

**ETHICS AND CRIMINALISATION IN INDIAN POLITICS:  
A THREAT TO INDIAN DEMOCRACY**

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**Abstract**

*Ethics is the study of moral dilemmas in individual and group interactions. India as world's largest democracy, is renowned for its diverse culture, rich history, and a vibrant political landscape. The country has witnessed for remarkable progress since gaining independence in 1947, yet the intricacies of Indian politics have been marred by ethical dilemmas and challenges. Ethics in Indian politics have been a subject of immense scrutiny and analysis, considering the rich and diverse history of the country's political landscape. Ethics in Indian politics is a topic of significant importance due to the country's rich political history and the challenges it has faced in terms of governance, transparency, and corruption. Over the years, several incidents and controversies have highlighted the need for a robust ethical framework in the Indian political system. However, the realm of Indian politics has been marred by instances of corruption, nepotism, and unethical practices, which have hindered the nation's development. Despite having a very solid code of ethics in the shape of our Constitution, politicians are today completely unethical. Their participation in illegal activities, corrupt behaviour, nonsense dialogues are only a few characteristics of their immoral lifestyle. Consequently, the necessity of upholding ethical*

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*Standards in Indian politics is not only a moral imperative but also an essential prerequisite for fostering a just and equitable society. In this study I have made an effort to describe Politics' ethical requirements, as well as the actual situation, in this study article. In this research article, I've shown how ethics are vanishing from everyday life, including those of Normal people as well as politicians. In this study, In order to minimize the issues that have recently arisen, some recommendations and solutions have also been indicated.*

**Keywords:** Ethics and Values, Corruption, democracy, criminalization.

### **Introduction:**

Indian politics has, unfortunately, grappled with numerous ethical challenges over the years. India's political landscape has been shaped by leaders such as Mahatma Gandhi and Jawaharlal Nehru, who emphasized moral and ethical values in their political ideologies. India's political landscape is deeply rooted in a history shaped by diverse cultural, religious, and philosophical influences. Ethical principles such as dharma (duty), ahimsa (non-violence), and satya (truth) have been the cornerstones of Indian philosophy for centuries. The post-independence era was marked by a commitment to democratic principles and ethical governance. However, over the years, the landscape has witnessed a mixture of ethical and unethical practices, often leading to a loss of public trust in political institutions. Corruption, nepotism, communalism, and criminalization of politics have tarnished the sanctity of the political system. The nexus between power, money, and influence has often led to a compromise of values, weakening the faith of citizens in the democratic process. The manipulation of electoral processes, misuse of power, and the lack of accountability have eroded public trust, hindering the effective functioning of democratic institutions. One of the key challenges facing Indian politics is the prevalence of corruption. Corruption in various forms has deeply rooted itself within the political system, undermining the very fabric of ethical conduct. Political leaders often engage in practices such as bribery, favouritism,

and misuse of power, which not only erode the public's trust but also hinder the progress and development of the nation Criminalization of politics in a country involves the direct infiltration of criminals into political parties, the legislative, including the parliament, through elections, and the use of criminal methods and tactics to influence political processes and procedures. The exploitation of caste and communal sentiments for political gains has further deepened societal divisions, undermining the principle of secularism and social harmony. Kothari says that, "It is not Politics that gets caste - ridden, it is caste that gets politicised." Moreover, the lack of transparency in political funding has further compounded the issue of ethical ambiguity. **According to a report by the National Crime Records Bureau, there was a 44% increase in the number of cases of elected representatives booked under various sections of the Indian Penal Code between 2014 and 2018.**

#### **Objectives of the study:**

The followings are the objectives of this paper:

- Explore the link between politics and ethics.
- To understand the meaning of criminalization of politics and its impact on political system.
- To study the factors responsible for unethical politics.
- To discover the ways in which this problem can be hand-out.
- To study the role of Parliament in dealing with this problem.

#### **Methodology:**

To conduct this study historical approach is used. The research design is descriptive. The present study is based on the data collected from primary and secondary sources. Primary data is collected from the authentic reports of The Association for Democratic Reforms (ADR) and National Election Watch (NEW), Transparency International's Corruption

Perception Index (CPI), the National Crime Records Bureau report and government's reports and secondary data is collected from books, journals, and reliable websites.

**Discussion:**

**IN HUMAN HISTORY**, Bad Leaders have contributed to human misery, including the loss of life, while Good Leaders have been detrimental to peace and prosperity. This is especially true in developing countries. Ethics are at their lowest point of degradation and self-interest is ruling in every area of society, whether it be the executive, or political. Today, morality and ethics are seen as myths, and the existence of an ethical individual is merely an assumption. It is widely accepted and assumed that there is just one ethic or morality in existence today—namely, how to increase profits, whether through legal or illegal means. India's people are losing confidence in democracy due to politicians' deceitful attitudes, tendency to benefit from tragic incidents, self-centred approach, egoistic, unethical, and greedy nature.

Corruption is a pervasive and deeply rooted issue that has plagued Indian politics for many years. It is a cancer that has eroded the trust of the public in the political system and hindered the country's progress. There have been several political scandals and corruptions since independence. Some of these include the Nagarwala scandal, the Bitumen fraud, the Churhat lottery scam, the Tansi land deal, the Urea scam, the Bofors scandal, the Telecom scandal, the JMM Bribery scandal, the Fodder scandal, the St. Kitts case, and the Hawala scandal. The Bofors scandal spoiled Rajiv Gandhi's "Mr. Clean" image, and he lost the 1989 elections the major political scams of this decade are Taj corridor case, Oil-for-food program scam, and Cash-for-votes scandal.

The criminalization of politics in India has reached a point where it requires serious attention from citizens, the government, and political parties due to a gradual decline of values

Throughout our society. Many politicians in India face criminal charges, including serious offenses like murder, kidnapping, and corruption. These individuals often use their political power to protect themselves and avoid prosecution. Milan Vaishnav in his famous book— ‘ When crime pays: Money and muscle in Indian politics’ explain how goondas and mafias have been a part of electoral politics since the birth of Indian democracy.’’’

The latest analysis by the Association for Democratic Reforms (ADR) and National Election Watch (NEW) examined the self-sworn affidavits of 763 sitting MPs from the 776 Lok Sabha and Rajya Sabha constituencies in the country. This information was derived from affidavits filed by MPs prior to their last elections and subsequent bye-elections. The appalling position of criminals in the current political system, as per figures gathered by ADR and NEW from records of the Election Commission of India, is shown below.

- **Sitting MPs with criminal cases:** 306 (40%) of the 763 sitting members of parliament who were analysed have declared criminal cases against themselves.
- **Sitting MPs with serious criminal cases:** A total of 194 (25%) of the sitting MPs have declared serious criminal cases related to murder, attempted murder, kidnapping, crimes against women etc.
- **Party wise Percentage of Sitting MPs with Criminal Cases:** 139(36%) out of 385 MPs from the Bharatiya Janata Party (BJP), 43 (53%) out of 81 MPs from The Indian National Congress INC, 14 (39%) out of 36 MPs from The All India Trinamool Congress (AITC), 5(83%) out of 6 MPs from the Rashtriya Janata Dal (RJD), 6(75%) Out of 8 MPs from CPI(M), 3(27%) out of 11 MPs from The Aam Aadmi Party

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(AAP), 13(42%) out of 31 MPs from The Yuvajana Sramika Rythu Congress Party (YSRCP) and 3(38%) out of 8 MPs from The Nationalist Congress Party (NCP) have declared criminal cases against themselves in their affidavits.

- Sitting MPs with cases related to murder: 11 Sitting MPs have declared cases related to murder (Indian Penal Code Section-302)

### Sitting MPs with self-declared criminal cases

Elections/House	Total number of MPs analyzed	MPs with declared Criminal Cases	MPs with declared serious criminal cases	Number of MPs with declared cases related to murder	Number of MPs with declared cases related to attempt to murder	Number of MPs with declared cases related to crime against women	Rape
Lok Sabha 2019	538	232	154	9	28	17	3
Rajya Sabha	225	74	40	2	4	4	1
Total	763	306	194	11	32	21	4

Table: Sitting MPs with self-declared criminal cases

### **Components for criminalization politics in India:**

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The issue of criminalization in Indian politics has been a matter of concern for several decades. Various factors contribute to this phenomenon. Some components for the criminalization of politics in India include:

- **Lack of Internal Democracy in Political Parties:** Many political parties in India lack internal democracy, which leads to the concentration of power in the hands of a few influential leaders. This absence of transparency often enables individuals with criminal backgrounds to secure party nominations.
- **Money and Muscle Power:** The use of money and muscle power in elections is a significant factor contributing to the criminalization of politics. Candidates with Significant financial resources, often obtained through illegitimate means, can wield influence in the political sphere, thus perpetuating a cycle of corruption and criminality.
- **Weak Law Enforcement:** The inefficiencies and delays within the law enforcement and judicial systems in India contribute to the continuation of criminal elements in politics. Cases against politicians are often prolonged, leading to a lack of timely justice and a perception of impunity.
- **Lack of Effective Electoral Reforms:** The absence of robust and effective electoral reforms that can regulate and monitor political funding, election expenses, and candidate backgrounds allows individuals with criminal backgrounds to participate in the electoral process.
- **Vote Bank Politics:** Some politicians tend to engage with criminal elements to consolidate their vote banks, leading to the protection and patronage of criminal elements within the political system.
- **Lack of public awareness and political apathy:** Many voters may not be fully aware of the criminal backgrounds of certain politicians, or they might

be apathetic to the issue. This lack of awareness and apathy among the public can encourage political parties to field candidates with criminal records.

- **Nexus between Crime and Politics:** In some regions, especially where the rule of law is weak, there exists a nexus between crime syndicates and politicians. This connection facilitates the use of muscle power, money, and intimidation tactics in politics.
- **Caste and Communal Politics:** Identity-based politics, particularly caste and communal politics, can play a role in the election of politicians with criminal backgrounds. Some voters may prioritize their caste or religious identity over a candidate's criminal record.

#### **Impact of Criminalization of Politics in India:**

- **Impact on Governance and Policy Making:** The involvement of individuals with criminal records in Indian politics has compromised the integrity of governance and policy-making processes. Such elements often prioritize personal interests over public welfare, leading to the subversion of democratic principles. The influence of vested interests can distort policy decisions, undermining the nation's socio-economic development. Consequently, this has contributed to a lack of effective implementation of welfare schemes, hindering the overall progress of the marginalized sections of society.
- **Erosion of Public Trust and Faith in Democracy:** Criminalization in Indian politics has eroded the public's trust and faith in the democratic system. The rampant use of money and muscle power during elections, along with the criminalization of politics, has led to a disillusionment among the masses. The perception of politicians as corrupt and untrustworthy individuals has bred cynicism, reducing citizen participation in the electoral process. This erosion of trust poses a significant threat to



the democratic foundation of the nation, undermining the very essence of a government for the people, by the people.

- **Stifling of Ethical Leadership and Role Models:** The proliferation of politicians with criminal backgrounds has stifled the emergence of ethical leadership and role models in Indian politics. Aspiring politicians with clean records often find it challenging to navigate the complex political landscape dominated by those with questionable pasts. Consequently, the absence of ethical role models has hindered the nurturing of values such as integrity, accountability, and transparency within the political sphere, perpetuating a cycle of corrupt practices.
- **Destabilization of Social Harmony:** Criminalization in Indian politics has also contributed to the destabilization of social harmony. The patronage of criminal elements by political parties has deepened the fault lines of caste, religion, and ethnicity, fostering divisiveness within society. Exploitative politics driven by vested interests have amplified communal tensions, exacerbating social conflicts and jeopardizing the country's pluralistic fabric.
- **Corruption and Nepotism:** Criminalization in politics often leads to a culture of corruption and nepotism. Politicians facing criminal charges may use their positions to protect their own interests or those of their associates. This perpetuates a culture of graft and cronyism, diverting resources away from essential public services and welfare programs. As a result, the general public is left to suffer, and socio-economic inequalities increase.

#### **The Efforts made by government of India to control criminalization in Politics:**

India, as one of the world's largest democracies, has long grappled with the issue of criminalization within its political system. In response to this challenge, the nation has implemented various laws and acts to staunchly curb the malignant growth of criminal

influence within its political apparatus. There are several laws which contain provisions dealing with criminalization of Politics such as:

- The Representation of the People Act, 1951.
- The Prevention of Corruption Act, 1988.
- The Indian Penal Code, 1860.
- The Central Vigilance Commission Act, 2003.
- The Right to Information Act, 2005.

Article 327 of the Indian Constitution grants the parliament the power to make provisions regarding elections to legislatures. Parliament has enacted the Representation of People Act, 1950 and 1951 to exercise its power. This Act adds provisions to prevent criminal entry, stating that individuals convicted of offenses mentioned in Sections 8(1), 8(2), and 8(3) will be disqualified for six years from the date of conviction. The Indian Penal Code's Chapter IX A deals with election-related offenses. It is divided into nine sections. It highlights and provides punishment for offenses like bribery and unfair influence.

In 2003, India's Parliament passed the Election and Other Related Laws (Amendment) Act to ensure clean, fair and free electoral process. The Act incorporated recommendations from government-appointed committees like the Goswami Committee on Electoral Reforms, the Indrajit Gupta Committee on State Funding of Elections, and the Law Commission's report on Electoral Law Reform. The Act mandated candidates to disclose their campaign expenses, along with the money spent by their party and supporters.

The government made numerous efforts through legislature, but the situation never improved due to a lack of will. The Santhanam Committee, which was created in 1962 to improve administrative procedures, noticed that the honesty and integrity of ministers, MPs and M.L.As are important factors in raising public awareness about corruption. In 1997 an Ethics Committee (Rajaya Sabha) was constituted in India to study moral erosion in administration

and suggested measures to build public confidence. In 2011, corruption and nepotism were condemned, leading to the introduction of the Lokpal and Judicial Accountability Bill and the Right to Information Act. Shri Anna Hazare initiated a peoples' movement to eliminate corruption in India, raising public awareness against this corrupt practice.

The Election Commission of India has taken proactive measures to ensure the fairness and transparency of the electoral process. Introducing the 'None of the Above' (NOTA) option and implementing stricter regulations to curb the misuse of power and money during elections, the Election Commission has been instrumental in promoting an environment where the will of the people remains paramount.

The judiciary plays a crucial role in preventing anti-social elements from entering legislatures by giving verdicts in context with various cases. In 2017, the Supreme Court ordered special fast-track courts for election matters, aiming to expedite cases and clarify eligibility for contesting elections.

### **Solutions to Curb Criminalization of Politics**

Ethics play a crucial role in politics, serving as the guiding principles that shape the behaviour of political leaders and the functioning of political systems. Politicians' behaviour, policymakers' decisions, and citizen behaviour are all shaped by ethics. The introduction of ethics in politics encourages transparency, accountability, and the promotion of the common good, good governance, protecting the legitimacy and integrity of democratic processes. For the purpose of development a strong democratic ecosystem, ethical behaviour in politics is essential.

- **Strengthening Legal Frameworks:** Implementing robust laws and regulations to curb corruption, electoral malpractices, and the criminalization of politics is crucial. The effective enforcement of laws should be a priority to ensure that political leaders are held responsible for their actions.

- **Promoting Transparency and Accountability:** Establishing mechanisms for transparent funding of political parties and ensuring the disclosure of assets and liabilities of public officials can enhance accountability and reduce the scope for unethical practices.
- **Enhancing Political Literacy:** Educating the masses about their rights, the importance of ethical voting, and the significance of active political participation can empower citizens to make informed choices and demand ethical behaviour from their elected representatives.
- **Fostering Ethical Leadership:** Political parties should prioritize the selection and promotion of leaders based on their integrity, competence, and commitment to public service. Ethical leadership can set a precedent for ethical conduct within the political sphere.
- Inner party democracy needs to be improved.
- **Strengthening Ethical Institutions:** Reinforcing the autonomy and effectiveness of institutions such as the Election Commission, Central Vigilance Commission, and the judiciary is vital to ensure impartiality and uphold the rule of law, fostering a culture of integrity and ethical governance.
- Election Commission should be given more power, when dealing with Corruption cases.
- Political Parties should reject tickets to candidates with criminal backgrounds.
- There is a need to set up fast-track courts for dealing with cases of serious Charges.

### **Conclusion:**

Criminalization in Indian politics has far-reaching consequences that affect the functioning of democracy, public trust, and the nation's development. Democracy is a government of the people, by the people, and for the people, but the rule of law is now found in books.

Corruption and criminalization of politics are ruining the roots of democracy, particularly in India. No political party is taking measures to reduce or eliminate criminal members, as they often benefit them. Parliament must take serious steps to restrain this threat for this purpose there is changing the nature of government machinery to make it more transparent, accountable, and pervasive. This is not an easy task, but it is possible. Voters should be aware of their rights Criminals' involvement in election politics is a serious issue. It will erode the political system. The lack of talented people in politics could cause both an internal and external collapse of the nation. The root cause lies in a lack of political will and ethical norms.

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