

Why in the News?

A report by Association for Democratic Reforms (ADR) has found that about **47% of Ministers in India**, including in the Union Cabinet and State Cabinets, **have declared criminal cases against themselves**, out of which 27% are of a serious nature.

Causes of Criminalisation of politics

Criminalisation of politics refers to the **entry and participation of persons with criminal backgrounds in the political and electoral process**. The causes include:

Impact of criminalisation of politics	
	Loss of Credibility Erodes public faith in democracy
	Law-Breakers as Law-Makers Criminals in power manipulate laws for self-interest.
	Unfair Electoral Process Criminal candidates distort the electoral competition, limiting the choice available to voters
	Institutionalised Corruption Encourages systemic and institutionalised corruption.

Politico-Criminal Nexus: Criminals enter politics to gain immunity and legitimacy, while politicians and parties use them for their muscle and financial power, creating a vicious cycle of mutual benefit.

Vohra Committee Report (1993) highlighted the nexus of politicians, criminals and bureaucrats in the Indian administrative and political setup.

"Winnable" Candidates: ADR data 2024, indicates that the success rate for candidates with criminal charges was 15.3%, while candidates without any criminal cases had a much lower success rate of just 4.4%.

High cost of elections: To fund election campaigns, candidates and parties often rely on "black money" and funds from the mafia.

Slow Justice system: Poor conviction rate for MPs and MLAs, coupled with trial delays, does not deter political parties from giving tickets to candidates with a criminal background.

55% rise in MPs with criminal records since 2009 (ADR Report 2024)

Identity Politics: Elections often prioritize caste/religion over criminal records.

Constitutional and legal provisions to reduce Criminalisation of politics

Representation of People Act, 1951

Disqualification under Section 8: Individuals convicted of heinous crimes or sentenced to two years or more face disqualification.

Section 11: Gives the EC the power to remove or reduce the period of disqualification. This power was utilized in September 2019 to reduce the disqualification period of

Prem Singh Tamang.

Recent Initiatives

130th Constitutional Amendment Bill: Seeks to amend Articles 75 and 164. It proposes that a Minister arrested and detained for 30 consecutive days for an alleged offense punishable with imprisonment of at least five years, shall be removed from office.

Judicial pronouncements related to Criminalisation of politics



Union of India v Association for Democratic Reforms (2002): Directed the ECI to secure affidavits from candidates detailing all past or pending criminal charges, convictions, and the quantum of punishment awarded.



Lily Thomas v Union of India (2013): Immediate disqualification for sitting legislators convicted and sentenced to two or more years of imprisonment.



Public Interest Foundation v. Union of India (2019): Political parties publish the criminal record of their candidates on their websites, social media and local newspapers.

Way Forward

Enhanced Penalties for False Affidavits: The punishment for filing false affidavits (recommended by **244th Law Commission Report, 2014**) should be enhanced to a minimum of two years imprisonment, and this offense should also be made a ground for disqualification.

Dedicated Election Benches: High Courts should set up dedicated election benches to hear petitions through day-to-day trials, ensuring timely convictions before disqualification of candidates.

Review of Section 11 of RPA, 1951: Convictions for serious crimes should be kept out of the Election Commission's power to reduce the period of disqualification.

Financial and Transparency Reforms: Political parties should be brought under the RTI Act, 2005.