

## ENGAGING WITH POLITICAL PARTIES TO BRING ABOUT DEMOCRATIC REFORM

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### **How can citizen observers remain active throughout the democratic cycle by engaging political parties on democratic reforms and the implementation of recommendations?**

*"Electoral democracy without people's participation, does not translate into rule of law, good governance or equal opportunities".*

India's democracy project stands in the throes of 3rd crisis of legitimation.

The first procedural legitimacy, where people were not confident whether elections were free and fair was resolved after the Election Commission of India (ECI) was given more teeth. As part of the second legitimation crisis, elections threw up winners who didn't care enough and lacked the capacity to deliver on promises.

In the third crisis of social legitimacy, people turn to "mirror representation", relying on people of their own community to help secure benefits, badly needed to improve quality of life.

However, a decade or so later, a fourth crisis of moral legitimacy unfolded where people felt betrayed by political leaders and legislators from their own community. They developed their own, even more private interests which prevented them from representing views and interests of ordinary people. This rekindled first an anti-democratic impulse or the need for a strong ruler and second, a stronger participation impulse that involved the demand for greater accountability, information and transparency.

Association for Democratic Reforms (ADR) works in this space, demanding accountability, transparency and good governance from political parties and the government.

#### A methodology of engagement for citizen observers:

1. Organization of meetings/conferences where politicians may participate.
2. Organization of debates and discussions on electronic media
3. Writing letters to political parties and Ministers asking them to refrain from giving tickets to candidates with criminal cases or dissuading them from appointing Ministers who do not have a clean record
4. Providing recommendations to Committees
5. Seeking information through the Right to Information Act and putting it out in the public domain
6. When all effort fails, there may be judicial interventions such as the filing of a Public Interest Litigation (PIL)
7. Voter education campaigns to choose candidates with a clean record
8. Liaison and interaction with the ECI & Chief Electoral Officers (CEOs) of various states
9. Engaging in Election Watch Activities
10. Engaging in Political Party Watch Activities

### Some specific instances:

1. Mandatory declaration of criminal and financial details by contesting candidates prior to elections by means of a self-sworn affidavit (2002-03)
2. Pushing for a law that made it mandatory for Political Parties to put out their Income Tax Returns in the public domain (2008)
3. The introduction of a Register of Members Interest for the Rajya Sabha. Efforts are being made to bring about the same in the Lok Sabha as well (2008)
4. Bringing National Parties under the Right to Information Act by a ruling by the Central Information Commission (CIC) (2013)
5. Lily Thomas Judgment wherein convicted MPs/MLAs were debarred from holding office (2013)
6. Introduction of Political Parties draft bills (2013)
7. The introduction of the NOTA (None of the above) option on EVMs

### **What are the risks and opportunities for citizen observers of engaging with political parties on democratic reforms? Can citizen observers remain nonpartisan whilst doing it?**

#### Risks:

Those in power want us to believe that the matters related to law and governance are too complex for ordinary citizens. They assume that ordinary citizens do not know what is best for them.

It would however be unfair to say that the state is essentially oppressive or it is always adversarial to the civil society for the graph of their love-hate relationship keeps swinging between collaborative and confrontational.

In most countries, governments look at CSOs with suspicion. They are seen as meddling in politics, particularly during elections, as stalling India's growth story and as inciting farmers/tribal communities against displacement, dispossession and land acquisition for infrastructure and industrial projects. The government is incensed at the presence of environmental groups, anti-corruption and rights based movements at sites of conflict over "development".

#### Following actions are taken against CSOs by the Government/State:

- Legal Action against the CEOs of CSOs
- Cancellation of the registration of CSOs
- Curbs on domestic/foreign funding
- Ignoring demands/suggestions/recommendations for reforms towards deepening of democracy
- Threats of violence and damage to life and property by fringe groups claiming to represent the ruling dispensation

#### Opportunities:

- The coming together of CSOs to create a movement
- The coming together of like-minded politicians to voice their opinion
- The sharing of information obtained by CSOs with the citizens by means of RTIs, in order to push the government machinery to deliver
- Pressure created on the Government and political parties to change their stance by means of the social, electronic and print media

**Is the Parliament always an appropriate forum to discuss these issues? Could separate, inter party dialogues involving CSOs help advance democratic reforms further?**

The Parliament is the ideal place for passing legislation to usher in democratic reforms. However, it is seen that there is a reluctance/resistance on part of the Government and political parties to debate and introduce administrative/judicial/political/police/electoral reforms. Governments and Parliamentary Committees invite comments/suggestions on various issues from the civil society and general public but these are often trashed and not acted upon. The political class, bureaucracy and the so called public policy experts often feel that "they know best" and the common man is clueless. Outside the Parliament, the political class listens to the demands of CSOs and citizens only when they feel that ignoring these demands may lead to a debacle in future elections. Constant public pressure is then desirable to force the political class to accede to demands for reform.

Interparty dialogues involving CSOs may not help in advancing democratic reforms. Only if a demand for reforms converts into a mass civil society movement, and the pressure on the political class becomes unbearable, they may accept the demand and pass suitable legislations such as the "Jan Lokpal Bill" and the Amendments to Rape Law post the Nirbhaya case.

However, even the passage of legislation is not a guarantee of honest implementation. The other route for CSOs is the legal process through which the CSOs approach the courts and force the political class and government to accept the verdict of the court.

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