

## **Election violence - Time for cleansing the polity**

Violence in elections has become endemic in many parts of the country. With every passing election there are signs of increasing influence of force, intimidation and violence. The electoral process has become so complex and vicious, that the best men and women are repelled by it, leaving the field open to many less-than-desirable candidates. As Dr.M.S.Gill, the Chief Election Commissioner said picturesquely, law breakers are becoming law makers. The Commission's own estimates show that about 1500 candidates in the 1996 parliamentary election had a criminal record, and 40 of them were actually elected to the 11<sup>th</sup> Lok Sabha. In the state legislatures, the picture is much more distressing. Out of the 4072 sitting MLAs in all the states, more than 700 have criminal records. No wonder, violence and intimidation have become the main arbiters of elections in many places.

Large parts of Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana, Andhra Pradesh and Tamilnadu are particularly afflicted by gross use of muscle power to intimidate voters or to stuff the ballot boxes. In areas affected by terrorists or extremist violence, like Jammu and Kashmir, Punjab, North East and Telangana. There is often a tendency to use forced boycott of election as a political tool to further the agenda of the dissenting groups. The fact that elections require massive deployment of police, central forces, para military and security forces indicates the magnitude of the problem. Despite this formidable deployment of state power, the Election Commission is compelled to stagger the election schedule, making it one of the most prolonged exercises in democratic world. Even then, deaths in poll-related violence, and repolling on account of vitiation of election process have become an integral part of our democracy. Bogus voting by impersonation and stuffing of ballot boxes by intimidation together account for about 15% to 20% of the total votes polled in many areas.

In Andhra Pradesh, election related violence, rigging, booth capturing and intimidation have become the order of the day in several areas. What was once a major problem limited to the faction ridden Rayalaseema district of Cuddapah, Kurnool, Anantapur and Chittoor, has now

spread to Krishna, Guntur, Prakasam and Nellore Districts in Coastal Andhra, and most of Telangana . With increasing criminalisation of politics, the capital city of Hyderabad too is severely afflicted by poll violence and intimidation.

Use of muscle power in elections distorts the outcome in several ways. The commonest form is organised impersonation and bogus voting on a large scale. Another method is to intimidate voters and force them to show the marked ballot paper to the agents before it is inserted in the ballot box. The polling agents of other candidates are either browbeaten or bribed to ensure their cooperation. Very often dummy candidates are put up only to facilitate induction of musclemen at the polling stations. As each candidate is entitled to a polling agent at each polling station, and is permitted to use a certain number of vehicles in the constituency, the leading candidates get a large number of musclemen masquerading as polling agents through this method. A sophisticated variant is practiced in certain areas. The voters are bribed or intimidated and are given precise instructions. First a voter goes to the polling station and inserts a blank paper or a dummy ballot paper in the ballot box. He then brings his unmarked ballot paper outside. It is handed over to the candidate's goons. They then mark in favour of their candidate and hand it over to the next voter. He in turn puts this marked ballot paper in the ballot box and brings out his unmarked ballot paper. The cycle is reported endlessly and the muscle men make sure that all these votes are polled in favour of their candidate. This fool proof method guarantees results, and is almost impossible to detect and control. Bribing and threatening polling officials and stuffing ballot boxes are less sophisticated, but equally effective methods. The police often turn blind eye either because influential bigwigs are involved or sometimes they are bribed. The polling officials rarely report these incidents to the Returning Officer for fear of physical injury or to avoid going back to the same polling stations for conduct of repoll.

Political parties are often dragged into this vicious cycle in which one party's moves invite countermoves from the other party to improve chances of success at the hustings. As a result most of the leading political parties put up candidates of similar background with strong criminal record and muscle power. Once the climate is vitiated, mafia groups and crime lords dominate the political process. It is virtually impossible for decent candidates to

force their way into reckoning, or to have any realistic chances of success at the polls. Sheer force of habit or a misplaced sense of “izzat” ensures large scale rigging even when the candidate’s victory is assured. The record majority obtained by Sri P.V. Narasimha Rao in Nandyal parliamentary by-election in 1991 is a case in point. Clearly in most cases, the choice for the voters is between Tweedledom and Tweedledee, and no matter who wins, the people end up as losers. Consequently even when electoral waves are discernible and one party sweeps the polls on the strength of its promises, or more often on strong anti-established sentiment, the ruling party may change, but the elected legislators are the same, or have similar approach to public office.

Once elected, these mafia dons and crime lords control all levers of power to consolidate their position. Mining Licences, toll gate contracts, government tenders and public works contracts, employment in public sector units and even in private sector, transfers and postings of officials and in particular police functionaries, excise contracts (liquor), illicit distillation, illegal arm trade, manufacture of country bombs and even private trade - all are controlled directly or indirectly by the elected mafia bosses. Even in poverty stricken areas, a state legislator in these constituencies can rake in upto Rs.5 crores easily over a period of 5 years. If a don becomes an influential MP or a minister in the state, the returns are on a much higher scale. No major government work can be commenced unless the contractor pays a fixed proportion of the value of work, typically 10% to 15% to the local legislator. No industry can be established without satisfying these dons. If any company executive dares to defy these crime lords, he pays for his impudence with his life or limb. The brutal attack on a cement company executive in North Telangana recently is a good example of the power of such mafia bosses who graduate to politics.

The problem is complicated in some cases, with the mafia bosses donning the mantle of caste leadership in the locality, and winning the favour of the local population by numerous ‘good deeds’. The discretion money kept at the legislator’s disposal for developmental purpose is merely an icing on the cake.

This vicious cycle cannot stop, unless it is tackled at the root; and the causes of violent politics are removed. For instance, persons who are charged with major crimes like murder, rape, and decoity are allowed to contest in the elections under the present election law until they are convicted. Technically, the murderers of Rajiv Gandhi could have legitimately contested as candidates and won the elections until the day before their conviction!

Obviously the election law must be strengthened, prohibiting such candidates facing major criminal charges. Fears of abuse of powers by incumbent government by foisting false cases against political opponents can be easily addressed by providing for judicial scrutiny of all intending candidates who are facing criminal charges. Only those cases in which a Sessions Judge is satisfied that there is prima facie evidence against the accused will invite prohibition in elections until they are cleared. Similarly, rowdy sheeters, whose lists are maintained in police stations according to established procedure, are very much a part of our political landscape. The case of a small time politician with criminal antecedents leaving one major party and joining another with great fanfare in Hyderabad recently is still fresh in our memory. It is an insult to our intelligence and good sense to allow petty crooks and thugs to become political bosses through sheer force of terror and inducement. Such rowdy sheeters too must be prohibited by law from contesting in elections. There can be effective safeguards against political manipulation by providing for judicial scrutiny. Most of all, criminals, mafia dons and muscle men have enormous incentive to enter politics and vitiate the political climate because once they are in power, the crime investigation machinery is entirely at their beck and call. No sane democracy can permit crime investigation and prosecution to be controlled by partisan political interests. Crime

investigation must be separated from other police wings on permanent basis, and it can be brought under judicial supervision with appropriate checks against abuse of authority. Then it will be possible for the police to investigate crimes vigorously, no matter how influential or highly placed the accused may be.

Today choice of candidates put up by political parties has been the private preserve of illegitimate usurpers and unelected coteries. As long as party members are helpless mendicants supplicating before these charlatans masquerading as 'leaders', musclemen and

criminal gangs will be rehabilitated as party candidates, giving little choice for the voters. There must be major political party reform making them democratic and accountable, and giving members the right to choose their candidate at the constituency level. Only then can parties be instruments of freedom and self-governance, instead of being corrupt coteries with personal gain and self-aggrandisement as primary motives. Simple election reforms like compulsory voter identity cards and electronic voting machines to prevent rigging, booth capturing and organised impersonation are obvious solutions which are accepted by all. But the entrenched establishment has perfected the art of agreeing on these issues in public, while scuttling them privately. Even a simple measure like automatic repoll in polling stations which have witnessed sizeable ‘tendered votes’ ( ballot papers issued to voters in whose name votes were already cast by impersonation) will reduce the menace.

Finally, in a centralized representative democracy with strong traditional loyalties and inadequate public awareness, money and muscle will hold sway in elections as long as legislators can be disguised executives. In our system, the elected law maker can bully and influence the ministers to do their bidding, since the government ’s survival is contingent upon fashioning or retaining majority support, irrespective of people’s mandate and public perceptions. We have to think seriously in terms of tenurial chief executives elected directly by the people and with clear separation of legislature from executive. Then the incentive for deployment of massive money and muscle power for legislative office will disappear.

Unless strong, sustained and purposeful action is initiated on these lines, the Indian political process will degenerate exponentially with criminals ruling the roost , and the best citizens being repelled by the election process. In the process the people will be increasingly marginalized in the political process and authority will lose all legitimacy, posing great danger to our stability, freedom and self governance. The time for action is now, before it is too late.

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