
BEYOND INSTITUTIONAL EXPLANATIONS: VOTER BIFURCATION AND THE CRIMINALISATION OF POLITICS IN INDIA

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ABSTRACT

This research article studies the criminalisation of politics from a socio-philosophical lens, arguing that its persistence in democratic systems cannot be explained solely by institutional weaknesses or legal shortcomings. While much of the existing research focuses on political actors and regulatory frameworks, this study shifts attention to the role of society, particularly the electorate in shaping such outcomes. The analysis is situated in the context of Indian electoral politics. In doing so, it introduces the concept of voter bifurcation to understand how different groups of voters—motivated by rational choice, social pressures, and identity-based affiliations—collectively sustain the legitimacy of candidates with criminal backgrounds. The research emphasises the diverse nature of voter behaviour and argues against the assumption of a uniform democratic will, suggesting instead that electoral outcomes are shaped by overlapping social influences. It further argues that the criminalisation of politics is not merely imposed on the electorate but is also reinforced through democratic participation itself. Consequently, the issue cannot be addressed through legal reforms alone but requires deeper analytical engagement with the social attitudes and electoral practices that allow such trends to persist, raising critical questions about accountability, representation, and the ethical foundations of democracy.

Keywords: Criminalisation of Politics, Voter Behaviour, Voter Bifurcation, Democratic Participation, Electoral Politics in India, Political Representation.

INTRODUCTION

Throughout history, from monarchies and feudal systems to the modern capitalist era, political authority has rarely rested solely on moral virtue. Power has generally been concentrated among groups that control resources.¹ Monarchies and feudal systems relied primarily on force to establish control; in contrast, in the modern capitalist era, control is often exercised through soft power and the cultivation of mutual interests. In contemporary democracies, capitalists do not lead the masses directly but instead influence governments to serve their interests. Influential groups provide economic support to politicians, shaping political outcomes in their favour. Thus, even though the electorate formally enjoys equal voting power, influence remains unevenly distributed.

The idea of a “prosperous leader” is deeply embedded in social consciousness; candidates with wealth and strong networks are often perceived as capable and effective. Many voters may overlook questions of integrity or fairness as long as their expectations are met. This helps explain why candidates with criminal backgrounds are sometimes elected—they are viewed as powerful and capable of delivering results.

Much of the existing literature on the criminalisation of politics focuses on² weak electoral laws, slow judicial processes, or the strategic behaviour of political parties. These approaches often treat society as a passive victim of institutional shortcomings rather than recognising its active role in enabling such practices. As a result, limited attention is given to how voter behaviour contributes to the persistence of this phenomenon.

This paper attempts to address this gap by shifting the focus from institutions to society. It argues that the criminalisation of politics is not merely a consequence of weak institutional frameworks but is also sustained by patterns of democratic participation that reinforce existing power structures. To explain this, the paper introduces the concept of voter bifurcation, referring to the division of voters into distinct groups shaped by rational choice, social pressures, identity affiliations, and transactional considerations. Rather than evaluating candidates solely on ethical or legal grounds, many voters prioritise perceived benefits, reflecting a pragmatic engagement with democracy.

¹ C. Wright Mills, *The Power Elite* (1956)

² Milan Vaishnav, *When Crime Pays: Money and Muscle in Indian Politics* (Yale University Press, 2017)

To understand this issue more deeply, it is necessary to examine the attitudes, values, and voting practices that allow such patterns to persist. This paper seeks to offer a grounded analysis of the criminalisation of politics through the lens of voter bifurcation.

WHY DO POLITICAL PARTIES FIELD CANDIDATES WITH CRIMINAL BACKGROUNDS?

Criminalisation of politics refers to the entry of individuals with criminal backgrounds into electoral politics—whether through contesting elections or being elected to Parliament or state legislatures. In the 2019 Lok Sabha elections, 233 out of 539 elected representatives (43%) had declared criminal cases, including 159 (29%) facing serious charges. The winning party is no exception to this trend. The BJP, which secured 301 seats, had 116 elected representatives (39%) with declared criminal cases, including 87 (29%) facing serious charges.³ This pattern extends even to the highest levels of governance, where 22 out of 56 ministers (39%) had declared criminal cases, including 16 (29%) facing serious charges.⁴

This raises an important question: why do political parties continue to give tickets to candidates with criminal backgrounds? To understand this pattern, we can look at Dr. Milan Vaishnav's arguments in *When Crime Pays* (2017). As Dr. Vaishnav notes, "a key factor motivating parties to select candidates with serious criminal records comes down to cold, hard cash."⁵ This suggests that political parties often prioritise candidates with substantial financial resources. Political parties rely on voluntary contributions and corporate donations, which are frequently insufficient to meet the rising costs of elections. As a result, they tend to prefer self-financing candidates who are not dependent on party funds but instead contribute to them. Such individuals are often from criminal backgrounds, including local strongmen or gang leaders, who can mobilise both financial resources and local support in favour of the party. Parties are more likely to give tickets to such individuals not only because of their financial contributions but also due to their ability to consolidate electoral support. They often exercise significant influence over their local areas, where they may be seen as providers and command loyalty. In

³ Association for Democratic Reforms (ADR), Lok Sabha Elections 2019: Analysis of Criminal Background, Financial, Education, Gender and Other Details of Winning Candidates, available at: <https://adrindia.org/content/lok-sabha-elections-2019-analysis-criminal-background-financial-education-gender-and-other>

⁴ Association for Democratic Reforms (ADR), 17th Lok Sabha: Analysis of Criminal, Financial and Other Background Details of Union Council of Ministers, available at: <https://adrindia.org/content/17-th-lok-sabha-analysis-criminal-financial-and-other-background-details-union-council>

⁵ Milan Vaishnav, *When Crime Pays: Money and Muscle in Indian Politics* (Yale University Press, 2017)

many cases, they face limited effective competition, which further increases their chances of electoral success. Consequently, seats contested by such candidates are often perceived by political parties as relatively easier to win.

However, focusing only on party strategies does not provide a complete explanation. Society as a whole is not characterised by a uniform will, and it would be incorrect to attribute the electoral success of candidates with criminal backgrounds solely to wealth. This phenomenon varies across regions and individuals. What may be considered problematic in one context can be accepted or even justified in another. To understand this phenomenon more deeply, it is necessary to examine how different sections of society perceive such candidates. Rather than viewing the electorate as a unified body, it is important to recognise that it is divided across different social positions, interests, and expectations. These divisions shape how candidates are perceived and evaluated by different groups within society. In this context, it becomes important to examine how these differences among voters influence electoral outcomes. This is where the concept of voter bifurcation becomes relevant.

LIMITS OF INSTITUTIONAL EXPLANATIONS

Most critiques of the criminalisation of politics tend to focus on institutional factors such as weaknesses in electoral laws, delays in the judicial process, and the strategic choices of political parties.⁶ It is often argued that loopholes in the legal system make it possible for individuals with criminal backgrounds to contest elections, while long and drawn-out court cases delay their disqualification. At the same time, political parties often prefer candidates who are financially strong and are seen as more likely to win.

While these critiques capture an important part of the problem, they do not fully explain why such candidates continue to win elections. They often portray society as passive, as if voters simply accept the choices made by parties or are shaped by institutions. However, this overlooks a key aspect of electoral politics. Candidates do not win elections based on party decisions alone; they ultimately depend on active support from voters.

The repeated electoral success of candidates with criminal backgrounds suggests that their appeal cannot be understood only in terms of institutional weaknesses. There is something more at play in how these candidates are perceived and supported at the ground level. This

⁶ Milan Vaishnav, *When Crime Pays: Money and Muscle in Indian Politics* (Yale University Press, 2017)

makes it necessary to look beyond institutional explanations and examine the role of voter behaviour in shaping such outcomes.

VOTER BEHAVIOUR AND ELECTORAL CHOICES

To understand why candidates with criminal backgrounds continue to win elections, it is important to examine the role of voters in shaping electoral outcomes and determining who eventually comes to power. Electoral outcomes are not shaped by party strategies or institutional conditions alone; they depend on how voters perceive and respond to different candidates. In this context, voter behaviour cannot be seen as uniform or purely based on legal or ethical considerations.

For many voters, support for such candidates is shaped by practical concerns and local conditions. In areas where state institutions are weak or slow, candidates with strong local influence are often seen as capable of providing protection and stepping in to mediate local disputes and everyday matters. They are also seen as individuals who can get things done when state institutions are slow or ineffective. In such scenarios, voters are often aware of the limitations of state institutions, which further shape how they evaluate these candidates. Rather than being viewed solely through the lens of legality, such candidates may be perceived as effective and reliable within their local context.

At the same time, social identities such as caste, religion, and regional affiliations play an important role in shaping voter preferences. Voters often support candidates they see as representatives of their own group, even if they have criminal backgrounds. In such cases, identity and a sense of group pride can outweigh concerns about legality.

There are also voters who evaluate candidates based on their wealth, often associating it with authority and capability, where financially strong candidates are seen as more capable and dependable. This is also linked to a lower level of trust in financially weaker candidates, who may be seen as having fewer resources or less influence. At times, they may also be perceived as more likely to use political office for personal gain.

In certain situations, people's perceptions are also shaped by expectations of personal benefit. People often support candidates who are close to them and are seen as more likely to provide advantages once in power, whether through informal support or access to opportunities. Being

associated with these candidates can create a sense of closeness to power, making people feel connected to influence and status. In such cases, expectations of personal gain can outweigh concerns about legality.

Lastly, there are also voters who prefer not to waste their vote and therefore tend to support candidates who are more likely to win. In such cases, they may choose candidates with higher chances of success, even if they have criminal backgrounds.

Taken together, these factors show that voter behaviour is shaped by a range of overlapping considerations. Support for candidates with criminal backgrounds does not come from a single reason, but from a mix of practical needs, social identities, perceptions of wealth, expectations of personal benefit, and strategic choices. These different motivations reflect distinct segments of voters, illustrating what this paper refers to as voter bifurcation. This suggests that electoral outcomes are not simply the result of party decisions or institutional limitations, but are also shaped by how voters perceive and respond to different candidates.

VOTER BIFURCATION AND ELECTORAL OUTCOMES

Society is not a single, unified group but consists of different sections with their own interests and perspectives. It would therefore be incorrect to assume that electoral outcomes reflect a single shared choice. People across society evaluate candidates differently, shaped by their own experiences, interests, and social positions.

As discussed earlier, voter behaviour is influenced by a mix of factors, including practical concerns, social identities, perceptions of wealth, expectations of personal benefit, and strategic considerations. These factors do not operate in isolation but come together across society. As a result, a candidate may be supported by different groups for different reasons, all at the same time.

This helps explain why candidates with criminal backgrounds continue to win elections. While different groups of voters are driven by distinct motivations, their support does not remain separate. Instead, it accumulates across society, creating a broader and more stable base of electoral support. In this way, electoral success emerges not from a single, unified preference, but from the convergence of different and overlapping patterns of voter behaviour. Each group, acting on its own reasons, contributes to an outcome that, when taken together, sustains such

candidates in power.

Taken together, this suggests that the criminalisation of politics is not simply imposed through weak institutions or political strategies, but is also deeply embedded in the way democracy functions. Electoral outcomes are shaped by the combination of different and often conflicting motivations across society. This, in turn, raises important questions about accountability, representation, and the functioning of democracy itself.

DEMOCRATIC CONSENT AND THE CRIMINALISATION OF POLITICS: THE ROLE OF SOCIETY

The criminalisation of politics cannot be understood only as a result of weak institutions or the strategic decisions of political parties. As discussed in the previous sections, voter behaviour plays an important role in shaping electoral outcomes. This suggests that the persistence of such candidates is not simply imposed on society, but is also sustained through democratic participation.

This does not mean that voters directly support criminality. Rather, their choices are shaped by a range of considerations such as practical needs, identity affiliations, expectations of personal benefit, and strategic choices. In many cases, voters may be aware of the background of candidates, yet still choose to support them because they are seen as capable of delivering results. In this sense, electoral support reflects a form of implicit consent, where legitimacy is created through participation rather than moral approval.

As discussed earlier, different groups of voters are driven by different motivations, yet their choices often come together in supporting the same candidates. This does not reflect a shared agreement among voters, but rather the combined effect of different expectations and interests across society. As a result, the electoral success of candidates with criminal backgrounds emerges from these overlapping patterns of voter behaviour, which in turn sustain their position within the democratic system.

Taken together, this suggests that the criminalisation of politics is not only a result of weak institutions or political strategies, but is also connected to the way democracy functions in practice. Electoral outcomes are shaped by the interaction of different motivations across society. This raises important questions about accountability, representation, and the ethical

foundations of democratic participation.

CONCLUSION

This study suggests that the criminalisation of politics cannot be understood solely through institutional weaknesses or legal loopholes. While existing explanations often focus on political parties, electoral systems, and regulatory frameworks, this study shifts attention towards the role of society, particularly voters, in shaping electoral outcomes. By examining voter behaviour through multiple lenses—practical concerns, social identities, perceptions of wealth, expectations of personal benefit, and strategic considerations—it becomes clear that support for candidates with criminal backgrounds is not driven by a single cause, but by a mix of overlapping reasons.

It also highlights that voter behaviour is not uniform, and that different sections of society evaluate candidates differently based on their own experiences and interests. These motivations do not operate separately; instead, they come together across society and shape electoral outcomes that allow candidates with criminal backgrounds to continue succeeding. In this sense, their electoral success is not simply the result of political manipulation or institutional weakness, but also reflects how democratic participation works in practice.

Taken together, this suggests that the criminalisation of politics is not simply imposed through weak institutions or political strategies, but is also embedded in the way democracy functions. Electoral outcomes are shaped by the interaction of different and often conflicting motivations across society, raising important questions about accountability, representation, and the functioning of democracy itself.

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