

POLITICAL CONVICTIONS

Lawless Legislators Thwart Social Progress in India

**Malnutrition, Polio;
A 'Superior' Jail Cell
For Mukhtar Ansari**
By **PETER WONACOTT**
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GHAZIPUR, India -- Since late 2005, Mukhtar Ansari has been confined to this ramshackle town's jailhouse, accused of conspiracy to murder. That charge and 27 other criminal cases lodged against him over 19 years have done little to derail a long political career.

In 1996, months after being charged with firing an AK-47 at the local police commissioner, Mr. Ansari was voted a member of his state's Legislative Assembly, the equivalent of an American state senate. In 2002, while facing a charge of illegal arms possession, he won re-election by a wide margin.

Now, the 40-year-old Mr. Ansari is running again for re-election in Uttar Pradesh, India's most populous state. He's expected to sail back into office in elections next Tuesday, thanks to a potent mix of divisive politics and political largess. His brother, Afzal, locked up with him in the Ghazipur District Jail, is a member of India's national parliament in New Delhi.



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A campaign poster for Mukhtar Ansari who is running for re-election to the Legislative Assembly in India's Uttar Pradesh state.

Police accuse the brothers of masterminding the assassination of a political rival and five associates. Both deny all charges against them; neither has ever been convicted of a crime.

The Ansari brothers represent an extraordinary phenomenon in India's democracy. Even as the country strives to become a global economic force, its legislatures are crowded with alleged criminals. In office, they are frequently accused of enriching themselves or their backers, often through construction projects, as well as settling scores with rivals, sometimes violently.

In many parts of India, such politics has produced a development paradox: Politicians continue to lavish attention on new buildings and roads, but neglect less lucrative public services. As a result, critics say, those with the greatest power to carry out much-needed health and school programs have proved major obstacles to their implementation. The costs of these failures are stark. Despite the economy growing

at 8% or more a year for the past three years, India is falling behind in several basic measures of human progress.

The latest family health survey, conducted by India's Ministry of Health, showed child malnutrition levels even higher than in Sub-Saharan Africa. According to the survey, 46% of children under 3 in India are underweight. (Unicef figures show that 28% of Sub-Saharan children under 5 are underweight.) Anemia, linked to poor nutrition, is prevalent in 79% of India's children aged 6-35 months, up from 74% seven years ago.

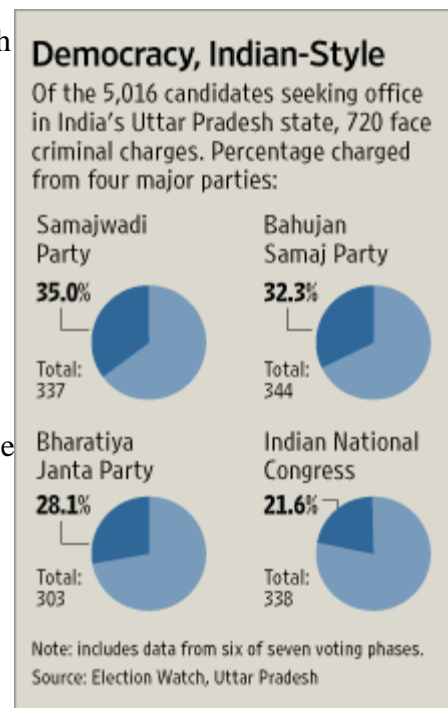
Poor immunization coverage, meanwhile, has contributed to a comeback in Uttar Pradesh of polio, a once-rare disease. The state accounted for about 85% of India's 674 polio cases last year. Only Nigeria has more cases, according to Rotary International, a volunteer organization that is part of a global campaign against the disease.

Many countries, including the U.S., have lawmakers who run afoul of the law, and it's not uncommon in developing countries for those fleeing the law to find sanctuary in political office. Brazilian legislators, for example, have been accused of entering politics to take advantage of a law that grants them immunity from criminal prosecution in office.

Few countries, however, can match India's numbers. Following the 2004 election, almost a quarter of the 535 elected members of India's national parliament have criminal charges registered against them or pending in court, according to the Public Affairs Center, an Indian elections watchdog. Half of those with charges pending against them face prison terms of at least five years if convicted.

For some insular communities in India, criminal charges carry much less of a stigma than in other countries, or even more mainstream parts of India. Such charges may even be an asset, since tough characters can help bond together people of the same faith or caste, especially if that person is seen as one who will help resist bullying by other groups, says Rashid Alvi, a Congress Party member of parliament from Uttar Pradesh. "They will elect the hardcore criminals if they think it will teach a lesson to the other castes," says Mr. Alvi. "It's the idea of who cares if he's a rogue, he's our rogue!"

For alleged criminals, political office is alluring: If they haven't been convicted, they can remain in office even while in jail. And if convicted, politicians often manage to hold onto their jobs while an appeal is lodged. India's justice system grinds so slowly that cases may not be heard for years. Meanwhile, police escorts deter their foes -- often other legislators -- from trying to kill them.



Since candidates have been required to disclose criminal charges against them only since 2002, comparative figures with previous elections aren't available. But observers say the situation is worsening. "It's demoralizing to the police that you not only have to protect these people, you have to salute them, too," says Prakash Singh, a retired police chief for Uttar Pradesh.

India's political ranks include well-regarded leaders such as Oxford-educated Prime Minister Manmohan Singh. Since coming to power in 2004, his government has drafted programs to boost health services, education, infrastructure and employment. It's also increased foreign investment by lowering barriers to India's market, supporting the technology industry and maintaining easy credit policies. Those steps have generated a young, urban and free-spending middle class.

But implementation of government development programs, especially at the local level in poor areas where state politicians have broad influence, remains a problem. The World Bank, which has approved about \$3 billion in loans for Indian projects, is among the increasingly anxious foreign backers. "It is easy to be optimistic about India's economic prospects," the bank stated in a 2006 India Development Policy Review. "But there is growing concern that the basic institutions, organization and structure for public sector action are failing -- especially for those at the bottom."

Even Mr. Singh's government has had to seek the cooperation of politicians with criminal records because his Congress Party can only stay in power with the support of a coalition. Last year, the Congress Party lost a key ally, Coal Minister Shibu Soren from the regional Jharkhand Mukti Morcha party, who was convicted of the 1994 kidnapping and murder of his former personal secretary.

Nowhere has the political system attracted more unsavory characters than in Uttar Pradesh, with a population three times that of California and New York combined. It is also one of the poorest in the nation.

The state has played a seminal role in India's history. An 1857 uprising against the British, which spurred India's drive for independence, drew support from rebellious local soldiers and residents. Uttar Pradesh is the political base for the Gandhi-Nehru family dynasty, which has contributed three of India's 14 prime ministers since independence in 1947. Today, as the state votes in seven phases over one month for representatives in the state legislature, the ballots are full of politicians with less distinguished pedigrees.

Prior to the elections, slightly more than half of its 403 legislative assembly members, including Mukhtar Ansari, faced criminal charges. In the first six phases of the elections, there were 48 constituencies offering four or more candidates with criminal cases pending against them.

The criminal justice system remains vulnerable to political pressure. Political rivals often direct charges against each other, and work to withdraw cases against supporters. Still, many of India's legislators in legal trouble faced criminal charges well before their

political careers began, according to I.C. Dwivedi, former director of police for Uttar Pradesh and now the state's head of Election Watch, an NGO. "They were criminals first and politicians later," he says.

Mulayam Singh Yadav, the current chief minister -- roughly equivalent to a state governor in the U.S. -- and his predecessor Mayawati (who goes by a single name) both face criminal probes over improper accumulation of assets. The charges haven't stopped them from vying for the chief minister's post in the current election.

Many of the state's politicians are elected by tapping deep social divisions. Voters favor candidates of their own caste, and will often turn their backs on candidates of other castes. Since those belonging to lower castes often outnumber the middle rungs and the elites, politically savvy criminals can scare up votes with talk of caste and communal persecution, according to Arun Shourie, a former government minister and author of a new book on India's parliamentary system.

"The whole incentive is to fragment the electorate," he said in an interview.

There are powerful payoffs for mobilizing blocks of voters. India's elections are won with a plurality of votes from each constituency, not a majority. The political party with the most legislators typically forms the government.

Once in office, lawmakers help determine where funds are spent. As chief development officer for the state capital, Anurag Yadav said he traced about two-dozen cases of funds misappropriated by politicians. Some money wound up in personal villas, but much of it went into constructing private schools, which offer scope for graft. Cronies can build and run these schools, says Mr. Yadav, and cuts from construction fees and tuition are kicked back to the politician.

In one scam, a member of the national parliament provided 2.5 million rupees, or about \$60,000, through an NGO to help construct the villa of an Uttar Pradesh state legislator facing 20 criminal cases, including murder. In another, a politician used public funds to build a nursing home only to rent it out for weddings, collecting the fees, according to Mr. Yadav.

These two cases were referred to the state ministry in charge of program implementation, but Mr. Yadav was transferred a few months later.

Mukhtar Ansari, the jailed legislator, rose to power doling out political favors to his supporters and defending his fellow Muslims and the low-caste poor against Hindu upper castes.

His grandfather was a president of the Indian National Congress, the party that spearheaded India's independence movement, and his father was a communist leader. In college, Mr. Ansari did little to distinguish himself beyond winning a gold medal in a

javelin competition. "Not brilliant, but an obedient boy," says B.B. Singh, a retired professor of political science who knew him.

In 1988, Mr. Ansari was charged with murder after a bullet-riddled body was found in the street, according to a Ghazipur police report. Mr. Ansari, one of several suspects, was acquitted six months later -- the first of five acquittals for murder. Prosecutors have produced few witnesses during the criminal cases to support the charges. His supporters point to the lack of convictions as proof the charges are baseless.

In 1996, the year he was accused of shooting at the police commissioner, Mr. Ansari launched his political career from the nearby constituency of Mau, whose many Muslims have a history of tension with Hindus. Although members of the legislative assembly in Uttar Pradesh typically receive about \$1.2 million to spend on their constituencies in their five-year terms, Mr. Ansari obtained 20 times that amount, according to his spokesman, M.S. Mujahid. When asked how he had managed that, Mr. Mujahid said that his boss had used his "influence." He said the money went toward building roads, bridges, hospitals and a sports stadium, and that 30% of the funds were spent on schools and colleges, both private and public.

Mr. Ansari wasn't involved in the construction and denies all charges of corruption, Mr. Mujahid said.

At the Ansari family home in Ghazipur -- where employment has shrunk with the closure of sugar and weaving factories -- supporters attest to Mr. Ansari's generosity.

Gopal Rai, a self-described writer, recalled how Mr. Ansari personally paid for the education of his son, a software engineer. Another man said he was given money for his wife's heart operation. Mr. Ansari's eldest brother, Sibghatullah, says his youngest sibling often pays marriage dowries for daughters of the poor.

For the past 18 months, however, Mr. Ansari's political career has been consumed by legal turmoil. After Hindu-Muslim riots erupted in Mau in October 2005, police accused him of inciting the violence. He surrendered to Ghazipur police, who later dropped the charge.

Before he went free, Mr. Ansari became embroiled in another case: the murder of Krishnanand Rai, a member of the state legislature for the Hindu nationalist Bharatiya Janata Party. On Nov. 29, 2005, a gang fired assault rifles into Mr. Rai's motorcade, killing him and five others, according to a police report. The killers then fled to the Ansari household, the report said. Mukhtar, already in jail, and his brother, Afzal, were arrested for plotting the murder. A Ghazipur court has rejected a request for bail.

Officials in Ghazipur suspect the politicians clashed over road projects or coal transport in neighboring states, but no corruption charges have been leveled against Mr. Ansari. His spokesman says the family is wealthy enough from farming activities in Ghazipur not to require income beyond his government salary.

Alka Rai, the murdered politician's widow, says that the conflict was tied to Mr. Ansari's practice of stirring up communal strife to mobilize votes. She is running for re-election to the state assembly after stepping into her dead husband's seat. In another election twist, Mr. Ansari's brother, Sibghatullah, is contesting the same constituency.

In Ghazipur jail, the Ansari brothers are accommodated in a "superior cell" reserved for inmates who hold political office. The amenities include a fan, TV and good food. Although Mr. Ansari is only permitted to receive relatives, a police inspection in March discovered 18 unauthorized visitors. Prison officials declined to make him available for comment. Nor did he respond to written questions.

Mr. Ansari is only allowed regular travel to two places -- court and the state assembly in Lucknow. During a legislative session in March, he complained of feeling unsafe without his armed guards. There were people inside the chamber, Mr. Ansari warned, who planned to kill him.

--Binny Sabharwal and Vibhuti Agarwal in New Delhi contributed to this article.

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