

PERCEPTIONS ON POLITICAL CORRUPTION AND ELECTION CRIMES: REFORMS – A REVIEW

Dr. C.L.V. Sivakumar*

Dr. S. Prabakar**

ABSTRACT

Elections in India are known as a one-of-a-kind festival of democracy, replete with colorful pageantry, flamboyant personalities, and very large numbers. The size of the country's electorate when India heads to the polls for parliamentary elections later this spring is expected to reach nearly 800 million. According to census data, an estimated 150 million people are eligible to vote for the first time a figure larger than the total number of voters that took part in the 2012 U.S. presidential elections. Elections certainly bring out the best in India's raucous democracy, but they also expose some of its blemishes. Consider this extraordinary figure: 30 percent of members of parliament have criminal cases pending against them. And that is an increase from the previous election in 2004, when only less than 25 percent were similarly situated. In the fight to curb these figures, there have been some positive developments and valiant efforts to raise awareness. The Supreme Court of India recently decided that sitting politicians who are convicted of criminal acts should be removed from office upon conviction a new practice in India. And for the first time, an anti-corruption party vaulted to victory in Delhi's state assembly. These are certainly bright spots, but, if recent state elections are any indication, efforts thus far have barely scratched the surface. Real change will take significantly more sweeping measures to get to heart of the crime-politics nexus. In India's electoral market place, as in any market, there are underlying supply and demand factors that facilitate exchange. And in this case, politicians with criminal records are supplying what voters and parties demand candidates who are effective and well-funded. This paper focuses on the political corruption - election crimes, fate of the parliament resulting political instability as well. Based on the existing works of various individuals, institutions and media in this area, this review present paper is developed.

Key Words: Democracy – Parliament – Elections – Political Corruption – Election Crimes

* Associate Professor, VIT University, Vellore (TN)

** Assistant Professor, VIT University, Vellore (TN)

INTRODUCTION:

The election at present are not being hold in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. The major defects which come in the path of electoral system in India are: money power, muscle power, criminalisation of politics, poll violence, booth capturing, communalism, cast ism, non-serious and independent candidates etc. India has the distinction of being the largest democracy of the world. Elections are the most important and integral part of politics in a democratic system of governance. While politics is the art and practice of dealing with political power, election is a process of legitimization of such power. Democracy can indeed function only upon this faith that elections are free and fair and not rigged and manipulated, that they are effective instruments of ascertaining popular will both in reality and in form and are not mere rituals calculated to generate illusion of difference to mass opinion, it cannot survive without free and fair elections. The election at present are not being hold in ideal conditions because of the enormous amount of money required to be spent and large muscle power needed for winning the elections. While the first three general elections (1952-62) in our country were by and large free and fair, a discernible decline in standards began with the fourth general election in 1967. No such events were reported till the fourth general election. Over the years, Indian electoral system suffers from serious infirmities. The election process in our country is the progenitor of political corruption. Some of the candidate and parties participate in the process of elections to win them at all costs, irrespective of moral values. The ideal conditions require that an honest, and upright person who is public spirited and wants to serve the people, should be able to contest and get elected as people's representatives. But in actual fact, such a person as aforesaid has no chance of either contesting or in any case winning the election.

ELECTIONS IN DEMOCRATIC INDIAN POLITY:

The democracy has two major dimensions: electoral and governmental. Both are equally important and must be synergistically and symbiotically constructed in harmony in a liberal-democratic political system. Arguably, however, the electoral dimension is of greater importance, or at least primarily constitutive of democracy, as even a bad self-government is preferable to a good colonial rule. Nevertheless, self-government in the sense of directly

participative democracy has in the course of historical evolution of the state or political system been largely replaced by electoral democracy. The still operative institutions of direct democracy in France, Switzerland, some states in the 'Wild West' in the United States of America, and in the Canadian West and Quebec in the contemporary world are exceptional in the realm of comparative government and politics. They are largely attributable to the birth of presidential federalism in the USA and Switzerland in revolutionary wars and the continuing political tradition of popular sovereignty cohabiting with republican or representative federal governance, especially in Switzerland. In Canada's evolutionary parliamentary federal democracy recourse to referendum in federal and some provincial domains may be due to a limited impact of the French and American connections.

Political parties have been an inevitable outgrowth in representative electoral democracies. Despite anti-party sentiments of George Washington, Lord Bolingbroke, Mahatma Gandhi and Jayaprakash Narayan, the historical experience, at least thus far, suggests that a system of representative democracy cannot do without them.¹ Yet creeping corruption and authoritarianism in democratic party governments have occasionally caused civil society interventions or popular mass movements for greater participation in party-political processes and governance. The Progressive Movements in American and Canadian politics in the first two decades of the twentieth century and the JP Movement in the 1970s and the Anna Hazare Movement in 2011 in India in the wake of the heady Arab Spring of democratic ferment are the cases in point.

Electoral politics and party politics are expectedly closely interrelated. For the primary objective of political parties is to win elections in order to be able to form a government in accordance with the majority rule sanctioned by the parliamentary principle of government. However, a well-functioning party system cannot be entirely indifferent to the constitutional and functional imperatives of governance. Elections and party politics are, after all, a means to a higher end, namely, good governance and an all-round development of the political community. Ideally, the party system must seek to optimize and harmonize the imperatives of electoral success and those of good governance and development. Under a parliamentary federal constitution like India's parties are additionally required to be functionally conducive to a balanced and purposive working of such a political system.

Milan Vaishnav, Associate in South Asia Program at the Carnegie Endowment for International Peace says that the 15th Lok Sabha (Lower House of Parliament), whose term expires at the end of May 2014, is home to 162 MPs with pending criminal cases. These cases involve a diverse array of charges, both large and small, ranging from mischief to murder and nearly everything in between. If one were to focus only on serious charges those unrelated to electioneering or a politician's daily vocation such as those involving murder, kidnapping, and physical assault approximately 14 percent or 76 MPs face pending cases.

The situation at the state and local levels, though lacking comparable scrutiny, is similar. Roughly one in three members of state assemblies (31 percent) is involved in at least one criminal case. Again about half, roughly 15 percent, face serious charges.

There has been no systematic analysis of *panchayats* (village governments) and urban local bodies, but there is evidence that local tiers of governance are hardly free of criminality. Based on data collected by the Association for Democratic Reforms, 17 percent and 21 percent of municipal corporators in Mumbai and Delhi, respectively, declared involvement in criminal cases.

POLITICAL CORRUPTION AND ELECTION CRIMES - REFORMS FOR STABLE POLITY:

P.V Ramakrishna (Political Corruption, 2009) stated that the problem of corruption is not peculiar to our country alone. It is a worldwide phenomenon and it existed in one form or the other in all periods of political development. history is replete with examples of wide-spread corruption in the developing countries as well as the advanced countries like USA, UK, France etc., In our country, the problem is not a product of the modern India of the 20th Century. It is find from kautilya's Arthasasthra, that corruption existed in India even as early as 2400 years ago. After Independence, a popular government took charge of the administration in the country, thwere was a sudden increase of economic activities of the government in various fields by undertaking several reforms in all directions and rapid expansion of governmental activities involving huge expenditure of several crores of rupees vesting discretionary powers with the concerned public servants. Equally leaders of political parties required funds for maintaining their parties particularly during elections. This unusual situation led to a decline in the moral and

ethical values based on dharma and our ancient culture, development of materialistic outlook. Once the leaders got elected to the parliament or to the state legislatures it was but natural that they were inclined to resort to corrupt means to recover the amounts spent by them during elections. This has also led to a nexus between the politician and the business contractor who provides the finances and the criminals for exercising muscle power.

Subhash C. Kashyap (Parliamentary Democracy in India Trials and Tribulations, 2003) reiterated that right from the first general election, the need for electoral reforms has been the subject of wide ranging debates, Practically every report of the Election Commission has contained reform proposals and every successive Chief Election Commission has applied his mind to this matter. The recommendations of the all party Dinesh Goswami Committee on Electoral Reforms set up in 1990, also found wide support and were adopted unanimously. For its part the Lok Shaba unanimously passed a resolution on electoral reforms, moved by L.K.Advani which based itself to an extent on the above Committee's recommendations, The Indrajith Gupta Committee was most particular about the party agreement on State funding of elections, But neither the Lok Sabha resolution, nor the Goswami Committee recommendations or frequent government assurances, have thus far been implemented. A beginning could have been made, but the fact is that those who could bring about electoral reforms, did not want them, and either had a vested interest in maintaining the status quo lacked political will.

Electoral Practices, including malpractices and corrupt practices, however, represent only the outer trappings of the process. The more fundamental issues lie within the system from which these practices flow. Regulation of political parties by law, audit of party funds, making accounts open to public scrutiny, all politicians being made subject to full income tax scrutiny, all candidates and MPs being required to declare assets etc., limitation on the number of parties, double member or multi-member constituencies etc., giving more meaning and substance to PRIs and examining the possibility of adopting more meaning and substance to PRIs and examining the possibility of adopting a bottom-up Gandhian model could perhaps be considered.

The Times of India (2013/07/30) projects that money and muscle power not only help to win elections but also help in making politics a rather profitable affair. An analysis by the Association for Democratic Reforms (ADR) for the last decade shows that 62,847 candidates had average assets of Rs 1.37 crores. But candidates who won elections had average assets of Rs 3.83 crores. What's more interesting is that the wealth of legislators who faced criminal cases rose even more to Rs 4.30 crores and MPs and MLAs facing serious pending charges like murder, kidnapping and rape were on top of the heap with average assets of Rs 4.38 crores. Not only do candidates who combine the cocktail of politics, criminality and crores have a higher chance of re-contesting, they also have a better record of winning elections than candidates with a clean record, says the study. The study by ADR, a think tank working on poll reforms is based on affidavits filed by candidates before the Election Commission. Of the 62,847 parliamentary and assembly candidates since 2004, 11,063 or 18% have criminal cases against them. Of these, 8% or 5,253 have declared 'serious' criminal cases.

Throughout the developing world, administrative reforms, such as the introduction of electronic public service delivery systems, have been hailed as necessary to improve democratic accountability and responsiveness. By increasing access to public services and reducing politicians' control over this access, such progressive policies promise to improve the lot for poor citizens in countries like India, Brazil, and South Africa. Yet politicians' incentives are different. Jennifer Bussell (Corruption and Reform in India: Public Services in the Digital Age, 2012) shows that when such policies threaten politicians' ability to garner 'rents' from petty corruption, they block reform. Fascinatingly, however, some of these reforms are implemented in other states by equally corrupt politicians who are less dependent on petty theft and specialize in 'grand' corruption. Corruption and Reform in India is an insightful and politically sensitive work that demonstrates how corruption operates in practice and when political actors support reform. Bussell's work will push reformers to take the political environment seriously and to recognize the deep difference between petty and grand corruption. The book will be of interest to scholars of comparative politics, public administration, and corruption as well as to experts on India.' Susan Rose-Ackerman, Yale University.

Jennifer Bussell has written a fascinating study on an important topic: technology-enabled public service reform across Indian states. This study will be path breaking and resonant for its linkages

between political incentives, the nature of corruption, and possibilities of reform within India and beyond. It offers a nuanced portrayal of India in which digital reform and innovative techniques for public service delivery coexist with newer kinds of rent seeking, rather than one to the exclusion of the other.

CONCLUSION:

In a democracy like India, it is difficult to conceal corruption; instead, it is publicly debated, discussed, and examined. Opposition parties can cite the corruption of the previous government to gain political advantage, and this is the main reason for the government changing hands so frequently between so many political parties in India. It is evident from India's history that "corruption is a political problem that has far-reaching economic consequences: opportunities are lost, innovation is deferred, and entrepreneurialism and investment are aborted. India's success at unifying a diverse secular state through democratic means is one of the great political achievements of the twentieth century. Information disclosure, an important component of any democracy, makes corruption difficult to hide and enhances economic performance. Corruption has plagued India for many years, causing successive governments to fail. However, these corruptions are ultimately exposed, and the voters will respond by making politicians pay when they have the chance apart from multi facet of reforms at gross root level and political parties and political leaders need to take an oath voluntarily for corruption free India to see the far reach growth of our country socially, economically and politically thereby to stand as role model to neighbouring countries.

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