

The Corrosion of Democratic Values Through Criminal Influence in Governance

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ABSTRACT

The criminalization of politics represents one of the most formidable challenges to India's democratic fabric, threatening the foundational principles upon which the nation's constitutional framework was established. This paper examines the systematic infiltration of criminal elements into Indian legislative bodies, analyzing the historical evolution, structural causes, and far-reaching consequences of this phenomenon. Drawing upon data from the Association for Democratic Reforms, Election Commission reports, and landmark judicial pronouncements up to 2019, the study reveals an alarming escalation in the proportion of elected representatives with criminal backgrounds from 23% in 2004 to 43% in 2019. The analysis explores the nexus between muscle power, money power, and electoral politics, while investigating how weak legal frameworks and identity-based voting patterns have facilitated this corrosion of democratic values. The paper critically evaluates institutional responses, including Supreme Court interventions, Law Commission recommendations, and Election Commission proposals, while highlighting the persistent political resistance to meaningful reform. The findings underscore that criminalization of politics is not merely a law-and-order problem but a systemic crisis that undermines legislative integrity, erodes public trust, compromises electoral processes, and threatens the very essence of representative democracy in India.

Keywords: Corrosion, Criminal, Criminal.

Introduction

Democracy, in its truest form, rests upon the principle that governance should be conducted by representatives who embody ethical conduct, accountability, and unwavering commitment to public welfare. The Indian Constitution, adopted in 1950, envisioned a democratic republic where elected representatives would uphold the rule of law and work towards the collective good of the nation's citizens. However, over the past several decades, this constitutional vision has been progressively undermined by a disturbing trend: the systematic entry of individuals with criminal backgrounds into the corridors of power. The phenomenon of criminalization of politics refers to the increasing participation and success of candidates with pending criminal cases and serious charges in electoral contests, resulting in their occupation of legislative seats at both national and state levels. This is not merely about isolated instances of individual misconduct, but rather represents a structural transformation in the character of Indian politics, where criminal networks have established deep-rooted connections with political parties, bureaucratic machinery, and law enforcement agencies.

The statistical trajectory of this crisis reveals its severity and accelerating nature. In 2004, approximately 125 Members of Parliament (23%) had declared criminal cases against themselves. This figure climbed steadily to 162 MPs (30%) in 2009, then to 185 MPs

(34%) in 2014, and reached an unprecedented 233 MPs (43%) in 2019 representing a 44% increase over a single decade. Even more alarming is the rise in serious criminal cases involving charges such as murder, rape, attempt to murder, kidnapping, and crimes against women. The number of MPs facing such grave charges increased from 76 (14%) in 2009 to 159 (29%) in 2019, reflecting a 109% increase. These statistics reveal more than just numbers; they represent a fundamental shift in the nature of political representation in the world's largest democracy. Analysis by the Association for Democratic Reforms demonstrates that candidates with declared criminal cases have a winning probability of 15.5%, whereas candidates with clean backgrounds have only a 4.7% chance of electoral success. This suggests that criminality has become an electoral asset rather than a liability, challenging the basic premise that democratic systems naturally select virtuous leaders.

The roots of this problem can be traced to the early decades after independence, but it was the Vohra Committee Report of 1993 that first officially documented the extent of the crime-politics nexus. The committee revealed how "criminal gangs" had established connections with politicians, bureaucrats, and law enforcement officials, creating parallel power structures that operated outside constitutional boundaries. Since then, despite numerous committee reports, judicial interventions, and public outcry, the problem has intensified rather than diminished. This paper undertakes a comprehensive examination of how criminal influence has corroded democratic values in Indian governance. It analyzes the multiple dimensions of this crisis: the historical evolution from post-independence to 2019, the structural factors that enable and perpetuate criminalization, the devastating impact on democratic institutions and

processes, and the institutional responses from the judiciary, law enforcement agencies, and civil society. Through this analysis, the paper seeks to illuminate not just the symptoms but the underlying causes of this democratic malaise, while evaluating the effectiveness of proposed remedies and the challenges in their implementation. The urgency of addressing this crisis cannot be overstated. When lawbreakers become lawmakers, when individuals accused of heinous crimes occupy seats in Parliament and state assemblies, and when political parties across ideological divides compete to field candidates with criminal backgrounds based on "winnability" calculations, the very legitimacy of democratic governance comes into question. Understanding the corrosion of democratic values through criminal influence is therefore essential not only for academic inquiry but for the survival and strengthening of India's constitutional democracy.

Historical Context and Evolution

The nexus between crime and politics in India is not a recent phenomenon but has deep historical roots. The Vohra Committee, constituted in 1993 by the P.V. Narasimha Rao government following the Mumbai bomb blasts, was among the first official attempts to systematically investigate the criminalization of politics. The committee's findings were alarming, revealing that "the nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country". The report documented how criminal networks had established a parallel governance structure, with political leaders becoming gang leaders who enjoyed the patronage of politicians across all parties and protection from government functionaries. Over the decades, this problem has only intensified rather than diminished. The period from 2004 to 2019 witnessed a dramatic escalation in the number of elected

representatives with criminal antecedents. In 2004, approximately 125 MPs (23%) had pending criminal cases, which steadily climbed to 162 MPs (30%) in 2009, then to 185 MPs (34%) in 2014. By 2019, this figure had reached an unprecedented 233 MPs (43%), representing a 44% increase over the decade. More disturbingly, 159 MPs (29%) in 2019 faced serious criminal cases involving rape, murder, attempt to murder, kidnapping, and crimes against women - a 109% increase from 76 MPs (14%) in 2009.

Structural Causes of Criminalization

Muscle Power and Electoral Violence: Politicians increasingly rely on criminals to intimidate voters through fear and violence, a phenomenon documented as early as 1977 by the Dharam Vira Commission. This muscle power has become essential for controlling electoral outcomes, particularly through booth capturing, voter intimidation, and falsification of electoral registers. Criminal elements provide the physical force necessary to suppress opposition and manipulate democratic processes, making them invaluable assets for political parties seeking electoral victory.

Money Power and Corruption: The exorbitant costs associated with modern election campaigns have created an unholy alliance between politicians and criminals who can provide illegal funding. The nexus between politicians and bureaucrats facilitates corruption at multiple levels, with criminal politicians using their influence to control transfers and postings of government officials. This financial dimension ensures that policies are crafted to protect criminal interests rather than serve public welfare.

Identity Politics and Vote-Bank Calculations: Elections, particularly at the panchayat level, increasingly prioritize caste and religious affiliations over the criminal records of candidates. Political parties justify

fielding criminal candidates based on "winnability" factors, arguing that such candidates can deliver votes from specific communities. Analysis from the 2019 Lok Sabha elections shows that Janata Dal United had 81% of its MPs with criminal cases, Congress had 57%, DMK had 43%, AITC had 41%, and BJP had 39%. This cross-party phenomenon demonstrates that criminalization transcends ideological boundaries and has become a systemic electoral strategy.

Weak Legal Framework and Judicial Delays:

The existing criminal justice system, designed to address individual offences, has proven inadequate in dealing with organized criminal networks operating in the political sphere. The slow and inefficient judicial process, characterized by prolonged trials and low conviction rates, has rendered disqualification upon conviction largely ineffective. The conviction rate for crimes committed by Members of Parliament and State Legislatures was merely 6% in 2019.

Impact On Democratic Governance

Erosion of Legislative Integrity: The presence of legislators with criminal backgrounds fundamentally compromises the integrity of the legislative process. Such representatives often prioritize personal and criminal interests over public welfare, using their positions to further their own agendas rather than serving their constituents. This has led to the creation of policies designed to protect criminal networks and maintain an environment of fear that undermines opposition voices.

Deterioration of Public Trust: When citizens witness individuals with dubious backgrounds occupying positions of authority, their faith in the political system erodes significantly. The perception that criminals can operate with impunity within the highest echelons of power breeds

cynicism and disengagement from democratic processes. With approximately 43% of sitting MPs having criminal cases against them in 2019, the gap between democratic ideals and political reality has become glaringly evident.

Compromised Electoral Process: The growing nexus between criminals and politicians has severely undermined the principle of free and fair elections. Intimidation through fear and violence, illegal expenditure to buy votes, and the promotion of a freebies culture have distorted electoral competition. Statistical analysis reveals that candidates with declared criminal cases have a 15.5% winning probability compared to only 4.7% for candidates with clean backgrounds, suggesting criminality has become an electoral asset.

Parliamentary Dysfunction: Criminal politicians often lack proper parliamentary training and resort to unparliamentary practices, leading to frequent disruptions in Parliament and state assemblies. This impacts the functioning of representative institutions and prevents meaningful legislative work. The quality of parliamentary debates and policy discussions suffers when individuals more accustomed to criminal networks than constitutional procedures occupy legislative seats.

Judicial Interventions and Reforms

Supreme Court Initiatives: The judiciary has emerged as a critical actor in addressing the criminalization of politics. In the landmark case of Association for Democratic Reforms v. Union of India (2002), the Supreme Court directed every candidate to declare their criminal antecedents, assets, and other relevant information. The Lily Thomas case (2013) struck down Section 8(4) of the Representation of the People Act, ensuring immediate disqualification of convicted MPs and MLAs without the three-month grace period for appeals. In the Public Interest

Foundation v. Union of India (2018) case, the Supreme Court ordered political parties to publish criminal records of their candidates on websites, social media platforms, and newspapers. The Court further mandated the Election Commission to create a dedicated mobile application containing information about candidates' criminal antecedents. Additionally, the Supreme Court issued directions in 2013 that trials against sitting MPs and MLAs must be concluded within one year of charges being framed through day-to-day hearings.

Law Commission Recommendations: The Law Commission's 244th report, submitted in 2014, comprehensively addressed the need to curb criminal politicians in legislatures. The Commission observed that disqualification upon conviction had proved ineffective due to prolonged trials and low conviction rates. It recommended that disqualification should be triggered at the stage of framing of charges rather than conviction, specifically for offenses punishable with five years or more imprisonment. The Commission also proposed that charges filed up to one year before the scrutiny of nominations should not lead to disqualification, and that trials of sitting legislators should be expedited through day-to-day hearings.

Election Commission Proposals: The Election Commission of India has consistently advocated for stronger measures to prevent criminal elements from entering politics. The Commission recommended drafting legal provisions to disqualify candidates for offenses with a minimum of five years' punishment on framing of charges rather than on conviction. It also proposed increasing the punishment for filing false affidavits from six months to more than two years, with permanent disqualification for candidates found guilty of corruption, disloyalty, and heinous crimes.

Political Resistance and Implementation

Challenges: Despite clear recommendations from constitutional bodies and the judiciary, political parties have shown remarkable reluctance to implement meaningful reforms. This resistance stems from the fact that all major political parties benefit from fielding criminal candidates who demonstrate "winnability". Analysis of the 2019 Lok Sabha elections reveals that among major parties, JD(U) had 81% of its MPs with criminal cases, Congress had 57%, DMK had 43%, AITC had 41%, and BJP had 39%. This cross-party phenomenon demonstrates that criminalization of politics transcends ideological boundaries and has become a systemic issue rather than a problem confined to specific political formations.

Conclusion

The corrosion of democratic values through criminal influence in governance represents a fundamental threat to India's constitutional democracy. From the Vohra Committee's revelations in 1993 to the escalating statistics showing 43% of MPs with criminal cases in 2019, the trajectory has been one of steady deterioration rather than improvement. The nexus between criminals, politicians, and bureaucrats has created parallel power structures that undermine the rule of law and erode public trust in democratic institutions. While the judiciary has attempted to fill the legislative vacuum through progressive judgments and directives, sustainable change requires political will and comprehensive legal reforms. The recommendations of the Law Commission and Election Commission provide a roadmap for addressing this crisis, but their implementation depends on political parties willing to prioritize democratic integrity over electoral calculations. Until meaningful reforms are enacted and enforced, the criminalization of politics will continue to threaten the very foundations of Indian

democracy, transforming representative governance into a system where lawbreakers become lawmakers and democratic values become casualties of political expediency.

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