

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:640

ANSWERED ON:11.11.2010

CRIMINALISATION OF POLITICS

Singh Shri Rajiv Ranjan (Lalan);Vardhan Shri Harsh

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether criminalisation in politics in the country is increasing;
- (b) if so, the reaction of the Government thereto;
- (c) whether the Government proposes to formulate a policy to restrict the entry of criminal elements in election process;
- (d) if so, the details in this regard; and
- (e) the number of candidates who took part in Lok Sabha and Vidhan Sabha elections against whom criminal cases are pending in courts during the last three years?

**Answer**

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) to (e): There is no reliable data available so as to ascertain whether criminalisation of politics is increasing or not. Further, though our Constitution and the Representation of the People Act, 1950 and the Representation of the People Act 1951 do seek to provide for free and fair elections, yet certain problems have been arising due to contesting candidates having criminal backgrounds.

The Election Commission of India had forwarded a set of 22 proposals on Electoral Reforms in July, 2004 which inter alia includes the proposal on criminalisation in politics. Again in October, 2006, it had suggested for making law to disqualify any person accused of an offence punishable by imprisonment for five years or more, from contesting elections even when trial is pending, provided charges have been framed against him by a competent court. The matter was examined by the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice. The Committee in its Eighteenth Report presented to Rajya Sabha on the subject inter alia disagreed with the aforesaid proposal as it is a major departure from the law of the land that a person is not guilty until he is convicted by the highest court of the land.

Further, as per the statistics issued by the Election Commission of India, a total of 8070 candidates have contested the General Election to Lok Sabha-2009 and the only mechanism to check their criminal antecedents is to go through all the affidavits filed before the concerned returning officers which is itself a gigantic task. If it is added with the candidates of the Vidhan Sabha elections held in almost 15 States for the last three years it would become such a mammoth task which could not be completed in the given time-frame.