

Criminalization of Politics

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Abstract: Indian politics is always in news around the world, at present we have a tendency to fairly often come upon the words law making of politics law making of Politics implies that the criminals getting into the politics and contesting elections and even obtaining elective. The foundation of the matter lies within the country's poor governance capability. In India, it's not a brand-new development. Information from the last 3 general elections shows candidates with criminal cases were thrice a lot of possible to win than a "clean" candidate. The criminal intrans of anybody can use bootleg means that to prevent different candidates from contesting elections, use the weapon of intimidation to prevent a supporter of another candidate to forged vote and use of cash power to induce a choose his favor. Such candidates, once elective, obtain to recover their expenses besides securing a corpus for the long run election as quickly as doable, particularly within the era of coalition governments with slight stability. The roots of the foremost apropos challenges moon-faced by Indian politics nowadays will be copied to the dearth of intra-party democracy in candidate choice and party elections. The dearth of transparency in price ticket distributions by political parties is additionally the foundation reason for this drawback. The priority for corrupt and criminal-free politics wants a lot of stress by the commission and Supreme Court, so as to free politics from criminals. Currently law making of politics is one amongst the most important issues in Asian country as many politicians facing charges of murder, corruption, rape and abduction. Elections are the foremost vital and integral a part of politics in a very democratic system of governance. Democracy will operate solely upon this religion that elections are free and honest and not manipulated. Evils like crime, corruption and cash power have the potential to poison our democracy and system of Democracy isn't operating properly. My paper is a trial to debate the law making of politics in Asian country that directly have an effect on our everyday life. Currently if we should always not take serious steps to prevent all this our coming back generation never mature during this spoiled system.

Keywords: Political, Criminals, Scam, Corruption.

1. Introduction

India may be a Brobdingnagian success within the side of democracy despite its doctrine and variety that has been evident with the success of sixteenth Lok Sabha elections. Indian elections are within the centre stage of media production homes and educational works. The modification within the political environments when modification within the party in power has varied socio-political effects. But, increasing politicians-criminal nexus in Asian country has assumed dire things in modern time. There area unit samples of completely different

countries wherever Democracy and electoral processes have unsuccessful resulting in an enormous political crisis. The issues of governance, responsibility, clean political atmosphere, truthful competition and alternative things area unit cited because the results of increasing law making of politics. The primary 3 elections (1952-62) in our country were accepted by and enormous free and fair; a decline in standards began with the fourth general election in 1967. Over the years, the Indian legal system suffered from serious desperate condition. The political parties' area unit the prime instruments for the execution of democracy within the country. The choice of candidates, the mobilization of the voters, the formulation of agendas and also the passing of legislation area unit all conducted through political parties. They're the sole organizations within the country that request, vie for, and acquire power over state setup, management over public funds, government forms and legislative mechanisms. The system of party government is additionally accountable for the law making of politics. On the eve of the overall election, the leaders of the party offer guarantees to the voters. The aim is to win the election. If the party fortunately involves power, the members of the ruling party attempt to implement the guarantees. The dark facet of this example is that the party in power doesn't contemplate the practicableness and rationality of the action or guarantees unreasonable and impractical ways that and techniques area unit adopted. This is often a reason behind law making of politics. The role of the voters in achieving a clean Parliament is probably even as vital as the other remedy. The surest thanks to originate law making is that if voters stop selection for tainted candidates and stop commerce their choose exchange for advantages in money and sort. It's necessary for voters to know that if they keep electing candidates with criminal records, 'good governance' are virtually not possible to attain. The ECI, similarly as civil society organizations like ADR, are running huge elector awareness campaigns, encouraging folks to travel out Associate in Nursing vote; to vote solely when creating an wise to selection and to not 'sell their vote'. During this digital age, the flexibility of those organizations to use social media and mobile technologies to their advantage in reaching bent the lots can verify however effectively the voters will be sensitized to the problem.

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The role of voters is rejecting candidates with criminal cases also will be determined by the alternatives conferred to them by political parties, a undeniable fact that is additional captivated with the extent of transparency within the internal functioning of political parties. however in India scenario is completely different in keeping with the info analyzed by the Association for Democratic Reforms (ADR), there area unit 162 Members of Parliament within the fifteenth Lok Sabha with criminal cases unfinished against them. The table below presents associate degree analysis of the Members of Parliament (MPs) with unfinished criminal cases World Health Organization got tickets by all major parties in elections to the Lok Sabha command in 2004 and 2009. As is seen, all major parties do habitually provide tickets to candidates with criminal backgrounds.

Party	Number of candidates*	Number of MPs	Lok Sabha 2004		Lok Sabha 2009			
			Number of MPs with Pending Criminal Cases	MPs with Pending Criminal Cases (%)	Number of Candidates*	Number of MPs	Number of MPs with Pending Criminal Cases	MPs with Pending Criminal Cases (%)
INC	389	143	24	17	438	206	44	21
BJP	338	138	29	21	428	116	44	38
SP	177	36	12	33	192	23	9	39
BSP	348	19	8	42	493	21	6	29
JD(U)	46	8	2	25	53	20	8	40
AITC	30	2	0	0	33	19	4	21
DMK	14	14	5	36	21	18	4	22
CPM	61	43	7	16	91	16	3	19
BJD	12	11	1	9	18	14	4	29
SHS	37	12	8	67	46	11	9	82
NCP	26	9	5	56	68	9	4	44
AIADMK	8	0	0	0	21	9	4	44

* Analysis by National Election Watch
Source: Association for Democratic Reforms, Lok Sabha 2009 Election Watch, National Level Analysis

Fig. 1. Number of MPs with pending criminal cases

The fact that the fifteenth Lok Sabha has one hundred fifty MPs beneath the scanner on varied criminal charges out of that seventy three have serious charges as well as those of murder, rape, dacoity, seizure and corruption. Such an oversized range of persons with serious criminal charges area unit during a powerful position of influencing the very stability of any government. however post Lok Sabha elections 2009, even once the biggest part of UPA-11 the Iraqi National Congress, is during a lot of stronger position, there area unit nine ministers with unfinished criminal cases, with one having a significant criminal charge against him. In 2014 Association of Democratic reforms (ADR) survey discovered that each third MP within the sixteenth Lok Sabha faces criminal charges. In fact, the sixteenth no appointive Lok Sabha has the foremost range of MPs with criminal charges. From ADR’s compilation of knowledge on five, 380 candidates contesting the Lok Sabha election 2014, seventeen per cent have declared criminal charges within the affidavits submitted to the Election Commission; ten per cent have declared serious criminal charges like murder and rape charges.

Taking cognizance of those serious shortcomings many commissions came up with the proposal for the reformation of Electoral method in Republic of India as well as Goswami Committee on Electoral Reforms 1990, Vohra Committee Report 1993, Indrajit Gupta Committee on State Funding of Elections 1998, Law Commission Report on the Electoral Laws

1999, National Commission to Review the operating of the Constitution 2017. The Vohra (Committee) Report was submitted by the previous Indian Union Secretary of State for the Home Department, N.N. Vohra, in October 1993. It studied the matter of the criminalisation of politics and of the nexus among criminals, politicians and bureaucrats in Republic of India. The report contained many observations created by official agencies on the criminal network that was just about running a parallel government. It additionally mentioned criminal gangs WHO enjoyed the patronage of politicians, of all parties, and also the protection of state functionaries. It disclosed that political leaders had become the leaders of gangs.

In Republic of India Booth Capturing goes on, the functionary is to apprise it to the election commissioner and apt choices would be taken to declare the polling in this space to null and shopping for Votes. The primary instances of “booth-capturing” were reported in 1957, and concerned employed goons WHO would mobilize or suppress turnout, or vote on behalf of disenfranchised voters. The commission directed the functionary, civil society and somebody to intimate regarding booth capturing or any reasonably rigging to the commission to require sturdy action against the culprit of disorder underneath section fifty eight A of illustration of individuals Act, 1951

The illustration of People’s Act 1951 is that the solely mechanism through that the flow of criminals within the polity of the country is stopped. The law says that one cannot contest the election when conviction in any crime and this moratorium is for six years from the date of conviction or when the discharge from the jail looking on the severity of the crime. Earlier section 8(4) accustomed provide forty five days for attractiveness within the higher courts however when the recent call of Supreme Court, no willdidate can contest the election or ceased to be the member of the assembly when conviction from any court of law.

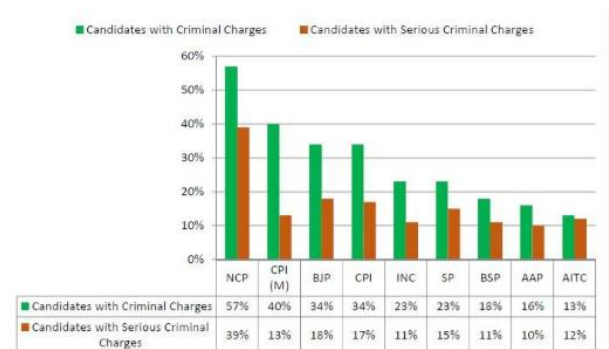


Fig. 2. Party wise candidates with criminal charges, Phase I-Phase V Lok Sabha elections

(Source: Association for democratic reforms)

The criminalization of politics has unfold its roots from assembly to government and from government to judiciary And step by step these criminals themselves enter into the law-making bodies, democratically and created the law of the land. scheme & Denial of Justice and Thousands and thousands of cases area unit unfinished in District Courts, High Courts and Supreme Court against these criminal humor politicians. The two billion greenback PNB scam wholly exposed the false

claims of the corruption-free rule of BJP and tall claims of PM as “chowkidar” or a watcher can guard the state against foreign threats moreover as from corruption. A lot of stunning is that the news that there was an informant who alerted PMO workplace and varied vigilance agencies regarding the scam in 2016 itself, however, BJP government still acts naive and claims content regarding this unit. The case of Nirav Modi doing the vanishing act isn't associate degree isolated one, we've got seen however Vijay Mallya fled to the United Kingdom when doing scam that is value 9000 crores, we've got seen Lalit Modi being expedited to induce protection within the United Kingdom through letters written by BJP leader, we've got the case of Arms Dealer WHO had possession of secret government documents and whose passport was impounded escaping through Asian nation, that proves that not solely area unit we have a tendency to bearing the force of corruption however additionally we have a tendency to area unit being exposed to security threats as state secrets area unit being exploited by arms dealers at the bidding of defence firms and these might later wind up in hands of our enemies. Political parties additionally provide tickets to those criminal candidates' people who area unit related to the caste politics within the state and might fetch the caste select the state or is the caste face of the party within the state. As adult male Singh Kushwaha was embraced in Bhartiya Janta Party even when having tainted background of corrupt practices so BJP will show him because the “backward” face of the party within the state assembly election. His criminal background will strengthen a party's vote bank rather symptom it. Throughout the regime of UPA-II prime minister, Manmohan Singh himself had same that telecommunication Portfolio was given to A. Raja on the Demand of DMK. In 2014 Loksabha election Aam Aadmi Party (AAP) candidate S.P. Udayakumar, Kanyakumari body, Tamil Nadu, faces the best range of criminal cases – 382 as well as nineteen charges associated with arrange to Murder (IPC section 307) and sixteen charges associated with infringement (IPC section 124A). He's closely followed by M. Pushparayan, additionally associate degree AAP candidate, Thoothukudi body, Tamil Nadu, with 380 criminal cases. Additionally necessary to notice is that BJP government is delaying Lokpal bill and appointment of Lokpal for the last four years & this can be despite SC order for constant. BJP government has appointed corrupt and other people with questionable antecedents as head of assorted enforcement agencies as well as CBI & CVC. PM removed Rajan & appointed former President of RIL, Arijit Patel as run Governor to facilitate his termination. VK Chowdhary WHO gave the Vigilance Excellence award to PNB in 2017, was appointed Chief Vigilance Commissioner in 2016 by PM Modi when he as with success hid proof of PM receiving 40Cr from Sahara & twenty five atomic number 24 from Birla (recovered in IT raids) from CBI. Some regional parties area unit accepted within the regions supported their loyalty to some caste. Rashtriya Janta dkl is seen because the main think about the politics of province that failed to enable having communal riots within the state within the Nineties. So, Muslims forms a vital part of RJD vote bank and this logic of quality founds support within the nomination of the criminal candidate within the election The

state assembly elections of Bihar, UP, Haryana, Jharkhand, state points out towards one obvious trend in Indian politics-increasing legislation of politics. In 2005 elections of Bihar, out of 385 candidates, 213 were found to be alleged of non-bailable and cognisable offences. Mukhtar Ansari won the Mau seat within the Uttar Pradesh Elections, 2007 as associate degree freelance whereas lodged at first at Ghazipur jail. However, once transformation within the existence and beliefs of “caste in twenty first Century”, new teams area unit fashioned on the idea of identity and this identity plays a awfully huge role within the in progress legislation of politics. Our Autonomous agencies like CBI, tax and nuisance tax Departments, area unit seen to be paper tigers in handling these scams and area unit sadly acting solely on the rules of corrupted ministers.

Mohammad Shahabuddin is one amongst India's most powerful criminal-politicians. Muhammad Sahabuddin was elected to four consecutive terms within the Indian Parliament from 1996-2008 from Siwan body Bihar on RJD price tag. In 1996, Sahabuddin was named as a Minister of State for the house Ministry within the H.D. Deve Gowda government. He's presently serving a sentence for snatch with intent to murder and as several as thirty four cases of significant crime area unit unfinished against him. Lalu Prasad Yadav United Nations agency served because the chief minister in Bihar from 1990 to 1997 has been charged in several corruption cases like of "Fodder Scam. Jayalalitha was disqualified from workplace once she was condemned of owning assets to the tune of Rs 66.65 crores (including two,000 acres of land, thirty metric weight unit of gold and twelve,000 saris) disproportionate to her familiar sources of financial gain throughout 1991-96 once she was chief minister for the primary time. Pramod Muthalik Founder and chief of the Rashtriya Hindu Sena, the person has a minimum of forty eight cases filed against him, the funny factor is he has not been in remission even once. Most of those cases area unit still underneath investigation. Amit Shah of Iran association within the Sohrabuddin case - wherever a faux encounter was musical organisation by senior police officers at Amit Shah's command. Uma Bharti Bharti may be a staunch supporter of the Ram Janm Bhoomi Movement and was a outstanding face and name throughout the riot that resulted within the demolition of the Babri house of prayer. She was indicted for inciting a mob to riot by The Liberhan Commission that investigated the incident. Madhu Koda was sworn in because the fourth chief minister of Jharkhand from 2006 to 2008. And he additionally has the unearned place within the Madhu Koda Mining Scam that happened in his state. He used his powers whereas he was in power to sanction iron-ore and coal mining contracts to personal businesses successively for over Rs. 4000 crores. Sheila Dixit:-The erstwhile CM of city was investigated for permitting three.5 crores of presidency funds kind the Jawahar Lal national leader National rehabilitation Mission for Rajiv Rattan Awas Yojana towards her political campaign. She was later suspect of corruption concerning the 2010 Commonwealth Games. Sharad Pawar Besides his shut reference to position criminals, Pawar was a beneficiary within the Telgi stamp paper scam. He was additionally allegedly been concerned in multi-crore scams that

concerned wheat imports and suspect of colluding within the extreme hike in agricultural costs throughout his time as Minister of Agriculture. Mayawati, the govt of Uttar Pradesh sanctioned the repair of the Taj Heritage passageway a very important traveller space in metropolis that's centred round the mausoleum. The project was fraught with issues as well as discrepancies within the unleash of funds. Associate degree tax raid allotted additionally discovered disproportionate assets. Suresh Kalmadi was serving because the chairman of the Commonwealth Games Organising Committee once he was in remission within the Timing-Scoring-Result case. He was afterward in remission for criminal conspiracy and cheating. Throughout the investigation, he created a claim of insanity that wasn't verified. Nitin Gadkari has been suspect of acceptive bribes from companies like Mahalaxmi Infra projects and Dhirendra Anant Bhat as he was one amongst the parties within the irrigation scam. He has additionally been sent a show-cause notice for causation voters to require bribes. Yeddyurappa was suspect of mistreatment his official power associate degree position to favour his sons and he sold them an acre of land in Bangalore for Rs. forty lakhs that was then sold to a company for forty crores. To defend himself the minister declared his assets that discovered additional disproportionate assets. Y.S. Jaganmohan Reddy was investigated by the CBI, CAG and federal agency on corruption charges, was later in remission and unfree for sixteen months. In 2004 Jagan's tax returns showed assets at Rs. 9.2 lakh, in April 2009, Jagan discovered total assets of Rs. 77 crores, and by 2011 this has allegedly hyperbolic to quantity Rs. 365 crores. A Raja once Raja was to blame of the Telecommunications and IT business he was suspect and later condemned of the sale of telecommunication information measure to pick organizations at costs that unostentatious the calculable market price at the time. The govt of Asian country incurred losses amounting to around Rs. two hundred crores (US\$ thirty-nine.9 million). Kanimozhi was condemned at the side of her brother A. Raja within the 2G Scandal for acceptive bribes and conspiring within the misspelling of telecommunication licenses. She was additionally summoned by the tax Department, metropolis for alleged non-payment charges. The Rafale Deal disputation may be a political disputation in Asian country associated with the acquisition of thirty six multirole warplane for a value calculable to be value Rs fifty eight, 000 large integer (7.8 billion dollars) by The Defence Ministry of Asian country from France's Dassault Aviation Origin of the deal lies within the Indian MRCA competition. Senior Supreme Court advocate Prashant Bhushan Sunday aforesaid the Rafale deal was the "largest defence scam in India" and urged the Centre to initiate a Joint Parliamentary Committee (JPC) probe into the matter. Addressing reporters here, he questioned however anil Ambani's Reliance Defence, the Indian offset partner of French firm Dassault Aviation, can be concerned within the project as most of his firms square measure in debt. "This isn't solely the biggest defence scam in Asian nation, however is one wherever national security has been severely compromised. Whereas the IAF needed 126 flights, it absolutely was reduced to thirty six," Bhushan aforesaid. Opposition Congress has defendant the

govt. of selecting Reliance Defence over state-run Hindustan physical science Ltd to learn the personal firm although it didn't have any expertise within the part sector. However, it's felt that the common subject of the country detaches himself from politics. In India, it's o.k. aforesaid that each one square measure the birds of an equivalent feather (for our revered Politician). There square measure such a lot of latest examples that prove an equivalent. The scam brought out the linkage between the corrupt businessmen, politicians, paperwork and also the criminals. The role of the Supreme Court becomes important here. The correct to info Act 2005 may be a historical Act that produces organization chargeable for penalty if they fail to retort to folks at intervals a stipulated timeframe. The candidates and political parties' square measure needed to submit their expenditure statements to the ECI when the poll results square measure proclaimed. The elections conducted within the recent past have witnessed a huge investment of cash from numerous business giants, massive companies, also as individual donors. Out of the funds collected throughout Lok Sabha elections, 2014, the national political parties declared in their election expenditure statements that Rs 408.75 crores (35.28% of total funds collected) were by money. Because the parties don't seem to be needed to produce details of the donors WHO given specifically throughout the election amount, these donations in money can stay unknown. Statesman forbidding company funding of elections in 1969 that eliminated the foremost vital legal supply of campaign finance and pushed funding underground. Several cases of phony firms donating large sums of cash to political parties have additionally been uncovered. in keeping with Section 182 of the businesses Act, 2013, no company living for fewer than 3 monetary years will create a donation and also the most quantity that an organization will contribute to an organization in an exceedingly year shouldn't exceed seven.5% of its average internet profits throughout the 3 preceding monetary years. However the media report states that M/s Trinetra authority Pvt. Ltd. that contributed to AITC in 2013-14, was registered on Apr twenty five, 2011. So, once the corporate created the contribution on March thirty one, 2014, it absolutely was still twenty five days wanting the three-year mark?

The inadequacy of the principles and rules concerning organization funding (including provisions providing anonymous donations) comes out starkly as maybe the prime reason for prodigious amounts of cash going into the party monetary resource and permitting intensive opportunities for non-transparent and hot funding that cannot be copied or sanctioned. During this context, associate degree RTI filed with the Election Commission of Asian nation by Common Cause disclosed surprising info. Several parties together with 2 national parties haven't been filing their contribution reports before the committee, in accordance with the provisions of Section 29C of illustration of the folks Act, 1951. This but didn't forestall these political parties from incorrectly claiming revenue enhancement exemption beneath Section 13A of the revenue enhancement Act. It's stunning that the revenue enhancement Department has been habitually granting tax exemption even to those political parties WHO don't seem to be

entitled thereto beneath the law, despite clear Supreme Court directions to the contrary. In post-independent Asian nation, robust opinion against corrupt practices has not developed. All and sundry is aware of that that system or follow is corrupt. However there's no one to protest against it. Rather, he thinks that this can be the system and he accepts it. This tendency has finally opened the door of the criminalization of politics. However if anybody objects to the corrupt follow he's either punished or bereft of his due. The birth of scourges like communalism, corruption, under-development, poverty, etc. may be attributed to the unethical practices, our leaders like sweet-faced criminal charges, human trafficking, immigration rackets, thieving, rape and even murder".

2. Conclusion

Conclusion in an exceedingly democracy the general public may be a most powerful tool and If the general public doesn't pick out favour of dishonest and corrupt politicians and criminals WHO would like to buy their votes by cash or muscle powers, everything shall operate nicely and also the democracy can shine within the dark spectrum of until now corrupt and criminalized form of government. The committee of Asian nation (ECI) ought to have the ability to audit the monetary accounts of political parties, or political parties' finances ought to be brought beneath the correct to info (RTI) law. The committee should take adequate measures to interrupt the nexus between the criminals and also the politicians. Thus, the crime-politics nexus demands a variety of solutions a lot of broader than disqualification or the other sanctions on electoral representatives. It needs careful legal insight into the functioning of the political parties and regulation the interior affairs of parties. Political parties type the govt. and thence govern the country. It is, therefore, necessary for political parties to own internal democracy, monetary transparency and responsibility in their operating. An organization that doesn't respect democratic principles in its internal operating cannot be expected to respect those principles within the governance of the country. It cannot be Caesarism internally and democratic in its functioning outside. tho' the illustration of the folks Act (RPA) disqualifies a sitting lawgiver or a candidate on sure grounds, there's nearly no regulation for the appointments to offices among the organization of the party. Political parties play a central role in Indian democracy. Therefore, a political

candidate could also be disqualified from being a lawgiver however could still hold high positions among his party. Condemned politicians could still influence law-making by dominant the party and fielding proxy candidates within the law-makers. In a very democracy primarily supported parties being controlled by a high-command, the method of breaking crime-politics nexus extends a lot of on the far side the legislators and encompasses political parties in addition.

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