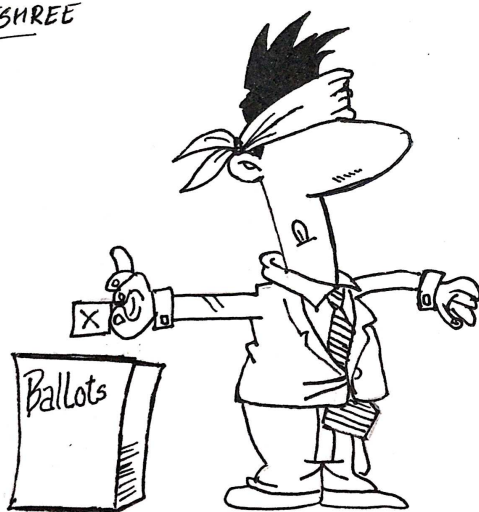


Some Reforms are Urgent, Cannot Wait Anymore

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As an essential feature of a healthy democracy, general elections have been conducted in India at regular intervals since the first general election, which took place on 13 May 1952, after the adoption of the Constitution. Though political participation and various political processes are the ongoing activities in a polity, the elections are undoubtedly the most notable and visible exercises in a democracy. The process of colonization had exploited the *Indianness* inbuilt in the political-social conscience of the nation in a variety of ways, but this had also become a medium to witness the comprehensive phenomenon of development at several layers in Europe. Democracy, equality, liberty, rights, liberal notion of citizenship, voting rights, etc had become the buzzword of the time and all of these also marked their great impact on the intelligentsia of

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India, who were trying hard, along with daily activism, to respond to colonialism through the intellectual exercise of post-colonialism. This was extremely clear in the minds of the Indian liberals, amidst a raging freedom struggle, that the century is of rights, of equality and of democracy in general and India with its new beginning after independence...after 300 years of foreign oppression could not afford to lose these modern values from its political system. The constituent assembly formed to write the Indian constitution was very clear about this spirit and it was translated very well in the draft, too.

India had given goosebumps to the most nations of the west, declaring a universal adult franchise in the country while these nations, though way ahead in political development, were still struggling to give it to their women. Statesmen like Churchill, expressed their great disbelief that a country that had just witnessed a bloody partition a while ago was going to afford democracy, even without the recent tradition of practicing it. As a postcolonial response, when India adopted its own version of nationalism, which was based on diversity and heterogeneity unlike the modern democracies of the west, many American and European thinkers were almost sure that the Indian experiment with democracy was bound to fail. So, the free and fair elections being held till today, 60 years post-independence, at regular intervals in the country, are not only ensuring an indigenous sense, but also giving a befitting reply to the western apprehensions.

Apart from this self-congratulatory notion of our political system, it also becomes a very important topic of discussion about the vulnerabilities of our democracy and its functioning, especially with regards to the electoral practices. First and foremost, the scenario of political mobilisation and political institutionalisation are very worrisome if we are to consider the Indian experience of political development. Ideally, the institutionalization must go hand in hand with the political mobilisation to obtain the level of political development as Prof. Samuel P. Huntington suggests.

In the Indian case, we have achieved a phenomenal level of institutionalisation thanks to the Constituent Assembly and colonial experience but we are still lacking in the context of political awareness and mobilisation. For a population, which barely had 18 per cent literacy rate in 1951, that too unevenly distributed among layered social classes and which had been colonised for more than 200 years, it was not at all justified to expect from them an appropriate political mobilisation for their demands and will. Taking into consideration, the modern notion of democracy, it could be safely argued that this is quite new in Indian context. Due to the colonisation process, India had missed the opportunity and urge for spontaneous evolution of political development. So, from the divided

notion of regional powers or from the feeble allegiance of central monarchy, suddenly the people of India directly came under the republic-democratic sovereign.

At a structural level, though, this transition became smooth after independence, it was only on the surface, because people had not perceived it in totality. In the beginning, people took this development as a mere transfer of power from a foreign ruler to an indigenous ruler, largely. Gradually, the democratic notions started getting currency. But still, it was not enough to fill the gap between the growth arrows of the institutionalisation and its mobilisation. Till a time, that the awareness programmes for the voters of the nation, regarding interest articulation, aggregation and mobilisation cannot be launched specifically and an essential message for the true representation of identity and issue cannot be communicated well to the people, this political decay will continue to exist in our political milieu.

Election alone is the only political activity through which many political purposes of the polity are being served, so it is an activity of the utmost significance. Through election, people elect their representatives to represent their collective identity and issues. Here, one thing is noteworthy that the election process is not a selection process. In the selection process, a candidate must fulfil the eligibility criteria set by the selection authority but in an election, people elect their representatives that suit their needs at that time. Selection is best suited for the bureaucracy where certain set eligibility parameters must be met, in order to be in the permanent executive. Hence, in a democracy, election is essential for electing the representatives of the people. There are several methods of electing the representatives; India chose the first past the post method (FPTP). This is an easy method compared to all other of its alternatives, notably, the proportional representation system. Where the FPTP system is appreciated widely because of its easy methodology, the latter, the proportional representation system is widely acclaimed for its pure representative outcome.

India is known as the land of diversity and people of diverse identities. If India as a democratic country had adopted the parliamentary representative system, it should have adopted the proportion method of election in order to give a fair representation to each diverse identity. But India in the year 1949, was a fresh, newly independent country, and was experimenting with democracy with a very meagre literacy rate and a confined sense of political awareness, after almost 300 years of being ruled. Therefore, the ease of the process was preferentially picked over the purity of representation.

Two more reasons that Dr. Ambedkar had added to this choice:

Firstly, he was very apprehensive about the parliament in which the members would be chosen on the basis of a proportional electoral method. He expressed his fears that they would then be divided in little groups over petty, little interests and consequently it would hamper the stability of the house and government as a stable government must enjoy the full confidence of the members in the parliament in order to be in power.

Secondly, Dr. Ambedkar was not convinced about the suitability of reserving some seats especially for minorities. He was of the opinion that through proportional representation, minorities might be able to find their voice raised in the house but then there would not be any conformity about their representation in the house.

Today, the India of the 21st century is quite vocal about its identity and issues. In the multiparty system, there are several parties, which are very particular about the preservation and representation of the identity of their specific voters. Now, the literacy rate is also much better, compared to the year 1949 and the degree of political awareness too is much more than before. So now, there arises the requirement of a nationwide debate on the electoral method of the country because the FPTP system is falling short of many of the electoral objectives. Many votes are going unrepresented and India's diversity deserves to have a proportionately diverse and a profoundly much more, fair, electoral method for the proper representation of these diverse voters. This is a debatable point now and quite relevant too, of whether the requirement is of a pure representation of each diverse view from each constituency or that of some fixed seats representation of the minorities in the house. Now, when the regional parties are doing better, national parties are also doing better while dealing with the regional pressures and national aspirations; so this then is the most opportune time to have a nationwide debate on our electoral methods under electoral reform efforts of an advancing nation with advanced needs.

Though the members of the constituent assembly were quite aware about the vices of a party system, the party system was the only method where a continuous political awareness campaign and mobilisation can be initiated through civil society; so party system was accepted for Indian polity. For the sake of diversity and representation of the diverse identity of the people, a multi-party system was adopted. Now, we are having many parties at national and regional levels but sadly, they have neither proved themselves instrumental in building a concrete political awareness among the citizens nor aided in the nation-building process; in fact, they have actually exploited this lacuna of political awareness and gradually converted the voters into vote-banks as voters

are more connected to the identity politics rather they should be more concerned to the pressing issues of national and regional importance. Now the FPTP system allows political parties to consolidate only their set vote-bank and some swing votes as plus votes to win the election. This phenomenon makes election just an equation setting manoeuvring, rather a comprehensive process in which the citizens could express their support or anger towards the candidates, who are contesting for the election or re-election.

Lack of awareness among the citizens often makes a poor turnout of voters in the elections and this again makes the election more equation centric, on the basis of caste, class, religion, etc, and easy to handle for the political parties for their own nefarious purposes. Often political parties or candidates try to mobilise the voters through the polarisation of votes. Polarisation essentially is an attempt to create a binary among the people to be strictly on either side of the coin. In this way, parties who openly support one side, openly get votes in a torrent. This makes their task very easy, though it also harms the society at its core which eventually could lead it to disintegration and utter chaos. An outrageous speech, a communal appeal or a casteist remark could polarise the people during the elections and this could make them indifferent to the real issues at hand in the region and/or nation, like development and inclusion, education and skill development, health and services, etc and make them suddenly attached to the identity fault lines.

In this era of media prevalence and the omnipresence of the internet, the political class, with the help of media managers, has been able to reverse the narrative of the election. Elections are being conducted to choose the representatives as per the verdict given by the people. Therefore, this is not the examination of voters largely but more for the leaders. However, on a more popular note, people are so passionate about their party affiliation or so loyal to the candidate, that the winning or losing of the candidate is being considered as their own victory or loss. With the help of networking sites and chat applications, it seems sometimes that parties have converted the voters as not only their sympathisers but also as a cadre of their propaganda. Hence, one can find a party spokesperson at several TV debates, advocating and justifying each and every step taken by his party in any way and likewise there are several people who are continuously advocating their party in the same manner on different social sites and chatting groups.

Now, election is slowly being converted as a big manufacturing unit and the political parties have converted themselves as election machines. Ultimately, the whole purpose of conducting free and fair election gets defeated as the new

narrative, which has been set, that the election is for winning or losing of all the voters themselves with their leaders. People are mechanically electing but they are not judging the calibre of their candidates on their merits and sometimes they even find this judging argument irrelevant, because for them, identity is bigger than the issue itself. Furthermore, as per the Indian constitution, a voter needs to choose his MP or MLA, not the PM or CM directly. Nevertheless, political parties, for their own comfort, have made the elections more personality oriented. Definitely, establishing one good candidate at the apex is a lot easier as compared to placing good candidates in all the constituencies. This again undermines the motive of the whole election effort.

Criminalisation of politics is another growing concern. If a candidate who is having a criminal background or having many unproven criminal allegations against him, and if he is still getting enough votes to win, it means that there exists an administrative vacuum. Either people are not being heard at police stations and government offices or the agencies of the government are failing to give access to the public services and its deliveries to the people. This general frustration makes a person relevant, who is capable of making the public services available at his cue and his '*bahubali / dabang*' image is insurance for his credibility.

Pending electoral reforms, along with the judiciary who takes an inordinate time to give final verdict allow them to get elected. Now, we have some safeguards available against the candidates, who are convicted but still their role is not that subsidised in the system. The main point here is that they enjoy a popular support up to a certain extent. It is not that the people are not able to see their vices but rather, the tainted leaders make them comprehensively feel that there is no alternative other than them in the given conditions. Criminals in politics come through the channel of money transfers. When the people are less cognizant and opt not to vote on a performance basis but on the identities of the candidates or the propaganda of their parties, then, for winning the election, a candidate creates a propaganda which requires just resources and money. Through money, once the criminal gets access into politics, then it is a point of no return for them. This makes it crucial to understand that any sort of electoral reform must not be initiated from only one side; here the other important side: the people, is also very important and decisive. This side of the electoral reform only can be led by the civil society with its all prime stakeholders. Off course, for the electoral reforms, the primary side will always be the government.

The role of the government is primary because it can channelize the reforms at several levels and it has all the essential tools, too, to do so. If the organs of

the government could work in efficiency, the scenario would be different. For example, if the judiciary could expedite the pending cases, and if the executives could translate the policies in spirit and letters and if the legislature could fill the gap between them and the people through effective law-making as well as listening to them, this would easily fill the vacuum in which criminals or any other miscreants were otherwise finding a step-in.

Activism from civil society could only fetch the desired consequences when the people overcome their hesitation in political participation and an alienation from politics or any type of political neutrality. This is fundamental to understand that in any political system and especially in a democratic system, political participation is a pivotal point. These all together warrant urgency for a political literacy campaign from both, the civil society and the government in order to take an essential electoral reform step in a positive direction for the country.

The judiciary has recently given many decisions, which are actually an impressive impetus to the electoral reforms in India. Now, candidates must disclose the income of the family members too, along with his own. Often, it has been found that the miscreant leaders accumulate assets not in his/her name, but in the name of family members and even sometimes, in the names of the extended family members. This latest move could definitely put some restrictions on this sort of activity. This is a very justified reform in order to conduct a transparent election and ensuring the future, fair conduct of the candidates. The EC also proposes that making any false statements or declaration before the EC, should be considered an electoral offence. The court is also contemplating ways for speedy trials of MPs/MLAs/MLCs with criminal charges. Because of delayed justice, many convicted leaders, complete their terms twice or thrice before finally being barred from the contest. In this scenario, they often use their clout to tamper with the evidence which could prove them guilty and even influence the people who could be decisive in their conviction, thus affecting the final verdict. The security of the whistleblower is also of great prime concern in this regard.

Recently, the government has awarded a relaxation in the disclosure norms to the political parties especially in relation to corporate donations; this is certainly a very regressive step. This now brings opaqueness in the whole process of the governance and the electoral practices. Likewise, the government has introduced the system of electoral bond, which has created a furore among some media debates. Through this, the political parties can obtain unlimited donations from the corporate sector and the corporate sector, too, can benefit by gaining cent per cent tax relief under 80GGB. Another worrisome fact, in addition, is that the identity of the corporations involved need not be disclosed and this is

even immune to RTI. Furthermore, the FCRA act was amended by the government in such a way, that now, BJP, Congress and Left parties can take donations of any denominations from foreign sources and no enquiry can be set up against them. This amendment would be effective in a retrospective manner from 1976, as Delhi High Court was about to set up an enquiry from the year 1976 in such cases. Provision of this sort can only be counted as a regressive step in the line of electoral reforms. One interesting thing to mention here and which can be highlighted is that all the political parties behave/react exactly in the same manner and in unison when their interest is at stake. This clearly shows that unless and until the civil society takes an initiative for electoral reforms, it is naivety to think that the structure itself would take steps against it.

One reform that is well debated across the nation is state funding for contesting the elections. This would create an equal level playing field for all and people would get their representatives even if they cannot afford to contest. In this way, a control on resource spending in elections can also be exercised. This would eliminate any outside pressures over the system by lobbies. This also controls the flow of unaccounted money in the elections. Many sceptics believe that this could create an excess burden on the public treasury but a wrong candidate or a wrong government could cause a far greater harm than this controlled burden to the public treasury.

In 2013, in a major move, Central Information Commission (CIC) has declared that national political parties as public authorities are under RTI, since they receive subsidised resources and support from the government. The sad part is that all the six national parties refused to obey this order, despite several notices served to them. Here, the role of the media is very crucial. If the media would highlight the issue rightly at the right pitch, the political parties would definitely feel the heat and would follow the guidelines instructed by the CIC, under popular pressure.

The '*paid news*' phenomenon is actually an electoral offence. This is a highlighted issue but still no concrete step has been taken by the concerned party, yet. In the *paid news* phenomena, media agencies sell their editorial spaces to political parties in such a manner that it would appear to be a credible news and analysis item in favour of any particular party. In 2009, the Press Council of India investigated the media coverage of candidates. The Election Commission of India also took former Maharashtra CM Ashok Chavan to court over the allegations made against him.

One suggestion often raised by the parties who get newly elected is that the elections of the centre and the state must be conducted together in order to save

the expenditure of the public treasury and for optimum use of human resources in the process. However, here the grave concern is that the issues of the centre election and the state elections are quite different and conducting the elections together could dilute the different concerns of the people. It could also be possible that in the name of one, comparatively good government, another would also be formed or vice versa. This could affect the federal nature of the country.

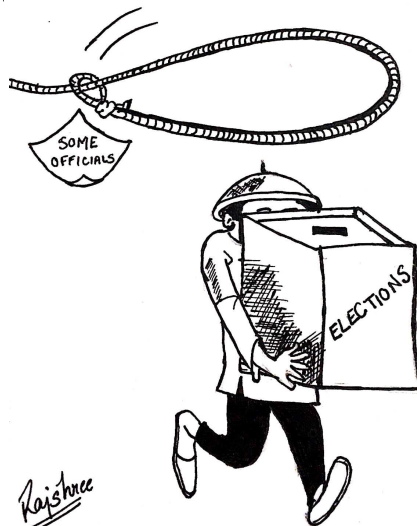
Some factions of the society and population at large as well as scholars suggest that there should be a mandatory voting. Technically this would seem to be a right move but unfortunately, democracy is not a mechanic system in which we need to operate technically. Undoubtedly, the maximum voting percentage would impact the election in a far better way and it would eventually strengthen the overall electoral spirit but making ‘the casting vote’ mandatory is against the democratic spirit and it will defeat the very purpose of democracy. In a democracy, sovereignty lies with the people. An individual should not be compelled to choose his/her representative. As the casting vote is a right, no casting of the vote should also be a right, which ensures the spirit of liberty among citizens. This could also be the case that through not casting the vote, a citizen is trying to show her protest to the system or government in a peaceful manner. Mandatory voting would take away this space, literally snatched away from the citizens.

Another suggestion could be the linking of the *Aadhar* card to the electoral rolls, which could prove to be a very smart and efficient strategy in order to find duplicity of voter IDs and bogus votes. This could definitely make the voting more accurate and efficient. The election commission is a constitutional body, where there are three election commissioners, including the chief election commissioner. The constitutional position of chief election commissioner is like that of a judge of the Supreme Court but this same status is not enjoyed by the other two election commissioners. This makes the other voices in the election commission next to meaningless. This requires a constitutional amendment and only the pressure from civil society could play a decisive role in it. There is one more deficiency while viewing the status of election commission. The administrative expenditure of the commission is a voted expenditure unlike the other independent constitutional bodies. This makes EC somewhat dependent on the same legislature, which elects itself through the election commission. EC too needs the not-votable expenditure mechanism, which should be charged on the consolidated funds of India. *Charge budget* is an essential symbol of independence. Likewise, the commission also requires its separate and independent secretariat, which would give a wider autonomy to the commission regarding appointments, promotions, etc. Otherwise it would always attract disturbing executive interferences.

There should also be a common electoral roll for the centre and state elections for the sake of transparency; this actually, is a very basic reform and can be implemented quite easily. This can only happen when the central government would write to the various state governments in this regard. A ban on the candidates contesting for two or more seats must also be considered as an important electoral reform; this often proves to be a futile exercise. Any defaulter of public dues should not be allowed to contest the election. Any misuse of religious or regional/social identity for electoral gain must be taken into account and this tendency must be actively discouraged. Right now, EC does not have the power to deregister any political party; this power also must be given to the EC in order to deal with political parties who only come into existence to convert black money into white, whilst collecting donations from corporations without citing their names.

There are more than 47 proposals made by the EC, itself for electoral reforms and it is looking forward for people to demand for these reforms from the administration as the government alone can do it. A government who has the will power to take these reforms seriously can only go ahead with these, as it requires courage and confidence to do so. Eventually, with more additions or deletions, India requires these proposals to be translated into a reality; otherwise the very basic principle of democracy would gradually fade away into oblivion.

India, now, cannot afford waiting for any electoral reforms. Being such a vast country with such magnificent demographic diversity, India cannot hold democratic values intact in the future, without making some serious efforts for bringing about electoral reforms. In the country, almost every year, here and



there, elections are being conducted at many levels; it is not that elections are the matter of five years interval only. This shows the urgency of electoral reforms in the country. Some reforms are so urgent that they cannot wait anymore, as already their absence is damaging the spirit of democracy in the country and it is quite visible too. Let us hope, people will become more aware and will participate more consciously in political affairs and will elect such a government that would show the honest determination for the electoral reforms.