

Ensuring Free and Fair Poll: Examining Some Practical Problems

While the many Cassandras and prophets of doom kept predicting the failure of Indian democracy because of her humongous size and mind-boggling diversities, India not only has continued to survive in one piece but has actually grown stronger than ever before. Notwithstanding certain institutional weaknesses and some structural problems, the country through carefully nurtured democratic infrastructures and superstructures built up one of the most vibrant liberal democracy. And one of the institutions which has never failed us and has always stood the test of time is the Election Commission of India (ECI).

Elections in India bring out the real character and strength of the world's largest democracy. Since the first general elections in 1952, Indian democracy has been marching from strength to strength adding more and more feathers to our body politic. And ECI has gradually been evolving and developing its own mechanisms, modalities, techniques, rules and norms to ensure an almost peaceful change of government at the national and provincial levels amidst an ambience of cynicism and despondency. Today, ECI is one of the most sought after Indian agencies for sharing its expertise and experience in the conduct of democratic elections across the world. However, the critics and observers have been pointing to many problem areas in our electoral system and have accordingly suggested certain electoral reforms to make our democracy further stronger.

The MCC stipulations and norms which ECI so religiously and steadfastly enforces during elections often seem to have gone overboard. Now that elections are stretched over two to three months, the developmental works almost come to a screeching halt. Even though emergent and critical works are allowed but the approval procedures are so rigorous that more often than not many welfare and developmental interests of the common people stand compromised. Hence, it is suggested that all such schemes and programmes which have been announced and budgeted prior to the announcement of elections should be allowed to be executed without any conditions though announcement of new schemes by interim

government may continue to be banned. Time has come to trust the wisdom of voters to see through the machinations of the political class to actually tell the chaff from the grain.

Post-poll violence has come out as another area of concern in recent times. It has often been noticed that voters and workers of opposition or rival factions/parties are victimised once the elections are over. Ergo, it is suggested that not only CPF should continue for, at least, a month after the results are announced, but ECI should also take initiative to evolve an MCC for non-election times so that cadres and workers of political parties coexist peacefully and operate without fear or favour after the elections. Such an MCC should also stipulate against any incendiary or vandalistic politics including holding of strike or *bandh*, lockout or sit-in (*dharna*) or destruction of public properties in furtherance of their political interests or demands. It should also be made mandatory for the contesting candidates to ensure the removal of defacement from the private properties which is never done once the elections are over. The Apex Court has already given specific rulings in this regard. The same should be strictly enforced and the onus to compensate against such destructions should be on the organisers of such vandalistic politics.

Even though paid news are religiously monitored and guarded against as one of the important tenets of MCC, still ECI has found it very difficult to actually identify paid news by a section of the media. Paid or not, different media houses often appear to be hugely tied to the coattails of one or the other political party. Some of these media houses have often turned out to be interested players taking clear side of one or the other party. The same could be easily noticed in the way they present or project their stories or news. The wide variations in the projections of an exit or opinion polls or an electoral survey also give a tell-tale hint of their alignment with one or the other political party. Again, ECI's paid news norms are silent on the party mouthpieces, something which need to be clarified. So, ECI should definitely come out more clearly and strongly against the direct or indirect identification of some media houses with one or the other political party.

It has been usually noticed that ECI effects a huge number of transfer of officials at various levels in the run-up to the elections. While all these transfers are sought and justified by the opposition parties, the ruling party has often been found to be aggrieved. Often, these transfers have been done just a day or two before the election which, many believe, do not serve the purpose as they come off as mere cosmetic changes. As most of these transfers are made on the basis of unverified complaints, assumptions or presumptions, usually no disciplinary proceedings are initiated against any of these officers. As these officers are never given an opportunity of being heard or explaining themselves, the transfers not only harm their reputation but also violate the tenets of natural justice. The officers transferred are forever tarnished for being aligned or prejudiced and their services are never taken for any future ECI elections because of the chip on their shoulder.

Another problem noticed during the recent West Bengal elections was regarding proclamation under section 144 Cr.PC during the 48 hours before elections, something which is done in every election. But the way the 144 proclamation was made and enforced during the recent West Bengal Assembly elections, many felt the same was overdone as it almost

amounted to curfew on the day of election, much to the detriment of the political interests of many candidates. Those doing 144 announcements were not trained and often gave the impression of a curfew being imposed on the day of poll thereby dissuading many voters from coming out to vote. Coming in the wake of heavy deployment and route marches by CPF, such a move further backfired. ECI definitely needs to think through and evolve a protocol for doing the same more discreetly in future to ward against any such eventuality.

As the fate of our democracy depends on the efficiency and effectiveness of the election machinery and the level playing field it ensures to the different stakeholders in the system, it is very much advisable that ECI does start discussing and debating some of these problems in the extant electoral system for making our elections more free, fair and peaceful to the satisfaction of all. One is sure that ECI shall come true to the expectations and faith reposed in it to carry out the task as enshrined in Article 324 of the Indian Constitution.

Salient Points

- Elections in India bring out the real character and strength of the world's largest democracy.
- Post-poll violence has come out as another area of concern in recent times.
- Programmes announced and budgeted prior to the announcement of elections should be allowed to be executed.
- Media houses usually tie to one or the other political party.
- Sometimes those doing sec. 144 announcements give the impression of a curfew being imposed on the day of poll.
- ECI should resolve the problems to make elections more free, fair and peaceful.

Glossary

Cassandra: a person who prophesies doom or disaster

Humongous: extraordinarily large

Despondency: depression of spirits from loss of courage or hope

Screech: to utter or make a harsh, shrill cry or sound

Incendiary: used or adapted for setting property on fire

Vandalistic: deliberately mischievous

Coattails: the back of the skirt on a man's coat

Dissuading: to deter by advice or persuasion