

This article is related to General Studies Paper -II- (Governance)

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"After these elections, the Election Commission needs to take stock of several issues, including campaign funding."

Two phases of the 2019 general election have been completed. Polling has finished in 186 out of 543 parliamentary constituencies. Polling in Vellore, Tamil Nadu, has been cancelled for corrupt practices. Five phases still remain till counting is comprehensively undertaken for all the seven phases of the election, on May 23. The reason to complete all the phases is that the result of any one phase should not influence the choices that electors may make.

Having served the Election Commission of India (EC) for five-and-a-half years during which I conducted the 2009 general election, I have an insider's view, but of course am not privy to the inputs that the EC has and on which its decisions are made.

Dark points

As I have argued in my recent book, *Every Vote Counts*, several negative features of our electoral scene have worsened. Since the Model Code of Conduct came into effect, in just the first two phases this time, money power has so reared its ugly head that seizures made of unaccounted cash, liquor, bullion and drugs amounting to ₹2,600 crore have already surpassed the entire seizures made in the nine phases of the general election in 2014. Most depressingly, this includes huge hauls of drugs, the vast majority smuggled into Gujarat. Uttar Pradesh is awash with liquor. Tamil Nadu has seen the largest seizures of illicit cash —over ₹514 crore.

These vast sums intended to bribe or influence voters prove several things. The first is that these sums almost certainly represent only a fraction of current illegal spending, a tip of the iceberg as it were. They have been detected by the EC's machinery acting on the basis of tip-offs, or else by the vigilance of electoral officials in the States. Unfortunately, the bulk of illegal tranches of money, liquor or freebies would have reached their destination. Second, political players have refined their methods in being many steps ahead of the EC's observers and their vigilance teams by moving their funds to their destinations even before the elections are announced.

Does this not make a mockery of the statutory limit of ₹70 lakh that each Lok Sabha candidate has as his poll expenditure limit?

Difficult questions

As a country we need to ask ourselves some hard questions. When every rule in the book is being broken, when there is no transparency on how political parties collect or spend their funds, when limits of candidate spending are exceeded in every single case, then the time has come to debate whether we need to re-examine our rule book. In order to supervise the matches in play, the EC has had to deploy over 2,000 Central observers for the entire duration, drawing them out from their ministries and departments at the cost of their normal work at the Centre and in the States. Thousands of vigilance squads are set up and must act on the information they receive, which is why the current level of seizures have already made this India's most expensive general election yet. An intelligent guess may lead us to a final tally of spending in excess of ₹50,000 crore, the bulk of which is made up of illicit funding and spending.

It is by now clear as daylight that electoral bonds, far from enabling a legitimate and transparent means of political funding, have proved to be the reverse. The EC, in its own affidavit before the Supreme Court, has admitted as much. The Supreme Court's order has made sure that full disclosure, albeit to the EC, has already effectively killed further funding along this route. Nothing is a better disinfectant for camouflaged funding than sunlight itself.

With my experience this compels me to say that any serious reform with regard to funding must come from the EC itself, for it is very unlikely that any government will take an initiative in this direction. The EC must take stock after this election is over. It should convene a conference of all stakeholders, including of course all recognised political parties, both Central and State. But this should not be exclusively confined to them, for they will tend to support the status quo or they will be unable to reach consensus. The list of stakeholders must also include the best constitutional and legal minds in our country.

In my book I have also raised the twin problem of candidates fielded with criminal antecedents. The 16th Lok Sabha that has now passed into history, saw almost 30% of its members declaring, in their compulsory self-sworn affidavits, the list of criminal cases registered against them. They are also legally obliged to declare their wealth and their educational qualifications. This is the result of two vital orders passed by the Supreme Court in 2002-2003, the result of a battle that the Association for Democratic Reforms fought tenaciously. Unfortunately, in the first phase of this election, 12% of the candidates perforce declared that they had heinous cases pending, while in the second phase the figure was 11%. It may be noted that these cases include murder, attempt to murder, dacoity, kidnapping and rape. Have we forgotten Nirbhaya and 2012 already?

Giving it teeth

The matter of the Model Code of Conduct and its administration by the EC has been the most frequently reported single issue in this election. For those of a certain generation, the 10th Chief Election Commissioner (CEC), T.N. Seshan — he once famously declared that “he ate politicians for breakfast” — was the man who made the country sit up and take note when he decided to level the playing field as never before. There is little doubt that he reminded the EC that it had powers inherently enshrined in Article 324 of the Constitution — powers so great that there is arguably no other electoral management body with similar powers.

I learned this during my years as Election Commissioner, and these are the powers I exercised during the course of the 15th general election in 2009; I was successfully able to confront three Congress-ruled State governments and one Congress ally too. One of them even convened a special press conference to declare that his government would move the Supreme Court against the EC's “arbitrariness”, but I personally had no doubt about its outcome. As it happened, he chose not to in the end.

The point I seek to make, by virtue of my own experience, is that the powers of the EC are so enormous and so all-encompassing that they exceed the powers of the executive in all election-related issues during the course of the election period. Of course, these must be exercised judiciously, fairly and equitably, not least because every decision is analysed in every “adda”, every home, every street corner and every “dhaba” across the country, where the EC's decisions must be seen to be fair and transparent. During the years precedent to becoming CEC, I was fortunate that Mr. Seshan advised me whenever I called on him. As a result I never felt any need to make reference to government or court, once the process was under way.

Words into action

If there is anything for me to applaud thus far in this election, it is the decision made by two political parties which have selected over 33% women candidates — Mamata Banerjee's Trinamool Congress (41% for 42 Lok Sabha seats) and Naveen Patnaik's Biju Janata Dal (33% for 21 Lok Sabha seats). After years of patriarchy or at best lip service, these parties have taken a vital step towards empowering women politically.

Election reform

Why in the discussion?

- Recently, an NGO in his petition challenging the validity of the scheme had said that electoral bond this scheme should be banned or the names of the donors should be made public under it.
- While deciding on this petition, the Supreme Court has asked the political parties to give the details of donors through election bonds, the amount received from them, payment received on each bond, etc. to the Election Commission by May 30.
- Since then, the debate has started again on fair and transparent elections.

Need for election reform

- Election of the world's seventh largest country and the second most populous country is a very complex task.
- In this process lakhs of voting personnel, police and security personnel are stationed in cities, towns, villages and settlements.
- There is still no equal representation women in the parliament of. Despite being half the population, their presence in the Lok Sabha is about 12 percent.
- In the last elections, women had managed some polling booths. This time, the Commission's plan is to create such polling booths to motivate women voters whose management is in the hands of women officers only. These have been named Pink Booth.
- This time, there will be about 1.5 crore young voters who are in the elections of Lok Sabha from 18 to 19 years old who will vote for the first time.
- This will be a new challenge before the Election Commission, as this class is more educated and

equipped with technology compared to the old voters.

- Political Challenges
- Wealth power
- muscle power.
- Politicization of criminals
- Non-serious independent candidate
- Casteism.
- Sectarianism
- Lack of moral values in politics

Efforts by the government, the courts and the Election Commission

- Election Reforms and Committees
- Dinesh Goswami Committee - On Election Reform
- Vohra Committee - On the criminalization of politics.
- Indrajit Gupta Committee - on State financing of elections.
- MN Venkat Chalaiya Committee - Law Commission, Election Commission, National Commission Report for review of the Constitution.
- Veerappa Moily Committee - Built on ethics in governance.
- AP Shah Committee - Report on the Law Commission.

What is the Pink Booth?

- The Election Commission used another innovative experiment under reforms in 2018. Its purpose was to motivate women voters to cast a large number of votes.
- All the employees posted on these polling booths, including the presiding officers and voting officers, are all women and even the security personnel are women.
- Polling stations are decorated in pink colors and employees are given pink dresses. These booths are used successfully in many elections.

Expected Questions (Prelims Exams)

1. Consider the following statements regarding 'Pink Booth'-

1. Its objective is to promote women votes for voting in high number.
2. In this booth all staff except security forces are women.

Which of the above statements is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Expected Questions (Mains Exams)

Q. Election commission needs to focus on which points for conducting fair and transparent election?

(250Words)

Note: Answer of Prelims Expected Question given on 20 APR. is 1(b)

