

WHAT REALLY PLAGUES OUR ELECTIONS?

Prof. Trilochan Sastry and Ms. Sushmita Samaddar

Over the years, the growing influence of money power in elections has been noted by the Election Commission of India and the citizens alike. The Delhi CEO, Mr. Vijay Dev¹ recently stated that there are over 375 FIRs registered against various political parties during the December 2013 Assembly elections. If we take a brief look at the reports of cash and liquor seizures during the Assembly elections in the five states, late 2013, this little factoid from the Delhi CEO does not come as a surprise. A vast electorate of 814.5 million voters will participate in this massive exercise of democratic right, in what is now seen as the longest election of nine phases in the country's history. A major part of this electorate would be first-time voters, with an estimate of nearly 90,000 first time voters on an average in each constituency².

The flying squads of Election Commission and Income Tax department, seized Rs. 58 crores of unaccounted cash during the assembly elections held in Chhattisgarh, Mizoram, Rajasthan, Madhya Pradesh and Delhi this November-December 2013³. The newly elected MLAs to these states, however, declared an average election expenditure to be merely between Rs 4.39 lakhs and Rs 8.46 lakhs, in their election expenditure statements to the Election Commission of India. Further, if we look at the data from expenditure statements of Lok Sabha MPs from 2009, we see that 129 out of 437 MPs (30%) have declared an expenditure of less than 50% of the expense limit. This is surprising in view of the fact that recently, the election expense limit was raised upto 70 lakhs in a Lok Sabha Constituency, welcomed by the political parties and candidates alike. If the veracity of the expense statements from Lok Sabha elections 2009 is to be believed, winning candidates on an average, need to spend only about 59% of the expense limit from 2009. Surely then, there was no need to raise the expense limit?

This brings us to the other spectrum of money in elections i.e. what is not declared in the election expenditure statements by the candidates. Describing the role of black money in elections, the then Chief Election Commissioner (CEC) had said in 2012 that about Rs. 10,000 crores of black money was spent in the 2012 assembly elections in UP alone. This amounts to Rs. 25 crores per constituency. Money then we see, plays an important role in determining the 'winnability' of a candidate in the elections. Another former CEC points out that "they (the candidates) seem to have come to realise that this is an investment capable of giving phenomenal returns which no other enterprise could rival and, so, the best way of getting rich quicker."

We can see this corroborated in facts through the average assets of re-elected MLAs in the five states of Chhattisgarh, Madhya Pradesh, Rajasthan, Delhi and Mizoram which have grown from Rs. 7.76 crores to Rs. 31.55 crores i.e. by almost three times over, in the past five years. The unfettered flow of money in

¹ The Hindu: "Delhi EC likely to approach Law Ministry for pending cases", March 16, 2014

² Shashi Tharoor, "Op-ed: Youthquake 2014 - In digital age, first time voters can script the India story", NDTV, March 01, 2014

³ Times of India: "Delhi tops in seizure of cash ahead of polls", Dec 4, 2013

elections is not merely an investment by the candidates, but a loan to the citizens that is recovered many times over when the candidate comes to power.

An analysis of 62,847 self-declared affidavits of candidates, covering all assembly and Lok Sabha elections between 2004 and September 2013, shows that 11,030 (18%) had 27,027 pending criminal cases against them while 5,253 (8%) candidates had 13,984 serious⁴ criminal cases including murder, rape, corruption, extortion, dacoity, etc. That is more than one in five serious cases per candidate.

Of the 8,882 winners analysed from 2004 to 2013, 2497 (28.4%) had 9,993 pending criminal cases against them while 1,187 (13.5%) candidates had 4,824 serious criminal charges including murder, rape, corruption, extortion, dacoity, etc. That is more than one serious case for every two winners.

In addition, we find that several cases drag on for years. In the above analysis, over 3,450 candidates had contested the elections more than once. Of them, there were 849 with a criminal record for the first time they contested, and 631 who had a criminal case the second time they contested. About 474 of them had the same cases pending against them for at least four years. This means that a person facing serious cases can complete the term of an Assembly or Lok Sabha before the cases are disposed off.

While only 12% of candidates with a “clean” record win on average, 23% of candidates with some kind of criminal record win. Strikingly, 23% of all those with serious criminal charges win. Wealth increases the chances of winning, and a combination of wealth and criminal record increases it even further. This partly explains the strong tendency of political parties to continue fielding people with badly tainted records.

The proliferation of candidates and political parties has led to high competition during elections. In the 2009 Lok Sabha elections, 392 registered political parties contested for 543 seats and 14 candidates per seat. A winner represented 25.7% of the registered voters on an average in the last Lok Sabha, and 44.2% of the votes cast; 423 MPs in the current Lok Sabha won with less than 50% of the votes cast, 167 of them with less than 40%. Of the registered voters, 538 won with less than 50%, 506 with less than 40% and 356 with less than 30%. Because of the messy competitive election scenario we see that an astute candidate would just need to sway a small percentage of votes to win and this is done through freebies and big money in politics.

This brings us back to the thought that started this article. The biggest section of the electorate this year would be under 35 years old and a large part of it would be first-time voters. A country that is fueled by the energy of this young population, constantly striving for change, growth and progress deserves an election that is clean and transparent. This can be brought about through the collective effort of the citizens who can decide not to vote for a tainted candidate, not to sell their vote and to report any electoral offence that is witnessed by them. But most importantly, this can be brought out by the political parties and candidates themselves. The dissatisfaction of the citizen with the political scenario and the

⁴ Serious crimes include murder, attempt to murder, rape, crimes against women, cases under the Prevention of Corruption Act, Maharashtra Control of Organised Crime Act, loss to public exchequer, state or national treasury, Lokayukta initiated cases; forgery, counterfeiting and/or sale of government documents, stamps; issue of non-bailable warrants, and cases which on conviction would result in five years or more of jail (the RP Act disqualifies anyone sentenced for only two years or more).

loss of trust in the political class can only be resolved if the political parties and candidates join the effort of the civil society in bringing greater transparency and clean elections.