

IT'S TIME TO TAKE STOCK OF THE ELECTORAL PROCESS

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

The biggest election in the world has finally come to a successful end for which the three Election Commissioners and their 12 million staff deserve appreciation. Unfortunately, what deserved to be remembered as a subject of national pride became mired in several controversies. At the top of the list was the unprecedented attack on [the Election Commission \(EC\) which was accused of being soft on the top leadership of the Bharatiya Janata Party \(BJP\)](#) for repeated violations of the Model Code of Conduct (MCC).

Questions were also raised about the prolonged election of seven phases. The EC has always maintained that the most pressing concern is voter security. All political parties demand that Central armed police forces be deployed, but due to their limited availability they have to be rotated, which necessitates multi-phase elections. If the numbers of these forces were adequate, the EC could conduct elections in one day. After all, the MCC is difficult to operationalise in the age of social media in staggered elections. This is a trade-off the EC is fully aware of. The cost-benefit analysis of multi-phase versus short phase elections in the face of new challenges can be done afresh.

The highlight of 2019 was the [highest ever voter turnout in a general election so far](#) (67.11%), even though there was a lower turnout than usual in many constituencies, possibly because of oppressive weather, and varied turnouts across phases. This proves that the EC's voter education programme (Systematic Voters' Education and Electoral Participation) is effective.

In this election, the role of money power was alarming. It is becoming more and more expensive to contest elections and the problem of black money is alive. Even before the first phase had started, it was evident that Indian democracy is overwhelmed by the overarching role of money, media and mafia.

Disclosing dissent: on EC's decision to not record split opinions

The EC seized crores worth of money, liquor and drugs. As on May 24, money, drugs/narcotics, liquor, precious metals and freebies worth an estimated 3,475.76 crore were seized. The figure in 2014 was 1,200 crore. According to EC data, Tamil Nadu (952 crore), Gujarat (553.76 crore), Delhi (430.39 crore), Punjab (286.41 crore) and Andhra Pradesh (232.02 crore) were the top five States/Union Territories that accounted for the total seizures. A cause for worry is that drugs/narcotics formed a large part of the seizures, with Gujarat topping the list (almost 524.35 crore).

Personally, what was most painful was witnessing the EC repeatedly coming under the scanner due to its delayed and often perfunctory actions on violations of the MCC. Once lauded for its conduct of free and fair elections in the world's largest democracy which have been held with precision and integrity, this time it was criticised both nationally and internationally.

The aftermath of a nasty election

The check on the Prime Minister's helicopter in Odisha on April 16 should have been used by the EC to demonstrate its commitment to equality of all before the law. But it chose a different

course.

The EC was also questioned for its stand on the sample size for Voter-Verified Paper Audit Trail (VVPAT) verification. Its line was that tallying VVPAT paper slips with the EVM count one per Assembly constituency was based on scientific methodology and endorsed by the Indian Statistical Institute. But the Opposition parties went to the Supreme Court which advised the EC to raise the mandatory random counting to five VVPATs per Assembly segment laying emphasis on “better voter confidence and credibility of electoral process”. The court believed that the move would ensure the “greatest degree of accuracy and satisfaction”. Rather than being on the defensive, the EC should have discussed this issue with political parties, with an open mind.

As the election progressed, the Opposition made two more demands: The five machines must be counted in the beginning and in case of even one mismatch, all machines in the Assembly segment must be counted. The EC examined these proposals only to reject them as being unfeasible.

The task of restoring democracy

The top court’s repeated interventions (as many as six) also have long-term implications given that Article 329 of the Constitution bars courts from interfering in electoral matters after the election process has been set in motion. But the court had to intervene repeatedly for course correction. The Supreme Court expressed displeasure over the EC’s stand on April 15 when it submitted that it was “toothless” and “powerless” to act on hate speeches. When the court set the EC a deadline of May 6 to act on this, the EC took strong and unprecedented action against some political leaders, debarring them from campaigning for up to three days by invoking Article 324. This was laudable, but when it came to acting on complaints against the Prime Minister and the BJP president, it reacted differently, giving the two leaders ‘clean chits’, and casting a shadow on its own reputation for fearless independence.

Much later, it was shown that at least one Election Commissioner had dissented in five out of 11 EC decisions concerning violations of the MCC. In the absence of unanimity, decisions can be taken by a majority vote, and his dissent did not change the result. But dissent is good news for a constitutional body as it is a healthy sign of objective deliberation and democratic functioning. His demand for his dissenting note to be made public was worthy of positive consideration.

The ascendant role of money power, paid and fake news, communal polarisation and hate rhetoric pose a serious challenge to the very foundations of our electoral system. As soon as the dust settles, India must introspect over these issues and find answers. A democracy is only as credible as the strength of the institutions fundamental to its legitimacy. I have hope that the 17th Lok Sabha will take it upon itself to reform the electoral process and enable the world’s largest democracy to become the world’s greatest.

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