Criminalization of Politics in India

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ABSTRACT   At present we very often come across the words criminalization of politics criminalization of Politics means that the criminals entering the politics and contesting elections and even getting elected .The root of the problem lies in the country’s poor governance capacity .In India, it is not a new phenomenon. Data from the last three general elections shows candidates with criminal cases were three times more likely to win than a “clean” candidate. The criminal candidates of any constituency can use illegal means to stop other candidates from contesting elections, use the weapon of intimidation to stop supporter of other candidate to cast vote and use of money power to get vote in his favour. Such candidates, when elected, seek to recover their expenses besides securing a corpus for the future election as quickly as possible, especially in the era of coalition governments with slight stability. The roots of the most apposite challenges faced by Indian politics today can be traced to the lack of intra-party democracy in candidate selection and party elections. The lack of transparency in ticket distributions by political parties is also root cause of this problem .The concern for corrupt and criminal-free politics needs more emphasis by the Election Commission and Supreme Court, in order to free politics from criminals. Now Criminalization of politics is one of the major concerns in India as several politicians facing charges of murder, corruption, rape and abduction. Elections are the most important and integral part of politics in a democratic system of governance .Democracy can function only upon this faith that elections are free and fair and not manipulated. Evils like crime, corruption and money power have the potential to poison our democracy and system of Democracy is not working properly.My paper is attempt to discuss criminalization of politics in India which directly affect our daily life. Now if we should not takes serious steps to stop all this our coming generation never grow up in this spoiled system.

Keywords: Comparison of different lok sabha with their criminal MP , political scam and involvement of political leader in corruption.

India is a huge success in the aspect of democracy despite its multiculturalism and diversity, which has been evident with the success of 16th Lok sabha elections. Indian elections have been in the centre stage of media production houses and academic works. The change in the political environments after change in the party in power has various socio-political effects. But, increasing politicians-criminal nexus in India has assumed alarming situations in contemporary time. There are examples of different countries where Democracy and electoral processes have failed leading to huge political crisis. The problems of governance, accountability, clean political environment, fair competition and other things are cited as the result of increasing criminalization of politics. The first three general elections (1952-62) in our country were accepted by and large free and fair; a decline in standards began with the fourth general election in 1967. Over the years, Indian electoral system suffered from serious desperate condition .The political parties are the prime instruments for the execution of democracy in the country. The selection of candidates, the mobilization of the electorate, the formulation of agendas and the passing of legislation are all conducted through political parties. They are the only organizations in the country that seek, compete for, and acquire power over state setup, control over public funds, government bureaucracy and legislative mechanisms . The system of party government is also responsible for the criminalization of politics. On the eve of general election the leaders of the party give promises to the electorate. The purpose is to win the election. If the party luckily comes to power, the members of the ruling party try to implement the promises. The dark side of this situation is the party in power does not consider the feasibility and rationality of the action or promises unreasonable and impractical ways and techniques are adopted. This is a cause of criminalization of politics. The role of the citizens in achieving a clean Parliament is perhaps just as significant as any other remedy. The surest way to bring about decriminalization is if voters stop voting for tainted candidates and stop selling their vote in exchange for benefits in cash and kind. It is important for citizens to understand that if they keep electing candidates with criminal records, ‘good governance’ will be almost impossible to achieve. The ECI as well as civil society organizations such as ADR have been running massive voter awareness campaigns, encouraging people to go out and vote; to vote only after making an informed choice and to not ‘sell their vote’. In this digital age, the ability of these organizations to use social media and mobile technologies to their advantage in reaching out to the masses will determine how effectively the citizens can be sensitized to the issue.
role of citizens is rejecting candidates with criminal cases will also be determined by the choices presented to them by political parties, a fact that is further dependent on the extent of transparency in the internal functioning of political parties. But in India situation is total different according to the data analysed by the Association for Democratic Reforms (ADR), there are 162 Members of Parliament in the 15th Lok Sabha with criminal cases pending against them. The table below presents an analysis of the Members of Parliament (MPs) with pending criminal cases who were given tickets by all major parties in elections to the Lok Sabha held in 2004 and 2009. As can be seen all major parties do routinely give tickets to candidates with criminal backgrounds.

<table>
<thead>
<tr>
<th>Party</th>
<th>Number of candidates*</th>
<th>Number of MPs</th>
<th>Number of MPs with Pending Criminal Cases</th>
<th>MPs with Pending Criminal Cases (%)</th>
<th>Number of Candidates*</th>
<th>Number of MPs</th>
<th>Number of MPs with Pending Criminal Cases</th>
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* Analysis by National Election Watch
Source: Association for Democratic Reforms, Lok Sabha 2009 Election Watch, National Level Analysis

The fact that the 15th Lok Sabha has 150 MPs under the scanner on various criminal charges out of which 73 have serious charges including those of murder, rape, dacoity, kidnapping and corruption. Such large number of persons with serious criminal charges, are in a powerful position of influencing the very stability of any government but post Lok Sabha elections 2009, even when the largest component of UPA-11 the INC, is in a much stronger position, there are 9 ministers with pending criminal cases, with 1 having a serious criminal charge against him. In 2014 Association of Democratic reforms (ADR) survey revealed that every third MP in the 16th Lok Sabha faces criminal charges. In fact, the 16th elected Lok Sabha has the most number of MPs with criminal charges. From ADR’s compilation of data on 5,380 candidates contesting the Lok Sabha election 2014, 17 per cent have declared criminal charges in the affidavits submitted to the Election Commission; 10 per cent have declared serious criminal charges such as murder and rape charges.
In the 2014 General Election, for instance, even though the voter turnout was its highest ever, at 66.4%, India also witnessed the formulation of a parliament with 34% of members with criminal charges, an all-time high! Have a look

The candidates with criminal charges have a 13% chance of winning seats, as compared to a miserable 5% winning chance for candidates with a clean slate. It's disheartening, yes

The IBTimes also reported that 10 Members of Parliament have been charged with dacoity and robbery and 2 MPs have cases for crimes related to women.

What's more, Hindustan Times reported that 18% of the Cabinet Ministers have serious criminal charges against them, like crimes against women, murder, and attempt to murder.

Taking cognizance of these serious shortcomings several commissions came up with the proposal for reformation of Electoral process in India including 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 Working of the Constitution 2017. The Vohra (Committee) Report was submitted by the former Indian Union Home Secretary, N.N. Vohra, in October 1993. It studied the problem of the criminalization of politics and of the nexus among criminals, politicians and bureaucrats in India. The report contained several observations made by official agencies on the criminal network which was virtually running a parallel government. It also discussed criminal gangs who enjoyed the patronage of politicians, of all parties, and the protection of government functionaries. It revealed that political leaders had become the leaders of gangs.

In India Booth Capturing is going on, the returning officer is to notify it to the election commissioner and apt decisions would be taken to declare the polling in that area to null and Buying Votes. The first instances of “booth-capturing” were reported in 1957, and involved hired goons who would mobilize or suppress turnout, or vote on behalf of disenfranchised voters. The Election commission directed the returning officer, civil society and any person to intimate about booth capturing or any kind of rigging to the commission to take strong action against the perpetrator of anarchy under section 58 A of Representation of people Act, 1951

The Representation of People's Act 1951 is the only mechanism through which the influx of criminals in the polity of country can be stopped. The law says that one cannot contest election after conviction in any crime and this moratorium is for 6 years from the date of conviction or after the release from the prison depending on the severity of crime. Earlier section 8(4) used to give 45 days for appeal in the higher courts but after the recent decision of Supreme Court no candidate can contest the election or ceased to be the member of legislature after conviction from any court of law.

The criminalization of politics has spread its roots from legislature to executive and from executive to judiciary. And gradually these criminals themselves enter into the law making bodies, democratically and made the law of the land. Judicial System & Denial of Justice and Thousands and thousands of cases are pending in District Courts, High Courts and Supreme Court against these criminal cum politicians. The 2 billion Dollar PNB scam totally exposed the false claims of corruption free rule of BJP and tall claims of PM as “chowkidaar” or a security guard will guard nation against foreign threats as well as from corruption. More shocking is the news that there was a whistle blower who alerted PMO Office and various vigilance agencies about the scam in 2016 itself, however BJP government still acts naive and claims ignorance about this whole thing. The case of Nirav Modi doing the vanishing act is not an isolated one. We have seen how Vijay Mallya fled to UK after doing scam which is worth 9000 crores, we have seen Lalit Modi being facilitated to get safe haven in UK through letters written by BJP leader, we have the case of Arms Dealer who had possession of secret government documents and whose passport was impounded escaping through Nepal, which proves that not only are we bearing the brunt of corruption but also we are being exposed to security threats as state secrets are being exploited by arms dealers at behest of defence companies and these may later land up in hands of our enemies. Political parties also give tickets to those criminal candidates those who are associated with the caste politics in the state and can fetch the caste vote in the state or can be the caste face of the party in the state. As Babu Singh kushwaha was embraced in Bhartiya Janta Party even after having tainted background of corrupt practices so that BJP can show him as the “backward” face of the party in state assembly election. His criminal background can strengthen party's vote bank rather hurting it.

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Jharkhand, Andhra Pradesh points out towards one obvious trend in Indian politics - increasing criminalization of politics. In 2005 elections of Bihar, out of 385 candidates 213 were found to be alleged of non-bail able and cognizable offences. Mukhtar Ansari won the Mau seat in the Uttar Pradesh Elections, 2007 as an Independent while lodged initially at Ghazipur jail. However, after transformation in the existence and ideology of "caste in 21st Century", new groups are formed on the basis of identity and this identity plays a very big role in the ongoing criminalisation of politics. Our Autonomous agencies like CBI, Income Tax and Sales Tax Departments, are seem to be paper tigers in dealing with these scams and are unfortunately acting only on the guidelines of corrupted ministers.

Mohammad Shahabuddin is one of Indias most powerful criminal-politicians. Mohammad Shahabuddin was elected to four successive terms in the Indian Parliament from 1996-2008 from Siwan constituency Bihar on RJD ticket. In 1996, Sahabuddin was named as a Minister of State for the Home Ministry in the H.D. Deve Gowda government. He is currently serving a life sentence for kidnapping with intent to murder and as many as 34 cases of serious crime are pending against him. Lalu Prasad Yadav who served as the chief minister in Bihar from 1990 to 1997 has been charged in many corruption cases like of "Fodder Scam", Jayalalithaa was disqualified from office after she was convicted of owning assets to the tune of Rs 66.65 crores (including 2,000 acres of land, 30 kg of gold and 12,000 saris) disproportionate to her known sources of income during 1991-96 when she was chief minister for the first time. Pramod Muthalik, Founder and chief of the Rashtriya Hindu Sena, the man has at least 48 cases filed against him, funny thing is he has not been arrested even once. Most of these cases are still under investigation. Amit Shah connection in the Sohrabuddin case - where a fake encounter was orchestrated by senior police officials at Amit Shah's command. Uma Bharti Bharti is a staunch supporter of the Ram Janm Bhoomi Movement and was a prominent face and name during the riot that resulted in the demolition of the Babri Masjid. She was indicted for inciting a mob to riot by The Liberhan Commission that investigated the incident. Madhu Koda was sworn in as the fourth chief minister of Jharkhand from 2006 to 2008. And he also has the honorary place in the Madhu Koda Mining Scam which happened in his state. He used his powers while he was in power to sanction iron-ore and coal mining contracts to private businesses in turn for over Rs. 4000 crores.

Shiela Dixit - The erstwhile CM of Delhi was investigated for allotting 3.5 crores of government funds form the Jawahar Lal Nehru National Urban Renewal Mission for Rajiv Ratan Awas Yojana towards her political campaign. She was later accused of corruption regarding the 2010 Commonwealth Games. Sharad Pawar Besides his close connection with high profile criminals, Pawar was a beneficiary in the Telgi stamp paper scam. He was also allegedly been involved in multi-crore scams that involved wheat imports and accused of colluding in the extreme hike in agricultural prices during his time as Minister of Agriculture. Mayawati - The government of Uttar Pradesh sanctioned the repair of the Taj Heritage Corridor an important tourist area in Agra that is centered around the Taj Mahal. The project was fraught with problems including discrepancies in the release of funds. An income tax raid carried out also revealed disproportionate assets. Suresh Kalmadi was serving as the chairman of the Commonwealth Games Organising Committee when he was arrested in the Timing-Scoring-Result case. He was subsequently arrested for criminal conspiracy and cheating. During the investigation he made a claim of dementia dementia which was not proved. Nitin Gadkari has been accused of accepting bribes from corporations like Mahalaxmi Infraprojects and Dhirendra Anant Bhat as he was one of the parties in the irrigation scam. He has also been sent a show cause notice for inducing voters to take bribes. Yeddyurappa was accused of using his official power and position to favour his sons and he sold them an acre of land in Bangalore for Rs. 40 lakhs which was then sold to a mining company for 40 crores. To defend himself the minister declared his assets which revealed more disproportionate assets. Y.S. Jaganmohan Reddy was investigated by the CBI, CAG and IRS on corruption charges, was later arrested and imprisoned for 16 months. In 2004 Jagan's tax returns showed assets at Rs. 9.2 lakh, in April 2009, Jagan revealed total assets of Rs. 77 crores, and by 2011 this has allegedly increased to amount Rs. 365 crore.

A Raja When Raja was in charge of the Telecommunications and IT industry he was accused and later convicted of the sale of telecommunication bandwidth to select organisations at prices that understated the estimated market value at the time. The Government of India incurred losses amounting to around Rs. 200 crore (US$ 39.9 million). Kanizmozi was convicted along with her brother A. Raja in the 2G Scandal for accepting bribes and conspiring in the mis-selling of telecom licenses. She was also summoned by the Income Tax Department, Chennai for alleged tax evasion charges.

The Rafale Deal Controversy is a political controversy in India related to the purchase of 36 multirole fighter aircraft for a price estimated to be worth Rs 58,000 crore (7.8 billion dollar) by The Defence Ministry of India from France's Dassault Aviation Origin of the deal lies in the Indian MRCA competition. Senior Supreme Court advocate Prashant Bhushan Sunday said 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 how Anil Ambani's Reliance Defence, the Indian offset partner of French firm Dassault Aviation, could be involved in the project as most of his companies are in debt. "This is not only the largest defence scam in India, but is one where national security has been severely compromised. While the IAF wanted 126 flights, it was reduced to 36," Bhushan said. Opposition Congress has accused the government of choosing Reliance Defence over state-run Hindustan Aeronautics Ltd to benefit the private firm though it did not have any experience in the aerospace sector. However, it is felt that the common citizen of the country detaches himself from the politics. In India, it is very well said that all are the bird's of the same feather (for our respected Politician). There are so many latest examples which proves the same. The scam brought out the linkage between the corrupt businessmen, politicians, bureaucracy and the criminals. The role of Supreme Court becomes very important here. The Right to Information Act 2005 is a historical Act that makes Government officials liable for punishment if they fail to respond to people within a stipulated timeframe. The candidates and political parties are required to submit their expenditure statements to the ECI after the poll results are announced. The elections conducted in the recent past have witnessed a massive investment of money from various industry giants, big corporations, as well as individual donors. Out of the funds collected during 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) was by cash. As the parties are not required to provide details of the donors who donated specifically during election period, these donations in cash will remain unknown. Indira Gandhi banning corporate financing of elections in 1969 which eliminated the most important legal source of campaign finance and pushed financing underground. Many cases of bogus companies donating huge sums of money to political parties have also been uncovered. According to Section 182 of the Companies Act, 2013, no company in existence for less than three financial years can make a donation and the maximum amount that a company can contribute to a political party in a year should not exceed 7.5% of its average net profits during the three preceding financial years. But the media report states that M/s Trinetra Consultant Pvt. Ltd. which contributed to AITC in 2013-14, was registered on April 25, 2011. So, when the company made the contribution on March 31, 2014, it was still 25 days short of the three-year mark.

The inadequacy of the rules and regulations relating to political party funding (including provisions allowing for anonymous donations) comes out starkly as perhaps the prime reason for colossal amounts of money going into the party exchequer and allowing extensive opportunities for non-transparent and illegal financing which cannot be traced or sanctioned. In this context, an RTI filed with the Election Commission of India by Common Cause, disclosed startling information. Many parties including two national parties have not been filing their contribution reports before the Election Commission, in accordance with the provisions of Section 29C of Representation of the People Act, 1951. This however did not prevent these political parties from wrongly claiming income tax exemption under Section 13A of the Income Tax Act. It is shocking that the Income Tax Department has been routinely granting tax exemption even to those political parties who are not entitled to it under the law, despite clear Supreme Court directions to the contrary. In post-independent India strong public opinion against corrupt practices has not developed. Each person knows that that system or practice is corrupt. But there is nobody to protest against it. Rather, he thinks that this is the system and he accepts it. This tendency has finally opened the door of the criminalization of politics. But if anybody objects to the corrupt practice he is either penalised or deprived of his due. The birth of scourges like communalism, corruption, under-development, poverty, etc. can be attributed to the unethical practices, our leaders indulge in faced criminal charges, human trafficking, immigration rackets, embezzlement, rape and even murder.

Conclusion: In democracy the public is most powerful tool and if the public do not vote in favor of dishonest and corrupt politicians and criminals who wish to purchase their votes by money or muscle powers, everything shall function nicely and the democracy will shine in the dark spectrum of hitherto corrupt and criminalized political system. The Election Commission of India (ECI) should have the power to audit the financial accounts of political parties, or political parties' finances should be brought under the right to information (RTI) law. The Election Commission must take adequate measures to break the nexus between the criminals and the politicians. Thus, the crime-politics nexus demands a range of solutions much broader than disqualification or any other sanctions on elected representatives. It requires careful legal insight into the functioning of the political parties and regulating the internal affairs of parties. Political parties form the Government and hence govern the country. It is therefore, necessary for political parties to have internal democracy, financial transparency and accountability in their working. A political party which does not respect democratic principles in its internal working cannot be expected to respect those principles in the governance of the country. It cannot be dictatorship internally and democratic in its...
functioning outside. Though the Representation of the People Act (RPA) disqualifies a sitting legislator or a candidate on certain grounds, there is virtually no regulation for the appointments to offices within the organization of the party. Political parties play a central role in Indian democracy. Therefore, a politician may be disqualified from being a legislator, but may continue to hold high positions within his party. Convicted politicians may continue to influence law-making by controlling the party and fielding proxy candidates in legislature. In a democracy essentially based on parties being controlled by a high-command, the process of breaking crime-politics nexus extends much beyond the legislators and encompasses political parties as well.

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