

Summary of 10 years of Election Watch

1. Criminalisation of Politics

A total of **62847 candidates**, who have contested either Parliamentary or State Assembly Elections since 2004 have been analyzed by Association for Democratic Reforms (ADR) and National Election Watch (NEW). Following are the highlights that have emerged from our analysis:-

- **Candidates who have declared criminal cases: 11,063 (18%)** of the 62,847 candidates had **27,027 pending criminal cases on them while 5,253 (8%) candidates had 13,984 serious criminal charges** on them including murder, rape, corruption, extortion, dacoity etc. (*Serious charges*: Those charges, for which, if convicted, (a) a candidate could be sentenced for more than 5 years, or (b) the case requires the issue of a non bailable warrant, or (c) any crime against women, or (d) any election related criminal charge).
- **Higher chances of winning for candidate with Criminal Records:** While there is 23% chance of winning for a candidate with criminal record and 22% chances of winning for those with serious criminal records, there is only 12% chance of winning for candidates without criminal records. This shows that people with criminal records are more likely to win in elections.
- **Correlation between Education and Criminal Cases of MPs/MLAs:** Of the MPs/MLAs (who have been elected since 2004) with criminal records, 27% have at least a graduate degree and of those with serious criminal charges¹, this is 12%.
- **Sitting Lok Sabha MPs with criminal charges:** 30% or 162 out the total 543 MPs in the current Lok Sabha are facing criminal charges, while 76 face serious charges².
- **Political Parties field candidates with serious criminal cases:** All the political parties without exception have given tickets to such contesting candidates who have declared criminal cases against themselves. There have been:
 - i. 1229 cases of **murder**
 - ii. 2632 cases of **attempt to murder**
 - iii. 496 instances of IPC sections on **other cases related to murder** (culpable homicide, abetment to suicide etc.)
 - iv. 68 rape cases, and 455 other cases for **crimes against women**.
 - v. 978 instances of IPC sections against candidates for cases related to **kidnapping, abduction and so on**
 - vi. 1004 instances of IPC sections against candidates for cases related to **robbery and dacoity**.
 - vii. 150 instances of IPC sections against candidates for causing **unnatural death of children** at birth
 - viii. 1319 cases against candidates for **cheating**
 - ix. 1720 instances of IPC sections against candidates for cases related to **forgery and counterfeiting**
 - x. 226 instances of IPC sections against candidates for cases related to **counterfeiting Government seals**
 - xi. 746 instances of IPC sections against candidates for cases related to **breaking the law during elections**

Even if we ignore the so called trivial cases and focus only on serious cases, we find that all political parties are guilty of fielding candidates who have declared serious criminal cases against themselves. The ratio of fielding candidates with serious criminal cases varies from a high of 17% for the Shiv Sena to a 'low' of 4% for the Asom Gana Parishad. We looked at 19 political parties

¹For the purpose of analysis, certain criminal cases have been marked as serious cases. These cases include those where on conviction the sentence would be 5 years or more, cases of crimes against women, cases in which only non-bailable warrants are issued, and cases of electoral fraud.

² Some politicians have pointed out that many charges are frivolous. However, there are many MPs with serious charges framed in a Court, and many who have declared offences in 2 consecutive elections.

which won nearly 90% of all seats. All of them fielded candidates with serious criminal cases, the average percent of such candidates being 9%. If we look at candidates with some criminal case, the percentage shoots up to 18%.

2. 'Winnability' and Serious Crime

Our analysis reveals that while there is 23% chance of winning in elections for a candidate with criminal records and 22% chances of winning for those with serious criminal records, there is only 12% chance of winning for candidates without criminal records. Even Political Party wise analysis shows that nearly every party has given tickets to greater percentage of victorious candidates with serious criminal records as compared to those victorious candidates with clean records.

- **Winning Percent of candidates with criminal cases as opposed to candidates with no criminal cases(clean candidates)-Party wise:** The **BJP** has had 28% clean candidates who win versus 40% of candidates with serious criminal records who win. The figures for **BSP** are 7% and 16%, **SP** 16% and 31%, **NCP** 18% and 26%, **JD(U)** 21% and 50%, **Shiv Sena** 10% and 33%, **AIADMK** 51% and 73%, **DMK** 48% and 59% and so on. The **INC** has 39% and 34%. This partly explains the strong tendency of political parties to continue to field candidates with badly tainted records.
- **Cases Pending for long against candidates with Criminal Cases:** We find that several cases drag on for years. On further analysis it has been found that 4181 candidates have contested elections more than once. Of them there have been 1072 with criminal records the first time they contested, and 788 who had criminal cases the second time also. About 474 of them had the same cases pending against them for at least 4 years(Average time period between 2 Affidavit declarations) . This means that a person with serious cases against him can complete the term of an Assembly or Lok Sabha before his cases are disposed of.

The data clearly shows that a much higher percentage of candidates with criminal charges win. As pointed out earlier many of them have very serious criminal cases against them. Since the reins of Government are in the hands of elected representatives and in particular the Ministers, the country is in danger. Since all political parties are guilty of fielding such candidates, legal remedy is required.

3. Money power and Crime in elections

There have been **8790 MPs/MLAs** (who have got elected since 2004) analyzed out of the 62847 candidates.

- **Declared Average Assets of MPs/MLAs higher than losing candidates:** The average assets of **MPs/MLAs** was **Rs.3.83 crores**, that of **runners up Rs.2.47 crores** and those of the third place candidate, Rs.2.03 crores. This clearly shows that wealthier candidates win elections. It should be noted that these are only the declared assets of candidates.
- **Combination of Wealth and Criminal Record increase chances of winning:** If we look at the interaction between crime and money an even more alarming picture emerges. The average assets of 62,847 candidates between 2004 and 2013 has been Rs.1.37 crores. The average assets of those with declared criminal cases have been higher at Rs.4.31 crores, and of those with serious crime records have been even more higher at Rs. 4.39 crores.

This proves that not only does wealth increase the chances of winning considerably, a combination of wealth and criminal record increases the chances even further. Some of the major parties showing this trend of include the **BJP, BSP, SP, NCP, Shiv Sena, AIADMK, DMK, Akali Dal** and the **INC**.

This raises several questions about the nature of elections and democracy.

- i. First, we need a much **greater level playing field with respect to role of money**. The absence of this until now has resulted in candidates with greater wealth winning elections.
- ii. Second, candidates with crime records who win have greater wealth than those who win without any crime record. In fact, such election victories have on an average 15% more wealth than **MPs/MLAs** with a clean record. These victorious candidates with both criminal records and huge

amounts of wealth have a whopping 220% more wealth than the average assets of candidates contesting in the same election.

It is more than likely that crime allows them to amass wealth which in turn allows them to win elections, which further increases their wealth if they win and so on. If this is indeed the case, such people pose a threat to good governance since tax payers' money and the Government budgets are in their control either directly or indirectly. In any case they wield a great influence on how the Government functions.

4. Growth in Assets

Analysis of candidates who contested in more than one election is even more revealing.

- **Overall Increase in Wealth of Re contesting Candidates:** Of 4181 candidates who contested more than one election, **3173** showed an increase in wealth. The average increase in wealth of all 4181 candidates was Rs.2.34crores from Rs.1.74 crores to Rs.4.08 crores.
- **Those Re contesting candidates only whose wealth has grown:** Among those who showed an increase in assets, the increase was Rs2.85 crores on average. This meant an average increase of 134% in declared wealth over less than 5 years.
- **Re contesting candidates with asset growth more than 200%:** About 1615 of the 4181 candidates showed an increase of over 200%, 684 showed an increase of over 500%, 420 of over 800% and 317 of over 1000%. This is clearly an abnormal increase in wealth. The maximum declared wealth was Rs.634 crores.

5. Long pending criminal cases

- **Candidates with criminal cases get party tickets for the second time:** Analysis of the criminal records of 4181 repeat candidates shows that 1072 of them had a criminal case the first time they contested an election and 788 had cases the second time also. This means political parties gave tickets to 74% of candidates with criminal records the second time also despite having information on their criminal background from previous elections. However the total number of candidates with criminal cases still increased the second time as there were 507 other candidates (out of 4181) who showed no criminal cases in the first election but declared cases in the second round of elections. Therefore the total percent of candidates with criminal records given tickets by political parties rose from 26% to 31%.
- **Candidates with Serious Criminal cases get party tickets for the second time:** If we look at serious criminal cases a similar picture emerges. Of 540 candidates with serious charges, 353 or 65.4% were given tickets again. In addition there were 289 candidates with no criminal cases in the first election, but who had cases in the second round. This also shows that the percent of candidates with serious criminal records given tickets by political parties rose from 12% to 15%.
- **Pendency of Criminal Charges against Re contesting candidates:** What is even more worrying is the time period for which these cases remain pending (pendency). Of the 788 candidates with repeat criminal cases, the average pendency of the cases is 4.5 years. This means that these candidates with pending criminal cases continue to contest elections, while charges against them remaining pending in Courts without any resolution and some of them even continue to sit as people' representatives.
- **Disqualify MPs/MLAs with 2 or more pending heinous cases:** Those candidates with long standing serious cases should be disqualified from contesting and must be asked to get their cases disposed of before they stand to contest elections. Also, there is a feeling amongst politicians that false cases may be lodged against them by opposition parties. So, those with 2 or more heinous cases can be disqualified straight away since there is much less chance of them being falsely implicated more than once.

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