



Free and Fair Election

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(This editorial is based on the article 'Being Fair and Transparent' which appeared in 'The Hindu' on 22nd April, 2019. The article talks about the challenges that have affected the electoral landscape in India and ways in which it can be dealt.)

In a constitutional democracy, elections provide an opportunity to ascertain the popular will in regard to the governance of the country. **Election is the act of choosing an individual usually for holding public office through free will of the people in a representative democracy.**

Recently, elections were cancelled in Vellore district of Tamil Nadu on the charges of corrupt practices and misuse of money and muscle power which is often used to manipulate and sway the popular will. This has not been an isolated incident; many such events have taken place over the years. The growing greed for power has turned a sacrosanct activity into a showcase for power.

The recent debates surrounding the power and efficacy of Election Commission of India (ECI) in testing times has opened up the Pandora box of challenges where strengthening ECI has become of paramount importance.

Concept of Free and Fair Election

- Concept of free and fair election includes even preliminary stages to election such as **delimitation of constituencies, preparation, revision or amendment of electoral rolls** and many others.
- Concept of free and fair election **mainly relates to political liberty and equality**. In matters of election it implies that **no one, under the electoral process, is in bondage of another**, having his personal rights, social and political liberty, free thinking and choice subjected to a legal discipline.
- **While exercising his right to vote one is not under undue influence of party discipline, religion, caste, creed, sex, language and also one is not under the strain of corrupt practices** and so on. Thus, free and fair elections are the foundations of democratic form of government.

Growing Menace of Money Power

- Over the course of time 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 been used** so blatantly that seizures **in form of unaccounted cash, liquor, bullion and drugs** amounting to ₹2,600 crore have already been made.

The amount is greater than the entire seizures made in the nine phases of the general election in 2014. Most depressingly, this includes huge cache 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 that intended to bribe or influence voters are only fraction of current illegal spending that has been exposed.** A larger share has already been spent without the knowledge of ECI or other regulatory authorities.
- Political players have evolved their methods and are many steps ahead of the ECI's observers and their vigilance teams by moving their funds to their destinations even before the elections are announced.

Obstacles in Free and Fair Elections

- Electoral malpractice has appeared in newer forms in recent times. **Voter bribery and manipulation through the media** have become the techniques of unethically influencing voters in place of voter intimidation and booth capturing.
- Over the past few years incidence of **corruption in public life** in which politicians and officials have diverted the available resources to personal use has increased. **Public funds have been misappropriated** and have destroyed the moral and ethical environment of the nation.
- **According to the Vohra Committee Report**, criminalization of politics and corruption in high levels is destroying the very system and edifice of our parliamentary democracy, political authorities, the civil servants and even the judiciary.
- In the era of outside support and the coalition governments in the States and at the Centre, it is an admitted fact that **the representatives of the people in the Assemblies and Parliament accept money to support a particular Government.** Hence, Members of Parliament or State Assemblies became a marketable commodity and a subject of sale and purchase or horse-trading.
- Money power is a crucial factor in elections since **modern devices of election propaganda are expensive.** The availability of large funds ordinarily tends to increase the number of votes a candidate will receive. This money often takes the course of black money and is collected through nefarious and illicit means.

- Electoral bonds which were meant for 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.

Steps Suggested

- **Any serious reform with regard to funding must come from the EC itself**, the EC should convene a conference of all stakeholders, including of course all recognized political parties, both central and State. The list of stakeholders must also include the best constitutional and legal minds in our country.
- **ECI must ensure strict compliance of model code of conduct** and anyone seen violating it must be given highest possible restraint to deter herself from any such future practice.
- Being a watchdog of the democracy, **media should follow the ethical reporting of events** covering real issues affecting people and **should not indulge in paid news and in propaganda politics**.
- Parliament must **consider the legal infirmities existing in the provisions of election law**, relating to entry of criminals in politics. Classification between general criminals and sitting member criminals under Section 8 of the Representation of People Act, 1951 must be omitted.

Way Forward

- The powers of the EC are enormous and all-encompassing which even exceed the powers of the executive in all election-related issues during the course of the election period. Thereby giving it effective tools in dispensing free and fair elections, only thing that lacks is will and integrity on the part of responsible officials.
- ECI should become more prudent and pro-active to ensure the fairness and transparency the general election of this nation deserves, and wipe away any doubt regarding the its integrity as an esteemed institution.