

"A number of practical and constructive proposals were raised by Opposition parties in Parliament last week."

On July 3, a short-duration discussion in the Rajya Sabha on electoral reforms attracted my attention. It was initiated by Trinamool Congress (TMC) MP Derek O'Brien, with the backing of as many as 14 Opposition parties. I have been extremely passionate and vocal about the issue throughout my years in office as well as after, and it was heartening to see political parties across the ideological divide trying to push the subject of how to make elections freer, fairer and more representative.

The TMC MP touched on six major themes — appointment system for Election Commissioners and Chief Election Commissioner (CEC); money power; Electronic Voting Machines (EVMs); the idea of simultaneous elections; the role social media (which he called "cheat India platforms"); and lastly, the use of government data and surrogate advertisements to target certain sections of voters.

Appointment process

On the issue of appointments of Election Commissioners, Mr. O'Brien quoted B.R. Ambedkar's statement to the Constituent Assembly that "the tenure can't be made a fixed and secure tenure if there is no provision in the Constitution to prevent a fool or a naive or a person who is likely to be under the thumb of the executive."

The demand for revisiting the issue was supported by the Communist Party of India (CPI); the Communist Party of India-Marxist (CPI-M); the Dravida Munnetra Kazhagam (DMK) and the Bahujan Samaj Party (BSP), all of whom demanded the introduction of a collegium system. As regards the chronic problem of the crippling influence of money power, Mr. O'Brien spoke about various reports and documents — a 1962 private member's Bill by Atal Bihari Vajpayee; the Goswami committee report on electoral reforms (1990); and the Indrajit Gupta committee report on state funding of elections (1998). Congress MP Kapil Sibal, citing an independent think tank report on poll expenditure released in June, discussed at length the regressive impact of amending the Foreign Contribution (Regulation) Act (FCRA) and removing the 7.5% cap on corporate donations.

Congress MP Rajeev Gowda termed electoral bonds "a farce" and gave a proposal for state funding (of political parties) based on either a National Electoral Fund or the number of votes obtained by the respective parties. He also proposed crowdfunding in the form of small donations. He said that the current expenditure cap on candidates is unrealistic and should either be raised or removed to encourage transparency.

The Biju Janata Dal (BJD) supported capping the expenditure of political parties in accordance with a 1975 judgement of the Supreme Court on Section 77 of the Representation of the People Act (RPA), 1951. The Samajwadi Party (SP) suggested that expenditure on private planes etc. should be added to the candidates' accounts and not to those of the party. Banning of corporate donations was passionately advocated by the CPI and the CPI (M).

The old issue of returning to ballot papers was raised by several parties. The TMC said that "when technology

doesn't guarantee perfection, you have to question technology." On the other hand, the BJD, the Janata Dal (United) and the Bharatiya Janata Party (BJP) asserted that EVMs have reduced election-related violence in States like Bihar and Uttar Pradesh. The BJD said that to strengthen public faith in Voter-Verified Paper Audit Trails, five machines should be counted right in the beginning. The BSP added that postal ballots should be scanned before counting so as to increase transparency.

On simultaneous elections

Many BJP MPs highlighted issues linked to electoral fatigue, expenditure and governance and also reports of the Law Commission and NITI Aayog to push for simultaneous elections.

Vinay Sahasrabudhe of the BJP said that Prime Minister Narendra Modi's proposal should be seen with an open mind and made a suggestion that it should be understood as a call for minimum cycle of elections rather than "one nation one election".

But the TMC said that the solution lies in consulting constitutional experts and publishing a white paper for more deliberation. Simultaneous elections were vehemently opposed by CPI MP D. Raja, who called them "unconstitutional and unrealistic." Quoting Ambedkar, he said that accountability should hold precedence over stability. Internal democracy within political parties was also mentioned by a couple of speakers. The BJD suggested that an independent regulator should be mandated to supervise and ensure inner-party democracy.

For improving the representativeness of elections, the demand for proportional representation system was put forth by the DMK, the CPI and the CPI (M). The DMK cited the example of the BSP's performance in 2014 Lok Sabha elections, when the party got a vote share of nearly 20% in Uttar Pradesh but zero seats. A number of MPs argued for a mixed system, where there was a provision for both First Past the Post and Proportional Representation systems.

The important issue of the "fidelity of electoral rolls" was raised by the YSR Congress Party (YSRCP). The idea of a common electoral roll for all the three tiers of democracy was supported by the BJP and the SP.

For remedying the 'ruling party advantage' in elections, SP MP Ram Gopal Yadav made a radical suggestion that all MPs/MLAs should resign six months before elections and a national government should be formed at the Centre. He said States should be ruled by the Governor who would have to follow the binding advice of a three-member High Court advisory board.

Advocacy over the years

I have long been an advocate of a number of these reform recommendations. Some proposals that I have elaborated upon in detail throughout the years include — reducing the number of phases in elections by raising more security forces; depoliticisation of constitutional appointments by appointing Commissioners through a broad-based collegium; state funding of political parties by means of a National Electoral Fund or on the basis of the number of votes obtained; capping the expenditure of political parties; giving the Election Commission of India (ECI) powers to de-register recalcitrant political parties; inclusion of proportional representation system; and revisiting the Information Technology Act, to strengthen social media regulations.

Hence, the parliamentary debate was music to my ears. But Indian politics has been suffering from a wide gap between thought and action. The governments should also rise above their obsession with immediate electoral gains and think of long-term national interests. The TMC MP was right in saying that Parliament must not only urgently "debate and deliberate but also legislate" on electoral reforms. The time has come to find and enact concrete solutions in the national interest. Having heard a number of practical and constructive proposals raised in the Rajya Sabha last week, I remain hopeful that Parliament will take it upon itself to enable the world's largest democracy to become the world's greatest.



'One country, one election'

Why in the discussion?

- Recently, Prime Minister Narendra Modi said that a committee will be constituted to consider the issue of 'one nation, one election', which will submit its report in a time bound manner.
- For this, Prime Minister Narendra Modi had just convened an all-party meeting recently.
- In August last year, the Law Commission had suggested the amendment to Article-83 (2) and Article -172 (1) and the People's Representation Act of the Constitution regarding of the tenure of the Lok Sabha and Vidhan Sabha to implement the rule of 'one nation, one election'.
- 'One nation, one election' is not new. Elections in Loksabha and Vidhan Sabha together have been held in the year 1952, 1957, 1962, 1967.
- But this continuity broke in 1968-69, when the legislative assemblies of some states had already been dissolved before its tenure.

Why is it necessary?

- Stability and economic development gets affected
- Model Code of Conduct
- Security issue
- Election: An unending process
- Arguments in favor

- Reduction of heavy spending on elections
- The black money flow in elections will be curbed
- Discharge of Primary responsibilities of the Employees
- People will be less disturbed in public life
- Competent administration due to limited code of conduct
- Due to the same period of MPs and MLAs, the co-ordination between them will increase.
- Arguments in opposition
- Lack of constitutional provision
- Elimination of control and balance system possible
- Against federal structure
- A large number of people get alternative jobs during the elections. Unlawful election will increase unemployment.
- If a non-confidence motion is passed against any government, elections also become necessary in these circumstances.
- There require enough number of officers and employees to hold elections simultaneously across the country.
- In the unified elections, regional parties can be harmed in comparison to the national parties.

Expected Questions (Prelims Exams)

1. In the context of 'One Nation, One Election', consider the following statements-

1. For implementing 'One Nation, One Election' Article-83(2) and Article- 172(1) have be amended.
2. Four times the elections of Lok Sabha and legislative Assemblies have been conducted simultaneously till now.

Which of the above statement is/are correct?

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

Expected Questions (Mains Exams)

Q. Recently Opposition parties have raised six main issues related to election reform, discussing the issues, present your opinion. (250 Words)

Note: Answer of Prelims Expected Question given on 11 July. is 1(d).

