



The growing of crimes graph in Indian politics: Issues and challenges

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Abstract

The democratic system is prevailing in the most of the states in the world except some states. In the democratic system, the government is elected/selected/chosen by the people of the respective state by the different mode/process of election and suitable or genuine representatives are selected/elected by the people and they work for welfare of the people. But in present democratic system such representatives are chosen those have criminal nature and they have changed the scenario of the politics. Today, a large number of criminal nature people are elected in the politics by hook and crook at any cost.

Keywords: representatives, candidates, crime, goondas, rape, murder, death, kidnapping, corruption, criminal, netas, nexus, police, court etc

Introduction

In India, criminal politics is growing day to day and criminalization of politics is absolutely unacceptable in democratic system. During the last some years, crime, money and muscle power are growing in our politics and a large number of politicians with criminal record participate in the politics and win the election by hook and crook. In 1993, the Vohra Report submitted by the former Indian Union Home Secretary, N.N.Vohra, and in it was studied the problem of the criminalization of politics and of the nexus among criminals, politicians and bureaucrats in India. The report contained several observations made by official agencies on the criminal network which was virtually running a parallel government. It has also discussed criminal gangs who enjoyed the patronage of politicians of all political parties and the protection of government functionaries. In India, one of the major problems and obstacles for development has been an endemic corruption and criminal politics^[1].

Filing/Lodging of Criminal Cases against Politicians and Conviction: There are many politicians those are facing some criminal cases and some are convicted for such cases. These are as under:

- 1. Andhra Pradesh:** Danam Nagender Congress MLA and Minister of Labor and Employment have been facing case of an attempt to murder.
- 2. Bihar:** Pappu Yadav has been convicted in criminal cases sentenced to life imprisonment. Mohammad Shahabuddin SurajBhan Singh has been convicted in criminal cases sentenced to life imprisonment Annand Mohan has been convicted in criminal cases sentenced to life imprisonment. Munna Shukla, JDU MLA has been convicted in murder cases Gopal Ganj District Magistrate G. Krishaniyan and Brij Mohan Prasad former Minister sentenced to life imprisonment in 2007. Pappu Yadav relative of Lalu Prasad Yadav in Bihar got life term sentence for murdering of a MLA in Bihar. High Profile RJD Lok Sabha member from Madhepura Rajesh Ranjan Yadav was convicted under sections 302 (Murder) and 120B (Criminal Conspiracy) of Indian Penal Code for plotting the murder of Sarkar which was executed by Rajan Tiwari and others. The case was taken up by the CBI after the Bihar Government under pressure from local, and made a recommendation to the effect. The Trial was began in this case on August 2, 2002 and concluded on February 4, 2008. The Special CBI Judge B.M. Srivastava, has pronounced Pappu Yadav, former independent MLA Rajan Tiwari and another accused Anil Yadav, guilty and awarded them life terms with fine of Rs 10,000/- each^[2]. Prabhunath Singh RJD Ex-MP has been convicted on May 2017 by a court of Additional District and Sessions Judge of Hazaribagh in Jharkhand in a 22 year old murder case of then legislator Ashok Singh Facing Criminal Cases, Sadhu Yadav MLA has been facing criminal cases including over a dozen including murder, kidnapping, rape, extortion, flood scam etc. Satish Chandra Dubey, BJP MLA, has been facing cases of a murder and attempt to murder. On August 17, 2019, Bihar independent MLA Shri Anant Singh has been booked under Unlawful Activities (Prevention) Act after seizure of an AK-47 rifle and grenade from his ancestral house. In other matters/ cases like rape and murder, he has been facing about 53 cases. He had done a murder when he was 12 years old. He is called by nick named of 'Chhote Sarkaar'. He has a long criminal record/history. One time he was called the king of criminals.
- 3. Delhi:** The Delhi High Court, on December 17, 2018, convicted former MP and Congress leader Sajjan Kumar for criminal conspiracy to murder of five people of minority community, sentencing him to imprisonment for rest of his natural life. On June 4, 2019, Additional Chief Metropolitan Magistrate

awarded 6 month jail to Som Dutt Aam Adami Party MLA for assaulting a man during 2015 Assembly election campaign. The Magistrate also imposed a fine / penalty of Rs two lakh on him. He was found guilty under various sections of IPC i.e. 325 of voluntarily causing grievous hurt without provocation, 341 for wrong restraint, 147 for rioting and 149 for unlawful assembly.

4. **Goa:** A case, against Goa Minister Fransisco Pacheco in death of his close friend Nadia Torrant, has been filed under sections 304 and 201 of Indian Penal Code. The anticipatory bail was rejected by the court in this case.
5. **Gujarat:** Babu Bokhiria has been convicted and sentenced to three years. Former Minister in the Narendra Modi Government, Gujarat, Maya Kodnani, MLA and Bajrang Dal Leader Babu Bajrangi were among 32 persons convicted by a Special Court on charges of conspiracy and murder in 2002 Naroda Patiya Riots case in which 97 persons from the minority community were killed. The Court has given the 18 years sentence of imprisonment to BJP MLA ^[3]. On August 11, 2017, the Gujarat High court sentenced the BJP MLA Jayrajsinh Jadeja and his two aides, Amarjitsinh Jadeja and Mahendrasinh Rana, to life imprisonment in a 13 year old murder case. Facing Criminal Cases, Shankar Chaudhary, NCP MP, has been facing cases of an attempt to murder and murder. On July 6, 2019, a Special CBI court convicted the former BJP MP namely Dinu Bogha Solanki for killing of RTI activist shri Amit Jethwa in 2010 after exposing of illegal mining activity in the Gir forest region. The Court has given him life imprisonment for this offence.
6. **Haryana:** Gopal Kanda MLA has been arrested and booked in an abetment to suicide case of Geetika Sharma, an airhostess with his airline. She had committed suicide for harassing by him. Bali Pahalwan, the former INLD MLA from Meham accused in firing incident arrested by police has been facing criminal case. The Supreme Court, on December 2, 2017, has given the sentenced of two months. The Supreme Court had ordered him to surrender before the court but he was admitted in the hospital in pretext of illness. OP Jain and Jile Ram Sharma, MLAs of Haryana State booked and charge sheeted for death of a former sarpanch Karam Singh of Kambopura village of Karnal district on August 8, 2013 under section 306 (abetment to suicide) IPC. They filed a anticipatory bail in the Punjab and Haryana High Court but Court rejected their bails. The CBI had already rejected their bail ^[4]. Ram Kishan Gujjar MLA sentenced of 4 years rigorous imprisonment by the Additional District and Sessions Judge Ambala in an abetment to suicide case on March 2, 2017.
7. **Himachal Pradesh:** Joyti Murder Case, Ram Kumar Chaudhary, MLA in Himachal Pradesh has been arrested in the Joyti murder case. Joyti was a dalit girl of Bhunga village of Hoshiarpur and she was found dead in sector 21, Punchkula.
8. **Jharkhand:** Swana Lakra, Congress MLA has been sentenced to life imprisonment for murder of his granddaughter's boyfriend. Hemant Soren, former Chief Minister has been facing cases of attempt to murder, murder, causing grievous hurt, abducting and assaulting. Many MPs and MLAs have been facing many cases of corruption, tax evasion and money laundering.
9. **Kerala:** T.V. Rajesh CPM, MLA, has been facing cases of an attempt to murder of an IUML worker in 2012. Divakaran, CPI MLA, has been facing cases of an attempt to murder and causing grievous hurt with dangerous.
10. **Karnataka:** The BJP Government received a big blow when a minister from Chief Minister Yeddyurappa's home district has to resign for following a report in a daily saying the Minister has raped a friend's wife. The Karantaka minister was accused of raping friends ^[5].
11. **Madhya Pradesh:** A local court of Bhopal, on 18 Nov, 2017, sentenced Madhya Pradesh Congress Chief Spokesman K.K. Mishra to 2 years jail in a defamation case filed by the state government on behalf of CM Shivraj Singh Chouhan.
12. **Maharashtra:** Padamsinh Patil, NCP MP, has been facing cases of an attempt to murder and murder of congress leader Pavan Raje Nimbalkar. Narayan Rane, has been facing cases of kidnapping. On August 31, 2019, a Session Court of Mubmai Maharastra sentenced of seven years to former state minister Shri Suresh Jain and five years to Gulabrao Deokar. The other 46 persons were jailed in this connection.
13. **Punjab:** Manoj Pradan, the BJP MLA was sentenced to rigorous imprisonment for murder in two cases. NavJot Singh Sidhu, on April 10, 2018, the Punjab and Haryana High Court convicted and given sentence of three years jail and fined of Rs one Lakh in a road rage case of 1988 in which a man had died allegedly after beating up by the Nav jot Singh Sidhu cricketer-turned- politician and his friend Rupinder Singh Sandhu. On May 15, 2018, the Supreme Court has acquitted Navjot Singh Sidhu from the charge of culpable homicide not amounting to murder. A bench of Justices J. Chelmeshwar and Sanjay Kishan Kaul set aside the verdict of Punjab and Haryana High Court and held guilty of voluntary causing hurt to deceased and let him off with fine of Rs 1000. The bench chose not to send him to jail and only imposed fine of Rs 1000. The co-accused also acquitted. The 19% MLAs are facing the Criminal Cases. Sukhbir Singh Badal MLA from Jalalbad, has been named as an accused in an attempt to murder case, robbery and voluntarily causing hurt to extort property. Amarinder Singh, former Chief Minister and Congress MLA from Patiala, has been registered as an accused in six cases i.e. criminal conspiracy, cheating and dishonesty and forgery, forging documents, forgery and criminal breach of trust, defamation etc. Simarjit Bains, an independent MLA from Ludhiana, has been facing charges of murder, deliberate and malicious acts intending to outrage religious feelings, theft, obstructing a public servant in discharge of his public duty/function, rioting etc.

Mitra Sen of SP MLA, Bikapur Constituency, has been facing 36 criminal cases including 14 charges related to murder. Sushil Singh, an independent MLA, Sakaldiha, has been facing 20 criminal cases including 12 charges related to murder. Ram Veer Singh of SP MLA, Jasrana, has been facing 18 criminal cases including 8 charges related to murder. Akali Leader, Pritam Singh and his 7 accomplices awarded 7 years rigorous imprisonment in an attempt to murder case by the court of Additional District and session Judge, Faridkot on May 21, 2014. Sucha Singh Langah, leader of SAD party, on September 29, 2017, booked for rape case on the complaint of a government employee, a widow who alleged she had been repeatedly molested/ raped since 2009. The police registered FIR/ a case under sections 376, 384, 420 and 506 of IPC.

14. **Rajasthan:** In Rajasthan 34% MLAs are facing criminal cases or charges before 2013. Bhanwari Murder Case, Mahipal Maderna, Water Resource Minister in Rajasthan Government arrested in the murder case the nurse Bhanwari Devi. B.L. Kushwaha MLA has given life term for murder of a person. On December 24, 2019, Rajkot court sentenced of one year jail to ten person including two MLAs and a former MP and also fined of Rs 5,000 in a 2008 rioting case. The court convicted these MLAs and MP is Junagaah MLA Bhikhabhai Joshi, Wankaner MLA Mohammad Javed Pirzada, BJP ex-MP Devji Fatepara.
15. **Tripura:** Sudip Roy Burman, has been facing cases of an attempt to murder and causing grievous hurt with dangerous.
16. **Tamil Nadu:** On July 5, 2019, a Court of Chennai sentenced/ convicted to MDMK Chief Shri Vaiko in a sedition case of 2009. He has given simple imprisonment of one year. He had supported to Liberation Tigers of Tamil Eelam (LTTE). A case was registered under section 124 (A) of IPC against him.
17. **UP:** Madhumita Murder Case, Amarmani Tripathi, a high profile Minister, has been sentenced to life imprisonment in Madhumita Shukla Poetess murder case. Ex - Minister D.P. Yadav and three other were sentenced to life imprisonment by a special CBI court for killing former MLA Mahendra Singh Bhati in 1992. Facing Criminal Cases, In UP 47% MLAs are facing criminal cases or charges before 2013. Dr. Raj Kumar Sharma, BSP leader has been declared criminal in seven criminal cases along with one charge of attempt of murder. Udaipurwati MLA has been declared criminal in seven criminal cases along with attempt to murder and kidnapping. The Faizabad Special SC/ST Court has given double life sentence to the former minister sitting BSP MLA Anand Sen and his driver for murder of a dalit law student in 2007 ^[6]. In Banda Rape case, an FIR has been filed against main accused BSP MLA Purshotam Naresh Durvedi and other of his associates. A FIR under sections 354 (assault on criminal force to woman with intent to outrage her modesty) and 376 (Rape) of Indian Penal Code was registered at the concerned police station in Banda in Bundelkand ^[7]. The BJP MLA from Purena Raj Kishore Keshari, 51 years old, was stabbed to death by a woman visitor under mysterious circumstances while he was meeting at his residence in constituency. The assault had lodged a case of rape against MLA ^[8]. The Samajwadi Party MLA from Charkhari Kaptan Singh Rajput, has been held guilty along with his brother by a local court in 13 year old murder case and faces disqualification in January 2015. On April 19, 2019, the Allahabad High Court awarded life term to BJP MLA Ashok Singh Chandel and nine others in a 22 year old shootout incident in Hamirpur district in which five members of a family were killed. The Samajwadi Party MP Shri Azam Khan is facing over 30 cases in which cases mostly are related to grabbing of either government land or land belonging to farmers. On December 20, 2019, Delhi court has given sentence of death to Kuldeep Sengar BJP MLA for raping a minor girl in Unnao in 2017. The BJP MP Swami Chinmayanand is facing a rape case leveled by a law student. A case has been registered against him.
18. **West Bengal:** Shri Adhir Chaoudhary, has been facing cases of an attempt to murder and twin murders of hoteliers Latu Shaikh and Hanif Shaikh. He has been facing case of a murder of CPM leader Manab Saha. Ashima Patra, MLA, has been facing case of a murder of Nasiruddin. CPM leader and MLA Duggal arrested and declared criminal in 13 criminal cases, attempt to murder, theft, causing death, hurt, restraint etc.

Parties-wise MPs and MLAs Facing Serious Charges: The Association for Democratic Reforms (ADR) scanned the affidavits filed by 62,847 candidates who have contested elections of the legislatures since 2004 and found that 11,063 faced pending criminal cases and 13,984 serious criminal charges including murder, rape, corruption, extortion dacoity etc. In 2008 election, the Congress 8%, BJP 12%, BSP 18%, JMM 46%, JD (United) 30%, Samajwadi 26% are facing serious charges. In 1996, the Samajwadi Party gave the Parliament ticket to Bandit Queen Phoolan Devi, who was elected. The criminals first help the party or candidates to win and after some time they themselves compete to become MPs and MLAs and also get success. In 2010 election, Bihar Assembly has 58 percent criminals among its MLAs. In 2012 election, UP Assembly has 41 percent criminals MLAs. The Jharkhand Mukti Morcha has 82 percent criminals among its MPs and MLAs.

1. **MLAs Facing Serious Charges in five States in late 2013:** The ADR posted figures at its website are revealing that In Dehli, out of 796 candidates 129 (16 percent) declared criminal cases pending against them, BJP at 46 percent at 21 percent, JDU 30 percent. The AAP part gave tickets to 5 candidates. In Rajasthan, CPM 41 percent, BJP 16 percent, INC 14 percent, In Madhya Pradesh the INC 40 percent, and BJP 27 percent, In Chhattisgarh the BJP 17 percent and INC 11 percent are facing serious charges.
2. **Position of MPs in 16th General Parliamentary Election, 2014:** In the first five phases, the Association of Democratic Reforms (ADR) and National Election Watch (NEW) have analyzed that 17 percent of the

3,305 candidates have declared criminal cases pending against them in their affidavits. Of these 10 percent face serious charges like murder, rape and robbery. Party wise, 23 percent candidate fielded by INC and 34 percent by BJP, 38 percent by BSP and 10 percent by AAP party have self-declared pending criminal cases. This trend is continued in six phase. The 921 candidates out of 3305 are corepatis. INC has 81-84 percent, BJP 74 percent and AAP 43 percent.

3. **Bihar Assembly Election 2015:** Bihar's Assembly election held in October-November, 2015. The fact is that there as 1038 (30%) of 3450 candidates contesting election have criminal cases against them as per their own admission. The number of candidates with criminal record is going down day to day. During 2010, there 32% candidates had declared criminal. The Association for Democratic Reforms analyzed the affidavits of the candidates contesting the election and found that 796 candidates have been declared serious criminal cases including cases related to murder, attempt to murder, communal disharmony, kidnapping and crimes against women. There were 62 of 157 of BJP candidates, 41 of 101 of JD-U candidates, 47 of 101 of RJD candidates, 12 of 41 of Congress candidates and 212 of 1150 Independents have criminal cases. Regarding the report of the Association for Democratic Reform (ADR) of July –August, 2017 in Government of Nitish Kumar with alliance of BJP in Bihar, there 76% ministers are tainted and facing criminal charges. The report further said that 72% of ministers are millionaires while nine had stated their education qualifications to be between class 8 and class 12 pass.
4. **Gujarat Assembly Election, 2017:** Gujarat's Assembly election held in December, 2017. There as many 101 candidates contesting for 93 Assembly seats in the second phase are facing serious criminal cases like murder, rape, kidnapping etc.

Some Cases:-In Krishnamoorthy...Appellant v. Sivakumar & Ors...Respondents ^[9], The court held that in a constitutional democracy, we are disposed to think that any kind of criminalization of politics is an extremely lamentable situation. It is an anathema to the sanctity of democracy. The criminalization creates a concavity in the heart of democracy and has the potentiality to paralyze, comatose and strangulate the purity of the system. The court further said that we have looked and posed the question that whether a candidate who does not disclose the criminal cases in respect of heinous or serious offences or moral turpitude or corruption pending against him would tantamount to undue influence and as a fallout to corrupt practice. The issue is important, for misinformation nullifies and countermands the very basis and foundation of voter's exercise of choice and that eventually promotes criminalization of politics by default and due to lack of information and awareness. The denial of information, a deliberate one, has to be appreciated in the context of corrupt practice.

In *Dinesh Trivedi v. Union of India* ^[10], a three-Judge Bench while dealing with the cause for the malaise which seems to have stricken Indian democracy in particular and Indian society in general, one of the primary reasons was identified as criminalization of politics. The Court referred to the report of Vohra Committee and observed thus: "...In the main report, these various reports have been analyzed and it is noted that the growth and spread of crime syndicates in Indian society has been pervasive. It is further observed that these criminal elements have developed an extensive network of contacts with bureaucrats, government functionaries at lower levels, politicians, media personalities, strategically located persons in the non-governmental sector and members of the judiciary; some of these criminal syndicates have international links, sometimes with foreign intelligence agencies. The Report recommended that an efficient nodal cell be set up with powers to take stringent action against crime syndicates, while ensuring that it would be immune from being exploited or influenced." The Report reveals several alarming and deeply disturbing trends that are prevalent in our present society. For some time now, it has been generally perceived that the nexus between politicians, bureaucrats and criminal elements in our society has been on the rise, the adverse effects of which are increasingly being felt on various aspects of social life in India. Indeed, the situation has worsened to such an extent that the President of our country felt constrained to make references to the phenomenon.

In *Anukul Chandra Pradhan v. Union of India and others* ^[11], in that context, the Court held that thus the object is to prevent criminalization of politics and maintain probity in elections. Criminalization of politics is the bane of society and negation of democracy. It is subversive of free and fair elections which is a basic feature of the Constitution.

In *Manoj Narula v. Union of India* ^[12], the Constitution Bench harping on the concept of systemic corruption, has been constrained to state thus it is worth saying that systemic corruption and sponsored criminalization can corrode the fundamental core of elective democracy and, consequently, the constitutional governance.

Suggestions and Conclusion

It is hard fact that crime is increasing in the Indian politics day to day and criminal nature representatives/candidates are elected. For such act, the people are responsible those elect such candidate. If we want to prevent crime in politics than we/people should not elect such criminal candidate. We will have to leave/avoid their self-interest and have to maintain the national interest. We/people should not cast their precious vote in favour of the criminal person/candidate at any cost who may be of any party. Any political party should not give the ticket to any such criminal person/candidate and if such party gives such ticket than that party should be disqualified from contesting any election. The Government should make stern law in this regard and the judiciary and election commission should take strong action and should make no hesitation for disqualifying such candidate or running candidate.

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