Bulletin of Nexus
Multidisciplinary International Research Journal, Double-Blind Peer Reviewed, Open Access Journal
ISSN: 3065-7865 / Volume-3, Issue-3, March 2026

Original Article

# Strengthening Representation: Containing Criminal Influence in India's Electoral Process

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**Manuscript ID:**
BN-2026-030345

ISSN: 3065-7865

Volume 3

Issue 3

March 2026

Pp. 227-229

**Submitted:** 18 Feb 2026

**Revised:** 27 Feb 2026

**Accepted:** 15 Mar 2026

**Published:** 31 Mar 2026

DOI:
10.5281/zenodo.20150911
DOI link:
https://doi.org/10.5281/zenodo.20150911

***Abstract***

*Criminalization of politics attacks the ethical foundations of constitutional democracy. Social inequality and political exclusion create conditions where criminal political actors emerge as a political substitute of either weak or absent state. Criminalization reflects a state that governs unevenly, undermining parliamentary authority where weak institutions allow personalized power to dominate democratic forms and is linked to weak state capacity because enforcement is selective and therefore politics with coercive capacity gain advantage. The criminals enter politics not accidentally but functionally filling the vacuum left by the weak party organization and therefore criminalization is a structural outcome of party decay and not merely individual moral failure. Political parties are losing the ideological coherence and mass internal democracy and turning towards money, muscle and patronage to survive. Therefore there are issues such as legislative quality, policy bias, erosion of deliberation and rule based behaviour, corruption, misallocation of resources, asset accumulation and loss of public trust and legitimacy. When law makers become law breakers and if there is no system in place to bring equilibrium it seriously raises questions about the effectiveness and accountability of the democratic political order.*

***Key Words:*** *Parliamentary Democracy, Representation, Mobilization, Absent State, Rule of Law, Legitimacy, Constitutional Morality, Political Exclusion*

## Introduction

India is a representative democracy and a representative democracy is about meaningful participation in the political process because it based on the assumption that an individual is a rational being and therefore capable of making reasonable choices by participating in the affairs of the state. In this form of political order, free, fair and periodical elections and accountability and respect for the rule of law becomes very important. Where collective decisions will be taken after debates, discussions, dissents, deliberations and conflict of interest will get reconciled as far as possible. In this system Law requires tremendous respect.[i] For instance if one sees the trial of Athenian philosopher Socrates in 399 BC and it found Socrates guilty of "impiety" and "corrupting young minds", he was sentenced to death and he accepted the punishment in order to obey law of the city-state. He has been often known as the one of the wisest man of the earth and his respect to law is an example of how one should respect the law.[ii] When law makers becomes law breakers and if there is no check to bring equilibrium in the system it seriously raises questions about the effectiveness and accountability in the democratic state.

## Criminalization of Politics and Perceived Decline of Legislature

What lies at the heart of representative democracy, the idea of popular sovereignty and political equality, that people are the ultimate source of authority and politically equal without any considerations of discrimination such as caste, creed, and place of birth, sex or any of that sort. The idea of representative democracy provides for the universal adult franchise and right to contest elections and hold an important office in the government without any form of discrimination. In this arrangement ordinary people have shifted the responsibility of decision making to the shoulder of selective few representatives who suppose to be accountable to the people. Therefore, free and fair elections are utmost important in this form of political order.

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**How to cite this article:**

*Vegad, P. (2026). Strengthening Representation: Containing Criminal Influence in India's Electoral Process. Bulletin of Nexus Journal, 3(3), 227–229. https://doi.org/10.5281/zenodo.20150911*

Quick Response Code:

Website: https://bnir.us

The more the election process is free and fair, the stronger the allegiance of the people will have towards the democratic institutions and political processes.[iii]Since the day political power transformed from the British to the Indians, the Indian representative democracy is facing the issue of criminalization of politics which along with other issues such as lack of enlightened public opinion to enforce accountability, political populism and nepotism, elitist influence, the electoral and party system have contributed to the decline of the representative institutions. Since India repeatedly proclaims their parliament as the temple of democracy, its role as deliberative and representative assembly has suffered serious setbacks in the recent years. The decline of parliament further continued due to corruption and criminalization of electoral and party political processes on an unprecedented scale.[iv]

Nearly 47 per cent of ministers across India's states, Union Territories, and the Union Council of Ministers have declared criminal cases against themselves, including serious accusations such as murder, kidnapping, and crimes against women, reveals a report by the Association for Democratic Reforms (ADR) released in early September 2025. Among these, 174 ministers are accused of grave offences.[v] At present Indian parliament is faced with the problem of declining standards of debates, decorum and discipline. A nexus between business groups and politics corrupts the parliamentary process. Party politics and politics of survival are also responsible for the declining standard. Absenteeism, disruptions, rigidity of party discipline, parliamentarians lack of vision, commitment, quality and competence, conflict between parliament and the judiciary, opportunism and corruption have becomes watch words of Indian politics.[vi]

Criminalization of Politics simply means that the criminals entering the politics and contesting elections and even getting elected to the Parliament and state legislature. It takes place primarily because of the nexus between the criminals and some of the politicians. The criminals need the patronage of politicians occupying public offices to continue with their criminal activities and the politicians need the money and muscle power that the criminals can offer to the politicians to win elections. In course of time, the nexus led the criminals themselves to contest elections. Data from the last three general elections shows that the strategy was an electoral success as candidates with criminal cases were three times more likely to win than a "clean" candidate. Therefore, increasing representation of in legislature and government of persons who have declared pending criminal cases and mobilizing or rather normalization of violent extra-legal methods in regular political processes may be the most identical features of criminalization of politics. Political parties often nominate those candidates because of the win-ability and other electoral incentives purposes. Criminal networks often provide illicit funding and logistical muscle which is valuable where campaign finance is poorly regulated and enforcement is very weak.[vii]

Criminalization of politics is not so simple in India. It has deeply rooted causes. For instance, Zoya Hasan has explicitly linked criminal politics with the unequal citizenship debates. She argues that social inequality and political exclusion creates conditions where criminal political substitute to either weak or absent state. When marginalized groups lack the basic access to justice, welfare and representation, they may often rely on local strong person who may use coercion and informal power to deliver protection and resources. It needs to b understood that Indian democracy operates within deep social hierarchies of castes, class and community and when marginalized group support criminal leaders not because they reject democracy but because formal institutions exclude them and there the criminal political substitutes act as brokers of welfare, security and access especially when police and courts are perceived biased or inaccessible and therefore criminality thrives where rights are mediated by power and not by law.[viii]

Rajini Kothari equates the criminalization of politics with the degeneration of the party system. He argues that criminalization is the very symptom of the decline of the party system where parties lose ideological coherence and mass internal democracy when they turn into money, muscle and patronage to survive. He further argues that criminals enter politics not accidentally but functionally filling the vacuum left by the weak party organization and therefore criminalization is a structural outcome of party decay and not merely individual moral failure.[ix]

**Conclusion**

In order to restore faith of the people in democracy there is an urgent need to take certain measures. It may be noted that each approach to address the criminalization has its own benefits and limitations as well. First, faster disposal of criminal cases involving candidates contesting elections by establishing special courts can be effective way but as long as the candidate is accused only and not convicted, cannot be stopped from contesting the election. Secondly, at the political party level strong candidate screening is required but it worth noticing that political parties are going to be reluctant to do it because it de-incentivize their

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wining possibilities and ultimately providing representation. Third, there is a dire need of the strong enforcement mechanism to keep vigilant watch over the campaign finance and also some fiancé reforms as well. Fifth, strong legislation regarding preventing candidates from contesting elections with serious criminal charges but it may affect all the political parties and may lead to the vindictive politics. Lastly, enlightened public opinion to ensure accountability, political education to sensitize the electorate is utmost essential for the just and effective working of the democratic order relatively free from the criminal influence in politics.

**Acknowledgment**

I would like to express my sincere gratitude to all those who contributed to the successful completion of this project titled **"Strengthening Representation: Containing Criminal Influence in India's Electoral Process."**

First and foremost, I am deeply thankful to my project guide/supervisor for their constant guidance, valuable suggestions, and encouragement throughout the course of this study. Their support and expertise greatly helped in shaping this work.

I also extend my gratitude to the faculty members and staff of my department/institution for providing the necessary academic support, resources, and a conducive environment for research and learning.

I am thankful to my friends and classmates for their cooperation, insightful discussions, and moral support during the preparation of this project.

Lastly, I express my heartfelt appreciation to my family for their continuous encouragement, patience, and unwavering support, which motivated me to complete this work successfully.

**Financial support and sponsorship**

Nil.

**Conflicts of interest**

The authors declare that there are no conflicts of interest regarding the publication of this paper

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