

CONTEMPORARY INDIAN POLITICS

Internal Dynamics and External Compulsions

Essays in Honour of S. S. Patagundi

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Chapter 11

Elections and Electoral Reforms in India : Some Questions on their Effectiveness and Success

Prakash S. Desai

Elections are indispensable to any political system which claims itself democratic. The connection between elections and governance has been one of the important foci in the studies on democracy in both Western and non-Western world. India has been considered as one of the examples of successful democracy in developing societies. The standard argument given for its success is elections which are being conducted since the time of India's inception as republic to present time. However, elections in India are not always smooth and there have been many problems associated with elections. To overcome the problems associated with elections in India, various reforms were brought and many more may be put into practice in future. The crux of these reforms is to enhance the quality of democracy in India. The problem that needs to be discussed on enhancing the quality of democracy in India is whether mere serious attention at electoral reforms is required or whether there is need of paying attention to other reforms that common people in India are eagerly waiting for. Democracy in India needs to be discussed by considering all the aspects which enhance the quality of democracy. The very complexity of the connection between elections and their reforms demands investigation on their effectiveness and success.

INTRODUCTION

Democracy in India has been widely discussed by a number of scholars both Indian and foreign. Various observations have been made on the merit of India being a democracy. Political components of democracy have received positive note, whereas economic components have been seriously looked at because the success of political components has not

been able to tackle the vast socio-economic inequality that has been there in India. Various reforms have been suggested to overcome the problems which have become hindrances to the success of democracy. Electoral reforms have been one such set of reforms that have been discussed, considered, implemented and even suggested many more as a greater solution to the problems of the Indian democracy. Several committees were set up in the past (Kumar, 2002:3489) and many more may be set up in the future in this direction. Apart from general reforms such as state funding of elections, prevention of criminalisation of politics, there are serious suggestions about the very electoral system with which all direct elections to representative institutions are conducted in India. Serious doubts have been expressed about the effectiveness of First-Past-the-Post (FPTP) system in countries with varieties of social cleavages like India. One such serious remark on the FPTP system in India is that:

The First-Past-the-Post (FPTP) type of election system (in which the winner is the person with most votes) was chosen as a means to fortify the political power of the ruling classes. This system as such was inherited from the colonial regime like all other former colonies of the British Empire. But there was nothing that could have prevented India to discard it for the one better suited to its specific situation (Teltumbde, 23rd April 2014).

The proportional representation system is suggested in place of FPTP. According to advocates of the proportional representation system, it suits well to India. The main focus of this chapter is not the other alternative in electoral system, i.e. proportional system, but it focuses on reforms like None of the Above option (NOTA), prevention of criminalisation of politics and state funding of election. Greater anxiety in the discussion on electoral reforms in India is that whether they are really going to make a difference as far as life of vast number of people is concerned. Is it that reforms are required only at electoral level or is there need of systematic change at societal level? These queries, anxieties and doubts could well be explained by bringing up an analysis of political and social democracy of any given society. The present chapter looks at success and doubts regarding elections and electoral reforms in India in bringing democracy to every citizen of this country.

To begin with the beginning of democracy in India, its "inauguration was the result of a covenant. The elite, the middle class and the intelligentsia, highly accomplished and rather well off, on one side; and the ordinary

people in their great diversity, with all their problems and disabling conditions, on the other" (Alam 2006:1). The intelligentsia which was part of inauguration of democracy in India had greater concern for making every citizen to enjoy the fruits of the democracy. This intelligentsia was instrumental in India choosing universal adult franchise. India "chose to adopt universal adult franchise immediately rather than as was the case in the West restricting the vote to men of property, with the workers and women enfranchised later, and only after a bitter struggle" (Guha, 2002:95). The fact to be emphasised here is that "the overwhelming majority of the Indian electorate was illiterate and poor" (Ibid.) when India was entering the new life of democracy. But problems like poverty, illiteracy did not prevent Indian intelligentsia to introduce universal adult franchise as a greater step of democracy in newly emerged nation. The effort to make India a social democracy did not compromise the political democracy. The studies which focussed on the question of democracy in India had larger doubts about its survivability (Guha, 2005). This doubt was disproved in the sense that both country and democracy remained intact as united and democratic. However, Indian democracy "the major deviant case in the developing world-went into eclipse" (Palmer, 1976:95) when National Emergency was proclaimed in 1975. With the exceptions of the Emergency, no greater harm happened towards the democracy (Alam, 1999:2649). "The significance of the electoral process in Indian politics is often illustrated by the 1977 election, which after twenty-one months of Emergency rule reaffirmed the country's commitment to democratic government" (Hauser and Singer, 2008:290). Elections that took place after the Emergency and successive elections after it became reasons for scholars to substantiate their argument that India has remained a democratic country. This success became a rallying point for many scholars to give a very positive note on it. In this discussion of survival of democracy in India, the most missing description is that of the way it has survived as a political democracy. Any effort to investigate this missing description would help in understanding the working of democracy in India.

Mere focus on political components of democracy in India gives a misleading picture of its life in the last sixty-seven years or more. Judging the functioning of democracy on the mere success of elections would not serve the purpose. Elections in India have become like a mode through which, in every five years power is shifted from one group of people to another group. In this process, the people who come to power forget their very purpose of being there in representative institutions. Today, India

being a country of vast social inequality has exhibited social and political inadequacies in making democracy for everyone and every sense of democracy for all. There is no doubt about the role played by the Election Commission of India in making gigantic process of elections to be successful. The EC has been pivotal in making the political democracy to survive in India. In fact, it "stood as the institution which was trusted most by the people" (Katju, 2006:1636). The main function of the Election Commission has been conducting the polling process and vote counting. This process has generally been carried out efficiently (McMillan, 2010:104). It is rightly observed that:

The free and fair nature of elections, magnificently maintained by the Election Commission, ensures that people who show up to vote are judged only on their identification as voters and no other criteria. So election day is the only moment, and the polling booth the only space, where it really does not matter if you are poor, a woman, a Dalit or tribal (Banerji, 18th March 2014).

Successful conducting of elections with new changes brought in by the Election Commission in last few years indicates that there is acceptance of changes like electronic voting machines and photo identity cards. However, it does not mean that there were no problems in the manner elections were being held and the conduct of elections went very smoothly. Success of elections and further reforms to make electoral process conducive for its success may not make democracy meaningful if other issues are neglected. If we go beyond this success of elections and ask the question that "what this system of elections has achieved for the ordinary citizen, the answers are harder to get and less encouraging" (Yadav, 2010:355-356). Several questions have been raised on this mere focus on elections such as:

What does this focus on elections mean at a time of other equally dramatic and far more traumatic processes underway in India? Processes such as mass malnourishment, a massive agrarian crisis, unprecedented internal displacement, breathtaking wealth inequality, increasingly sophisticated hate politics, growing recourse to state repression and terror laws in line with a dubious global war on terror? (Natrajan, 2009:14).

There is an observation that the "electoral system is not a simple or small system but a large and complex one. It is intertwined with the larger social system of the country as a whole and, in a way, is a microcosm of the broader society of the country" (Chhokar, 2001:3978). Further, it is

argued that mere change at electoral level unless there is change at society as whole can be tempting and comforting rationalisation. Such arguments would convey that the need for connecting change at electoral level with changes at societal level is not satisfactory or acceptable because of the urgent need for electoral reforms (Ibid). There is no doubt about the need for electoral reforms but to make these very reforms successful there is also a need of other fundamental changes. Connecting electoral changes with broader societal changes may not be considered as a comforting rationalisation. "Any interest in strengthening democracy should aim at nothing short of re-establishing the weakening linkages between political processes and the rights of citizens" (Arora, 2000:3286). The present condition in the country is such that many people are not able to enjoy their rights and policy making is moving from the control of democratically elected governments (Ibid). If society is free from social and economic discrepancies, democratic space becomes vibrant and conducive for everyone in the system. In the process of globalisation, there is always scope for global institutions entering into the process of policy making. Such intervention directly and indirectly affects the life of the common mass. In such situations, political process has to be cautious to prevent any harm on the life of people especially on the marginalised ones. It is well argued on the need for support by the state that:

If state support is called for, it is more for creating conditions for democracy and citizens' rights. Regulating these conditions to prevent the possible hijacking of policy-making processes by powerful interests may be essential, and devising strategies for effectively addressing the emerging challenges to democracy, including those from the supra-state institutions is a more important area of concern than state funding and its possibilities (Ibid).

The recovery of democratic space is required because it "enables the political and policy processes to remain in the control of people" (Ibid). A look at some of the reforms introduced and suggested in the electoral process would help in understanding the connection between social and political democracy. The reforms which are discussed in this chapter are:

1. None of the Above Option : None of the above option is a new reformative measure being implemented in elections in India. This option has a variety of advantages and disadvantages at the same time. With the exercise of this option, voters can reject all candidates whom they think do not deserve to be elected as their representatives. There is

an argument that NOTA is a kind of movement towards making democracy more representative and leaders more accountable (Dutta, 2013). "By providing voters with such a ballot option, it is in principle possible for voters to send a clear signal of discontent or protest" (Damore, Waters and Bowler 2012:895). Expressing his doubts over NOTA, Subhash Kashyap observes:

Electing should not include the right not to elect. In the present political atmosphere, in a state of disconnect between the people and the politicians, the general middle-class perception, perhaps wrongly so, is that all politicians are corrupt and come from a criminal background or are elected with money and muscle power. In this scenario, if the idea of NOTA is accepted by a large number of voters across the country, it will not serve the purpose of democracy. It will be a sheer invitation to say goodbye to democracy and move to a state of chaos and anarchy (Dutta, 2013).

The logic given for such an argument is that parliamentary "democracy ideally is a system in which people govern themselves through the representatives they elect. Elections, therefore, are necessary for a democratic system. Elections are held to elect representatives" (Ibid). This criticism of NOTA is made on the basis of the same logic that favours political democracy. Efforts should be made to understand why all people of the country may go for NOTA and how it moves to a state of chaos and anarchy. Instead of focussing on possible rejection of election, it is required to understand the reasons for its rejection. Another point to be made on the question of NOTA is - will it be possible that majority of voters go for such option? This option can be well used by voters who are literate and educated enough to decide about candidates. This option does not make much difference to people who are illiterate and people who are not capable enough to decide about such option.

2. State Funding of Elections : State funding of elections is another reform being suggested to make elections free from corrupt practices. State funding would be an ideal measure if all political parties involved in elections follow the rules pertaining to the use of money. Given the political environment in the country, there is less chance of political parties strictly following the rules. Apart from the specified money given to each political party, excessive money can be spent during elections to woo the voters. Though there are various measures implemented by the Election Commission to prevent expenditure beyond limit, there is no

complete prevention of malpractices related to finance during elections. There are enough provisions in the Representation of the People Act, 1951 to prevent over expenditure by the political parties during elections. "Section 77(1) of the Representation of the People Act, 1951 makes it mandatory for every candidate to the House of the People or a State Legislative Assembly to keep a separate and correct account of all expenditure incurred or authorised by him or by his election agent, between the date on which he was nominated and the date of declaration of the result of election, both dates inclusive" (Election Commission of India, 2014:1). As a part of Election Expenditure Monitoring Mechanism Expenditure observers are appointed by the Election Commission. "The Expenditure Observers shall be appointed by the Commission for specified constituencies to observe the election expenses by the candidates. There shall be at least one Expenditure Observer for each district, but each Expenditure Observer ordinarily shall not have more than five Assembly Constituencies under his observation" (Ibid:3). Apart from Election Observer for each district, "Assistant Expenditure Observers (AEO) shall be appointed for each constituency on date of notification of election" (Ibid). In the last Lok Sabha elections, the Election Commission of India "has reported a massive infusion of cash and gifts to buy votes and influence results. In the run-up to the elections, the EC seized over two billion rupees in unaccounted money from across the country" (Vijayan, 14th May 2014). Regarding this act of vote buying and other electoral malpractices, it is rightly observed that these "are not just acts of corruption and illegality, but forms of oppression where political parties and leaders try to win elections by excluding people's social choices" (Ibid). Larger effect of such malpractices is that they "actively restrict wider participation and representation of interests that create conditions to sustain governments with strong authoritarian tendencies. It is disenfranchisement that has reduced people to second class citizens of their own country" (Ibid). In such cases, thinking of state funding of elections would be of no use and in fact would be burden on state exchequer. Ultimately, taxpayers have to suffer for none of their fault.

One suggestion made by Subhash Kashyap regarding state funding is that assistance to be provided in the form of "allowing election meetings at public cost for all recognised political parties, providing them with printed materials, pamphlets, brochures, manifestos, posters – within the prescribed limits, free time on TV and radio, other audio-visual aid" (Dutta, 2013). There are arguments which reveal the consequences of state funding. These arguments are:

One, that state funding of political parties is likely to produce certain unintended consequences which cannot be considered desirable. It is expected to result in an enormous increase in corruption, especially when it comes to assistance in the form of goods which can easily transfer hands and create rent in the process – diesel, printing paper, postage stamps, food packets, even vehicles, for instance. Unless one is able to assure that the unintended negative effects can be effectively prevented, state funding would add to our problems without achieving any of its proclaimed objectives. And two, it is important to realise that any diversion from welfare towards the funding of elections would only imply re-ordering of priorities and cannot be considered desirable (Arora, 2000:3285).

3. Criminalisation of Politics : Politics being an open and competitive arena for power seeking sometimes invites people from different sorts of background. People with criminal background can also take part in power politics. Time and again much has been said about the negative effects of people of such background entering politics. To counter criminalisation of politics, much effort has also been made. Various committees constituted to prevent this trend have highlighted about its effect. The Election Commission of India has also made its sincere efforts to prevent this. In its attempt to curb criminalisation of politics, “the Election Commission issued an order in June 2002, which laid down that each candidate for the Rajya Sabha, Lok Sabha, or State Assembly should submit an affidavit along with nomination papers” (McMillan, 2010:110). This order became an important step in the process of prevention of criminalisation of politics in the sense that it “would detail any involvement with a criminal prosecution, details of assets and property ownership, and educational qualifications” (Ibid). Recent judgements of Supreme Court have also given credibility to the idea of cleansing the polity of criminalisation. But any effort on prevention of criminalisation should also consider other factors. It is observed that:

While an institutional effort to enthuse ethical norms in electoral politics needs to be upheld, one has to keep in mind that criminalisation of politics, as of other institutions of state and society, is to a large extent a function of massive and continuing socio-economic inequalities and uneven power relations. Bridging these inequalities through political and institutional efforts would play a greater role in curbing criminalisation and cleansing the political system (Katju, 2013:12).

It must be noted here how socio-economic inequalities and uneven power relations are openly responsible for continuation of the leaders in the governmental positions who are punished by courts for their criminal activities. People who come from poor economic background become tools in the hands of politicians and vested interests for even protesting against punishments given by the law courts. Recently such incidents happened when Jayalalitha was sentenced by the special court prosecuting the cases against her. It is commonsensical understanding that protest by the poor people against such punishments against leaders is not their support for corruption or any other illegal activity, but it is their vulnerability to support anyone who promises to fulfil their minimum needs which may be even for temporary period. Such protests especially by the poor people do regularly occur and may even become a permanent phenomenon given the nature of Indian party politics and political leadership which massively use the techniques and strategies to woo the poor people for their own purposes.

It is the responsibility of Election Commission of India to ensure free and fair election, but it is also the responsibility of political process to ensure its credibility. Every political actor and even every voter involved in it has to make sure that nothing goes wrong as far as its fairness is concerned. If free and fair elections are not ensured to every citizen and especially if marginalised sections in the society do not perceive elections as free and fair, there are less chances of system moving in the direction of substantive democratisation (Rao, 2004:5440). If a nation-state had conscious citizens to decide about the dynamics and future of democracy, there would be less necessity of any kind of cosmetic changes. This observation should not be read as total failures or needlessness of electoral reforms. To certain extent, reforms have brought changes in political life of the country. If there are enough alternative discourses and organisations, desired changes could be brought in any problem ridden system. In India, there is no dearth of such discourses which aspired for complete transformation of the system. The ideas of Ambedkar, Lohia and Jayaprakash Narayan could well be part of such alternate discourses which can be catalyst in the process of democratic transformation. The essence of Ambedkar's political philosophy is social democracy. Voluntary social and political participation was core of the philosophy of Lohia and Jayaprakash Narayan. If voluntary social and political activism guided by alternate discourses could make democracy social and inclusive for each citizen, the question of reforms here and there would not arise. However,

challenge in this regard is how to bring social democratic consciousness among common people. This is a greater task before those who believe that they could be the agents of such transformation.

The necessity of alternative discourse, organisations and movements has come to the realm because it is difficult to make elected representatives accountable between two elections. "Political power is used at the time of elections to please citizens. Between elections, it is often used to treat citizens in an unfeeling manner. Empowered at the time of elections, the citizen often feels powerless until the next elections arrive" (Varshney, 2013:39). Accountability on the part of government "in a given society will ultimately depend on political institutions, as well as a number of key socio-economic characteristics that affect political awareness and political participation" (Mukherjee, 2010:478).

India's record in successful conduct of elections and increased participation in elections by marginal communities could be explained as Indian democracy's success in procedural aspects of democracy (Sinha, 2007:52). But, the "process of economic change that has been unfolding over the last several decades, and with even greater speed since the pro-market and pro-globalisation policy turn of the early 1990s, has so far avoided arousing challenges to democracy" (Ibid). Except in the period of the Emergency, the political democracy in India has not faced any real danger to its survival. The political democracy has failed to extend the values of democracy to the common man of the country. Regarding such developments, Yogendra Yadav observes:

The real failure of the current phase of Indian democracy is not the failure to hold free and fair elections, nor the inability of the people to affect change in governments through the exercise of their free vote, but the growing distortion in the mechanism of political representation, the growing distance between the electors and the elected, and the inability of the mechanism of competitive politics to serve as a means of exercising effective policy options. Clearly, the institutional frame of representative democracy has failed to translate popular participation and enthusiasm into a set of desirable consequences (Yadav, 2010:358).

In fact the identity of Indian democracy "has become closely handcuffed to her elections" (Vijayan, 14 May 2014). It is rightly observed that elections in India "have produced limited, deficient and distorted forms of democracy along with instances of authoritarian rule, run through

parallel fiefdom of thugs" (Ibid). Ambedkar's ideas on social and political democracy can be a big reminder for rectification of mistakes of not creating connect between society and polity. Ambedkar observed:

On the 26th of January 1950, we are going to enter into a life of contradictions. In politics, we will have equality and in social and economic life, we will have inequality. In politics, we will be recognising the principle of one man, one vote and one vote, one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man, one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which is Assembly has to laboriously built up (CA Debates, Vol. 11).

There was a hope that political equality would reduce social inequality (Kaviraj, 2012:14). Ambedkar did not believe in such hopes because for him social and political equality were distinct things. He pointed out the "significant difference between western societies and Indian societies" (Ibid). The way revolution of political equality had changed the aristocratic Europe would not be able to bring changes in the structure of Indian society. It was not sure that political equality that India achieved by becoming independent from colonial rule would ensure social equality. Therefore, he argued in favour of certain radical measures to realise the true meaning of making people free. After independence, Indian project of democracy had to make number of efforts to bring changes at societal level on the question of equality. The process of bringing changes continues but with partial success. The project of democracy merely focussing on the political component such as galvanising the electoral system may invite serious troubles. What Ambedkar had said about the contradictions of our democratic project remains true even today.

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