

QUESTION 10

राजनीति के अपराधीकरण से विधायी निकायों के कामकाज के लिए उत्पन्न चुनौतियों पर चर्चा कीजिए। इस समस्या के समाधान के लिए कौन से संवैधानिक और चुनावी सुधारों की आवश्यकता है? (15 अंक, 250 शब्द)

Discuss the challenges posed by criminalisation of politics to the functioning of legislative bodies. What constitutional and electoral reforms are needed to solve this problem? (15 marks, 250 words)

Thought Process (Pre-Writing Work)

- Parts of the question with expected marks criteria
- Directive Word(s)
- Topic Word(s)
- Limiting Words
- Writing Presentation
- Writing Interpretation

This section will be discussed in the Answer Discussion Class.

Description of the Answer Content

Criminalisation of politics refers to the participation of individuals with criminal backgrounds in the electoral and governance process. It poses significant challenges to the integrity and effectiveness of legislative bodies, eroding the foundational principles of democracy.

Challenges posed by criminalisation of politics:

- **Erosion of legislative credibility:** When "law-breakers become law-makers," the integrity and public trust in the legislative process are severely compromised. This leads to a decline in moral standards and public respect for the rule of law.
- **Undermining democratic principles:** Criminal elements can manipulate the electoral process through voter intimidation, money, and muscle power, hindering free and fair elections. This distorts the people's will and makes honest candidates less likely to succeed.

- **Hampered policy-making:** Legislators with criminal backgrounds are often focused on personal or vested interests rather than public welfare. This can lead to the neglect of crucial developmental issues, biased law-making, and increased corruption.
- **Ineffective governance:** The presence of criminal politicians can result in a culture of impunity, where individuals believe they can commit crimes without consequence. This can weaken democratic institutions like the executive and bureaucracy, making governance ineffective and unaccountable.
- **Increased corruption:** The nexus between criminals and politicians introduces black money into elections and governance, creating a cycle of corruption. This diverts public resources for personal gain and stalls development.

Constitutional and electoral reforms needed:

- **Stricter disqualification laws:** Parliament must amend the Representation of the People Act, 1951, to disqualify candidates against whom serious criminal charges have been framed, not just upon conviction. The Law Commission's 244th Report recommended disqualifying individuals charged with heinous offences punishable by five or more years in prison.
- **Establish special courts:** Fast-tracking criminal cases involving sitting Members of Parliament (MPs) and Members of the Legislative Assembly (MLAs) is crucial. In 2017, the Union government facilitated the establishment of special courts for this purpose. The Supreme Court has mandated these trials be completed within one year.
- **Strengthen internal party democracy:** Political parties must adopt transparent and democratic internal processes for selecting candidates. The leadership's practice of handing out tickets based on "winnability," often tied to money and muscle power, must be curtailed.
- **Enhance disclosure and transparency:** Following Supreme Court directives (e.g., Public Interest Foundation v. Union of India, 2018), parties and candidates must ensure widespread publication of criminal antecedents in newspapers, on websites, and social media. Penalties, including potential de-recognition for non-compliance, could be enforced by the Election Commission of India (ECI).
- **Regulation of political funding:** Greater transparency in political finance is essential to reduce the influence of black money. Recommendations include

establishing a National Election Fund, banning anonymous corporate donations, and mandating audited accounts for political parties.

- **Empower the ECI:** The ECI must be granted more authority to enforce electoral laws and directives effectively. Reforms are also needed to strengthen the appointment and removal process of Election Commissioners to ensure their institutional autonomy.
- **Voter awareness and education:** Active civic education campaigns can help voters make more informed choices based on a candidate's integrity and record, rather than caste, religion, or other sectarian considerations.

Tackling the criminalisation of politics requires strong political will and concerted efforts from the judiciary, legislature, and civil society. Implementing robust constitutional and electoral reforms is crucial to restoring the integrity of legislative bodies and upholding the democratic values enshrined in the constitution. An informed electorate, combined with stringent laws and swift justice, is the most effective way to purify the political landscape.

If Aspirants have any doubts, kindly ask the Mentor in the Answer Discussion Class

The purpose of this explanation is to value addition only.

One Model Answer can be...

Criminalisation of politics refers to the increasing entry of individuals with criminal backgrounds into legislative bodies. As per the Association for Democratic Reforms (ADR), over 40% of MPs in the 17th Lok Sabha faced serious criminal charges. This trend poses grave challenges to the health of Indian democracy.

Challenges to Legislative Functioning:

- **Erosion of Public Trust:** Legislatures filled with criminal elements undermine citizens' faith in democratic institutions.
- **Policy Paralysis and Misuse of Power:** Lawmakers with criminal backgrounds may manipulate laws to protect their interests, leading to biased or self-serving legislation.

- **Undermining Rule of Law:** Presence of criminals in power weakens institutions meant to uphold law and order.
- **Increased Corruption and Violence:** Criminal politicians often use money and muscle power to win elections, further entrenching a cycle of corruption and coercion.
- **Poor Governance:** Focus shifts from public welfare to self-preservation, adversely affecting governance quality.

Essential Constitutional and Electoral Reforms:

- **Disqualification upon Framing of Charges:** Currently, disqualification occurs only on conviction. Framing of serious charges by a court should trigger temporary disqualification.
- **Fast-Track Courts:** Establish special courts to try criminal cases against politicians within a fixed time frame.
- **Greater Transparency:** Mandate full disclosure of criminal records by candidates via affidavits.
- **State Funding of Elections:** Reduce candidates' dependence on illicit funds.
- **Strengthening ECI Powers:** Empower the Election Commission to debar candidates facing serious charges.
- **Voter Awareness Campaigns:** Encourage ethical voting through public awareness and media campaigns.

Therefore, a comprehensive approach involving constitutional, legal, electoral, and societal reforms is essential. Only through strong political will, judicial activism, and an informed electorate can the Indian polity be cleansed of criminal elements and the integrity of legislative bodies be preserved.

Space for Answer Discussion

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