



# Money, Muscle, and Power: The Nexus of Criminals and Politics in Indian Democracy

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## ABSTRACT

*The criminalization of politics in India represents one of the gravest challenges to the integrity of democratic governance. The nexus between money power, muscle power, and political authority has not only corroded the ethical foundations of representative institutions but also diminished citizens' faith in the rule of law. Despite constitutional safeguards, judicial interventions, and electoral reforms, the persistence of candidates with criminal backgrounds in legislatures reflects systemic failures. This paper critically examines the interplay of money, muscle, and political power in India, analyzes its historical roots and socio-political consequences, and evaluates legal and institutional mechanisms designed to curb this menace. It further explores the role of the Election Commission, the judiciary, civil society, and voters in addressing this democratic deficit. Through comparative perspectives, case studies, and reform suggestions, the paper argues that decriminalizing politics is essential to restoring democratic ideals and strengthening governance in India.*

## Introduction

Indian democracy, often celebrated as the world's largest, has consistently faced challenges that test its resilience. Among these, the criminalization of politics—the participation of individuals with criminal backgrounds in electoral politics—has emerged as a serious concern. While politics should ideally serve



as a vehicle of public welfare, the infiltration of money and muscle power has transformed it into a domain where criminal elements exploit democratic processes for personal and group gains.

The nexus of crime and politics has evolved over decades, beginning from the use of local strongmen for electoral mobilization in the post-independence period to the open participation of individuals facing serious criminal charges as legislators and ministers. Reports by the Association for Democratic Reforms (ADR) reveal that over 40% of Members of Parliament (MPs) in the current Lok Sabha (2019) face pending criminal cases, with nearly 25% accused of serious crimes such as murder, attempt to murder, rape, or extortion.

This disturbing trend highlights how money (to finance elections and buy influence) and muscle (to intimidate opponents and voters) have become central to political survival, weakening democratic values. While the Supreme Court of India and the Election Commission of India have played crucial roles in attempting to check this menace, systemic loopholes and societal tolerance continue to encourage the criminal-political nexus.

The purpose of this paper is to explore:

The historical background and causes of criminalization in Indian politics.

The role of money and muscle power in shaping electoral outcomes.

The constitutional and legal framework dealing with criminal politicians.

Judicial pronouncements and electoral reforms.

Case studies highlighting state-level dynamics.

The impact on democracy, governance, and rule of law.

Comparative perspectives from other democracies.

Recommendations for decriminalizing politics in India.

By analyzing these aspects, the paper aims to provide a comprehensive account of how the criminal-politician nexus endangers democratic governance and what reforms are urgently required.

## **Historical Background of Criminalization in Indian Politics**

The criminalization of politics in India is not an overnight phenomenon. Its roots can be traced to the early decades after independence, when politics gradually shifted from being a platform of nationalist service to an arena for power struggles.



### **1. Early Phase (1950s–1970s): Rise of Local Strongmen**

In the initial years of independence, political leadership was largely dominated by freedom fighters and intellectuals. Electoral competition was modest, and campaigns were not excessively resource-driven. However, by the late 1960s and 1970s, with the weakening of the Congress Party's hegemony and the rise of regional politics, local strongmen began to gain political importance. Political parties increasingly relied on them to mobilize votes, intimidate rivals, and maintain “law and order” in their constituencies. These individuals often had criminal backgrounds and used violence as a political tool.

### **2. 1980s–1990s: Institutionalization of the Nexus**

The post-Emergency period saw politics becoming increasingly fragmented. Criminals no longer remained behind-the-scenes supporters; instead, many directly entered politics. The electoral system, plagued by corruption, caste politics, and weak enforcement of laws, created fertile ground for criminals to become legislators.

Several states, such as Bihar and Uttar Pradesh, became infamous for this trend. Politicians like Mohammad Shahabuddin, Pappu Yadav, and others symbolized the direct participation of individuals facing multiple criminal charges in legislative assemblies and even Parliament. The Mandal Commission implementation (1990) and coalition politics further intensified the role of caste-based and money-driven electoral mobilization, allowing criminal leaders to secure votes through identity politics and patronage networks.

### **3. 2000s Onwards: Entrenchment of Money Power**

With elections becoming increasingly expensive, the role of money in politics skyrocketed. According to estimates by the Centre for Media Studies (CMS), the 2019 Lok Sabha elections cost over ₹60,000 crore, making them among the most expensive in the world. Criminals with massive financial resources became attractive candidates for political parties. Their ability to self-finance campaigns and mobilize funds through illegal activities such as extortion, smuggling, and land grabbing gave them a competitive advantage.

Thus, over time, what began as an alliance of convenience between politicians and criminals transformed into an entrenched political-criminal nexus.

## **Causes of Criminalization in Indian Politics**

The persistence of criminals in politics can be attributed to a range of structural, institutional, and societal factors.



### **1. Electoral Expenses and Money Power**

One of the strongest drivers of criminalization is the high cost of elections. Contesting a parliamentary election today often requires crores of rupees, far beyond the legal spending limits. Candidates with criminal backgrounds often have illicit wealth, which they can channel into campaigning. Political parties prefer such candidates because they reduce party expenditure and ensure financial backing.

### **2. Muscle Power and Intimidation**

Criminals often possess organized muscle power, enabling them to intimidate voters, threaten rivals, and manipulate polling booths. In regions with weak law enforcement, such as parts of Bihar, Uttar Pradesh, and Jharkhand, muscle power remains a decisive factor in elections.

### **3. Weak Enforcement of Laws**

Despite having laws such as the Representation of the People Act, 1951, enforcement remains weak. Investigations and trials against politicians often drag on for decades, allowing them to contest multiple elections despite serious charges. This delayed justice system creates space for criminals to thrive in politics.

### **4. Voter Psychology and Caste Politics**

In many constituencies, voters perceive criminal politicians as “Robin Hood” figures, who can deliver protection, jobs, and patronage, even if through illegal means. Caste and community loyalties often override concerns about criminal backgrounds. As a result, candidates facing charges of violence or corruption are still elected repeatedly.

### **5. Political Party Complicity**

Political parties bear a major share of responsibility. Instead of rejecting candidates with criminal charges, they actively endorse them because of their financial resources and ability to mobilize votes. Data from ADR shows that in the 2019 Lok Sabha elections, 233 MPs (43%) had criminal cases registered against them, yet they were given tickets by major political parties.

### **6. Lack of Electoral Reforms**

Attempts at reform, such as mandatory disclosure of criminal records (2002) and NOTA (None of the Above), have not produced significant results. Without stricter disqualification rules, criminals continue to enter legislatures.



## 7. Weak Voter Awareness

Although civil society groups and NGOs have tried to spread awareness, many voters remain uninformed or indifferent about the criminal records of their candidates. Low literacy levels, poverty, and dependence on local strongmen for welfare further perpetuate the cycle.

## Constitutional and Legal Framework

The Constitution of India aspires to establish a political system based on democracy, equality, and the rule of law. However, it does not explicitly bar individuals with criminal cases from contesting elections, except under certain conditions of conviction. The criminalization of politics has thus flourished in the grey areas left open by law.

### 1. Constitutional Provisions

**Article 102(1)(e) & Article 191(1)(e):** Provide for disqualification of Members of Parliament (MPs) and Members of Legislative Assemblies (MLAs) under conditions prescribed by Parliament.

**Article 324:** Vests the power of superintendence, direction, and control of elections in the Election Commission of India (ECI).

**Right to Know (Article 19(1)(a)):** The Supreme Court has interpreted the right to know the antecedents of candidates as part of the fundamental right to freedom of speech and expression.

### 2. Representation of the People Act, 1951 (RPA)

This is the central legislation dealing with qualifications and disqualifications of candidates:

**Section 8:** Disqualification on conviction for certain offences, including corruption, terrorism, rape, and offences involving moral turpitude.

However, mere framing of charges is not enough—disqualification occurs only after conviction. Since trials in India often take decades, many individuals contest multiple elections despite serious allegations.

**Section 33A (inserted after Supreme Court intervention):** Mandates disclosure of criminal antecedents at the time of filing nomination.

Thus, while laws exist, they are insufficient in preventing entry of criminals into legislatures.

## Judicial Pronouncements on Criminalization of Politics

The Indian judiciary has often stepped in to fill the legislative vacuum. Several landmark judgments reflect its efforts to uphold democratic purity.



### **1. Union of India v. Association for Democratic Reforms (2002)**

The Supreme Court recognized that voters have a fundamental right to know the criminal, financial, and educational background of candidates.

This judgment made it mandatory for candidates to file affidavits disclosing such information at the time of nomination.

### **2. People's Union for Civil Liberties v. Union of India (2003)**

Reaffirmed the right to know as part of Article 19(1)(a).

Strengthened the voter's role in holding candidates accountable.

### **3. Lily Thomas v. Union of India (2013)**

A historic verdict where the Supreme Court held that convicted legislators would be immediately disqualified from Parliament or State Legislatures.

Earlier, Section 8(4) of RPA gave convicted legislators a 3-month window to appeal, during which they could retain their seats. The Court struck this down as unconstitutional.

### **4. Public Interest Foundation v. Union of India (2018)**

The Court directed that political parties and candidates must widely publicize their criminal records through newspapers, television, and social media.

However, it stopped short of disqualifying candidates merely on framing of charges, citing the presumption of innocence until proven guilty.

### **5. Ashwini Kumar Upadhyay v. Union of India (2020 & 2021 orders)**

The Court repeatedly expressed concern over rising criminalization.

Directed political parties to publish reasons for giving tickets to candidates with criminal backgrounds and submit compliance reports to the ECI.

While these judgments demonstrate judicial activism, critics argue that the lack of enforcement mechanisms and absence of a strong legislative will limit their impact.

## **Role of the Election Commission of India**

The Election Commission of India (ECI) is the constitutional guardian of free and fair elections. It has taken several measures to curb criminalization:



## 1. Mandatory Disclosure of Criminal Records

Candidates must submit an affidavit under Form 26, disclosing pending criminal cases, financial status, and educational qualifications.

However, the ECI has no power to reject nominations based solely on criminal records.

## 2. Model Code of Conduct (MCC)

The MCC prohibits use of intimidation, bribery, and hate speech. Yet, enforcement depends on local administrative machinery, which is often weak or compromised.

## 3. Awareness Campaigns

The ECI, in collaboration with civil society groups such as the Association for Democratic Reforms (ADR), has conducted voter awareness campaigns highlighting criminal records of candidates.

## 4. Supreme Court Directions to ECI

Following the 2018 and 2020 Supreme Court orders, the ECI requires political parties to publish criminal records of candidates on their official websites and media platforms.

However, compliance remains patchy, with most parties publishing records in obscure formats with little outreach.

## 5. ECI's Limitations

Despite being a constitutional body, the ECI lacks:

Power to disqualify candidates with pending cases (only Parliament can legislate this).

Adequate resources to monitor elections across India.

Enforcement capacity against political parties that ignore disclosure norms.

Thus, while the ECI has attempted to bring transparency, its impact has been limited by legal constraints and political apathy.

## Challenges in the Legal and Institutional Framework

**Delayed Trials:** Criminal cases against politicians often remain pending for decades due to political influence, delays in investigation, and judicial backlog.

**Presumption of Innocence:** Courts hesitate to disqualify candidates merely on framing of charges, even if they involve heinous crimes.

**Political Resistance:** Parliament has consistently failed to pass stronger laws against criminal candidates, as legislators themselves are beneficiaries of the current system.

**Voter Complicity:** Despite disclosure requirements, many voters ignore criminal records, prioritizing caste, religion, or short-term benefits.

## Case Studies: Criminalization in Indian States

The nexus of crime and politics manifests differently across states, but certain regions—particularly Bihar, Uttar Pradesh, and Maharashtra—stand out as emblematic of this phenomenon.

### 1. Bihar: The Cradle of Muscle Power Politics

Bihar has long been considered the epicenter of criminal politics in India. From the 1970s onwards, *bahubalis* (strongmen) emerged as key political actors. These individuals used organized violence, caste loyalties, and criminal wealth to secure political dominance.

**Notorious Figures:** Politicians like Mohammad Shahabuddin, Anand Mohan Singh, and Pappu Yadav gained prominence despite facing multiple criminal charges, including murder and extortion. Shahabuddin, for instance, was convicted in several cases but continued to wield massive influence in Siwan.

**Caste and Crime Nexus:** In Bihar, caste-based mobilization reinforced the legitimacy of criminal politicians. Many were seen as “protectors” of their communities, irrespective of their criminal activities.

**Electoral Success:** During the 1990s, several constituencies witnessed near monopoly by *bahubalis*, who either contested themselves or ensured their family members entered legislatures.

The result was a prolonged period of lawlessness, often referred to as “jungle raj.” Governance suffered, development stagnated, and institutions weakened.

### 2. Uttar Pradesh: Scale and Diversity of Criminal Politics

Uttar Pradesh (UP), India’s most populous state, has consistently sent the largest number of MPs to Parliament. Unfortunately, it has also produced some of the highest numbers of legislators with criminal cases.

**Criminal Politicians:** Figures such as Mukhtar Ansari, Atiq Ahmed, and D.P. Yadav epitomized the merging of organized crime and electoral politics.

**Patterns:** In UP, criminals entered politics not just to support mainstream leaders but to directly acquire political power as protection against legal action.



**Electoral Statistics:** ADR reports indicate that in the 2017 UP Assembly elections, 36% of winning candidates had declared criminal cases, with 14% accused of serious crimes.

**Governance Impact:** The state witnessed rampant corruption, extortion, and weakened rule of law. Even when governments attempted crackdowns, political patronage often shielded these leaders.

UP illustrates how scale and normalization of criminalization can make it systemic, eroding democratic credibility.

### **3. Maharashtra: Nexus of Money, Politics, and Organized Crime**

Maharashtra presents a slightly different pattern—here, the emphasis has been more on money power and links between politicians and organized crime in urban centers like Mumbai.

**Underworld-Politics Connection:** In the 1980s and 1990s, Mumbai's underworld figures developed deep ties with politicians. Criminal dons like Dawood Ibrahim and Arun Gawli influenced elections through funding and intimidation.

**Urban Electoral Finance:** Candidates with access to large sums of money, often from questionable sources, became attractive to parties seeking to contest expensive campaigns.

**Case Example:** Arun Gawli himself contested elections and even became an MLA, despite his underworld connections.

**Contemporary Trends:** Today, the nexus manifests more subtly, through corporate-criminal-political alliances, where illegal money is laundered into electoral financing.

## **Impact of Criminalization on Democracy and Governance**

The entrenchment of money and muscle power in politics has severe consequences for the health of Indian democracy and the quality of governance.

### **1. Erosion of Democratic Ideals**

Democracy is premised on free choice, fair competition, and rule of law. When candidates with criminal records dominate legislatures, the moral legitimacy of democracy is undermined. Instead of serving as representatives of the people, many legislators pursue personal gain and protection from prosecution.

### **2. Weakening of the Rule of Law**

Criminal politicians often manipulate police, bureaucracy, and judiciary to escape accountability. Investigations against them are stalled, witnesses silenced, and cases dragged indefinitely. This creates a culture of impunity, where the powerful operate above the law.



### 3. Corruption and Misgovernance

Politicians with criminal backgrounds treat politics as an investment. Once in power, they focus on recovering campaign expenses and generating profit through corruption, illegal contracts, and siphoning public funds. This undermines governance and diverts resources away from public welfare.

### 4. Violence and Intimidation in Elections

The use of muscle power distorts electoral competition. Opponents and voters face threats, booth capturing, and coercion. Such practices not only deter fair participation but also discourage honest candidates from entering politics.

### 5. Voter Disillusionment

When voters repeatedly see criminal candidates winning elections, it fosters cynicism and mistrust in democratic institutions. Citizens begin to view politics as inherently corrupt, leading to lower participation in governance and democratic engagement.

### 6. Policy Bias and Development Deficit

Criminal politicians prioritize policies that serve their financial or communal interests. Public spending is often directed towards patronage networks rather than developmental projects. States with high levels of criminalization, such as Bihar in the 1990s, experienced slower economic and social development compared to others.

### 7. International Reputation

As India aspires to be a global leader, the criminalization of politics tarnishes its image. Democracies worldwide look upon India's system with concern, questioning its commitment to clean governance.

### Comparative Note: Other Democracies

While criminalization is not unique to India, its scale and systemic nature are exceptional.

**Italy (1990s):** Mafia influence on politics was rampant, leading to the famous “Clean Hands” operation.

**Pakistan & Bangladesh:** Similar patterns of money, feudal influence, and criminal elements dominate electoral politics.

**United States:** While cases of corruption exist, candidates facing serious criminal charges rarely win elections due to strong institutional checks.



**India thus presents a paradox:** a vibrant electoral democracy coexisting with deep criminal penetration in politics.

## **Reforms and the Way Forward**

Addressing the criminalization of politics requires a multi-pronged strategy involving legal, institutional, electoral, and societal reforms. Several recommendations have emerged from commissions, courts, and civil society.

### **1. Stricter Disqualification Laws**

Disqualification should not be limited to conviction. Candidates facing serious charges (heinous crimes like murder, rape, corruption, terrorism) framed by a court at least six months prior to elections should be barred from contesting.

The Law Commission of India (2014 Report) supported this view, though it stressed safeguards against motivated charges.

### **2. Fast-Track Courts for Politicians' Cases**

Establishment of special courts to decide criminal cases against legislators within one year of framing of charges.

This would prevent prolonged trials that allow accused politicians to contest multiple elections unchecked.

### **3. Political Party Accountability**

Parties must be held legally accountable for endorsing candidates with criminal records.

Non-compliance with Supreme Court directives (2018 & 2020) regarding disclosure of reasons for ticket allocation should attract penalties such as loss of party symbol or deregistration.

### **4. Electoral Finance Reforms**

Tackle the root cause—exorbitant election expenses.

Introduce state funding of elections in a limited manner (e.g., providing public broadcasting time, subsidizing campaign materials).

Cap donations more strictly, enhance transparency in political funding, and strengthen monitoring of expenditure by the ECI.

### **5. Strengthening the Election Commission of India**

Grant the ECI powers to reject candidates with serious pending cases.



Provide it with independent investigation wings and adequate resources.

Ensure appointments to the Commission are made by a collegium system (as recommended by several expert committees) to reduce political influence.

## 6. Voter Awareness and Empowerment

Civil society organizations such as the Association for Democratic Reforms (ADR) must be supported in educating voters.

Use of technology (apps, social media campaigns, easy-to-read candidate profiles) can increase voter knowledge of criminal antecedents.

Compulsory disclosure in simple language at polling booths and through SMS services may further empower citizens.

## 7. Cultural and Societal Shift

Ultimately, reforms must address voter psychology. Criminal politicians thrive because communities often view them as protectors or benefactors.

Grassroots awareness, civic education, and stronger local governance institutions (Panchayati Raj) can reduce dependence on bahubalis and criminal patrons.

## Way Forward

India cannot claim to be a truly vibrant democracy if nearly half its legislators face criminal charges. The paradox of voter choice—where citizens knowingly elect tainted candidates—must be resolved through a combination of law, enforcement, and awareness.

**Parliamentary Will:** Since most reform requires legislation, genuine political will is essential. Ironically, lawmakers are themselves beneficiaries of the status quo, making civil society pressure and judicial oversight crucial.

**Judicial Role:** Courts must continue their proactive stance, ensuring speedy trials and enforcing compliance with disclosure norms.

**Civil Society & Media:** Independent media and NGOs must persist in exposing criminal politicians and mobilizing citizens.

Unless these measures converge, the nexus of money, muscle, and power will continue corroding democratic values.



## **The 130th Constitutional Amendment and Its Implications for Decriminalizing Politics**

The introduction of the 130th Constitutional Amendment Bill, 2025 marks a watershed moment in India's attempt to curb the growing nexus between crime and politics. By mandating the removal of the Prime Minister, Chief Ministers, or other ministers if they remain under arrest for more than thirty consecutive days on charges carrying a minimum punishment of five years, the amendment seeks to enforce a higher standard of accountability in public office. Its rationale lies in preventing governance from being conducted from jail and deterring individuals with serious criminal charges from clinging to power. While the amendment aligns political office with the principle already applicable to civil servants—automatic suspension upon arrest—it has triggered sharp criticism from opposition parties and legal scholars. Detractors argue that the provision undermines the presumption of innocence, violates federal principles, and could be misused by central agencies to destabilize elected governments. Despite these concerns, the amendment highlights a critical recognition by lawmakers of the urgent need to insulate politics from criminal influence, and if implemented with sufficient safeguards, it may become a cornerstone in the broader project of decriminalizing Indian politics.

### **Conclusion**

The criminalization of politics in India represents one of the greatest threats to its democratic fabric. What began as an alliance of convenience between politicians and local strongmen has evolved into a deeply entrenched system, where money and muscle often determine electoral outcomes. Bihar and Uttar Pradesh illustrate the muscle power model, while Maharashtra highlights the money power model, together showing how criminals exploit democracy for personal gain.

Judicial interventions, Election Commission efforts, and civil society campaigns have brought greater transparency, yet systemic weaknesses—slow trials, weak laws, political complicity, and voter tolerance—continue to allow criminals to thrive.

Reforms must therefore be comprehensive: stricter disqualification laws, fast-track courts, political party accountability, electoral finance reforms, and stronger ECI powers. Equally important is a societal shift in voter behavior, rejecting the “Robin Hood” image of criminal politicians and prioritizing integrity over caste or cash.

Decriminalizing politics is not merely a legal challenge—it is a moral imperative. For India to realize the vision of a true democracy based on justice, liberty, equality, and fraternity, the nexus of money, muscle,

and power must be dismantled. Only then can politics return to its rightful purpose: the service of the people.

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