



## The Big Picture: Electoral Politics- Need for Reform

Recently at a conference on '**Money Power in Politics**', the Vice President M. Venkaiah Naidu highlighted Indian experience with democracy as a remarkable success story. However, he pointed out **two distortions** that require urgent attention:

- Use of **enormous money power** in politics and elections,
- Increasing **attempts to entice the voters** with short-term benefits (in the form of populist schemes for electoral advantage) at the cost of governance, besides adversely impacting the long-term interests of the poor and the middle class.

### Indian Democracy

- India is a vibrant democracy with people electing their representatives at several levels beginning from local bodies & panchayats to the Parliament.
  - India has **Parliamentary system of governance** which is based on Britain's Westminster model of **constitutional democracy**.
- Elections in India (world's second-most populous country) seek overwhelming popular participation, where electoral candidates try to woo the voters by promising long-term reforms, such as better governance, greater socioeconomic equity, poverty alleviation, etc.
  - However, corrupt politicians with criminal records, caste- and religion-based politics, and allegations of vote-buying, have defeated the very purpose of such democratic process.

### Present Issues

India's political culture has been vitiated by unprecedented waves of **populism, jingoism, sectarianism and confrontational politics**.

### Money Power & Freebies

- **Expenditure:** There are three drivers of expenditure in elections viz. **legitimate electioneering cost, party running cost, and TV air time cost**.
  - However, the accounted legitimate expenditure is a mere percentage of actual spending by the candidate and their corresponding political parties. According to the report of the **National Commission to Review the Working of the Constitution** (NCRWC), high cost of elections creates a high degree of compulsion for corruption in the public arena.
- **Vote-buying:** The rise of illegitimate expenditure on **vote-buying** has become a matter of great concern as it is making only the rich to be more qualified to become an MP (Member of Parliament) or an MLA (Member of the Legislative Assembly) over a well-qualified public-spirited person.
  - As can be seen, out of 533 candidates elected to the **17<sup>th</sup> Lok Sabha** (2019-present), 475 Parliamentarians (accounting for **88%**) are '**crorepatis**'. This reflects the paradoxical situation of poor India with rich Parliamentarians raising concerns about the growing role of money power in politics.
- **Freebies:** **Freebie** is something **provided or given free of charge**, ranging from rice at cheapest rates to laptops & bicycles. These promises may be targeted at particular groups of electorate like BPL families, weaker sections of the society, women, handicapped etc. Although, people have many-a-times rejected it, but still, political parties continue to compete with each

other by offering such entitlements.

## **Paid News**

- Paid news is any news or analysis appearing in any media (Print and Electronic) for a price in cash or kind. An issue like **Paid News** disrupts the level playing field and circumvents the election expenditure limits. This creates a hurdle for the **Election Commission of India (ECI)** to conduct the smooth run-off elections in a **free, fair and transparent manner**.

## **Issuance of Secret Bonds**

**Electoral bonds** are the bearer bonds that were launched in 2017 in order to cleanse the system of political funding in the country.

- However, its anonymous feature in which neither the donor nor the political party is obligated to reveal whom the donation comes from **defeats the fundamental principle of transparency** in political finance (as the voters are unaware of the source of funds that are spent by the political parties in the election process).
- Also, as the issuing entity is the **State Bank of India**, i.e. a State-run entity, there is a **fear of retribution** amongst the donors as the government at any point of time can look for the names of the anonymous donors.

## **Criminalisation of Politics**

- It refers to a situation in which the **anti-social elements** enter the electoral process by contesting elections, getting elected to the legislature, and consequently occupying public offices. This happens due to **existing strong nexus** between the criminals and some politicians abusing the loopholes in the present system.

## **Flaws in the Criminal Justice System**

- In India, an accused is presumed to be innocent unless pronounced guilty by the Courts. The **rate of conviction for politicians is abysmally low**, with just **6% in criminal cases**. This implies that a large number of accused politicians with criminal background actually go unpunished from a Court of law, and are not disqualified from contesting elections further.

## **Caste-based Politics**

- Caste politics in the last three decades have been marked by the **desire for power on the caste-lines rather than a substantial agenda for social reform of the downtrodden**. However, election campaigns along communal or caste lines are banned under the election rules.

## **Drishti Input: Measures Undertaken**

### **Legislative Measures**

- **Limit on spending of candidate:** At present, under Rule 90 of the **Conduct of Election Rules, 1961**, a candidate contesting **Lok Sabha** polls can spend up to **₹70 lakh** and in an **assembly election** up to **₹28 lakh**, depending on the state in which s/he is contesting polls.
  - Recently, a **Private Member's bill** was introduced in the Parliament which intended to **do away with the cap on election spending by candidates**. The move was taken on the ground that the ceiling on election expenses ends up being counterproductive by encouraging **candidates to under-report their expenditure**.
- In **2003**, a law was passed by the Parliament after the Tehelka scam. According to it, donations to political parties will receive **100% income tax exemptions** for donors.

### **Measures by ECI**

- **Political Parties Registration Tracking Management System (PPRTMS):** To allow an

applicant **to track the progress** of his/her application.

- **Systematic Voters' Education and Electoral Participation Programme (SVEEP):** ECI organizes **voter awareness campaigns** in order to educate the voters.

## Measures by Judiciary

**Supreme Court** in following cases recommended various reforms:

- In ***Union of India versus Association of Democratic Reforms 2002 case***: Contesting candidates need to **disclose** all their assets and liabilities, criminal convictions, etc. at the **time of filing their nomination paper**.
- In ***Ramesh Dalal versus Union of India 2005 case***: A legislator is **disqualified** from contesting elections if, **on the day of filing** the nomination papers, he/she stands convicted in a Court of law.
- In ***Lily Thomas versus Union of India 2013 case***: The nature of disqualification for being a member of the House as provided under **Article 101(3) & 190(3)** is **automatic** and takes place with **immediate effect**.
- In ***People's Union of Civil Liberties versus Union of India 2013 case***: Voters enjoy **"Right to Negative Vote"** in the election process and directed the ECI to include the **choice of "NOTA"** in the ballot paper.

## Needed Reforms

### Legislative Reforms

- **State Funding of Elections:** System in which the **State bears the election expenditure of political parties** that are contesting elections. This can bring transparency in the funding process as public finance can limit the influence of interested donors' money and thereby help curb corruption.
- **Simultaneous Polls:** The time has come to implement simultaneous polls because of its underlying advantages including **reducing the costs of holding elections** by the ECI and **spending** by political parties.
- **Central Legislation:** In the ***Public Interest Foundation & Ors. vs. Union of India 2018 case***, **SC put the onus on the Parliament** to frame a law to prevent criminalization of politics and take concerted efforts to cleanse the political system of the country.
  - The time has come to frame suitable legislation on the lines of **FRBMA, 2003** (Fiscal Responsibility and Budget Management Act- that puts a **cap on fiscal deficit**).
  - If a cap is introduced on populist announcements (based on the proportion of budgetary resources they have) by the parties within the ambit of law, then perhaps all political parties will have a level playing field and the unsustainable populist measures could be kept under check.
- Law Commission in its **255<sup>th</sup> Report on Electoral Reforms** inter-alia recommended strengthening of the office of the ECI in order to provide more independence and tooth to the institution.
- The '**First Past the Post System**', in which a person with the highest votes (even with one extra vote) is declared winner, needs to be changed. Rather, a **minimum percentage of total votes polled** can be fixed for declaring a candidate as the winner. This could restrict the criminals from getting elected as not everybody in a constituency votes on party lines.

### At Party Level

- **Limit on Party Expenditure:** There must be a limit on the expenditure of the party. A **time frame** must be set for accounting the expenditure of parties and must be made public before the actual date of elections so that the voters and the concerned authorities could be priorly informed.
  - Consequently, **audit** of political parties accounts must be conducted in order to make them accountable.

- Political parties need to **rise morally and self-discipline themselves** restricting their use of money power. Also, the **flow of black money** into the election process needs to be taken care off.
- Political parties need to be brought **under the ambit of Right to Information Act (RTI) Act, 2005.**
- All parties should be given **equal media space or air time** so as to provide a level playing field.

**At Voter's Level:** Voters need to be **educated** regarding the significance of their vote. They should be made **aware & well-informed** about the candidate they seek to vote, thereby rejecting those who try to entice them with freebies.

## Way Forward

- There is a need of **fixing governance system** and effective regulation of political financing along with bold reforms to break the vicious cycle of corruption and erosion of quality of democratic polity. It is crucial to plug the loopholes in the current laws to make the entire governance machinery more accountable and transparent.
- **Linking Vote with Tangible Consequences:** Long-term empowerment of local body/ localised power must be done so that people could see the changes happening immediately at their level and could actualise & understand the value of vote. This would inhibit getting freebies tendency amongst people.
  - Also, **local bureaucracy must be made accountable & held responsible** so that their burden is not borne by the political parties.
  - As per the statistics, the **annual burden** on party workers to indirectly maintain an assembly constituency amounts to ₹3-4 Crores. This gives birth to strong nexus between party workers and the bureaucracy, who in lieu of giving money take petty contracts, police cases interventions, etc., leading to abuse of administrative process.
- A voter forfeits the right to question the government when he/she compromises on moral values and accepts gift or cash for his/her vote. Therefore, citizens must vote in elections based on character, conduct, calibre and capability of the candidates and not based on cash, caste, community and criminal prowess. This could be the **ultimate solution to check money power** in politics.

The constitutional functionaries, who have taken the pledge to uphold the constitutional principles, are charged with the responsibility to ensure that the existing political framework does not get tainted with the evil of corruption.