

THE SAFETY VALVE

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At the dawn of Freedom India chose Parliamentary or Representative Democracy as its Polity or Instrument of Governance. The vast land, British inheritance through participation in different elections in British India as follow up of the 1919 and 1935 Government of India Acts and working of the British Parliamentary System might have influenced the Policy-Makers to opt for this although the instance of the fate of the Third Reich was at hand.

Mahatma Gandhi, however, advocated for a decentralised polity in which there could be little scope for concentration of Power through ‘innumerable Village Republics or Gram Swaraj’ or in present terminology ‘Participatory Democracy’, where a constituency could not have more than one thousand adults restricting of choosing to only integrated persons within knowledge of the conscious electorate.

As the situation stands today, quote and unquote, India may have to, even the World at large, eventually examine Gandhiji’s advocacy for their good and true Governance and security and welfare of their citizens.

However, as the case is, the Constituent Assembly made a provision for a centralised Institution, which was to be ‘impartial, independent and permanent’, to conduct the elections for obvious purposes and thus the Election Commission came to be instituted as Safety Valve or Conscience Keeper of Parliamentary Democracy.

Much water has passed since the year 1952, winning for the Election Commission both accolades and much criticism. A public opinion poll some years back, conducted by a responsible agency, showed that 62% of the respondents had trust in the Election Commission while nearest percentage for other institutions had been found to be much less - like political parties 39%, bureaucracy 37% and police 28%. Apart from statistics the recent poll (2011) in five (5) state assemblies in India has earned for the Election Commission much public appreciation. One factor in this opinion poll is alarming - the low trust or mistrust of

the respondents about the political parties which form the backbone of the parliamentary system of democracy. Are they wrong!

However, could this ensure election of persons with clean images that might have ensured a corruption-free, neutral administration to reach justice to the citizens and proper caring, the hall-mark of true functioning of democracy, above nepotism, favouritism, unequal distribution and amassing of wealth in the hands of sharers of power and favoured fews around it depriving both the government in particular and people at large. It is a matter of shame that even after so many years of running of the administration huge number of people remain below the poverty-line or subsistence-level, even die of hunger. Where to reach the blame! Does it come to the functioning of the Election Commission squarely for failing to ensure a free and fair election and all that entire stand for this?

So far the impartial and independent entity is concerned, particularly not controlled by the executive, for the Election Commission it has been found to be a misnomer! The debate that ensued in the Constituent Assembly raised almost all the basic loopholes that affect the effective functioning of the Election Commission today, even its failure to prevent election of corrupt people criminalising the whole process of free and fair election and post-poll neutral, beneficial governance and administration. Take for instance the appointment of the Chief Election Commissioner. Who appoints him or her – the President of India and on whose advice – the Prime Minister who belongs to the party in power! If the Chief Election Commissioner has to depend on the Government and Bureaucracy for his future and is not earlier determined by law could his or her role be neutral and hence fair?

Presently the profile of the electorate has changed – from one party to multi-parties – from one party-rule to coalition governance – both at the Central and the States – a democratic upsurge for sharing of power to better one's lot. This has put before the Election Commission a new challenge – an enhanced role to ensure proper reflection of this new trend in its functioning as well as maintaining the representative character of Parliamentary Democracy, not usurped in any way by malpractices, social hatred, criminalisation and other coercive methods that have raised their ugly heads in tarnishing the Election Commission's basic, expected image.

In fact the Debate, referred to above, pointed to three major principles about electoral reforms to ensure a democratic India – 1. How to strengthen the independence of the Election Commission, 2. How to safeguard the franchise and 3. How to deepen the character of representative democracy. The members of the Constituent Assembly, for their integrated character and sacrifice for the country and the people, could not realise the extent of future corruption and criminalisation that would contribute singularly to the undoing of their efforts for a strong, independent and impartial, neutral Election Commission for safeguard of democracy in India! The Debate is a lesson till now.

We, of course, appreciate the role of the Election Commission under the present circumstances and the way the Government and the Bureaucracy have stood by it. However, the Perpetual Question that will ever haunt the thinking mind, social scientists and well-meaning, responsible politicians, is how to ensure an independent, impartial institution to conduct elections in a democratic country, whether representative or even participatory. At best, to ensure a neutral approach we may have to select a person or persons for the posts of Chief Election Commissioners and other Election Commissioners through three agencies, if allowed to so use, the President of the country, the leader of the opposition and Parliament as a whole with two-third majority and answerable only to the Parliament for his – her or their performances with only Parliament's jurisdiction to remove them on two-third majority again.

Two basic charges that have presently clouded and undone the principled working of the Election Commission for conducting free and fair election are **CORRUPTION** and **CRIMINALISATION** of politics. Corruption has become all pervasive in our national life bringing down our self-esteem in the world community. Corruption leads to criminalisation so much so that if we look at the composition of elected members in the Parliament or State Assemblies, for many a years, quite a good number of persons with criminal records have forced their ways into the highest echelons of power. What they inspire and how they affect moral governance!

This is the major malady that has to be addressed right now and overcome to ensure election of only persons of integrity with clean public images to the august bodies. We may think in the following lines and the cleansing must start at the root or from the bottom:

1. We shall have to start with registration of political parties and their functioning –
 - (a) Not only declaration but categorically obey and adhere to the principles of moral integrity, secularism, socialism and democracy above any sort of malpractices and
 - (b) not succumb to Money Power. The provisions for sanction of registration of political parties should have to be reviewed and new laws are to be enacted to determine and regulate proper functioning of political parties. The role of the Judiciary in this context need to be much enhanced.
2. Money Power is at the root of corruption and corrupt influences in and on our public life, not ruling out all sorts of state and physical powers. As such only legitimate election expenses of a political party will be borne by the Central Government after checking the clean images of their selected candidates. The number of candidates of a political party will be determined by its National status.
3. The election expenses have to be brought down instead of what is presently approved by the Election Commission. For this the size of the constituency has to be smaller. As an experiment the seats in the Parliament and Legislature may be doubled right now.
4. The amount that the M.P.s and M.L.A.s are now allowed to spend under the Local Area Development Scheme must be reduced including the allowances and other facilities they now enjoy. These are encouraging factors to provoke the aspiring candidates to adopt unfair means to win election.
5. Right now we may have to consider and introduce measures including legislation to give more powers to the Election Commission to make its

functioning more independent and forceful to prevent misuse of Moral Code of Conduct and malpractices like rigging, intimidation, booth jamming and capturing. Presently the administration is helping much, but if the Election Commission has no infra-structure of its own including policing, one wonders how much affective it could be ultimately.

6. The post-poll role of the Election Commission should have to be reviewed. Presently the usual belief and practice is that after the elections are over it has little function. But it has to be a regulatory institution all through with necessary, effective judicial powers to prevent liberty taken by the elected candidates from their avowed promises of fair conduct.
7. We may introduce and pass a bill for 'Right to Recall'.
8. Mahatma Gandhi talked of 'Seven Lakh Villlage-Republics' or decentralised polity. We ridiculed. But he was a practical man and was aware of two things while forming his PROGRAMME – (i) all people are not above board (Gandhiji, ofcourse, believed in the redemption of man). So a check and balance is necessary and (ii) the growth of gradual aspiration of people to have their say and share of Power for obvious reasons.

Could we rethink? Only a people's movement all over the nation may force persons in Power, both Ruling and Opposition, to take corrective measures. M. N. Roy also thought and advocated in the same line of Gandhiji with some variations. Both Gandhiji and Roy were real democrats and both believed in individual freedom, but not unlicensed. Roy, particularly, was against any regimented, authoritarian rule where individual rule is marginalised.