ELECTIONS AND CORRUPTION: A PERSPECTIVE FROM INDIA

Referring to India’s audacious tryst with democracy, Sir Antony Eden, former Prime Minister of United Kingdom observed: “Of all the experiments in government which have been attempted since the beginning of time, I believe that the Indian venture into parliamentary government is the most exciting. A vast sub-continent is attempting to apply to its tens and hundreds of millions a system of free democracy which has been slowly evolved over the centuries in this small island, Great Britain. It is a brave thing to try to do so. The Indian venture is not a pale imitation of our practice at home, but a magnified and multiplied reproduction on a scale we have never dreamt of. If it succeeds, its influence on Asia is incalculable for good. Whatever the outcome, we must honour those who attempt it.”

**Source of Corruption is Election Expenses**

Certainly the Indian venture into democracy has succeeded and it is of significance not only for our country but for the whole world. However it has been facing mounting problems one of which is the evil influences of the power of money on the electoral process. While intimidation and use of muscle power in elections has been checked with a great deal of success, the power of money in polluting the election process and compromising the probity of electoral democracy remains a huge challenge.

In fact it has been persuasively argued that the cause or causes of corruption can be traced to the enormous amount of money spent by political parties during elections and if measures could be taken to successfully deal with it then the very root of corruption can be struck with a decisive blow and a clean polity and society can be established.

The Santhanam Committee on Prevention of Corruption established in 1964 by the then Home Minister of India, Shri Lal Bahadur Shashtri observed, “The public belief in the prevalence of corruption at high political levels has been strengthened by the manner in which funds are collected by political parties, especially at the time of elections. Such suspicions attach not only to the ruling party but to all parties, as often the opposition can also support private vested interests as well as members of the Government party. It is, therefore, essential that the conduct of political parties should be regulated in this matter by strict principles in relation to collection of funds and electioneering. It has to be frankly recognized that political parties cannot be run and elections cannot be fought without large funds. But these funds should come openly from the supporters or sympathizers of the parties concerned.”

In Common Cause (A Registered Society) Vs. Union of India (AIR 1996 SC 3081), the Supreme Court dealt with the issue of election expenses. While holding that the purity of elections was fundamental to democracy and the Election Commission could ask the candidates about the expenditure incurred by the candidates and by a political party, it held: “...when the elections are fought with unaccounted money the persons elected in the process can think of nothing except getting rich by amassing black money. They retain power with the help of black money and while in office collect more and more to spend the same in the next election to retain the seat of power. Unless the statutory provisions meant...”
to bring transparency in the functioning of the democracy are strictly enforced and the election-funding is made transparent, the vicious circle cannot be broken and the corruption cannot be eliminated from the country."  

Chapter 4 of the Report of the National Commission to Review the Working of the Constitution 2001, notes that the high cost of elections "creates a high degree of compulsion for corruption in the public arena" and that "the sources of some of the election funds are believed to be unaccounted criminal money in return for protection, unaccounted funds from business groups who expect a high return on this investment, kickbacks or commissions on contracts, etc." It also states that "Electoral compulsions for funds become the foundation of the whole superstructure of corruption."  

Measures by Election Commission to deal with Election Expenses  
A few years back the former Chief Election Commissioner of India, Shri S. Y. Quraishi very boldly stated that corruption in India can be traced to election funding. That is the reason why during his tenure he appointed an officer of the Indian Revenue Service, Shri P.K. Dash, in the Election Commission to squarely deal with the power of money vitiating the election process and to restore the purity and integrity of electoral democracy.  

So it was during the tenure of Shri S. Y. Quraishi that an attempt was made to boldly address the problem of the rising power of money which continue to adversely impact the conduct of elections and jeopardize the fairness of the electoral exercise. The expenditure monitoring measures which Shri Dash introduced constituted a historic step to put an end to the power of money and its evil influences on our democracy.  

Swami Vivekananda on Vote Politics and Corruption  
It is interesting and educative to note that much before electoral democracy was introduced in India in a full-fledged manner, our great leaders had remarkable insight to understand the magnitude of corruption that elections could generate.  

It was Swami Vivekananda who during his visit to Europe in the late 19th century could see widespread corruption, in the European societies of that time, arising out of vote politics and the system of ballot. In his illuminating article 'The East and West', he referred to parliament, senate, vote, majority, ballot, etc., in the countries of that continent and observed that powerful men there were moving society in whatever way they liked and rest of the people were following them like a flock of sheep. Stating that Indians did not get education on account of a system of vote and ballot which the common people in the West did, he referred to the "revelry of bribery, … robbery in broad light, …dance of Devil in man..." which were practiced by politicians in those countries in the name of politics and in the pursuit of votes.  

Rajagopalachari on Elections and Corruption  
The aforementioned observations of a scholarly monk in the late 19th century on corruption and bribery rooted in vote politics make us sensitive to the rising crisis of the power of money which gets multiplied on a day to day basis and contaminates our electoral and democratic process and gives rise to corruption at every level of our society and public life. While Swami Vivekananda analysed the phenomenon of corruption in Europe and located it in the context of vote politics, a great leader of our freedom struggle, Shri C. Rajagopalachari made a sharp observation on elections and corruption at least 25 years before we got independence. While in Vellore Jail in 1921-22 he wrote: "We all ought to know that Swaraj will not at once or, I think, even for a long time to come, be better government or greater happiness for the people. Elections and their corruptions, injustice, and the power and tyranny of wealth, and inefficiency of administration, will make a hell of life as soon as freedom is given to us. Men will look regretfully back to the old regime of comparative justice, and efficient, peaceful, more or less honest administration. The only thing gained will be that as a race we will be saved from honour and subordination. Hope lies only in universal education by which right conduct, fear of god, and love, will be developed among the citizens from childhood. It is only if we succeed in this that Swaraj will mean happiness. Otherwise it will mean the grinding injustices and tyranny of
What Rajaji wrote has become a painful reality for all Indians. Even after six and a half decades of independence, corruption arising out of the power of money and its debilitating influence on elections have become the bane of our time.

**Corporate Funding of Elections and the Integrity of Voters**

Justice M. C. Chagla and Justice S. T. Desai of Bombay High Court while dealing with a case in 1957 involving contributions of a business house to a political party observed: "The very basis of democracy is the voter and when in India we are dealing with adult suffrage, it is even more important than elsewhere that not only the integrity of the representative who is ultimately elected to Parliament is safeguarded, but that the integrity of the voter is also safeguarded, and it may be said that it is difficult to accept the position that the integrity of the voter and of the representative is safeguarded if large industrial concerns are permitted to contribute to political funds to bring about a particular result..."

The widespread concern expressed in the country about the corporate funding of the elections has to be understood in the context of the above observations which were made in the formative period of our nation-building.

By safeguarding the integrity of the voter we can safeguard the integrity of the people’s representatives who are elected by the voters and, thereby, can ensure the integrity of the electoral process. The manifold measures taken by the Election Commission of India to monitor election expenses constitute a bold step to not only check money power vitiating our electoral process but also to put an end to corruption in our country. The slogan ‘Yes to Vote, No to Note’ coined by the Election Commission of India for the general elections to elect Members of Parliament for the 16th Lok Sabha, in which approximately 815 million voters of our country were expected to participate, constituted a significant step to sensitize the voters to protect their integrity.

If as the former Chief Election Commissioner Shri S. Y. Ouraishi stated that election expenses are sources of corruption, then we need to focus attention on the source itself to purge the electoral process of evil influences of money power and thereby put an end to corruption in our country.

It is pertinent to recall that in 1990, the Dinesh Goswami Committee Report on Electoral Reforms recommended that "There should be a complete ban on donations by companies and the relevant law should be amended accordingly."

Shri Gopal Gandhi, former Governor of West Bengal, while speaking at the Seventh National Conference on Electoral and Political Reforms in Chennai on 12 February 2011 said the following: "... we think it our duty to draw the attention of Parliament to the great danger inherent in permitting companies to make contributions to the funds of political parties. It is a danger which may grow apace and which may ultimately overwhelm and even throttle democracy in this country. Therefore, it is desirable for Parliament to consider under what circumstances and under what limitations companies should be permitted to make these contributions."

Former Prime Minister, Dr. Manmohan Singh while addressing the annual general meeting of the Confederation of Indian Industry (CII) on 24 May 2007 gave a ten point social charter to business houses. While elaborating on the ninth point on the responsibility of business to fight against corruption at all levels he stated that "businessmen who enter politics should erect a Chinese wall between their political activities and their businesses."

**Political Parties and Disclosure of Election Funding**

The danger has to be met squarely. As per section 29C of the Representation of People Act 1951 political parties are not required to disclose to the Election Commission the funds received by them from a person if such funds are below twenty thousand rupees only. Under such provisions of the above Act almost all political parties do not disclose the funds received by them on the ground that such funds are below twenty thousand rupees. Stringent measures have to be taken to make political parties accountable to the Election Commission in so far as the funds being received by them.

That is why the Dinesh Goswami Committee on Electoral Reforms recommended in 1990 that "Submission of false account should be made an electoral offence and the minimum punishment for violation of this provision should be two years imprisonment." This recommendation has not been implemented even 24 years after it was put forward. It is extremely important to do so in 21st century India for the purpose of cleansing our democracy of the harmful impact of black money and excessive use of the power of money during election time.

We cannot afford to ignore such recommendations at a time when public opinion is building up to deal with rising levels of corruption with a slew of legislative measures. While there is ceiling on expenses to be incurred by a candidate contesting election there is no such ceiling for the expenses being incurred by political parties during elections. This issue requires the urgent attention of Election Commission and political parties.

While participating in the discussion on the Motion of Thanks on the President’s Address in the Rajya Sabha on 10 June 2014, Shri Sitaram Yechury, an Honourable Member of the House, urged the
Government to seriously think about electoral reforms and very pointedly observed “...there is a lacuna in the law that political parties’ expenditures are not under any ceiling. Candidates are restricted but not political parties. What is this discrepancy? It is a very incongruous situation. Unless you correct these things, it is just money power that will distort your democracy. We have been talking about electoral reforms all these years, but that is required.”1 The order of the Central Information Commission Bench chaired by former Chief Information Commissioner, Shri Satya Nanda Mishra bringing almost all major political parties under the Right to Information Act12, opens up possibilities of opening their accounts to public scrutiny.

Public Opinion and A Clean Electoral Process

There are several such proposals and recommendations which are there in the pages of the Commissions on Electoral Reforms. Such proposals and recommendations along with the proposals of the Director-General, Expenditure, Election Commission of India, Shri P.K. Dash, deserve serious consideration and implementation for the cause of purity and integrity of the electoral process.

These proposals along with the expenditure monitoring measures which he introduced and which resulted in massive seizure of money and liquor in successive elections over the last three/four years, would herald a new era in restoring the dignity and purity of our electoral democracy.

In an article entitled ‘India competes with election cycle’s dirty money problem’14 published in the Washington Post, it has been observed by its author Rama Lakshmi that the crack team deployed by the Election Commission seized 31% more dirty cash in the 2014 election than during the last election five years ago, when there was no such coordinated effort. In spite of many challenges faced by the Election Commission, the success registered in seizing cash and other materials which were being unfairly used by certain political parties to their advantage is heartening. P.K. Dash was quoted in the aforesaid article in the Washington Post as having said that “We have created fear in the minds of candidates.”14 This augurs well for our democracy which has been badly vitiated and distorted by manifold corrupt practices. Already we have been successful in controlling muscle power which earlier influenced the election process and prevented many voters including weaker sections of society to come forward and cast their votes. If muscle power could be controlled then we can control the power of money. There are bright officers who have given practicable proposals to do so. Earlier we saw the strength of the Election Commission to discipline political parties. The same strength is there. It has to be put into action to sternly deal with the power of money which is a serious threat to the fairness and purity of our election.

There is yearning among citizenry particularly the youth to put an end to the power of money in elections. The vast number of young voters who cast their votes in the last general election indicates that they want positive and quick change so that democracy becomes meaningful for them. In an aspirational India we can hardly remain unaffected by the yearning of the youth who constitute a significant component of our population and whose talent and energy would reap us huge demographic dividend.

By putting an end to the power of money in elections we can fulfill the long cherished desire of our youth to ensure that our democracy remains free from corruption and the evil influences of money.

As the aforementioned article of the Washington Post rightly observed “The drive against illegal campaign spending by the Election Commission comes as middle-class Indians are increasingly demanding greater transparency in politics.”15 We need to be mindful of this to make our democracy not only more vibrant but also more clean and pure.

References

1 The author was Officer on Special Duty and Press Secretary to Late President of India Shri K.R. Narayanan and served as Director in Prime Minister’s Office during Dr. Manmohan Singh’s term as Prime Minister of India from 2004 to 2009. He is currently serving as Joint Secretary in the Rajya Sabha Secretariat. Views expressed are personal and not that of Rajya Sabha Secretariat.


4 All India Reporter 1996 Supreme Court, 3081

5 As quoted in ‘Background Paper On Electoral Reforms’, Prepared By The Core-Committee On Electoral Reforms, Legislative Department Ministry Of Law And Justice, Government Of India, Co-Sponsored By The Election Commission Of India, December 2010, p.11

6 The Complete Works of Swami Vivekananda, Mayavati Memorial Edition, Volume 5, Advaita Ashrama Publication Department, 5 Delhi Entally Road, Kolkata 700 014, pages 461-462


8 As quoted in ibid, pages 4-5.

9 Report of the Committee on Electoral Reforms, 1 May 1990, Government of India, Ministry of Law and Justice, Legislative Department, p.46

10 Prime Minister Dr. Manmohan Singh’s address at the CII (Confederation of Indian Industries) annual general meeting on 24 May 2007.

11 Uncorrected Parliamentary Debates, Rajya Sabha, 10th June, 2014, p. 252 (http://164.100.47.5/newdebate/231/10062014/17.00pmTo18.00pm.pdf)


13 Rama Lakshmi, ”In election season, India competes with campaigns’ ‘black money’”, Washington Post, 2 May 2014. (http://www.washingtonpost.com)

14 Ibid

15 Ibid