

CASTE POLITICS, CREDIBILITY AND CRIMINALITY:  
POLITICAL SELECTION IN INDIA

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*[Paper adapted from Chapter 3 of the author's dissertation, "The Merits of Money and 'Muscle': How Serious Criminality Affects Democracy in India"]*

Abstract: Why do bad politicians thrive in electoral democracies? This paper explores the conditions under which political parties select candidates with serious criminal records to contest elections in India, the world's largest democracy. I argue that criminally indicted politicians benefit parties when they can exploit social divisions to build a compelling case that their criminality gives them an advantage in serving the interests of their fellow co-ethnics. In particular, I hypothesize that criminality is likely to be lower in constituencies constitutionally reserved for protected minorities and in indirectly elected bodies, where caste divisions are less salient. In reserved constituencies, however, the salience of caste is likely to vary with the size of the minority population. Using a unique dataset drawn from candidate affidavits, this paper finds support for these hypotheses. This paper serves as a reminder that the selection of bad politicians by political parties is both strategic and highly contextual.

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## 1. Introduction

Why do bad politicians thrive in electoral democracies? In almost all corners of the world, politicians who have links to corrupt or criminal activity often win support, rather than reproach, at the ballot box. In Afghanistan, a newly liberated citizenry has voted in large numbers since 2001 for so-called “warlords” who are known for their connections to organized crime and trafficking (Felbab-Brown 2009). In Jamaica, politicians campaign not on their distinct policy platforms but on their affiliations to armed gangs, who mobilize voters and are rewarded with the spoils of office (Haid 2010). In Southeast Asia, Thailand’s democracy has been marked by the prominent role *chao pho* (“godfathers”) have played as powerful politicians and power brokers with interests in both legitimate and illegitimate commerce (Ockey 1998). Even in advanced industrial democracies such as Italy, politicians implicated in serious wrongdoing win elections in significant numbers (Chang et al. 2010). Such politicians are a concern to social scientists for several reasons. First the electoral success of bad politicians seems to contradict the notion that when voters are empowered, they can “throw the rascals out” at the ballot box (Schumpeter 1962). Second, if elected lawmakers are also prominent lawbreakers, this presents a challenge for governance and the rule of law. If elected representatives flout the law, what incentive is there for the citizenry to uphold it? Finally, the nexus of criminality and politics could negatively impact public perceptions about democracy and the value of elections, leading to voter apathy or disenchantment (Besley 2005).

In order to understand the appeal of “bad politicians” in democratic societies, we can focus on two questions: why do parties nominate such candidates; and why do voters vote for them? This paper addresses the former question, though in related work (Vaishnav 2011b) I examine the latter puzzle. It does so through an examination of political selection in India, the

world's largest democracy. India serves as a useful test case for several reasons. First, there is an increased focus on the growing affinity between crime and politics among students of India. Indeed, it is difficult to open one of India's myriad newspapers or magazines without coming across multiple stories about prominent politicians who face allegations of serious malfeasance. Second, as the developing world's most enduring democracy (and with nearly as many voters as in Latin America and Sub-Saharan Africa combined), the lessons from the Indian experience can inform our study of other low-income (and/or multi-ethnic) democracies. Finally, India's relatively successful management of elections provides researchers with unique data to examine the role of criminality in political selection and offers a template for extending this line of research to other settings.

With the growing attention being paid to the “criminalization” of politics in India, it is easy for one to be left with the impression that a reputation for wrongdoing is a virtual prerequisite for higher office. On a constituency-wise basis, 35 percent of all state assembly constituencies (and 45 percent of parliamentary constituencies) feature at least one candidate under serious indictment.<sup>1</sup> Yet, not all politicians are cut from the same cloth. A monolithic view of criminality in politics overlooks the fact that there is often a great deal of variation in criminality across candidates, constituencies and states. However, the Indian figures do raise an obvious question: under what conditions do parties field candidates linked with criminal activity? In a companion paper, I argue that financial capacity is one key reason parties embrace suspected criminal candidates (Vaishnav 2011a). As elections have become more costly, parties place a premium on self-financing candidates who do not constitute a drain on limited party coffers. To support the argument, I provide empirical evidence—drawn from affidavits submitted by state

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<sup>1</sup> Calculations based on author's data. Indicted politicians have a 2:1 advantage in terms of winning election, irrespective of the severity of the charges.

and national legislative candidates—of a robust, positive association between a candidate’s personal wealth and the likelihood of having a serious criminal record.

The role of financial resources sheds important light on why parties embrace candidates with criminal records. However, it does not tell us much about where parties are most likely to recruit and field criminal candidates. This paper attempts to answer that question. Recent research on Indian politics has shown that candidates who are suspected of engaging in criminal activity tend to draw support from parties and voters when they represent castes or communities that are vying for local dominance in contexts where ethnic cleavages are highly salient.<sup>2</sup>

“Dominance,” in this context, is defined as possessing preponderant economic and political power in a territorially bounded area (Srinivas 1962; Witsoe 2005). Where local groups are either trying to protect traditional patterns of dominance or to consolidate newfound dominance, it is rational for parties to select criminal or strongman candidates whose electoral appeal is linked to their ability to make credible caste-specific appeals (Witsoe 2005, 2009; Berenschot 2008; Michelutti 2010). Their criminality allows them credibly to signal their ability to protect the interests of fellow co-ethnics and their allies by any means necessary (Vaishnav 2011b).

Thus, the existing literature suggests that one would expect to find criminal candidates in areas where ethnic divisions are most salient. Yet, scholars of Indian politics are hampered by the fact that the last detailed caste enumeration took place in 1931. Lacking disaggregated data, it is difficult for empirical researchers to identify the impact of ethnic rivalries on the quality of political leadership. Still, if this model of political selection accurately captures reality, there are at least three observable implications.

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<sup>2</sup> In this paper, I subsume religion under the heading of “caste,” though the two are distinct. I also refer to “caste politics” and “ethnic politics” interchangeably because the latter links to a broader literature in political science.

First, we should observe lower levels of criminality among politicians in electoral constituencies constitutionally reserved for Scheduled Castes (SCs) and Scheduled Tribes (STs), two disadvantaged minority groups situated at the bottom rungs of the traditional caste hierarchy. In reserved constituencies, the candidate pool is restricted to aspirants who belong to one of these minority groups (and thus the group is guaranteed representation), but the entire electorate is eligible to vote in the election. The diminished relevance of co-ethnic voting, and the pre-ordained caste identity of the winner, means that the struggle for dominance is muted and caste divisions become less salient. Thus, in reserved constituencies, parties will hesitate to mobilize strictly on ethnic lines and to field criminal candidates whose popularity rests on catering to these reserved minority groups at the expense of other segments of the electorate. Doing so would risk alienating the non-minority population, who could coordinate their votes against the “criminal” minority candidate. This, in turn, may explain the common sentiment that candidates contesting elections in reserved areas are often more interested in wooing other voters than catering to their own co-ethnic support base.<sup>3</sup>

Second, although we would expect to see lower levels of criminality in reserved constituencies overall, the incentive for parties to field a criminal candidate is likely to vary with the size of the minority group. Specifically, I hypothesize that parties are more likely to field indicted candidates in reserved constituencies when the minority group is sizeable enough to constitute a pivotal swing voter bloc and thus create incentives for politicians to exploit caste differences and mobilize support along these lines. When SCs (STs) form a sizable bloc of swing voters, there are greater incentives for parties to risk alienating non-minority voters by

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<sup>3</sup> To paraphrase the Dalit leader Kanshi Ram (I refer interchangeably to Scheduled Castes as “Dalits,” the most commonly used label for individuals belonging to such castes), candidates in reserved elections tend to be “*chamchas*” (sycophants). The implication is that because candidates in reserved constituencies must have broad-based appeal, they are constrained from forcefully representing the particular minority group the seat is reserved for.

fielding criminal candidates who make explicit caste appeals and campaign on a platform of “protecting” the interests of SCs (STs). Under these conditions, parties have good reason to make caste divisions more salient.

Third and finally, I argue that we should also observe lower levels of criminality in India’s indirectly elected bodies. At the national level (and in 7 of 28 states), there is a bicameral legislature consisting of a directly elected lower house as well as an indirectly elected upper house, whose members are chosen by the elected members of the various state assemblies. Because indirectly elected legislators do not have to contest elections that are decided by a popular electorate, those legislators who are electing them are less concerned about the ethnic *bona fides* of candidates (which is crucial for mobilizing sought after vote banks). If ethnic politics serves as a motivation for parties to choose criminal candidates, this incentive is muted for indirect elections. This fact, coupled with additional supply-side factors (discussed in greater detail below), reduces the incentives for fielding indicted candidates in indirect elections.

Empirically, this paper proceeds in four stages. First, to test the relationship between reservation and criminality, I exploit a unique dataset of candidate affidavits of over 45,000 aspirants to state elected office in 35 elections across 28 states between 2003 and 2009. These affidavits contain detailed information on criminal indictments against candidates, including the individual charges that constitute the indictment (allowing us to distinguish between serious and minor charges). The results of multilevel regression analysis demonstrate a strong negative relationship between a constituency’s reservation status and the presence of indicted candidates.

Second, I consider—and rule out—several alternative explanations, namely that differences in constituency-specific features, minority criminal activity, or party affiliation are behind differences in reserved versus unreserved constituencies. To address concerns about the

endogeneity of reservations, I exploit a 2007 legislative redistricting initiative in order to separate out the impact of political reservation from other factors.

Third, I examine the variation in criminality within reserved constituencies and find support for the hypothesis linking the variation in the pivotality of the minority electorate and parties' incentives to field indicted candidates. Finally, I analyze affidavit data from India's bicameral national legislature to explore how the directness of elections impacts a party's selection strategy. Statistical analyses confirm the hypothesis that a politician who serves in the indirectly elected upper house is significantly less likely to face serious criminal indictment than comparable directly elected peers.

The theory and empirics presented here also benefit from fieldwork conducted in India. In 2010 I conducted ethnographic research in the north Indian state of Bihar during regional elections, in which I followed the electoral campaigns of a select group of criminal (and clean) candidates. In addition, I conducted interviews with politicians, party leaders, government officials and key informants in three states.<sup>4</sup>

The rest of this paper is organized as follows. Section 2 describes how the puzzle at the heart of this paper is linked to the broader comparative literature and presents a theory of how the salience of ethnic politics influences the political selection incentives of parties. Building on this model, I develop its implications for reserved constituencies as well as indirect elections. In Section 3, I provide some background on India's federal democracy and the process of reservation, redistricting, and bicameral national elections. Section 4 outlines the data used in the analysis. Section 5 presents the baseline findings on the impact of reservation and addresses alternative explanations. Section 6 analyzes the hypotheses on the within-reservation variation

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<sup>4</sup> I conducted interviews in Andhra Pradesh, Bihar and Delhi.

in criminality outcomes and explores the differential incentives of direct and indirect elections. Section 7 discusses the study's conclusions and possible extensions.

## **2. Political selection of bad politicians**

This section develops a theory of party demand for criminal politicians and highlights its relevance for the broader comparative literature. First and most obviously, this study builds on a growing body of work on political selection and “bad” politicians (see Besley 2005 and Besley 2006 for excellent reviews). This literature attempts to provide a political economy framework for the question of why the presence of “bad” or “corrupt” legislators persists—even in competitive democracies where voters can choose to “throw the rascals out.” Several studies have focused on the incentives of bad politicians to stand for election. For instance, Broglio et al. (2011) argue that the bad politicians have greater incentives to stand for election in electoral districts where the financial returns to office are larger. Caselli and Morelli (2004) highlight the fact that the bad politicians can have a lower opportunity cost in running for office compared to high quality candidates. The electoral success of bad politicians, in turn, can create path dependent feedback effects that encourage the entry of other bad politicians as well as the exit of good candidates. One shortcoming of the scholarship on the self-selection of bad politicians is that it downplays the role of parties, yet we know in almost all democratic settings pure self-selection does not exist because parties occupy the important mediating role of selecting and screening candidates for the electorate.

Several recent studies have taken steps to address this criticism by focusing on the role of parties. Building on a well-known literature that suggests information is crucial for ensuring democratic accountability (Sen 1981; Besley and Burgess 2002), several scholars have suggested

that where voters lack adequate information about politician quality, parties have an incentive to select bad politicians who lack honesty and/or competence (Besley 2006). Aidt, Golden and Tiwari (2011) argue that parties in India strategically nominate criminal politicians in low-information environments where there is a higher proportion of illiterate voters. Other scholars have argued that the degree of political competition conditions party selection strategies. Galasso and Nannicini (2011) present a theory in which parties allocate bad politicians to less competitive environments in order to preserve good candidates for contestable elections where swing voters are more likely to reward high quality candidates.<sup>5</sup> While these studies do take parties seriously, they do not provide an intuitive explanation for why parties recruit bad politicians. Fundamentally, they do not provide an answer the question of what bad politicians bring to the table. Parties might allocate them to low-information or uncompetitive environments, but why do parties nominate them in the first instance? In other words, what is the affirmative case for their selection?

This paper provides an answer to this question that is grounded in the logic of identity politics. To date, there have been a few empirical studies that examine the correlates of corruption and criminality in Indian politics, including recent work that makes use of candidate affidavit data (Chemin 2008; Banerjee and Pande 2009; Aidt, Golden and Tiwari 2011; and Bhavnani 2011).<sup>6</sup> Empirically, this paper (like Vaishnav 2011a) differs from previous studies on India's criminal politicians in two important ways. First, this study codes individual charges contained under each criminal indictment a candidate faces. This disaggregated coding allows us to separate “serious” charges from those that could plausibly be politically motivated. Second,

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<sup>5</sup> The effect of political competition on the nomination of bad politicians could also work in the opposite direction. Aidt, Golden and Tewari (2011) argue that parties are more likely to select bad politicians in highly competitive—or what they call “politically extreme”—contexts where parties are more risk-prone.

<sup>6</sup> This paper also builds on recent work in anthropology on criminality in Indian politics, and which emphasizes the role of caste politics (Michelutti 2010; Witsoe 2005; Berenschot 2008).

the data collected for this study constitutes the most comprehensive database of candidate affidavits across time and space in India.<sup>7</sup> To the best of my knowledge, this is also the first time affidavit data from India's upper house has been the subject of empirical analysis.

This paper also adds to the growing literature on the impact of affirmative action in India. Indeed, there is now a large literature that examines the impact of caste reservations on a diverse array of public policy outcomes, such as poverty (Chin and Prakash 2011); welfare spending (Pande 2003); public goods provision (Besley, Pande, Rahman and Rao 2005; Krishnan 2007; Bardhan, Mookherjee and Torrado 2010; Munshi and Rosenzweig 2009); political opportunism (Besley, Pande and Rao 2007); redistribution (Dunning and Nilekani 2011); and community grants (Palaniswamy and Krishnan 2008).<sup>8</sup> While some work has looked at the effect of reservation on the quality of politicians at the *panchayat* (village) level, this issue has not received much attention at either the national or state levels, the latter of which is arguably the most politically salient tier of India's democratic government (Chhibber et al. 2004).<sup>9</sup>

Finally, this paper's subject matter is related to a growing social science literature that seeks to explain the impact of political selection rules (such as appointment versus election) on governance (Besley and Coate 2003; Hanssen 1999; Huber and Gordon 2004). However, there is an inherent difficulty in identifying the causal impact of different selection mechanisms on policy outcomes, because selection rules are often endogenous.<sup>10</sup> This paper does not attempt to

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<sup>7</sup> Chemin (2008) uses data from the 2004 parliamentary elections; Aidt, Golden and Tiwari (2011) use data from the 2004 and 2009 parliamentary elections; Bhavnani (2011) uses data from elections in 11 states and the 2004 and 2009 parliamentary elections; and Banerjee and Pande (2009) rely on data from state elections in Uttar Pradesh.

<sup>8</sup> There is also an associated literature that studies the impact of reservation for female representatives (Beaman et al. 2008; Chattopadhyay and Duflo 2004; Duflo and Topalova 2004; Bhavnani 2009).

<sup>9</sup> Among panchayat-level studies, Duflo and Topalova (2004) find that villagers are much less likely to pay bribes in panchayats headed by women. Besley, Pande and Rao (2007) find that "political opportunism" (measured by the allocation of Below Poverty Line cards to co-ethnic households) is present in villages where the village presidency is reserved for SCs.

<sup>10</sup> To circumvent this issue, a few recent studies have used random or quasi-random assignment to determine the impact of different selection rules (Olken 2011; Beath et al. 2010; and Grossman 2011).

estimate the impact of political selection mechanisms on a given policy outcome, but rather explores the structure of the endogeneity itself. Indeed, the starting point of this analysis is that the selection rule governing different legislative bodies (which is clearly endogenous) has a strong influence on the types of candidates that choose to seek office and that parties value.

## **2.1 Caste politics, criminality and elections**

In this section, I outline the argument for how the salience of caste politics impacts the probability parties will field indicted candidates. The argument can be briefly summarized as follows. When there is an ongoing struggle for dominance between groups and ethnic divisions are particularly salient, parties have incentives to select candidates associated with criminality. This is because one of the crucial advantages criminal candidates bring to the table is their perceived credibility when it comes to serving caste-based interests. Their criminality, and their willingness to employ even extra-legal methods to obtain their goals, helps to reinforce their credibility. I expand on this logic below to develop hypotheses about the variation we are likely to observe in reserved constituencies and in direct versus indirect elections. The logic of the argument is summarized in *Figure 1*.

The core assumption is that the salience of ethnic cleavages in a constituency varies considerably across time and space. One instance in which ethnic differences are particularly salient is when there is a contest over local dominance; that is when multiple competing groups are at odds over which group exerts primary control over the levers of political and economic power in the constituency. There are two classic cases: when a community is trying to protect, and prevent the erosion of, traditional patterns of dominance (e.g. the traditional landed upper caste elite whose prominence is challenged by lower caste empowerment); or where it is trying

to consolidate newfound political and economic gains (such as the upper sections of the backward castes who won an increasing share of political power over the past three decades). Where rivalries between multiple groups run high and local dominance is contested, ethnic cleavages are salient and co-ethnic voting takes on greater importance. As co-ethnicity becomes a more influential voting cue, it can deepen the salience of ethnic cleavages, and two interact in a mutually reinforcing manner. There is a well-known literature that argues that caste is among the most, if not the most, important voting cues for the Indian electorate. Chandra (2004) argues that in “patronage democracies” such as India a reliance on informational shortcuts leads voters and politicians to favor co-ethnics in the reciprocal exchange of votes and benefits. Ethnic identity serves as a commitment device, increasing the credibility of promises and allowing politicians to monitor voter behavior. In my argument, the extent of co-ethnic voting is not static but varies according to local conditions.

[INSERT FIGURE 1 HERE]

Where ethnic cleavages and co-ethnic voting are particularly salient, parties face incentives to nominate candidates linked to criminal activity. The anthropological work of Michelutti (2007, 2010) on Yadav political leaders in Uttar Pradesh, Witsoe (2005, 2009, 2011) on Other Backward Classes (OBCs) in Bihar, and Berenschot (2008) on *goondas* (thugs) in Gujarat all emphasize ways in which criminally suspect politicians use their criminality (or the perception of their criminality) as a mechanism to signal their credibility to co-ethnic supporters.

What precisely is the link between criminality and credibility? Drawing on field research in the north Indian state of Bihar, I argue in Vaishnav (2011b) that candidates who have

developed reputations of engaging in illegal or unorthodox tactics can distinguish themselves and consolidate their support by portraying themselves as the candidate who can not only represent the interests of their ethnic group but can do so more credibly than the alternatives. Criminal candidates garner support by brandishing their caste *bona fides* and exploiting ethnic divisions in society; this is their comparative advantage. A common adjective used to describe these candidates is “*dabangg*,” a Hindi word that simultaneously connotes a powerful leader who is both “feared” as well as “fearless.” *Dabangg* candidates are candidates who tout their criminality—either their direct involvement or simply the whiff of criminal association—as a badge of honor. They are self-styled “Robin Hoods,” who can use their reputation of “doing bad” to “do good” for their co-ethnic supporters.

Criminality serves as an effective signal of credibility for several reasons. First, a candidate’s criminality serves as a clear indication of a candidate’s willingness and ability to bend the rules to suit his group’s own interests. For instance, criminal candidates can use force (or the threat of force) to safeguard a community’s economic interests (such as intervening in land disputes). Second, a candidate’s criminality can also help to weaken—or counterbalance—political opposition from rival communities through intimidation. Third, it is not uncommon for there to be multiple candidates from the same ethnic group contesting elections. Because party labels are weak, where multiple co-ethnic contest elections a candidate’s criminal status can be a distinguishing feature.

But voters do not simply hold their noses and vote for indicted candidates, which would imply that they render some kind of moral judgment on the candidate’s suspected criminality. On the contrary, the ethnographic literature finds that supporters of *dabangg* candidates believe that these candidates’ muscle power bestows them with a potential advantage in protecting their

interests. “Protection” is first and foremost a symbolic good: *dabangg* candidates are often perceived by co-ethnics to be well placed to protect the “status” or “honor” of their community in society. The need for such protection must be seen in light of the insecurities unleashed by the forces of economic liberalization, political fragmentation and social churning that have taken place over the last several decades. This protection is not restricted to symbols; it also can have a patronage component (Chandra 2004), rooted mainly in the distribution of private goods and the mediation of disputes between citizens and the state apparatus. But patronage in this context is a means, not an end.

In short, parties select criminal candidates because they possess qualities they believe a significant number of voters in the constituency value. This frames the phenomenon of criminal candidates in a fundamentally different light than one commonly held view that parties resort to selecting criminal candidates where voters are poorly informed and unlikely to know of their background (see Aidt, Golden and Tiwari 2011). The logic outlined here points to affirmative reasons parties might back criminal candidates, in contrast to the view that parties are merely foisting such options on unsuspecting voters.

In addition to the ethnographic literature, two related bodies of evidence provide evidence for this theory. First, recent research in experimental economics has found that voters support criminal or corrupt candidates because they value co-ethnicity over personal probity. Banerjee et al. (2010) conducted two randomized voter mobilization campaigns in Uttar Pradesh. In one experiment, voters were encouraged to vote according to the candidate’s position on the issues, and not on the basis of caste. The campaign resulted in a significant decrease in voting along caste lines, but the entire reduction in co-ethnic voting came from a shift away from voting for candidates indicted on serious charges. This implies that ethnic voting is responsible, in part,

for voter support for criminal candidates.<sup>11</sup> Second, numerous journalistic accounts also provide support for the hypothesis that caste credentials feed criminality in politics. The anecdotes are legion, but a few examples illustrate the point. Former MP Mohammed Shahabuddin of Bihar, one of India's most notorious criminal-politicians now in jail serving a life sentence for murder, derived a great deal of support from his constituency's sizeable Muslim population, many of whom viewed him as a hero of the minority community. To his supporters, Shahabuddin's political success was seen as crucial for ensuring the continued local prominence of Muslims in society. As one supporter recalled, "He was 99 percent good, but people only speak of the 1 percent." And of that 1 percent? "It's like when a guardian gets angry with a child. Now Siwan [district] has no guardian" (Mishra 2010).

YS Rajshekhar Reddy, the strongman former Chief Minister of the southern state of Andhra Pradesh, earned his stripes as a young politician by rallying members of the Reddy caste, often through muscular tactics, against others seeking to contest the Reddys' local dominance in the Rayalseema region (Balagopal 2007). Udai Bhan Karvariya, a state politician from Uttar Pradesh with connections to organized crime, won elections by declaring that he was going to use his power to benefit his constituency's upper caste Brahmin population, which was under siege from newly empowered backward castes. As one of his Brahmin supporters plainly stated, "Udai Bhan is not a mafia don, he is our rescuer" (*Tehelka* 2004).

## **2.2 Reserved versus open seats**

There are unique aspects of caste politics in reserved constituencies that might militate against the dynamics just described and act to reduce the incentives of parties to field candidates

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<sup>11</sup> A second information campaign encouraged voters to support candidates who were not corrupt (though it made no mention of specific candidates or parties). This intervention had no significant impact on voter behavior.

known for their criminal backgrounds. In contrast to the logic described above (and depicted in *Figure 1*), *Figure 2* demonstrates the unique circumstances of reserved constituencies. First, all candidates contesting elections are, by definition, members of the same caste group (either SC or ST). Yet the voters are comprised of the electorate in its entirety. As a consequence, in order to win election, SC/ST candidates often depend on voters who are not co-ethnics. This limits the extent of co-ethnic voting.

[INSERT FIGURE 2 HERE]

Furthermore, because all candidates for election are from the reserved group, the SC/ST vote is likely to be fragmented among the candidates—rendering the non-SC/ST vote quite influential. For their part, non-SC/ST voters do not have the option of voting for a co-ethnic so they must sort candidates on a criterion other than ethnicity. For SC/ST voters, there are also likely to be fewer demand-side pressures for criminal candidates. This is because, in reserved constituencies, the ethnic identity of the winner is known *ex ante*: no matter which individual candidate wins the election, it is a given that an SC/ST will be the area’s representative.<sup>12</sup>

In reserved constituencies, co-ethnicity is of limited value as a voting cue and the salience of ethnic cleavages is weaker. And because SCs/STs are guaranteed representation, the “stakes” regarding who wins and who loses are likely to be lower. This means there are fewer incentives for parties to mobilize on caste lines because non-SC/ST voters will be less willing to lend their support to SC/ST candidates who build their credibility, in part, on their ability to

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<sup>12</sup> This is in contrast to the experience of the Other Backward Classes (OBCs), the segment of the caste hierarchy immediately above SCs and STs. Unlike SCs/STs, OBCs have not benefitted from legislative quotas under the constitution. It is plausible that the political mobilization of certain segments of the OBCs—the Yadavs come to mind—has been affected by this struggle for representation, in a way that has fostered greater acceptance of extra-legal methods of political practice.

translate their criminal connections into forceful co-ethnic appeals. Hence, in reserved constituencies parties must act strategically. If they choose to field a criminal candidate who gains strength from his or her willingness to cater to the interests of the reserved minority community, non-minority voters might coordinate to vote against this candidate. Thus, there is little incentive for parties to field criminal candidates whose popularity is premised on their catering to SC/ST interests at the expense of non-SC/ST voters.

The unique politics of reserved constituencies explains the common sentiment that candidates in reserved constituencies are often “dummy candidates”, or more interested in catering to the interests of non-SC/ST voters in their constituencies than their own brethren.<sup>13</sup> For instance, Kanshi Ram, founder of the pro-Dalit Bahujan Samaj Party (BSP), famously argued that reservation had been counter-productive because it allowed the upper castes to co-opt Dalit politicians who became *chamchas* (“sycophants”) of the upper castes, especially from the Congress Party (Jaffrelot 1998). By design, he argued, SC candidates contesting reserved seats are forced to cater to non-SC interests in order to win election. In his words, “A tool, an agent, a stooge or a *Chamcha* is created to oppose the real, the genuine fighter.”

Bihar MP Ram Vilas Paswan, himself a Dalit, makes a distinction between MLAs and MPs who act as “representatives of Dalits” and those that are “Dalit Representatives.” For Paswan, the tragedy of reserved constituencies is that Dalit voters are more likely to get the latter rather than the former: “Thus, elected would be Dalits, but they need not be Dalit Representatives, and have to be the Dalits elected by the dominant caste general voters. Hence,

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<sup>13</sup> One senior official from a major political party in Bihar, when asked how the party selected its candidates in reserved constituencies, laughed and replied: “We pray to God we can find someone who appeals to all segments.” (Interview with author, October 2010, Patna)

the namesake Dalit Representatives, unless they are basically tall within, and morally strong, had to look for approval of the dominant castes, before they speak or do anything.”<sup>14</sup>

Scholars also have noted the general meekness of SC/ST representatives for aggressively making narrow caste-based appeals. Jaffrelot (2003, 102) writes that SC politicians have historically achieved little on behalf of their Dalit constituents: “The reservation system provided hardly any incentive for Scheduled Caste MPs or MLAs to foster the political consciousness of their caste fellows since they depended upon other voters to sustain their careers.” Earlier, Galanter (1984, 549) commented that the system of legislative reservations and the need to appeal to constituencies made up “overwhelmingly of others” tended to produce “compliant and accommodating leaders rather than forceful articulators of the interests of these groups.” The point here is that to the extent suspected criminal candidates gather support by forcefully advocating for their narrow co-ethnic interests, we might expect to see less criminality in reserved constituencies due to the need to appeal to a broader constituency.

To illustrate the different incentives parties face in reserved versus unreserved constituencies, consider the example of the Bahujan Samaj Party (BSP), the current governing party of Uttar Pradesh (UP)—India’s most populous state. The BSP, which is led by the firebrand Dalit leader Mayawati, was founded as a political vehicle to advocate for the interests of Dalits. An examination of the party’s nomination strategy supports the contention that political parties are less likely to field indicted candidates in reserved constituencies. In 2007, the BSP ran candidates in all 403 of UP’s assembly constituencies, 15 percent of whom were under serious criminal indictment. Yet, when we unpack this number, we see that while 17.2 percent of its candidates contesting unreserved seats were indicted, just 6.7 percent of candidates

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<sup>14</sup> <http://www.dalitindia.com/guest/DalitPol.htm> (Accessed April 15, 2011).

in reserved elections shared the same distinction.<sup>15</sup> That is, the same pro-Dalit party in the same state followed two distinct selection strategies in reserved versus unreserved constituencies compared to open seats. The BSP's experience in UP is not an exception: the party contested elections in 20 (of 28) states in the dataset and the data suggest that the pro-Dalit party's dual-track principle is generalizable. Across all states in which the BSP is active, 8.6 percent of its candidates in unreserved constituencies had serious indictments compared to roughly 3 percent in SC/ST areas.

### **2.3 Variation within reserved constituencies**

Although I hypothesize that there should be lower levels of criminality in reserved constituencies, a secondary hypothesis is that the incentive for parties to field an indicted candidate in reserved constituencies will vary with the size of the minority group. Specifically, I hypothesize that parties are more likely to field indicted candidates in reserved constituencies when the minority group is sizeable enough to constitute a pivotal swing voter bloc and thus plausibly contest local dominance. Similar to the logic laid out in Posner (2004), the political salience of ethnic cleavages depends on the relative size of the groups in question. When SCs (STs) are large enough in number, there are greater incentives for parties to risk alienating non-minority voters by fielding indicted candidates who make explicit caste-based appeals to “protect” the interests of SCs (STs). Thus, there exist certain conditions under which caste becomes more salient in reserved constituencies.

*[INSERT FIGURE 3 HERE]*

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<sup>15</sup> On occasion, the BSP does field Dalit candidates in unreserved seats. In the 2007 UP elections, the BSP nominated five such candidates. None of the five faced serious indictment.

To illustrate, let's begin with the case of SCs. The hypothesized relationship between minority population share and criminality is shown in *Figure 3*. When SCs constitute a relatively small share of the electorate in SC constituencies (around *A*), parties face few incentives to field an indicted candidate. None of the SC candidates can credibly claim to fight for the priorities of the SCs because all voters know they must cater to the non-SC majority once in office. So the non-co-ethnics have little incentive to support such a candidate, and the SCs are too small in number to matter. But as the SC electorate grows in size, their votes can be decisive in determining the election outcome.<sup>16</sup> As SCs become more pivotal (for example, as their share increases from *A* to *B*), it makes more sense for parties to field an indicted candidate who can claim to credibly represent the SC population at the expense of other segments of society. It is important to note that in 98 percent of SC constituencies, SCs are a minority of the electorate.<sup>17</sup> The median SC constituency has an SC population of around 25 percent (standard deviation of 8 percent). Thus, we would expect for the probability of a criminal candidate to increase in a gently upward sloping fashion as the size of the SC electorate grows but the story basically ends at point *B*, the 50 percent cut-off.

The median ST constituency, on the other hand, has a 62 percent ST population (standard deviation of 23 percent), and STs constitute a majority in 70 percent seats reserved for STs. The relationship between minority size and criminality in ST constituencies, while the same as in SC constituencies up to point *B*, diverges from there. As the ST population grows in size and STs enjoy numerical dominance (moving from *B* to *C*), all ST candidates can credibly claim to cater

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<sup>16</sup> In the data used for this paper, the median winning vote share is 46 percent. 25 percent of all elections are won with 38 percent or less of the total vote, while 10 percent are won with 32 percent or less.

<sup>17</sup> There are only 13 constituencies in which SCs constitute a majority, one in Uttar Pradesh and 12 in West Bengal.

to ST interests in the constituency because the relative size of the non-ST population is small (i.e. there is no one to be *dominated*). Thus, given the population distribution, we would expect an inverted-U shape relationship in ST constituencies. In both types of constituencies criminality should be relatively limited where the minority populations are small (near *A*); largest in the middle of the distribution when they are crucial swing voters (around *B*); and again limited—in the case of ST seats—when they are a decisive majority (approaching *C*).<sup>18</sup>

## 2.4 Direct versus indirect elections

If caste politics is at the heart of parties' strategic calculus when it comes to criminal candidates, there are at least two reasons why we should expect criminality to be lower in indirectly elected bodies. Here I will focus on drawing distinctions between the Lok Sabha (India's directly elected lower house) and the Rajya Sabha (the indirectly elected upper house). First, members of the respective state assemblies, rather than the electorate at large, elect members into the Rajya Sabha. If parties nominate indicted candidates because of their ability to credibly represent certain ethnic groups, we would expect this motivation to be much weaker when the electorate is subtracted from the equation. Party leaders, who are largely empowered to make decisions on nominations to the Rajya Sabha, are likely to place less weight on the ethnic *bona fides* of candidates. This is not to say identity is an unimportant consideration when it comes to candidate selection; but what is different is that parties are not motivated to search for the most "credible" candidate who can appeal to a particular vote bank. It is this imperative that drives parties—and voters—toward indicted candidates.

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<sup>18</sup> The "decisive majority" scenario would only apply to ST constituencies since SCs are almost always below the 50 percent threshold in SC constituencies.

Second, when considering whom to nominate to the Rajya Sabha, party leaders are likely to be more concerned with the resources, notoriety and elite connections candidates can offer to their political parties rather than who is “electable.” This is supported by the received wisdom that the Rajya Sabha is a “house of patronage,” whereby party bosses, moneyed interests, and lobbyists wield considerable influence on nominations (Kumar 2002; Kumar 2010). To understand why this is the case, it is useful to explain how the election process works.

Typically, party leaders are entrusted to nominate candidates with minimal consultation with party rank-and-file. Prior to the “election,” parties work out between themselves their respective candidates, and this results in the number of candidates being equal to the number of open seats.<sup>19</sup> Indeed, uncontested “elections” are a common occurrence.<sup>20</sup> In most cases, party bosses—both from the nominating party as well as the other parties in the legislature—are highly empowered to engage in horse-trading to come to a pre-election deal. Thus, it should come as no surprise that the conventional wisdom is that berths often go to the highest bidder. The Chief Minister of the state of Madhya Pradesh raised a stir when he acknowledged as much in 2010: “Nominations to the Rajya Sabha are sold in an open market, like a commodity in a *mandi* (wholesale market). It resembles an auction for MPs” (Gupta 2010).

But if money is truly the objective—earlier I argued this is one of the assets criminals bring to the table—what is truly different in Rajya Sabha elections aside from muted caste

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<sup>19</sup> For instance, in the June 2010 Rajya Sabha elections held across 7 states, all 30 members were elected unopposed (*Press Trust of India*, June 10, 2010)

<sup>20</sup> In some cases, parties cannot reach consensus on the candidates or a rebel candidate will pick off enough support from legislators to run as an independent. In either case, there is a formal election process involving the counting of preference votes. One recent example of a rebel candidate upending a pre-election deal by political parties is businessman B.G. Uday. A group of independent and minor party legislators in the Bihar assembly nominated Uday, a wealthy industrialist based in the southern state of Karnataka, for a Rajya Sabha seat. Uday’s nomination forced an election, which he subsequently lost (*The Telegraph*, June 7, 2010).

considerations? I would argue that there are several supply-side factors that influence the types of candidates who seek Rajya Sabha seats.

First, individuals who seek berths in the Rajya Sabha do so in part because it is a “backdoor” to parliament. Given the perception (and reality) of the role of criminality in electoral politics, prominent individuals might find that the ego rents from office to be diminishing in a context of popular elections.<sup>21</sup> Second, the Rajya Sabha has an institutional perception of a “House of Elders” whose are “above the fray” (Kumar 2002, 293). This is likely to appeal to individuals (such as businessmen) who value the status of being an influential parliamentarian without the baggage of being labeled a retail politician. Third, on the flipside, many of India’s politicians who wear their criminal reputation as a badge of honor take great pride in contesting elections (Michelutti 2010). Indicted candidates tend to be “native sons” who are deeply embedded in local caste/communal politics. Thus, it is via the direct electoral connection that such candidates thrive.<sup>22</sup>

Finally, there are at least two procedural aspects of indirect elections—specific to India—that might dampen the presence of indicted candidates in the upper house. First, India has an anti-defection law, which means that legislators can be disqualified if they disobey a party whip. This gives party leaders even more power in selecting candidates and ensuring their election. Second, a 2003 constitutional amendment removed the requirement that Rajya Sabha members be residents of the state from which they are nominated. The repeal gave parties an

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<sup>21</sup> This dynamic is consistent with one of the core predictions of a prominent political economy model of “bad politicians” (Caselli and Morelli 2004). The authors predict that bad politicians create negative externalities for good ones, which can result in path dependence in quality, as bad politicians will make it easier for future bad politicians to thrive.

<sup>22</sup> Perhaps it is not a coincidence that in India, most people speak in terms of “fighting” elections rather than merely “contesting” or “participating in” them. As Pratap Bhanu Mehta once explained, “Most people still go into politics to feel the pulse of the masses and energise themselves by connecting directly with the crowds. This is possible if they fight a Lok Sabha election. The Rajya Sabha is more genteel” (Ramaseshan 2009).

incentive to cherry-pick influential individuals without regard to their local connections (Nayar 2004), which are often a hallmark of politicians with criminal reputations.

### **3. Background on the Indian electoral system**

India is a federal parliamentary democracy comprised of 28 states and 7 Union Territories.<sup>23</sup> At the national level, there is a bicameral legislature that consists of the directly elected Lok Sabha and the indirectly elected Rajya Sabha. Each state has its own popularly elected state assembly (Vidhan Sabha), and 7 states also have indirectly elected upper houses. The data for this paper comes from the 28 state assemblies and the bicameral national legislature. Before introducing the data, I briefly provide some background information on India's electoral system that is relevant for this paper. Namely, I focus on the origins of the reservation system; the process for determining reservations; and the basic features of the bicameral national legislature.

#### **3.1 Caste reservations**

India's post-Independence constitution is arguably one of the most aggressive in its commitment to using the power of the state to end caste-based discrimination (Galanter 1984, 1986). Although the constitution and subsequent law established a wide array of affirmative action policies for disenfranchised minorities, one of the principal mechanisms through which policymakers sought to redress discrimination was the reservation of legislative seats for two groups: Scheduled Castes (SCs) and Scheduled Tribes (STs).<sup>24</sup> In order to protect the rights of India's most vulnerable minorities, Sections 330 and 332 of India's Constitution stipulate that

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<sup>23</sup> Union Territories are directly governed by the central government, with the exception of Delhi and Pondicherry.

<sup>24</sup> As of 2010, roughly one quarter of assembly and parliamentary seats are reserved for either SCs or STs.

seats in the state assemblies and the Lok Sabha should be reserved for Scheduled Castes or Scheduled Tribes in proportion to the population of SCs and STs in the state as a whole. Under the constitution, each state was required to construct lists (“schedules”) of those lower castes and tribal groups that would qualify as either SC or ST. Although reservations were initially thought to be short-term remedies, parliament has continually renewed them throughout the decades.

### **3.2 Process of delimitation**

The Constitution further stipulates that upon the completion of each census, a competent authority determined by Parliament should readjust electoral boundaries and the allocation and reservation of seats. Parliament has authorized the convening of an independent Delimitation Commission four times in history: 1952, 1963, 1973, and 2002. The Delimitation Commission is an independent statutory body whose orders have the force of law and cannot be called into question by the courts. The most recent delimitation commission was convened in 2002, completed its work in 2007, and came into force in May 2008.

While the commission could not alter the overall number of seats in either the state assemblies or the Lok Sabha, it was charged with rationalizing the structure and composition of electoral constituencies. This required two steps that are relevant for this paper. The first was to restructure constituencies to reduce inequalities in the population size of the constituencies, thereby addressing the issue of malapportionment. The second step was to reallocate seats reserved for SCs and STs on the basis of population figures from the 2001 census. According to the commission’s authorizing legislation, seats for STs were to be reserved in those constituencies in which the percentage of their population to the total population is the largest.

The same rule applies to SC seats, with one exception: the commission must also prioritize geographic distribution of SC seats within a state.

The process of delimitation is important for the methodological approach of this study due to the fact that a constituency's reservation status is endogenous to its minority population share. Redistricting allows us to address this concern in two ways. First, we can compare outcomes in electoral constituencies that gained or lost reservation in the process of delimitation in order to separate out the effects of reservation from constituency-specific factors. Second, we can exploit the fact that the delimitation commission had to ensure the geographic distribution of SC seats when allocating reservations. This wrinkle means that we can identify the impact of reservation by comparing constituencies that have very similar SC populations but differ in their reservation status for purely spatial reasons.

### **3.3 India's bicameral legislature**

At the national level, India has a bicameral legislature. The Lok Sabha, or "House of the People," is the directly elected lower house of Parliament, and members serve five-year terms (unless early elections are called). The 15<sup>th</sup> Lok Sabha, elected in 2009, consists of 543 elected members. Seats are divided up among India's states in proportion to their population.<sup>25</sup> Each parliamentary constituency follows the same first-past-the-post, single member district system of voting. The Rajya Sabha, or "Council of States," is the upper house of parliament. As with the Lok Sabha, seats are divided up among the states in proportion to their population. The members of the Rajya Sabha, whose current strength is 245, are elected to six-year terms by the elected members of the state legislative assemblies, in accordance with the system of proportional

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<sup>25</sup> Delhi and Pondicherry are the only two Union Territories with representation due to the fact that they have elected assemblies.

representation by means of the single transferable vote. Elections are held biennially, with one-third of the seats up for election every two years.<sup>26</sup>

#### **4. Data**

The primary source of data for this study is a database of legal affidavits submitted by candidates to the Election Commission of India (ECI) at the time of their nomination and compiled by the Liberty Institute of New Delhi. The affidavits contain information about candidates' pending criminal cases; financial assets and liabilities; and educational qualifications. Using a Java-based script, I extracted this data from tens of thousands of individual webpages into a tabular form suitable for quantitative analysis. Where possible, missing or incomplete data were entered by hand using information from the original affidavits. The resulting dataset contains detailed information of 46,739 candidates from 35 assembly elections across 28 Indian states from 2003-2009. This data reflects 5,001 discrete, constituency-level elections. The dataset is described in greater detail in Vaishnav (2011a), so I only highlight a few salient points here.

Because the affidavit data provide details on candidates' backgrounds but not on election-related parameters, I used an automated procedure of approximate string matching (according to the popular Levenshtein edit distance method) to match the affidavits with election returns from the Election Commission of India (ECI) and information from the Delimitation Commission

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<sup>26</sup> The Lok Sabha and Rajya Sabha generally share equal legislative powers, except in a few key areas. First, money bills must be introduced in the Lok Sabha. Second, only the Lok Sabha can introduce and pass motions of no confidence. Third, if there is a deadlock on a bill between the two houses, a joint session of parliament is called and a bill can be passed with a simple majority of the combined house. Given the Lok Sabha's numerical advantage over the Rajya Sabha, it inherently has more power in these discussions. There are a few additional differences between the two houses, regarding eligibility (the minimum age for Rajya Sabha members is 30, versus 25 for the Lok Sabha) and permanency (the Rajya Sabha is a permanent body not subject to dissolution).

(2008). This process involved careful hand checking of individual candidate matches to ensure accuracy and to resolve discrepancies in the data.

Although the data capture pending criminal cases rather than convictions, it is worth noting that candidates must only disclose charges that a judge has deemed credible and worthy of judicial proceedings following independent investigations by the police and prosecutors.<sup>27</sup> This distinction is important as it is the difference between a mere allegation and what we in the United States consider an “indictment.” In other words, a politician need only disclose a charge when a judge has determined there exists sufficient evidence of wrongdoing for formal charges to be filed and a criminal judicial process to commence.<sup>28</sup>

The fact that candidates must only disclose indictments helps to reduce the presence of frivolous or minor charges, yet we might still be concerned about politically motivated charges. Thus, I further refined the measure of criminality to reduce the risk of including politically motivated charges in the data by disaggregating types of charges.<sup>29</sup> On their affidavits, candidates are required to list the number of pending criminal indictments, including for each case the section(s) of the Indian Penal Code (IPC) they are charged with violating. I coded each section of the IPC and matched each affidavit-listed charge with the relevant section of the code—in addition to supplementary information provided under the 1973 Code of Criminal

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<sup>27</sup> Given the ease with which the public can obtain information on a candidate’s criminal record, hiding or under-reporting pending cases is not a serious concern.

<sup>28</sup> The first step in the process is the filing of a First Information Report (FIR) by police authorities. Once an FIR has been filed, police conduct a preliminary investigation to determine if there is sufficient *prima facie* evidence of wrongdoing. If such evidence exists, they file a “chargesheet” and government prosecutors launch an investigation. If prosecutors concur with the police recommendation, they file charges with the relevant court. Finally, a judge must determine whether to “take cognizance” of the case and frame charges. It is only after a judge takes cognizance that a candidate must disclose that he has a pending case.

<sup>29</sup> The strategy I employ here is similar to the one in Chang et al. (2010), whose study of malfeasance in the Italian legislature separates “opinion”-related investigations from all other criminal investigations in order to dispense with charges likely to arise during the process of campaigning.

Procedure.<sup>30</sup> I use this data to distinguish between “serious” and “minor” charges. I classify minor charges as those that plausibly might be related to assembly, campaigning, elections, lifestyle, opinion or speech—or those that lend themselves most easily to political retribution. The remainder I consider to be “serious” charges. There are three advantages to this approach. First, a focus on serious charges disregards those charges most closely linked to a politician’s vocation (e.g. unlawful assembly, civil disobedience, electioneering, etc.). Second, it is likely to be more difficult to engineer a false indictment against an individual on serious charges (such as murder or rape) than minor ones (such as verbal abuse). Third, an exclusive focus on “serious” crimes makes substantive sense because they are symptomatic of the growth of muscle power in politics this paper seeks to explain. To understand the types of charges candidates face, *Appendix Table 1* displays the five most common “serious” and “minor” charges from the dataset. In Vaishnav (2011a), I conduct three additional tests of political motivation and reject the hypothesis that cases are disproportionately filed against politically prominent or successful candidates.

For the analysis comparing indirect versus direct elections, I also collected data from the national parliament. For the Lok Sabha, the procedure is similar to the one described above. For the Rajya Sabha, I relied on affidavit declarations made by members to the ECI in 2009, and transcribed online by the Association for Democratic Reforms (ADR), a civil society watchdog group.<sup>31</sup> In form and content, the affidavits are identical to those submitted by other state and national candidates.<sup>32</sup>

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<sup>30</sup> For instance, if a candidate is charged under Section 302 of the IPC, this is matched to the relevant category of crime (“Offenses against the human body”); the specific act (“Murder”); and the minimum sentence (“10 years”).

<sup>31</sup> Where data were missing, I relied on supplemental information obtained from the Rajya Sabha Secretariat and the relevant state-level chief electoral officers.

<sup>32</sup> There are, however, a few limitations to the dataset. First, while affidavit data for Lok Sabha members is available from 2004, there is no comprehensive data for their Rajya Sabha counterparts prior to 2009. To the extent

## 5. Is criminality among politicians lower in reserved constituencies?

In this section, I evaluate the hypothesis that criminality among politicians is lower in reserved constituencies. Summary statistics for the caste reservation analysis can be found in *Appendix Table 2*. *Figure 4* is a simple bar graph depicting the percentage of constituencies, broken down by constituency category, in which at least one candidate is standing for election who is indicted on a “serious” charge.<sup>33</sup> Across all constituencies in the dataset, 35 percent contain at least one candidate indicted on serious charges. But there is a considerable amount of heterogeneity across constituency types. While unreserved (also referred to as GEN or general) constituencies have a criminality rate of almost 40 percent, only 27 percent of SC constituencies and 18 percent of ST constituencies have an indicted candidate contesting elections. As the light gray bars indicate, the overall picture is the same if we consider only “viable” indicted candidates, or those indicted candidates who earn more than 5 percent of the vote.

[INSERT FIGURE 4 HERE]

One interesting feature of the variation in criminality across constituency types is how little criminal competition there is in reserved constituencies (see *Table 1*). By “criminal competition,” I refer to situations in which there is more than one indicted candidate competing for a given seat. When indicted candidates are present, the modal category is a single indicted

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possible, I have updated the dataset to take into account changes in the membership as of late 2010. Second, the data contains information only on those candidates that won election to the Rajya Sabha, as opposed to the entire candidate pool. Having data on the entire candidate pool would allow us to compare the characteristics of aspirants to those of the eventual winners. However, this is only a minor drawback due to the frequency of uncontested elections.

<sup>33</sup> For the purposes of this paper, I drop the 12 assembly constituencies reserved for the Bhutia-Lepcha (BL) population as well as the lone constituency reserved for the Sanghas (SANGH) or Buddhist monks in Sikkim. All remaining constituencies fall into the GEN, SC or ST category.

candidate contesting elections. For SC and ST constituencies, this is most of the story.

Compared to GEN constituencies, there is a very small percentage of reserved constituencies that have multiple indicted candidates competing against one another. Whereas roughly 17 percent of GEN constituencies exhibit criminal competition, that number is around 6 percent in SC constituencies and 5 percent in ST constituencies.

[INSERT TABLE 1 HERE]

To confirm that these differences are indeed statistically significant, *Table 2* provides evidence from difference-in-means tests. The top panel compares SC to GEN constituencies, while the bottom panel compares ST to GEN constituencies. As a robustness check, criminality is measured in four ways: (1) a binary measure of whether at least one indicted candidate contests elections (*Indicted AC*); (2) a binary measure of whether at one “viable” indicted candidate contests elections (*Viable Indicted AC*); (3) a count measure of indicted candidates (*Indicted Count*); and (4) a continuous measure of the share of candidates running while under indictment (*Indicted Frac*). Using any of these four measures, criminality is significantly lower in reserved constituencies. The differences are, however, larger in magnitude and significance for ST constituencies.

[INSERT TABLE 2 HERE]

## **5.1 Estimates using multilevel modeling**

To model the relationship between criminality and reservation status more formally, I estimate a series of multilevel logistic regressions using a binary outcome of whether a constituency has at least one indicted candidate (*Serious Indictment*) contesting elections (Gelman and Hill 2007). On the right hand side of the regression, I include two indicator variables for a constituency's reservation status (*SC Constituency* and *ST Constituency*, respectively). I also include random effects parameters for each state, district and year of election. I iteratively add one constituency-level control variable to the equation: *Prior Turnout*; prior political competition (measured either as the number of viable candidates, *Prior Viable Count*, or margin of victory, *Prior Margin*); and the natural log of the number of electors (*Log Total Electors*). I then estimate a model including all these constituency-level variables. The coefficient estimates are graphically depicted in *Figure 5*.<sup>34</sup>

[INSERT FIGURE 5 HERE]

As the figure clearly demonstrates, all of the coefficient estimates for SC constituency and ST constituency are negative and strongly significant. Because logit coefficients are difficult to interpret, I simulate predicted probabilities.<sup>35</sup> The results can be found in *Table 3*. First, I simulate the predicted probability of moving from an open to an SC reserved constituency, holding all other variables at their mean value. Doing so results in a 15 percent decline in the probability that the constituency will have at least one indicted candidate contesting elections.

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<sup>34</sup> In regressions not reported here, I also control for several district-level variables, both individually and all together. These predictors are: literacy rate; murders per capita; rural share of population; and percentage of households who possess no assets (as defined by the Census of India). The results do not change.

<sup>35</sup> I simulate predicted probabilities using the multilevel logit regression model with the full set of constituency-level predictors. All variables are set to their mean values (binary SC/ST variable not being manipulated set to zero).

The decline is slightly larger (16 percent) when moving from an open to an ST reserved constituency.

*[INSERT TABLE 3 HERE]*

## **5.2 Alternative explanations**

The results of the previous section seem to confirm the hypothesis that criminality is, in fact, lower in reserved constituencies. Although I have argued that this is due to the fact that ethnic cleavages are less salient in reserved areas, there are a host of alternative explanations for this variation. I address the most prominent alternatives below.

### **5.2.1 Constituency-specific parameters, or rewards to office**

Given the relatively weaker socio-economic position of SCs and STs in Indian society, one could argue that constituency-specific characteristics of reserved constituencies confound the negative association between reservation and criminality. Because reservation is highly correlated with the relevant minority share of the population, these areas might have distinct socio-economic characteristics. Attributes of reserved constituencies could affect criminality in a number of ways. For instance, if the overall level of income is lower in reserved areas, candidates who wish to engage in rent seeking once in office might be less inclined to contest elections in SC/ST constituencies. Thus, candidates who are linked to criminal wrongdoing might be more inclined to contest elections in unreserved constituencies where the rewards to office are more significant (see Brollo et al. 2011).

To address concerns about the influence of constituency-specific factors, we can exploit the Delimitation Commission's redrawing of electoral boundaries and re-allocation of reservations in 2007 to test these claims. Specifically, we can take advantage of the fact that certain constituencies changed their reservation status as a result of delimitation. This allows us to do a pre and post-delimitation comparison of reservation status and criminality outcomes. If constituency-specific characteristics account for the lower levels of criminality, when a reserved constituency becomes unreserved we should not observe an increase in criminality. Conversely, when an unreserved constituency gains a reservation, criminality should not decrease if constituency-level features are the primary driver.

There are potentially three concerns with this approach. If the work of the commission was politically motivated, we might be concerned that the delimitation process was tainted. Iyer and Shivakumar (2009) studied the process of delimitation in two large states of India and found no evidence that there was any political manipulation in the delimitation process.<sup>36</sup> Furthermore, there have not been any claims that the commission allocated reservations in order to influence the entry or exit of suspected criminal politicians.

A second concern is that constituencies may not be comparable pre and post-delimitation. The criterion for comparing constituencies used in this paper is simply identifying those constituencies whose names remained consistent over the two periods. The core assumption is that these constituencies can be plausibly compared before and after delimitation. One way of controlling for comparability is to compare the spatial overlap of the pre and post-delimitation constituencies using GIS shapefiles for both sets of boundaries. In the empirical tests below, I

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<sup>36</sup> The authors conclude by declaring that their results “suggest that a politically neutral redistricting process can be implemented by a non-political body with a transparent and inclusive process.”

control for the degree of spatial overlap in order to test whether the regression results are driven by constituencies that have significantly changed shape.

A final concern relates to sample size. Only seven states in our dataset held an election in both the pre and post-delimitation periods. Thus, we are only able to use data from 14 elections in this part of the analysis. Despite this limitation, we have a reasonable number of instances of reservation switching using this subset of the data. *Table 4* provides a matrix of the changes in reservation assignment. Because the baseline comparison in this paper is how dynamics in SC/ST constituencies differ from GEN constituencies, we disregard changes between reservation categories.<sup>37</sup> All told, we observe 150 constituencies that switch reservation status. Across all categories, the vast majority of constituency designations did not change.<sup>38</sup>

[INSERT TABLE 4 HERE]

I use a difference-in-differences estimation strategy to identify the impact of gaining or losing a reservation following delimitation. Specifically, I estimate two series of models. The first models estimate the impact of “gaining” a reservation: it compares constituencies that were unreserved both before and after delimitation with those that were unreserved prior to delimitation but gained reservation following delimitation. Results from these regressions can be found in panel (a) of *Table 5*. The second model focuses on the “loss” of a reservation; that is, it compares constituencies that were reserved both before and after delimitation with those that were only reserved prior to delimitation and later became open seats. Results from these models

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<sup>37</sup> In other words, we make use of instances in which SC or ST constituencies became unreserved, or when GEN constituencies became reserved for either SCs or STs.

<sup>38</sup> There is only a small degree of switching between reserved categories. 7 constituencies previously reserved for SCs became reserved for STs in 2008/2009, while 2 former ST constituencies became SC reserved. Inter-reservation switches account for only 5.5 percent of all switches.

can be found in panel (b) of *Table 5*. All models include constituency-level controls and state fixed effects and are estimated using three measures of the outcome variable: *Indicted Frac* (the share of indicted candidates); *Indicted AC* (binary measure indicating the presence of at least one indicted candidate); and *Indicted Count* (number of indicted candidates).

The difference-in-differences regressions provide mixed results. Constituencies that gained a reservation through delimitation do register a decline in criminality compared to seats that remained unreserved, although the effect is not statistically significant. Conversely, constituencies that lost their reservation exhibit significantly more criminality than constituencies that did not. The results point to an interesting asymmetry in the stickiness of a constituency's political culture. One possible explanation for this is that once criminal politicians are a part of a constituency's fabric, it is difficult to alter the status quo. Hence, after three decades as an open seat, gaining a reservation does not lead to an immediate decline in criminality.

[INSERT TABLE 5 HERE]

A cleaner test of the impact of reservation is to compare the longitudinal differences among only those constituencies that experienced a switch in reservation status before and after delimitation. That is, we can pool constituencies that gained or lost reservation status and examine the change between two elections only among these "switchers." Methodologically, we can estimate a "within-effects" model where we include a constituency-specific fixed effect. This is essentially identical to a first-differencing model since  $t=2$ . Column 1 of *Table 6* contains the baseline results, using the continuous measure of criminality (*Criminality Frac*) as the

outcome variable.<sup>39</sup> The impact of reservation on criminality is strongly negative, when only restricted to those constituencies that switched status with delimitation. As a robustness test, I re-run the model sub-setting the data based on the degree of spatial overlap between pre and post-delimitation constituencies. I begin in Column 2 by restricting the analysis only to those constituencies with a spatial overlap of at least 95 percent. I then gradually expand the dataset by considering more liberal overlap requirements (Columns 3 through 6). As *Table 6* indicates, regardless of the overlap condition, there is a significant negative relationship between reservation and criminality.

[INSERT TABLE 6 HERE]

### **5.2.2 Endogeneity of reservations**

The results of the previous section indicate that reservation has an impact on criminality, independent of other time-invariant constituency level factors. However, the regressions do not fully address the issue of endogeneity because the reservation of a seat is a function of a constituency's underlying minority population share. Thus, if a constituency loses or gains a reservation, this could be a function of changes in the constituency's minority population share. This makes it difficult to disentangle the causal effect of reservation from changes in the size of the minority population. Fortunately, we can exploit a technicality in the delimitation commission's methodology to address this concern. When the commission allocated SC reservations, the decision rule was based on a constituency's SC population share as well as ensuring geographic diversity of reserved seats within the state. The latter stipulation means that

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<sup>39</sup> We prefer a continuous outcome variable since this will give us more variation between the two time periods, compared to a dichotomous measure.

when three or more SC constituencies were contiguous, one was de-reserved and the commission granted reservation to the constituency with the next largest SC population share. In essence, we can compare constituencies with very similar SC populations but that have a different reservation status for purely geographic reasons. Empirically, I use the coarsened exact matching routine developed by Iacus, King and Porro (2011) to match constituencies by their SC population, using reservation as an exogenous treatment. I also include state dummies when doing the matching to ensure matches are made within (rather than across) states. Using the matched dataset, I then estimate a series of logit regressions of criminality on SC reservation: a simple bivariate model; a model with constituency covariates; and a multivariate model with state fixed effects. The results, contained in *Table 7*, demonstrate that reservation for Scheduled Castes has an independent negative effect on criminality.

[INSERT TABLE 7 HERE]

### 5.2.3 Criminal demographics

One obvious alternative explanation for the lower levels of criminality observed in reserved constituencies is related to caste differences in criminal propensity. If SCs or STs are simply less prone to engaging in criminal conduct—for cultural, sociological, socio-economic or other reasons—then the finding that SC/ST politicians are less likely to be indicted may not be entirely surprising. We can test this proposition with data from the Ministry of Home Affairs on the caste-wise breakdown of convicts and those in jail while under-trial. The data is from 2004 and is broken down by caste grouping and by state. *Figure 6* separately plots the percentage of convicts and those in jail under-trial who are identified as SC (ST) against the SC (ST)

proportion of the population in that state. The diagonal line is the 45-degree line, which represents a perfectly linear relationship between population share and criminal share. As the four sub-graphs of *Figure 6* demonstrate, for the vast majority of states SC/STs are proportionally represented among India's criminal population. There is no evidence that SCs and STs are under-represented among the criminal population at large.

[INSERT FIGURE 6 HERE]

#### 5.2.4 Party affiliation

If parties have different propensities for fielding SC/ST candidates, then we might be able to identify party preferences for indicted candidates as the source of the variation. To investigate this, I construct a list of the parties that field the greatest number of candidates in each constituency category. The top six parties that field the most candidates in GEN constituencies are largely the same as those that field the most candidates in SC and ST constituencies.<sup>40</sup> Furthermore, they also happen to be the parties that field indicted candidates (irrespective of the constituency category) with the greatest frequency. *Figure 7* presents this data graphically, by charting the differences in indictment rates among the six parties across constituency categories. Although the same parties are among the most active in each constituency category, these parties are clearly pursuing different strategies in reserved (versus open) constituencies. As the figure shows, parties are less likely to field indicted candidates in reserved constituencies. For instance, in SC (ST) constituencies, roughly 5 (3) percent of the candidates the Indian National Congress

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<sup>40</sup> I count Independents (IND) as a party. The remaining five parties are Indian National Congress (INC); Bahujan Samaj Party (BSP), Bharatiya Janata Party (BJP), Samajwadi Party (SP), and Lok Jan Shakti Party (LJP). These parties are among the top six parties that field the greatest number of candidates in GEN, SC and ST constituencies. The one exception is LJP, which is the 7<sup>th</sup> most common party in ST constituencies.

(INC) fields are under indictment. This compares to 9 percent among candidates in GEN constituencies.

*[INSERT FIGURE 7 HERE]*

## **6. Testing extensions of the argument**

In this section, I test two additional hypotheses that serve as extensions of the underlying logic of party selection of criminal candidates. First, criminality within reserved constituencies should vary according to the pivotality of the reserved community, which dictates in part how salient ethnic divisions are. Second, criminality should be lower in indirectly elected rather than directly elected bodies due to relative unimportance of ethnic identity in the former. Regression results presented below validate both hypotheses.

### **6.1 Variation within reserved constituencies**

The logic of caste politics in reserved constituencies has a dynamic component, which can help us understand the variation in criminality within reserved constituencies. Specifically, when the relative minority share of the constituency is such that SCs (STs) become pivotal voters, I argue that parties face a greater incentive to select an indicted candidate who seeks to mobilize voters by emphasizing caste divisions. In other words, the potential costs of alienating non-SC (ST) voters by fielding criminal candidates are outweighed by the benefits of fielding a candidate who explicitly makes pro-SC/ST caste-based appeals.

To test this hypothesis, we can use data from the Delimitation Commission on the constituency-wise SC/ST population from eight states in our dataset that have had post-

delimitation elections.<sup>41</sup> To identify the relationship between the minority share of the electorate and the likelihood of observing at least one indicted candidate standing for election (*Indicted AC*), we can use kernel-weighted local polynomial regression techniques. The idea behind using polynomial regression in this case is that we want to depict a local relationship between minority share of the population and criminality, rather than assuming the relationship is constant across the entire range of values in the data. Bivariate polynomial smoothing allows us to fit a smooth regression curve (using a quadratic specification) that makes use of the information in the immediate vicinity of the data on our independent variable. The results from the polynomial regression can be found in *Figure 8*.

[INSERT FIGURE 8 HERE]

Panel (a) of *Figure 8* depicts the relationship between SC population share and criminality in SC constituencies. As predicted, when the SC population is very small, so is the probability that parties field an indicted candidate. The probability increases with the size of the SC population (keeping in mind that SCs in SC constituencies are always in the minority). For ST constituencies, as demonstrated by panel (b) of *Figure 8*, there is evidence of an inverted-U shape relationship between ST population share and criminality. The likelihood of observing an indicted candidate increases until around the 50 percent threshold, after which it flattens out and gradually declines as the ST population gets very large. These results provide suggestive evidence in support of the hypothesis that criminality within reserved constituencies is related to the overall salience of caste politics, which in turn is tied to demographics and co-ethnic voting

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<sup>41</sup> We focus on this subset of the data because we lack a proper accounting of the SC/ST population in the pre-delimitation constituencies.

possibilities. The evidence presented is based on bivariate regressions and further research is warranted to confirm the robustness of this result.<sup>42</sup>

## 6.2 Direct versus indirect elections

This section tests the hypothesis that criminality among politicians is lower in indirectly elected, rather than directly elected, legislatures. For the analysis, I create a merged dataset of elected legislators ( $N=769$ ) from the Rajya Sabha ( $N=226$ ) and Lok Sabha ( $N=543$ ). Summary statistics can be found in *Appendix Table 3*.<sup>43</sup> *Table 8* contains differences-of-means tests for the key variables, and demonstrates that Lok Sabha members are significantly more likely than their Rajya Sabha counterparts to be under serious criminal indictment (19 percent versus 7 percent). The difference in indictment status (*Serious Indictment*) is significant ( $p < .01$ ) and is not sensitive to the measure of criminality employed.

[INSERT TABLE 8 HERE]

### 6.2.1 Regression evidence

To test the hypothesis that Rajya Sabha members are less likely to face serious criminal indictment, I run a series of multivariate logit regression models where the outcome variable is a binary measure of whether a candidate is under serious criminal indictment at the time of their election to the legislature (*Serious Indictment*). The primary explanatory variable of interest is a

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<sup>42</sup> One potential critique of this study is that it disregards sub-caste (*jati*) heterogeneity within the umbrella SC/ST groups. But, in fact, incorporating *jatis* does not substantively change the analysis (see also Dunning 2011). As the SC population grows in size, there might be incentives to highlight distinctions among *jatis*; but this is consistent with the “within-constituency” evidence presented above. One reason to downplay the role of *jatis* in ST constituencies is research that shows that individual tribes are geographically concentrated (Raza and Ahmad 1990).

<sup>43</sup> The dataset is missing information for seven elected members of the Rajya Sabha.

dummy variable for whether the politician is a member of the Rajya Sabha (*Rajya*). In addition, the baseline model controls for a member's education (*Education Score*), personal wealth (*Log Wealth*), financial liabilities (*Log Total Liabilities*), *Age* and *Sex*. The results of this baseline regression can be found in Column 1 of *Table 9*. The coefficient on the Rajya Sabha indicator variable is negative and strongly significant ( $p < .01$ ), indicating that Rajya Sabha members are significantly less likely to face serious criminal indictment even after controlling for other individual-level characteristics. To understand the effect in substantive terms, moving from the Lok Sabha to the Rajya Sabha decreases the likelihood of facing an indictment by roughly 9 percent (95% CI ranges from 3.2 to 15.2 percent), holding all other variables at their mean value.<sup>44</sup>

[INSERT TABLE 9 HERE]

Columns 2-4 of *Table 9* test whether the difference in criminality among Rajya Sabha members is robust to the inclusion of controls for the type of political party, specific national party labels, and the reservation of certain Lok Sabha constituencies for SCs/STs, respectively. The regression evidence suggests that the negative relationship is robust to the inclusion of these controls. Next, I re-run the models controlling for state fixed effects. The results of the conditional logit fixed effects models using can be found in Columns 5-8. Statistically and substantively speaking, the negative relationship between Rajya Sabha and criminality does not change.<sup>45</sup>

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<sup>44</sup> All variables are held at their mean, while sex is held at its modal category (male).

<sup>45</sup> As a robustness test of our core result on criminality, I use matching prior to estimating the impact of Rajya Sabha membership on criminality via logit regression. Using matching to pre-process the data makes us less dependent on model choice and also allows us to non-parametrically adjust for confounding variables, reducing bias when we estimate "treatment" effects (Ho et al. 2007). The matching results, not reported here, do not substantively change

## 7. Conclusions and extensions

This paper explores the conditions under which parties select candidates with serious criminal records to contest democratic elections in India. Building on the existing literature, I argue that indicted politicians add value to parties when they can exploit ethnic divisions in society to build a compelling case that their criminality gives them an edge in serving the interests of their fellow co-ethnics.

Specifically, I hypothesize that parties are less likely to field candidates with criminal backgrounds in reserved constituencies and in indirect (as opposed to direct) elections, where the salience of ethnic cleavages is likely to be lower. Using a unique dataset of candidates contesting state elections and a variety of empirical tests, this paper finds robust support for the negative association between political reservation and criminality. Yet, I also argue that identity considerations can be made more salient under certain conditions in reserved constituencies. Namely, when the reserved minority is large enough to become electorally pivotal, it could make sense for parties to field a criminal candidate who mobilizes minority voters on the basis of caste. Although the evidence is suggestive, non-parametric regression provides support for this hypothesis. Finally, I hypothesize that criminality among legislators ought to be lower in indirect elections. Because candidates in indirect elections do not have to face a popular electorate, the parties and legislators who elect them are less concerned with their ability to mobilize particular ethnic vote banks. Analyses of unique affidavit data from India's bicameral national legislature confirm this hypothesis.

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our inferences regarding the impact of Rajya Sabha membership on criminality. The relationship is strongly negative across models, and in line with our previous estimates.

The findings of this paper have clear relevance for the literature on political selection in democracies. First, this paper provides an intuitive explanation for how, and under what conditions, bad politicians can add value to parties and voters. Unlike much of the political selection literature, this analysis provides an affirmative case for the selection of criminal politicians. Second, this paper serves as a reminder that the “criminalization” of politics is not a monolithic phenomenon, applying equally to the political class as a whole. Indeed, the selection of candidates with criminal records is highly contextual. One of the conclusions of this paper is that electoral design decisively shapes the incentives for parties to nominate indicted candidates. In the Indian context, this points to two paradoxes. It appears that while voters regularly elect indicted legislators, when legislators themselves are given the opportunity to select their peers, they are less likely to embrace such candidates. Second, although the elite discourse often points to the mobilization of lower castes as contributing to a coarsening of Indian politics, politicians affiliated with the lowest groups in the caste hierarchy are significantly less likely to be under criminal scrutiny than their upper caste peers.

Second, the results of this paper highlight the fact that affirmative action policies can have important (but unintended) consequences. The literature on affirmative action tends to focus on the affect of affirmative action policies on outcomes relevant for the community benefitting from positive discrimination. This study points to the fact that such policies can have externalities that affect a much wider swath of the population. The findings on the impact of reservation gain strength from the fact that at least two previous studies (Banerjee and Pande 2009; and Aidt, Golden and Tiwari 2011) have noted, in passing, that caste reservation appears to be negatively associated with political corruption and criminality.

This paper also makes several empirical and methodological contributions to the literature. First, it employs a unique dataset that is comprehensive in scope, yet contains highly disaggregated data on the universe of candidates contesting elections. The dataset could serve as a template for researchers interested in using candidate-level data to study similar questions in other democratic settings. Second, it demonstrates the value of combining quantitative analyses with ethnographic and field work—the latter components being especially useful in specifying the relationship between ethnic salience and criminality.

While this paper sheds light on important debates on the political selection of “bad politicians,” it also points to several areas where future research could be fruitful. First, the social science literature on Indian politics has said little on the politics of reserved constituencies at the state and national levels. For instance, one of the most important works on ethnic politics in India conducted in the past several decades (Chandra 2004) devotes little attention to how politics works in reserved seats.<sup>46</sup> The trend in political science and economics is to focus on reservation at the panchayat level, and with good reason: the rules governing the identification of reservations offer unique possibilities to exploit these rules to identify the causal effects of reservation (see Dunning 2010). Focusing on the panchayat level, however, does not come without costs: doing so ignores the state and national tiers of government, which arguably play a greater role in India’s political economy.

Second and more broadly, the literature on political selection still lacks high quality data that allows researchers to explore the *entire* pool of candidates parties consider when deciding

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<sup>46</sup> We require a better understanding of the political “styles” of SCs and STs. There is a burgeoning body of work on the political styles of OBCs (namely the Yadavs) in north India and the appeal criminality often holds, but we do not know enough about how (or why) these practices contrast with those of SCs and STs. The latter group is most acutely in need of good political analysis—there are very few modern-day works on ST politics.

whom, within that pool, to select.<sup>47</sup> Particularly in democratic systems where intra-party democracy is weak and party organization is an elite-driven affair, we do not have a clear sense of why certain candidates gain party backing and others do not. To test the hypotheses developed in the political selection literature fully, scholars need access to the inner workings of the party decision-making process. Gaining such access could open up a new frontier in the study of political selection.

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<sup>47</sup> One recent attempt to understand party selection in the Indian context is Sridharan and Farooqui (2011). The authors interview senior political party officials across major parties to gain a better understanding of their deliberative process when it comes to selecting party candidates.

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**Table 1: Number of indicted candidates per constituency, by constituency category (percentages are listed below, *in italics*)**

# indicted candidates in AC	Category			Total
	GEN	SC	ST	
0	2,156 <i>(60.2)</i>	525 <i>(72.7)</i>	557 <i>(81.7)</i>	3,238 <i>(64.9)</i>
1	830 <i>(23.2)</i>	153 <i>(21.2)</i>	88 <i>(12.9)</i>	1,071 <i>(21.5)</i>
2	365 <i>(10.2)</i>	39 <i>(5.4)</i>	24 <i>(3.5)</i>	428 <i>(8.6)</i>
3	151 <i>(4.2)</i>	3 <i>(0.4)</i>	8 <i>(1.2)</i>	162 <i>(3.3)</i>
4	51 <i>(1.4)</i>	2 <i>(0.3)</i>	5 <i>(0.7)</i>	58 <i>(1.2)</i>
5+	31 <i>(0.9)</i>	0 <i>(0)</i>	0 <i>(0.0)</i>	31 <i>(0.6)</i>
<b>Total</b>	<b>3,584</b> <i>(100)</i>	<b>722</b> <i>(100)</i>	<b>682</b> <i>(100)</i>	<b>4,988</b> <i>(100)</i>

Note: Number of indicted candidates refers to the number of candidates contesting election who face at least one serious indictment.

**Table 2: Difference of means tests for criminality variables, by constituency category**

	SC (n=722)	GEN (n=3584)	t-stat	p-value
Indicted AC	0.27	0.40	-6.38	0.00
Viable Indicted AC	0.18	0.29	-6.05	0.00
Indicted Count	0.34	0.67	-8.09	0.00
Indicted Frac	0.04	0.07	-7.10	0.00

	ST (n=682)	GEN (n=3584)	t-stat	p-value
Indicted AC	0.18	0.40	-10.85	0.00
Viable Indicted AC	0.14	0.29	-8.59	0.00
Indicted Count	0.26	0.67	-9.80	0.00
Indicted Frac	0.03	0.07	-8.15	0.00

Note: "Indicted AC" is a binary measure of whether at least one indicted candidate contests elections; "Viable Indicted AC" is a binary measure of whether at least one "viable" indicted candidate contests elections; "Indicted Count" is a count measure of indicted candidates; and "Indicted Frac" is the fraction of candidates in the constituency under indictment. "Viable" is defined as receiving at least 5 percent of the vote.

**Table 3: Simulating predicted probabilities of gaining reservation status for criminality**

		$E(Y Reserved) - E(Y Open)$
a) SC constituency		
	Mean (sd)	-.15 (.05)
	95% CI	[-.10, -.20]
b) ST constituency		
	Mean (sd)	-.16 (.03)
	95% CI	[-.10, -.23]

Note: First difference of predicted probabilities obtained from 1,000 simulations of multilevel logistic regression of criminality (*Indicted AC*) on reservation status and constituency covariates. All covariates set at their mean value. In a) ST constituency is set to zero, and in b) SC constituency is set to zero. Simulations run using *Zelig* package in R.

**Table 4: Reservation status in seven states, pre and post-delimitation**

		Pre-delimitation		
		GEN	SC	ST
Post-delimitation	GEN	515	50	15
	SC	62	66	2
	ST	23	7	92

Note: This data comes from seven states (Andhra Pradesh, Chhattisgarh, Delhi, Karnataka, Madhya Pradesh, Mizoram, and Orissa) in the dataset that held elections before and after delimitation (in 2003/4 and 2008/9).

**Table 5: Identifying the impact of reservation gain/loss on criminality**

*Panel (a)*

DV:	-1 Indicted Frac	-2 Indicted AC	-3 Indicted Count
Gain	-0.02 [1.83]*	-0.16 [0.62]	-0.27 [1.36]
Post	-0.01 [1.81]*	0.03 [0.22]	0.06 [0.63]
Post*Gain	-0.01 [0.57]	-0.50 [1.22]	-0.26 [0.80]
Constant	-0.03 [0.16]	-4.56 [0.98]	-3.30 [0.94]
Observations	1183	1181	1183
R-squared	0.1	-	-

*Panel (b)*

DV:	-1 Indicted Frac	-2 Indicted AC	-3 Indicted Count
Loss	-0.03 [2.67]***	-0.73 [1.79]*	-0.78 [2.46]**
Post	-0.02 [1.98]**	-0.20 [0.60]	-0.06 [0.26]
Post*Loss	0.06 [3.12]***	1.48 [2.97]***	1.42 [3.70]***
Constant	0.07 [0.26]	-0.25 [0.03]	-2.64 [0.44]
Observations	430	430	430
R-squared	0.09	-	-

Note: Robust standard errors clustered by constituency in brackets. \* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%. All models include controls for the degree of spatial overlap between pre and post-delimitation constituencies; prior margin of victory; prior turnout; log total number of electors; and state fixed effects. Panel (a) conducts a difference-in-differences analysis using the “gain” of reservation status in 2008/9 as a treatment. Panel (b) conducts a difference-in-differences analysis using the “loss” of reservation status in 2008/9 as a treatment. Each column represents a unique dependent variable and modeling strategy. The dependent variable in Column 1 (*Indicted Frac*) is the fraction of candidates with indictments and is estimated using OLS. The dependent variable in Column 2 (*Indicted AC*) is a dummy variable capturing whether the constituency has at least one indicted candidate contesting elections and is estimated using logit. The dependent variable in Column 3 (*Indicted Count*) is the number of indicted candidates in the constituency and is estimated using a negative binomial regression.

**Table 6: Within effects regression, using constituencies that switch reservation status**

DV:	-1	-2	-3	-4
	Indicted Frac	Indicted Frac	Indicted Frac	Indicted Frac
<i>Overlap condition</i>	-	<i>Overlap</i> ≥ 95%	<i>Overlap</i> ≥ 90%	<i>Overlap</i> ≥ 85%
Reserved	-0.02 [2.41]**	-0.07 [2.09]*	-0.04 [1.70]*	-0.03 [1.73]*
Constant	-0.32 [0.64]	3.90 [0.91]	1.58 [0.79]	-0.28 [0.20]
Observations	298	34	90	128
Number of constituencies	150	17	45	64
R-squared	0.07	0.36	0.2	0.16

Note: Robust standard errors clustered by constituency in brackets. \* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%. All models estimated using OLS where the dependent variable (*Indicted Frac*) is the fraction of candidates in the constituency under indictment. All models include controls for prior margin of victory; prior turnout; log total number of electors; and fixed effects for constituencies. Column 1 includes all constituencies. Columns 2 through 6 use subsets of constituencies, depending on the degree of spatial overlap between pre and post-delimitation constituencies. Thus, Column 2 considers only constituencies with at least 95 percent overlap, while subsequent columns relax the degree of overlap.

**Table 7: Regression of SC reservation on criminality, using dataset matched on SC population share**

	-1	-2	-3
	Indicted AC	Indicted AC	Indicted AC
SC reserved	-0.47 [2.35]**	-0.65 [2.78]***	-0.65 [2.68]***
Constant	-0.72 [9.11]***	1.17 [1.21]	-1.48 [1.28]
Controls?	YES	YES	YES
State fixed effects?	NO	NO	YES
Observations	894	726	726
Number of states	8	8	8

Note: Absolute value of z statistics in brackets. \* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%. Matching weights included in all models. Controls are prior margin of victory; prior turnout; and log total number of electors.

**Table 8: Difference of means tests for key variables, by legislative chamber**

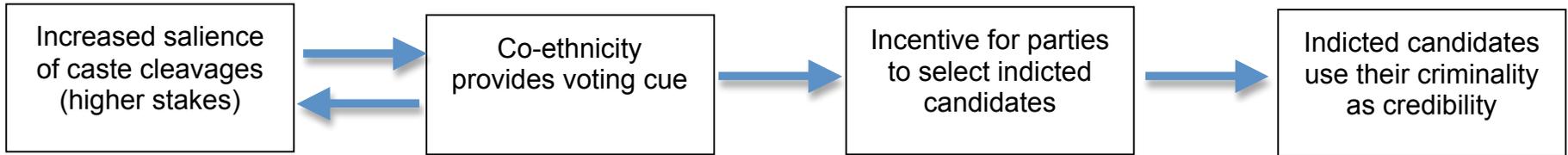
	LS mean	RS mean	diff	t-test	p-value
Serious Indictment	0.19	0.07	0.12	4.19	0.00
Any Indictment	0.30	0.18	0.12	3.56	0.00
Five Years	0.12	0.03	0.09	3.94	0.00
Log Wealth	16.31	16.47	-0.16	-1.09	0.28
Log Total Liabilities	8.77	6.54	2.23	4.13	0.00
Age	52.97	57.27	-4.29	-4.87	0.00
Sex	0.89	0.90	-0.01	-0.21	0.84
Education Score	6.94	7.76	-0.81	-3.89	0.00

**Table 9: Logistic regression of criminality on legislative chamber**

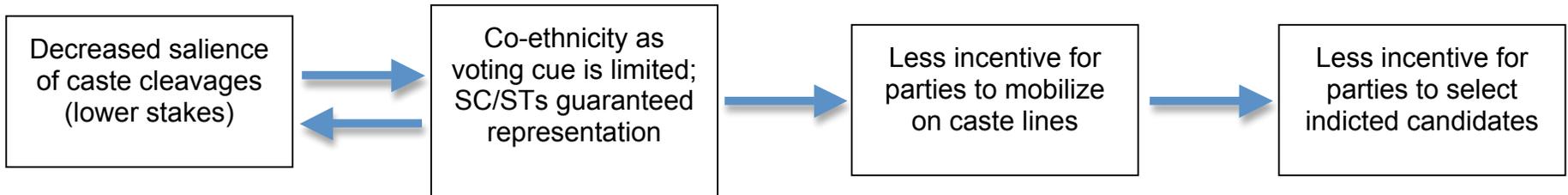
	-1	-2	-3	-4	-5	-6	-7	-8
DV:	Serious indictment	Serious indictment	Serious indictment	Serious indictment	Serious indictment	Serious indictment	Serious indictment	Serious indictment
Rajya	-0.92 [3.16]***	-0.91 [3.14]***	-1.05 [3.54]***	-1.05 [3.57]***	-0.95 [3.23]***	-0.96 [3.23]***	-1.00 [3.27]***	-1.06 [3.55]***
Controls	Individual	Individual + party type	Individual + national parties	Individual + reserved seats	Individual	Individual + party type	Individual + national parties	Individual + reserved seats
State fixed effects?	NO	NO	NO	NO	YES	YES	YES	YES
Observations	769	769	769	769	692	692	692	692
Pseudo R-squared	0.06	0.06	0.08	0.07	0.06	0.06	0.08	0.07

Note: Absolute value of z statistics in brackets. \* significant at 10%; \*\* significant at 5%; \*\*\* significant at 1%. The dependent variable in Models 1 and 4-6 (*Serious Indictment*) is a binary indicator of a candidate's indictment status on a serious charge. The dependent variable in Model 2 (*Any Indictment*) is a binary indicator of a candidate's indictment status on any criminal charge, minor or major. The dependent variable in Model 3 (*Five Years*) is a binary indicator of a candidate's indictment status on a charge punishable by up to 5 years in prison, if convicted. Column 4 controls for party type (national; state; unregistered). Column 5 includes controls for each national party. Column 6 includes indicator variables for constituency type. For models using state fixed effects, states without representation in the Rajya Sabha or that exhibit no variation in the dependent variable are dropped.

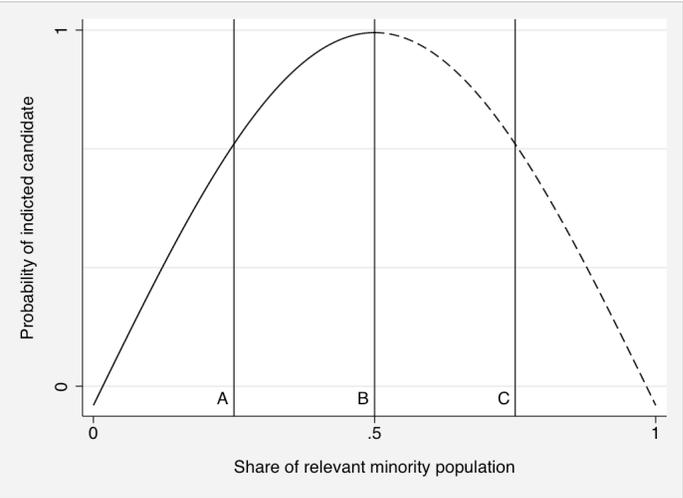
**Figure 1: Caste politics and criminality in general constituencies**



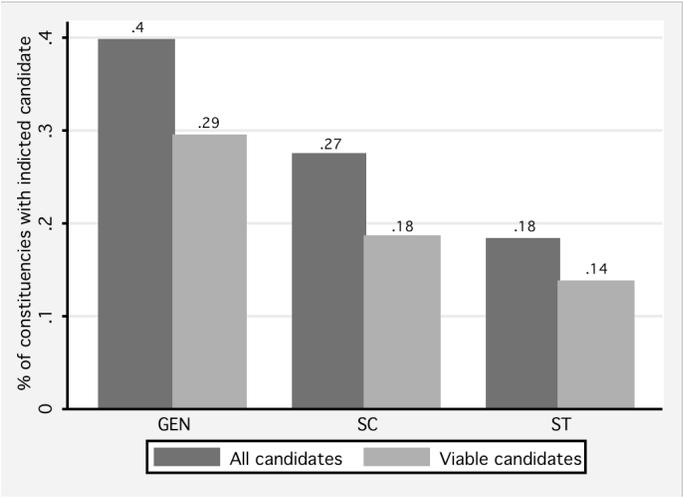
**Figure 2: Caste politics and criminality in reserved constituencies**



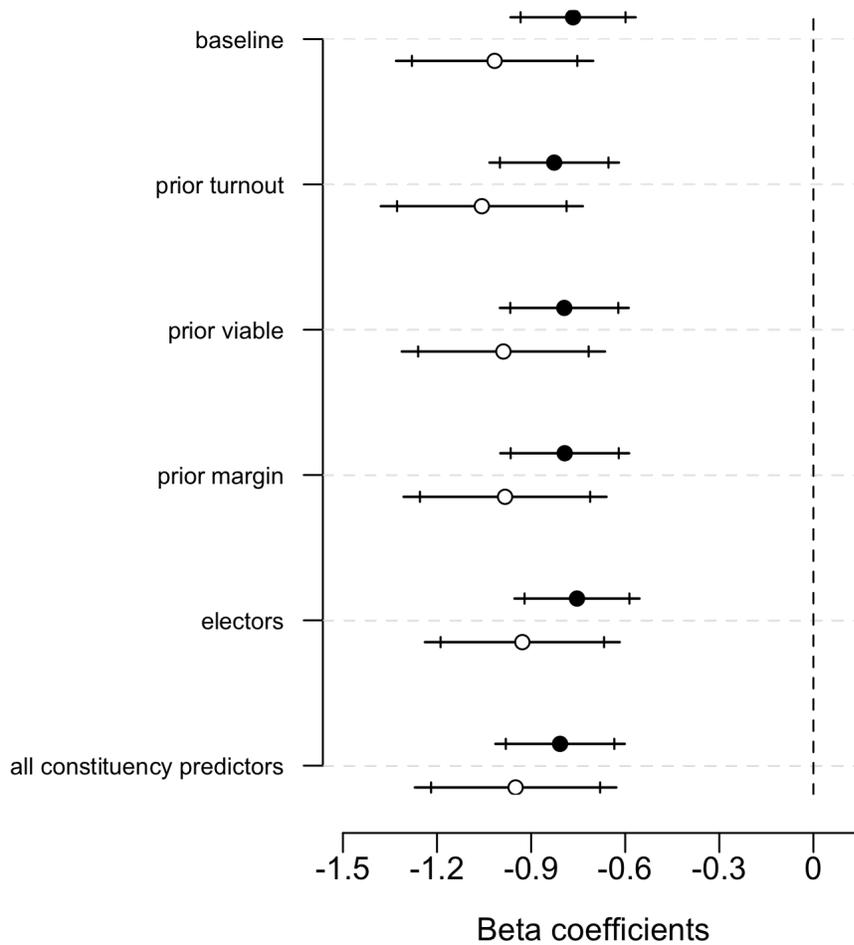
**Figure 3: Hypothesized relationships between SC/ST population share and criminality in reserved constituencies**



**Figure 4: Percentage of constituencies with an indicted candidate, by constituency category**



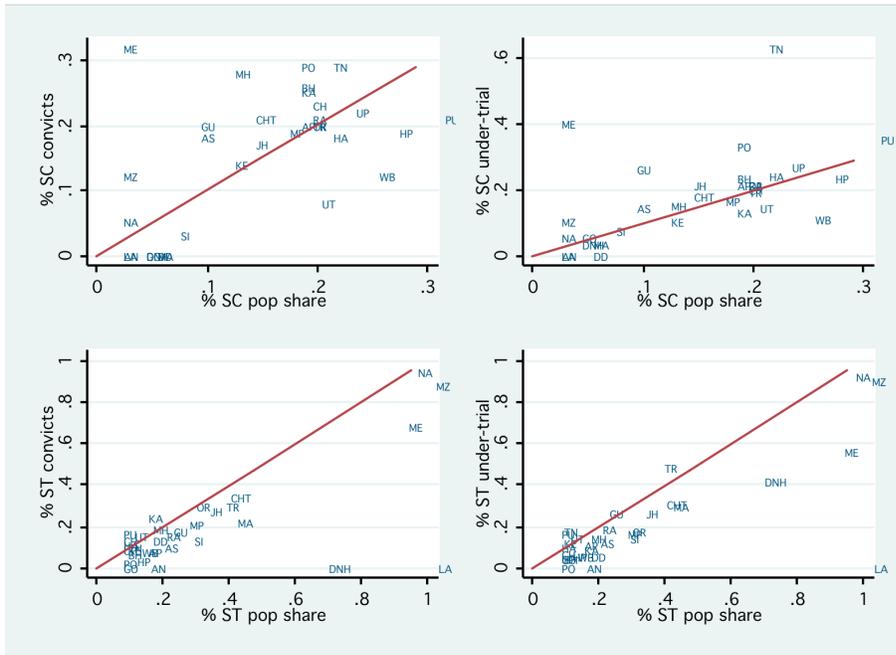
**Figure 5: Results from multilevel logistic regressions of criminality on reservation status**



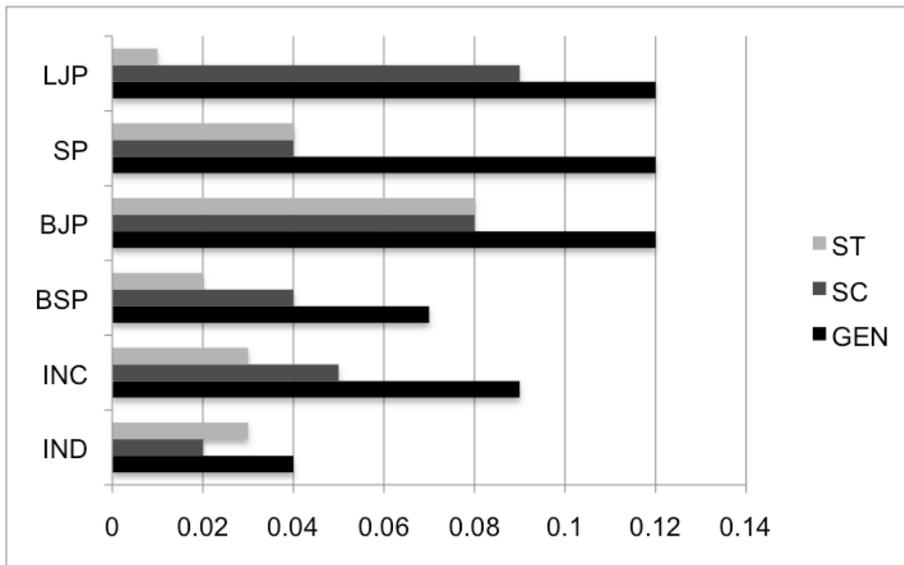
N= 4672 constituencies (543 districts; 28 states; 7 years)

Note: The black dots represent the coefficients on the “SC constituency” variable.” The white dots represent the coefficients on the “ST constituency” variable. The horizontal lines represent 95% confidence intervals, whereas the vertical tick marks represent 90% CI. Each pair of coefficients is from a unique multilevel logistic regression where the dependent variable is a binary measure of whether an indicted candidate is contesting elections in a constituency (*Serious Indictment*). All models include random effects parameters for states, districts and years. The “all constituency predictors” model includes controls for prior turnout, prior # of viable candidates, prior margin of victory, and the log total # of electors.

**Figure 6: Percentage of SCs (STs) convicted in jail (left panel) or in jail under trial (right panel) compared to the share of SC (ST) population**

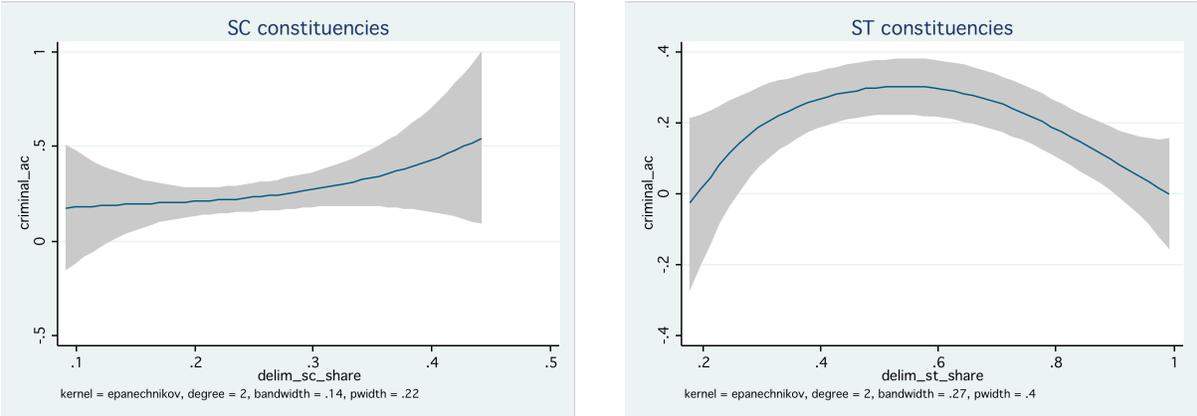


**Figure 7: Variation in fraction of indicted candidates, by party and constituency category**



Note: Figure 8 graphs the proportion of candidates under indictment by party. The parties listed on the y-axis are those parties that are among the most frequent parties fielding candidates across GEN, SC and ST constituencies. The x-axis represents the fraction of indicted candidates. The parties are as follows: LJP (Lok Jan Shakti Party); SP (Samajwadi Party); BJP (Bharatiya Janata Party); BSP (Bahujan Samaj Party); INC (Indian National Congress); and IND (Independents).

**Figure 8: Local polynomial regression of criminality on SC (ST) population share in SC (ST) constituencies**



Note: The regressions in panels a) and b) are kernel-weighted polynomial regressions of a binary measure of criminality (*Indicted AC*) on the respective minority share (SC/ST) of the population. The data for these regressions is restricted to the seven eight for which we have post-delimitation data. The graphs represent data smoothed using a quadratic specification and with 95 percent confidence bands.

**Appendix Table A-1: Modal criminal charges faced by candidates**

*(a) Serious charges*

IPC section	Violation	Category	Frequency	Percent
341	Wrongfully restraining any person	Human body	973	16.6
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	Human body	868	14.8
307	Attempt to murder	Human body	583	10.0
342	Wrongful confinement	Human body	288	4.9
379	Theft	Property	288	4.9

*(b) Minor charges*

IPC section	Violation	Category	Frequency	Percent
147	Rioting	Public tranquility	1775	12.1
323	Voluntarily causing hurt	Human body	1329	9.1
149	Unlawful assembly	Public tranquility	1150	7.8
148	Rioting armed with a deadly weapon	Public tranquility	1123	7.7
506	Criminal intimidation	Intimidation	1007	6.9

Note: The percent column refers to the share of a particular violation in relation to the specific class of charges (serious/minor).

## Appendix Table A-2: Summary statistics for caste reservation analysis

### a) Full constituency-level dataset

Variable	Obs	Mean	Std. Dev.	Min	Max
Indicted AC	4988	0.35	0.48	0	1
Viable Indicted AC	4988	0.26	0.44	0	1
Indicted Count	4988	0.56	0.95	0	9
Indicted Frac	4988	0.06	0.10	0	0.75
SC Constituency	4988	0.14	0.35	0	1
ST Constituency	4988	0.14	0.34	0	1
Prior Margin	4673	0.12	0.11	0	1
Prior Viable Count	4673	3.06	1.03	1	8
Prior Turnout	4673	0.66	0.11	0	1
Log Total Electors	4988	11.87	0.73	8.46	14.28
Literacy Rate	4986	0.66	0.13	0.30	0.97
Murders per capita	4956	0.03	0.02	0	0.17
Rural Pop share	4986	0.71	0.23	0	1
Percentage no assets	4986	0.37	0.16	0.06	0.83

### b) Restricted constituency-level dataset

Variable	Obs	Mean	Std. Dev.	Min	Max
Indicted AC	1664	0.33	0.47	0	1
Viable Indicted AC	1664	0.22	0.41	0	1
Indicted Count	1664	0.49	0.86	0	6
Indicted Frac	1664	0.05	0.10	0	0.75
SC Constituency	1664	0.15	0.36	0	1
ST Constituency	1664	0.14	0.35	0	1
Prior Margin	1645	0.12	0.10	0.00	0.69
Prior Viable Count	1645	2.86	0.94	2	7
Prior Turnout	1645	0.66	0.09	0.32	0.87
Log Total Electors	1664	11.99	0.35	9.20	13.53
AC Overlap	1648	0.77	0.21	0.01	1.00
Post	1664	0.50	0.50	0	1
Gain	1664	0.10	0.30	0	1
Post*Gain	1664	0.05	0.22	0	1
Strip	1664	0.08	0.27	0	1
Post*Strip	1664	0.04	0.19	0	1

**Appendix Table A-3: Summary statistics for direct vs. indirect election analysis**

Variable	Obs	Mean	Std. Dev.	Min	Max
Rajya	769	0.29	0.46	0	1
Serious Indictment	769	0.19	0.39	0	1
Any Indictment	769	0.26	0.44	0	1
Five Years	769	0.09	0.29	0	1
Log Wealth	769	16.35	1.88	0	22.54
Log Total Liabilities	769	8.11	6.90	0	19.69
Age	769	54.24	11.29	25	88
Sex	769	0.89	0.31	0	1
Education Score	769	7.18	2.67	0	11
National Party	769	0.70	0.46	0	1
State Party	769	0.27	0.45	0	1
Unrecognized Party	769	0.01	0.10	0	1
Independent Party	769	0.02	0.14	0	1
INC Party	769	0.36	0.48	0	1
BJP Party	769	0.21	0.41	0	1
BSP Party	769	0.05	0.22	0	1
NCP Party	769	0.02	0.14	0	1
CPI Party	769	0.01	0.11	0	1
CPM Party	769	0.04	0.20	0	1
Reserved	769	0.18	0.38	0	1