain considered in Figure 1. Figure 2 is a "zoom out" of Figure 1 but uses a different sample.

There is a positive relationship between the margin of victory and favorable judicial outcomes. On average,

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[19]A case pending in 2010 (during the INC government) might still be pending during the BJP government. Politicians aligned with the prime minister's party are only those from the INC, and from INC/BJP from cases filed since 2010.

**FIGURE 2  Predicted Probability of a Case Being Closed without Conviction, by Win Margin**
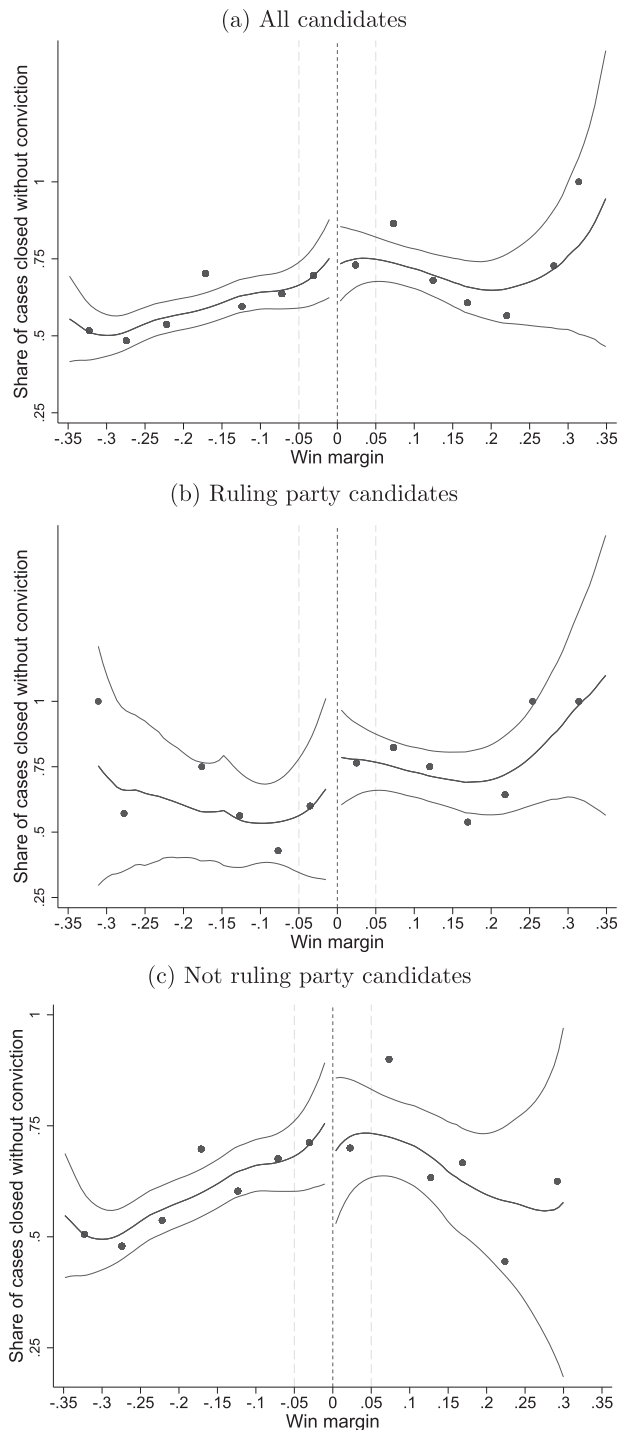
(a) All candidates



(b) Ruling party candidates



(c) Not ruling party candidates



*Notes*: Scatter points show the average share of cases closed without conviction by win margin bin. The solid lines represent the predicted value of a local linear smoother on each side of the threshold at zero. The outer gray lines denote the 95% confidence intervals. Observations are from the administrative sample

winners are more likely to get their cases closed without a conviction during the legislative session compared to losers, regardless of the political party. Around the cutoff, there seem to be differences between winners and losers of the ruling party. However, due to the small sample size, the confidence intervals are too wide to detect significant differences.[20]

The outcome variable analyzed so far combines two aspects: (1) the resolution of the case and (2) how fast the case is resolved. Here, I measure these two aspects at the time when the data were scraped. On average, candidates' cases take nearly 6 years to be resolved. In Figure 3, panels (a), (c), and (e) show whether the case was closed without a conviction in the long term. There is a clear positive relationship between candidates' win margin and a favorable resolution of the criminal case. When the outcome variable is not constrained to the legislative period, it is more evident that winners are more likely to get their cases closed without a conviction. Compared to Figure 2, there seems to be positive effects of winning office on long-term judicial outcomes, even for candidates not in the ruling party. In the case of winners from the ruling party, there is a stark jump at the threshold. Nearly all cases from the winners of the ruling party are closed without a conviction. The next section provides further details on the specific resolution of the criminal cases.

Panels (b), (d), and (f) of Figure 3 show the number of days required for closing the case by win margin. To account for pending cases, I imputed the number of days since the case was filed until the date I obtained the information from eCourt. There is a clear negative relationship between the win margin and the number of days necessary to obtain a resolution for a criminal case. Similar patterns occur when analyzing only closed cases. Overall, individuals who have been in office have faster and more favorable resolutions of their cases.

## Mechanisms

Demonstrating the presence of discrimination in the judicial system is challenging, but even more challenging is showing how it happens. The results from the previous section, showing a differential impact of winning office depending on candidates' alignment with the party in government, shed light on the underlying mechanisms. Bribes, threats, and/or abuse of power vested in the executive might explain the results.

[20]For completeness, Table A.5 in SI Appendix A (p. 10) reports the results using the eCourt data.

**FIGURE 3  Predicted Long-Term Judicial Outcomes, by Win Margin**
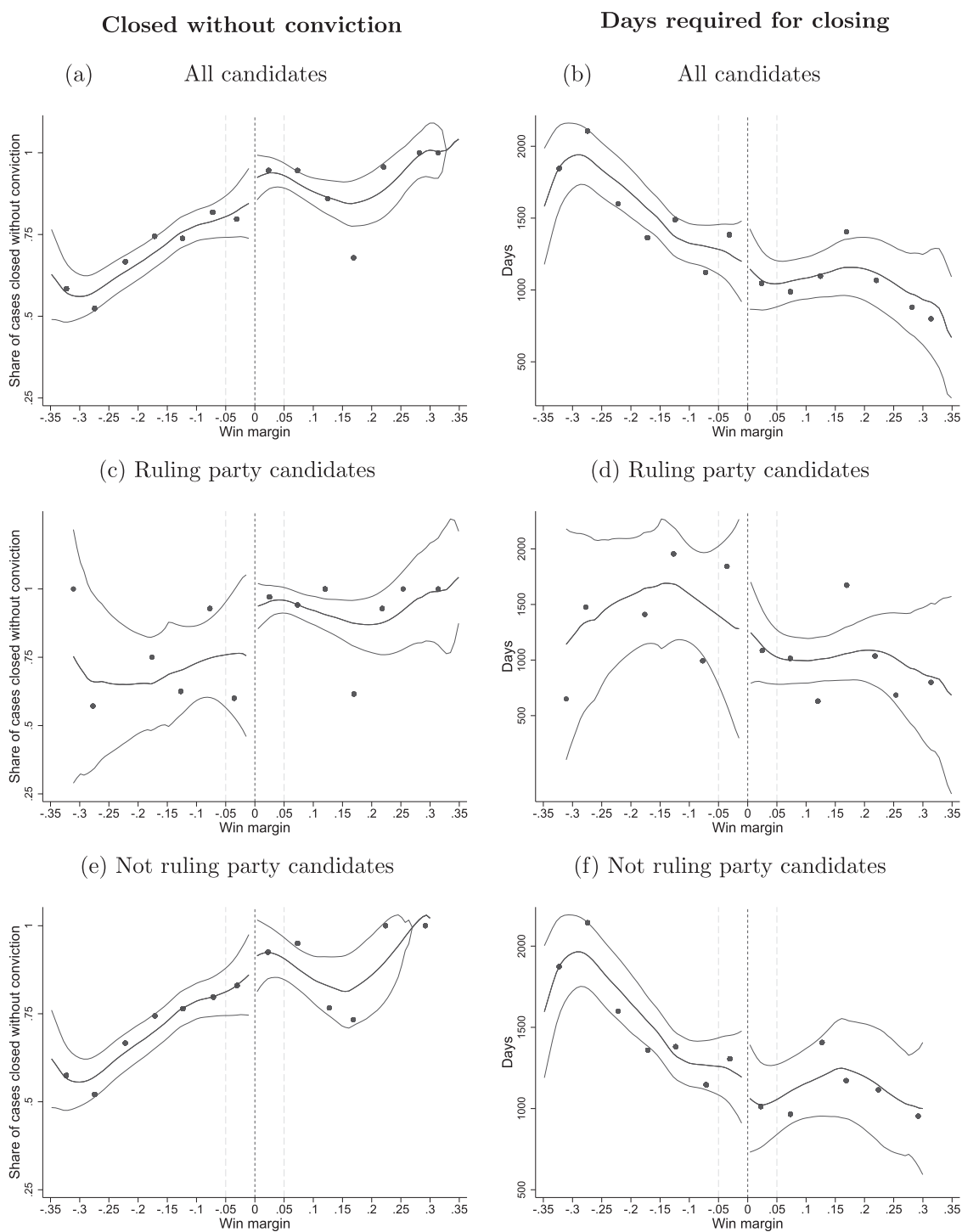


*Notes*: Scatter points show the average share of cases closed without conviction by win margin bin for panels (a), (c), and (e), and the average number of days required for closing the criminal case for panels (b), (d), and (f). The solid lines represent the predicted value of a local linear smoother on each side of the threshold at zero. The outer gray lines denote the 95% confidence intervals.

**TABLE 4  Effect of Winning on the Likelihood of a Pending Criminal Case Being Closed without Conviction**

|  | Police Premature Transfers | |
| --- | --- | --- |
|  | States below median | States above median |
| New ruling party | 0.011 | 0.238** |
|  | (0.112) | (0.071) |
| Not ruling party | 0.046 | −0.119* |
|  | (0.050) | (0.060) |
| Observations | 471 | 706 |
| Dep. var. mean | 0.660 | 0.552 |
| Adjusted $R^2$ | 0.144 | 0.083 |

*Notes*: Police premature transfers are defined as transfers occurring before 2 years. Robust standard errors clustered at the district level are in parentheses.
[†]$p < .1$, [*]$p < .05$, [**]$p < .01$.

As discussed earlier, the use of punitive transfers is a common tactic used by politicians to manipulate behavior. To study this, I use information from the 2019 Status of Policing in India report on premature transfers of police officers (transferred in less than 2 years) for 2007–2016. Table 4 shows evidence of discrimination for states where the number of police transfers is above and below the median. For states with transfers below the median, the effect of winning is close to zero for any candidate. In states with a high number of transfers of police officers, the estimates point toward higher discrimination in favor of winners from the new ruling party only. The differential impact of winning across states above and below the median number of transfers is statistically significant for candidates of the ruling party ($p = 0.06$).

To explore the role of legal actors, I use information on the nature of the disposal and qualitative evidence from judgments. Table 5 shows the outcomes of the criminal cases found using the administrative data by the election result and political alignment with the new ruling party. Cases that go to trial end either in acquittal or conviction. Most cases end with the defendant being acquitted. In only a small proportion of cases is the accused politician convicted. Winners from the ruling party are less likely to be convicted than other politicians. Consistent with the slow legal processes in India, many cases are still pending at the end of the legislative term.

Perhaps the most salient difference across groups relates to the cases that end before trial, which is a notably large percentage for winners of the ruling party. Nearly 40% of cases against winners from the ruling party were withdrawn by the prosecution, 40% were discharged or dismissed by the judge, and 20% were compromised between the complainant and accused.[21]

One pattern that emerges from analyzing judgments of closed cases is that many witnesses for the prosecution turn hostile (i.e., become unwilling to tell the truth after being sworn in to give truthful testimony in court). Even witnesses who were also the complainant altered their testimony and denied the initial charges. Similarly, police officers who were witnesses for the prosecution turned hostile. It is interesting to note that witnesses who turned hostile were found not only in cases concerning winners from the ruling party but also for other politicians among the other three groups in Table 5. The use of threats is common among individuals in powerful positions. This behavior could explain why individuals with

[21]In India, certain less serious offenses can be compromised between parties. If the offense is compounded with the court's approval, the offender can be free from all charges.

**TABLE 5  Case Resolution by Election Result and Political Alignment**

|  | New Ruling Party | | Not Ruling Party | | Total |
| --- | --- | --- | --- | --- | --- |
|  | Winner | Loser | Winner | Loser |  |
| Acquitted | 48% | 39% | 54% | 43% | 44% |
| Convicted | 2 | 4 | 4 | 3 | 3 |
| Ongoing | 9 | 32 | 15 | 35 | 31 |
| Ended Pretrial | 41 | 25 | 27 | 19 | 22 |

*Notes*: This table shows the distribution of the case status at the end of the legislature by electoral result and political alignment with the new ruling party (in percent). The table contains information from the administrative sample regardless of the win margin of the candidate.

**TABLE 6  Heterogeneous Effect of Winning on the Likelihood of a Pending Criminal Case Being Closed without Conviction**

|  | Severity of the Crime | | Political Crime | Ruling Party | |
|---|---|---|---|---|---|
|  | Less serious | Serious |  | Same party | New party |
| New ruling party | 0.222* | 0.163* | 0.145 | 0.171* | 0.057 |
|  | (0.104) | (0.077) | (0.099) | (0.085) | (0.072) |
| Not ruling party | −0.034 | −0.030 | −0.055 | 0.026 | −0.204** |
|  | (0.062) | (0.051) | (0.070) | (0.050) | (0.073) |
| Observations | 511 | 673 | 404 | 718 | 466 |
| Dependent variable mean | 0.654 | 0.556 | 0.545 | 0.599 | 0.597 |
| Adjusted $R^2$ | 0.138 | 0.072 | 0.075 | 0.103 | 0.159 |

*Notes*: Political crimes are related to unlawful assembly and rioting. *Ruling party* in the last two columns denotes whether the ruling party is the same as the previous legislative period or a new party. Robust standard errors clustered at the district level are in parentheses.
$^\dagger p < .1$, $^* p < .05$, $^{**} p < .01$.

power have overall faster and more favorable resolutions of their cases.

## Heterogeneity Analysis

### Type and Severity of the Criminal Offense

Does the severity of the criminal offense matter for judicial discrimination? Politicians might have greater incentives for interfering in more serious criminal cases than less serious cases, given the more significant potential consequences. However, intervening in those cases might be more challenging, given what is at stake.

Table 6 shows the effect of holding office on legal outcomes by the severity of the criminal charges. The estimates for less serious criminal cases are in line with the main results: less serious cases involving winners from the ruling party are 20 percentage points more likely to be closed without a conviction during the legislature, which is larger than the corresponding estimate for serious criminal cases. This suggests greater discrimination for cases involving less serious crimes than for more serious crimes, although these two estimates are not significantly different from each other. Note that serious cases take longer to be closed than less serious cases, yet the share of serious cases closed without conviction between legislatures is still relatively high (Table 1).

Additionally, crimes related to political activities, such as unlawful assembly or protest, might be more likely to be brought for political reasons. To determine whether judicial discrimination taints the resolution of

these charges, I define *political crimes* as those with criminal offenses associated with political activity.[22] Table 6 suggests no particular evidence of discrimination in the resolution of political crimes. Although the magnitude is large, it is not significantly different from zero. Note that none of the charges used to define political crimes are considered very serious. However, since a criminal case can contain several charges, 64% of the political criminal cases are considered serious. Overall, the results suggest that political power has far-reaching effects on the criminal justice system by affecting legal proceedings for all cases, even serious cases.

### Changes in the Ruling Party

In states with high political turnover, MLAs from other parties might be perceived as a threat to the ruling party, which might create greater incentives for politicians from the ruling party to affect their challengers' ongoing cases. Also, in states that reelect the same ruling party, politicians might have more political power to affect the behavior of legal system personnel, as they might have a longer relationship and the expectation is that the ruling party will be staying in power. I separate states in which the same party has been ruling for consecutive periods and those states in which a new party comes to power.

Columns 4 and 5 of Table 6 report the effects of winning office on legal outcomes depending on whether the party stays in power. For states where the governing party

[22]Political crimes are defined by the following IPCs: 141, 142, 145, 146, 147, 150, 151, 152.

**TABLE 7  Effect of Winning on the Likelihood of a Pending Criminal Case Being Closed without Conviction**

|  | Pendency Rate | | Judicial Vacancy Rate | | BIMARU States | |
|---|---|---|---|---|---|---|
|  | Below median | Above median | Below median | Above median | No | Yes |
| New ruling party | 0.097 | 0.212* | 0.099 | 0.167$^{\dagger}$ | 0.138 | 0.178* |
|  | (0.098) | (0.093) | (0.081) | (0.088) | (0.091) | (0.078) |
| Not ruling party | 0.001 | −0.032 | 0.004 | −0.066 | 0.030 | −0.120$^{\dagger}$ |
|  | (0.064) | (0.053) | (0.054) | (0.067) | (0.050) | (0.065) |
| Observations | 494 | 690 | 653 | 531 | 556 | 628 |
| Dependent variable mean | 0.688 | 0.533 | 0.634 | 0.554 | 0.664 | 0.540 |
| Adjusted R$^2$ | 0.147 | 0.075 | 0.140 | 0.112 | 0.141 | 0.081 |

*Notes*: BIMARU states are Bihar, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh, and Uttarakhand. Robust standard errors clustered at the district level are in parentheses.
$^{\dagger}p < .1$, $^{*}p < .05$, $^{**}p < .01$.

maintains power, there are no statistical differences between winners and runners-up who are not from the ruling party. The point estimates are nearly zero. On the other hand, winners of the ruling party are 17 percentage points more likely to get their cases closed without a conviction compared to runners-up from the ruling party.

In states with a new ruling party, winning and not belonging to the ruling party has large negative effects on the probability of getting a case closed without a conviction. This estimate is significantly different compared to the estimate for states with the same ruling party ($p = 0.03$).

Judicial discrimination in criminal cases against MLAs from parties not in government seems to occur only in states where a new party gains power. This suggests that MLAs from parties not in government are not seen as a threat to the establishment of the ruling party when the same party has been ruling for consecutive periods. Alternatively, this could reflect the fact that because winners from the opposition are not in government, the second-best strategy is to postpone their cases until they are in power in the next term.

## Quality of Judicial Institutions

To explore whether the quality of judicial institutions correlates with judicial discrimination, I exploit variation at the state-year level on the pendency of cases and judicial vacancy rates as well as whether the state is a BIMARU state, which is another common way to define

states with weak institutions and high corruption (Fisman, Schulz, and Vig 2014).[23]

According to Table 7, the quality of institutions seems to mediate judicial discrimination. Differential effects in legal outcomes are observed only in places with low institutional quality. Although differences are not significant at conventional levels across different samples, the point estimates for elected politicians of the ruling party are large, suggesting that elected politicians of the ruling party are more likely to get their criminal cases closed without conviction in places with low institutional quality. It could be that courts with a high number of pending cases and with lower institutional capacity are more prone to suffer from political pressures, or it might be easier for legal officials to favor politicians or "turn a blind eye" whenever courts are overburdened with cases.

## Conclusion

This article is the first to analyze whether the administration of justice is compromised when individuals accused of criminal offenses obtain political power. I analyze whether in India, candidates for legislative assemblies with pending criminal cases receive a more favorable outcome after they win office.

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[23]The correlation between the case pendency and judicial vacancy rate is 0.06. BIMARU states include Bihar, Jharkhand, Madhya Pradesh, Rajasthan, Uttar Pradesh, and Uttarakhand.

The results show that winning a seat in the state legislature affects the chances of getting special treatment during the legal process, but its effects within the legislature depend on the political alignment of the candidate with respect to the ruling party. Winning office increases the chances that pending cases are closed without conviction during the legislature only for politicians from the ruling party.

The evidence suggests the presence of several channels through which politicians in power can obtain favorable legal outcomes. Powers vested in the executive (e.g., appointments, promotions, and transfers) might be misused to affect legal proceedings through the manipulation of law-and-order officials' career prospects. This is especially true for those who depend on the state government (e.g., prosecution, police). Anecdotal evidence suggests that this is the case. A large share of cases of winners from the ruling party are closed before trial through prosecutors withdrawing the case or by judges dismissing it. Additionally, evidence of discrimination occurs only in states commonly using punitive transfers of law-and-order officials.

In most countries, law-and-order officials directly depend on the current government. This raises concern regarding how insulated the criminal justice system is from political pressures. However, there is no one-size-fits-all solution. While granting further independence to institutions involved in the legal system might reduce the scope for political manipulation, the fact that witnesses from the prosecution turn hostile suggests the need for additional policies. For instance, offering witness protection programs might prevent potential threats against witnesses, especially in high-profile cases. More analysis should be conducted to understand their effectiveness in this context.

Suggestive evidence indicates that discrimination is more likely to occur in places with low-quality judicial institutions. Hence, improving judicial quality and capacity might be effective in curtailing political pressures in the judicial system. However, more detailed data on the different actors and stages of the criminal process would be required to identify the most susceptible link in the legal chain. This article is a first step toward the design of more effective policies to insulate the whole legal system from political pressures.

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## Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

**Appendix A**: Other Figures and Tables
**Appendix B**: Data Construction
**Appendix C**: Accuracy of Self-reported Affidavits
**Appendix D**: Identification Strategy and Internal Validity