



## Perils of Electoral Politics

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This article is based on **“Preventing political coalitions of convenience”** which was published in The Hindu on 27/11/2019. It talks about the perils of electoral politics in case of a hung assembly.

The perils of electoral politics can be seen recently in the Maharashtra state assembly elections, where a pre-poll alliance had won the mandate, but due to **disagreements over power-sharing**, a new post-poll coalition is forming the government.

The situation where none of the parties is able to secure a majority in elections, such political manoeuvring by political parties becomes imminent. However, it **demeans the aspirations of the people of the State**.

### Issues Involved

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#### Demise of Democracy

- Pre-poll alliances function as a **single consolidated unit**.  
Political parties generally do not contest elections against each other. Also, their cadres and volunteers work for the coalition and not just their individual parties.
- However, the voters, vote for a set agenda and political ideology on whose premise the edifice of both the party and the coalition rest.
- Therefore, post-poll alliance (if it is different from the pre-poll alliance), leads to the **betrayal of voters and demise of principles of democracy**.

#### Horse-Trading

In the event of a hung assembly, political parties are involved in horse-trading.

- It is a practice in which, in the event of a hung assembly, some members of one political party deliberately join another party or simply resign.
- They do so by being attracted to the prospect of becoming part or favouring the government which may come to power or for monetary/ vested interests.
- This amounts to defection under Anti-defection law (10th schedule). However, loopholes under the same law are exploited, to get away from proceedings under anti-defection law.

## Role of Governor

- The **hung assembly** also raises a serious question regarding the role of the Governor in government formation and the manner in which it should be exercised.
- Constitutionally, it is the **Governor's discretion** to select a Chief Minister and give him a chance to prove majority on the floor of the house.
- **Supreme Court, in SR Bommai case 1994, has given direction what the governor should do in such a situation, which is:**
  - Governor has to invite the leader of the party commanding majority in the House or the single largest party/group to form the Government.
- However, the words “largest party/group” is again ambiguous. The “group” may include a Post-poll alliance or Pre-poll alliance.

## Way Forward

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- There is a need to check and limit such post-poll ‘alliances of convenience’, wherein, even parties with diametrically opposite election manifestos and promises come together to share power.
  - The **Law Commission of India, in its 170<sup>th</sup> report on ‘Reform of the electoral laws**, had opined that a ‘**pre-election front/coalition**’ of political parties should be **treated as a ‘political party**’ for the purposes of the anti-defection law.
- The menace of horse-trading can be dealt with by strengthening anti-defection law.
- The political parties and individual candidates should be mandated to disclose a list of ‘**probable post-poll alliances**’ under a legal framework drafted by Election Commission.
- The menace of Horse-trading can be dealt with by strengthening Anti-defection law.

- It is high time that the **Sarkaria Commission (1983) report**, which discusses the role of Governor in case of the hung assembly must be implemented.

It recommended, in case of a hung assembly, the Governor should select a Chief Minister from among the following parties or group of parties by sounding them, in turn, in the order of preference indicated below:

- An alliance of parties that were formed prior to the elections.
- The largest single party staking a claim to form a government with the support of others, including “independents.”
- A post-electoral coalition of parties, with all the partners in the coalition joining the Government.
- A post-electoral alliance of parties, with some of the parties in the alliance forming a Government and the remaining parties, including “independents” supporting the Government from outside.

Democracy cannot be restricted to the mere casting of votes and formation of government; it is also about the trust among the voters of an electorate that the mandate given by them must be reflected in the government formed after elections.

### ***Drishti Mains Question***

Post-poll alliance, if it is different from the pre-poll alliance, leads to the betrayal of voters and demise of democracy. Comment.