When Crime Pays
Money and Muscle in Indian Politics

Milan Vaishnav | April 7, 2015
From jail to bailing out the government
An Indian political success story
Law-makers & law-breakers

Percentage of Lok Sabha MPs with criminal and serious cases.

- 2004: 24% MPs with criminal cases, 12% MPs with serious cases.
- 2009: 30% MPs with criminal cases, 15% MPs with serious cases.
- 2014: 34% MPs with criminal cases, 21% MPs with serious cases.

Source: ADR
A widespread phenomenon

Source: Vaishnav (2015)
Severity of charges is striking

Table 2: Summary of Serious Criminal Charges on Politicians (All State Assembly, Lok Sabha, Rajya Sabha Elections from 2004 to September 2013)

<table>
<thead>
<tr>
<th>Serious Cases: Instances of IPC Sections on Candidates and Winners</th>
<th>No of IPC Sections against Candidates</th>
<th>No of IPC Section Per Candidate</th>
<th>No of IPC Sections against Winners</th>
<th>No of IPC Section Per Winner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>1,229</td>
<td>0.02</td>
<td>335</td>
<td>0.04</td>
</tr>
<tr>
<td>Other murder related</td>
<td>3,128</td>
<td>0.05</td>
<td>846</td>
<td>0.10</td>
</tr>
<tr>
<td>Rape</td>
<td>68</td>
<td>0.00</td>
<td>17</td>
<td>0.00</td>
</tr>
<tr>
<td>Other crimes against women</td>
<td>455</td>
<td>0.01</td>
<td>136</td>
<td>0.02</td>
</tr>
<tr>
<td>Robbery and dacoity</td>
<td>1,004</td>
<td>0.02</td>
<td>276</td>
<td>0.03</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>976</td>
<td>0.02</td>
<td>282</td>
<td>0.03</td>
</tr>
<tr>
<td>Cheating, forgery, counterfeiting</td>
<td>3,039</td>
<td>0.05</td>
<td>909</td>
<td>0.10</td>
</tr>
<tr>
<td>Government seal counterfeiting</td>
<td>226</td>
<td>0.00</td>
<td>76</td>
<td>0.01</td>
</tr>
<tr>
<td>Electoral frauds</td>
<td>226</td>
<td>0.00</td>
<td>303</td>
<td>0.03</td>
</tr>
<tr>
<td>Sub total</td>
<td>10,351</td>
<td>0.16</td>
<td>3,180</td>
<td>0.36</td>
</tr>
<tr>
<td>All other serious charges</td>
<td>3,633</td>
<td>0.06</td>
<td>1,644</td>
<td>0.19</td>
</tr>
<tr>
<td>Total</td>
<td>13,984</td>
<td>0.22</td>
<td>4,824</td>
<td>0.55</td>
</tr>
</tbody>
</table>

The data show that there was one serious charge for approximately every five candidates (0.22), and one for every two elected representatives (0.55).

Source: Sastry (2013)
A puzzling coexistence
Key questions

1. Why do criminal candidates enter the electoral sphere?

2. Why do parties nominate candidates with criminal records?

3. Why do voters vote for them?

4. What are the resulting policy implications?

5. What are the lessons for democracy and accountability?
Vibrant marketplace for criminal politicians exists in India

As with any market, there are underlying supply and demand factors at work

Existence of market does not mean that policymakers must meekly accept the status quo

Have to change incentives, not just information
1. Why do criminal candidates enter the electoral sphere?
Criminals in politics not novel
Supply of criminals into politics
Surge in political competition

Number of political parties

Source: ECI
The end of hegemony

Source: ECI
“Silent revolution”

Source: Jaffrelot and Kumar (2009)
Institutional decay

Source: NCRB
Collapse of election finance regime

Source: Indian Express
Vertical integration
Criminals in UP assembly

Percent of MLAs facing criminal cases

Year

8 12 31 35 36 51 35 45

Source: India Today
2. Why do parties nominate candidates with criminal records?
A new dataset
Parties as vital gate-keepers

Source: Vaishnav (2015)
Crime **does** pay!

<table>
<thead>
<tr>
<th></th>
<th>Probability of Winning Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Cases</td>
<td>7%</td>
</tr>
<tr>
<td>At Least One Case</td>
<td>22%</td>
</tr>
</tbody>
</table>

Source: Vaishnav (2015)
Serious crime **seriously** pays

Source: Vaishnav (2015)
Growing electorate

Source: ECI
Increasing competitiveness

Average Margin of Victory (%)

Year
14.8 13.7 23.9 26.1 18.2 19.5 15.4 14.1 11.9 10.0 10.0 12.2 9.7 15.2

Source: ECI
Rising expectations
The costs of democracy

Growing competition

Parties want “self-financing” candidates

Parties motivated by “rents”

Increasingly costly elections

Finite party coffers
Money talks

Source: Vaishnav (2015)
Increasingly costly elections

Finite party coffers

Criminal candidates have access to finance

Party elites prioritize “self-financing” candidates

Parties motivated by “rents”
The merits of money & “muscle”

Source: Vaishnav (2015)
Moving beyond money

Source: Vaishnav (2015)
3. Why do voters vote for criminal candidates?
Why is this man a success story?

Anant Singh, three-time member of the Bihar state assembly from Mokama constituency and well-known strongman
Criminality as credibility

Co-ethnicity as voter cue

Contestation over local dominance

High salience of ethnic differences

"Defensive criminality"

Criminality as credibility

"Selective enforcement"

Weak rule of law
The Bihar case

Source: Vaishnav (2015)
“Chhote Sarkar”
Mechanisms of credibility

- **Redistribution**
  - Willingness and ability to bend rules to skew benefits to co-ethnic base

- **Coercion**
  - Ability to use reputation to coerce rivals in context of multi-ethnic competition

- **Social insurance**
  - Capability to act as de facto social safety net

- **Dispute resolution**
  - Enhanced capacity to adjudicate disputes

**Politics of dignity**
Credibility grounded in politics of dignity and self-respect
Criminality as credibility

"Anant Singh is not a murderer. He merely manages murder" (Interview with JD(U) party worker)

Source: Vaishnav (2015)
Uncovering support for criminal candidates

• “Would you vote for a candidate who delivers benefits to you even if s/he faces serious criminal cases?”

  – 26% responded “Yes”

Source: Lok Foundation
Detecting social biases

• “Would you be troubled if a [Upper Caste/OBC/SC/other social group] candidate wins the election in your constituency?”
  
  – 38% responded “Yes”

Source: Lok Foundation
Criminality & credibility

Source: Sircar and Vaishnav (2015)
4. What are the resulting policy implications?
Paradoxical Indian state
Over-bureaucratized

Source: World Bank
Under-manned

Source: Vaishnav and Swanson (2013)
Rule of law “supply chain”

Laws → Judges → Prosecutors → Police
Rule of law “supply chain”
Outmoded laws


Source: Bibek Debroy (n.d.)
Rule of law “supply chain”
Slow wheels of justice

Source: Supreme Court of India
Rule of law “supply chain”

- Laws
- Judges
- Prosecutors
Politicized prosecutors

September 2013: CBI closes case

March 2011: CBI reverses withdrawal

March 2007: CBI files corruption case

July 2008: SP provides support to UPA

December 2008: CBI withdraws case

Spring 2011: seat-sharing spat for UP elections

December 2012: SP allows FDI retail bill
Rule of law “supply chain”
Police shortfalls

G20: POLICE OFFICERS

Among countries with available data, India ranks last in the G20 in terms of police officers per capita.

Note: Most recent available data
Sources: European Institute for Crime Prevention and Control, India’s National Crime Records Bureau

Source: Vaishnav and Swanson (2013)
Opaque political finance

- Income from known donors: $534.99
- Income from other known sources: $1082.58
- Income from unknown sources: $4368.75

Source: ADR
Weeding out the rascals

• Criminal candidates make mockery of rule of law

• Proposals to disqualify candidates with serious cases

• Restricting candidate entry could violate the rule of law

• Hindering democracy to save it?
5. What are the lessons for democracy & accountability?
Bad politicians & accountability

- Access to information
- Ability to punish "bad" politicians
- Democratic accountability preserved

- Voters armed with information
- Provide support for "bad" politicians
- Success of "partial" accountability
The “governance” election
Is sunlight the best disinfectant?

We don't handover our daughter to a random person,
How can we handover our country?

We think so much before we get our daughters married. We pay attention to minute details like the groom's education, financial capacity, his family, personality and societal status. I have heard of people hiring private detectives to dig in before they finalize the wedding. When it comes to handing over our country into an elected representative's hand to make it run, do we put in this much thought? Do we at all enquire about the educational, financial, criminal background of all the candidates contesting elections from our own constituency? Let's decide, this time we shall make an informed decision, we shall find out the background history of the candidates before casting our valuable vote.

KNOW YOUR NETA
SMS MYNETA-pincode OR <constituency> to 56070/9246556070

*Normal SMS charges applicable on 844556070
Rs. 2-3 applicable on 56070

For more info: www.myneta.info, www.adrindia.org

Source: ADR
The “Robin Hood” phenomenon
Thank you!

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http://www.carnegieendowment.org/vaishnav