



Nothing worth noting on voting

The Justice Verma Committee report is not the first to underline the urgent need for electoral reforms

Jagdeep S Chhokar

In its report, the three-member Justice JS Verma Committee, which was set up after the December 16 gang rape, says that the panel feels electoral reforms are "integral to the achievement of gender justice and the prevention of sexual offences against women". It then goes on to make proposals for ridding the legislature of persons who have criminal cases pending against them. Soon after the report was made public, Union law minister Ashwani Kumar stated that he had asked the Law Commission of India to recommend steps to prevent people with criminal charges pending against them from being elected to Parliament and assemblies. This is a clear indication that the government has no intention of doing anything in this regard.

Consider the following facts to understand why I am saying this:

The first report on electoral reforms, the Goswami Committee report in 1990, said: "All these four decades, especially after 1967, the demand for electoral reforms has been mounting. But attempts so far made in this area did not touch even the fringe of the problem. They appeared to be abortive."

Next was the Indrajit Gupta Committee in 1998. The panel said, "What is needed, however, is an immediate overhauling of

the electoral process whereby elections are freed from the evil influence of all vitiating factors, particularly, criminalisation of politics. It goes without saying that money power and muscle power go together to vitiate the electoral process and it is their combined effect which is sully the purity of electoral contests and affecting free and fair elections."

In 1999, came the most comprehensive report on the subject till date, the 170th report of the Law Commission of India (Reform of the Electoral Laws) submitted by the 15th Law Commission. The National Commission to Review the Working of the Constitution, headed by Justice MN Venkatachaliah, gave its report on March 31, 2002. The report had a separate chapter titled 'Electoral Processes and Political Parties', and made 38 recommendations.

The Election Commission, too, has sent several recommendations to the government on the issue. In 1998, it said that a person against whom charges had been framed by a court for a criminal offence punishable with imprisonment of five years or more must be disqualified from contesting elections. This recommendation was repeated in 2004 but there has been no response from the government.

On December 9, 2010, former law minister Veerappa Moily and the then Chief Election



'... THE SUBSTANTIAL ONES [REFORMS] HAVE BEEN LEFT OUT ALLOWING THE ALLEGATIONS THAT POLITICIANS ARE NOT KEEN ABOUT THE REFORMS BECAUSE OF THEIR VESTED INTEREST

FORMER CEC SY QURAISHI TO THE PRIME MINISTER

Commissioner SY Quraishi, announced that seven regional and one national consultations would be conducted to evolve a national consensus on electoral reforms, and that would be followed by a comprehensive new legislation on it. Then seven regional consultations were conducted in 2011. These were to be followed by a national consultation for which time has not been found so far. There were also reports that a draft bill on electoral reforms had been prepared, and had been discussed by the law minister with

the prime minister on more than one occasion. But during this time, the law minister has changed twice and there has been no known progress on electoral reforms.

The latest episode in this saga was the letter that outgoing Chief Election Commissioner SY Quraishi, wrote to the prime minister on April 13, 2012, before demitting office on June 10, 2012. Quraishi was personally involved in extensive and repeated discussions with Moily, before Salman Khurshid replaced the latter. Some excerpts from the letter, accessed by filing an RTI application, given below exemplify the frustration of those trying to improve the electoral system in the country.

"However, the quality of our elections often gets questioned on account of certain weaknesses in our electoral process. Commission's reform proposals have always aimed at addressing this predicament. Though certain minor reforms have been adopted by government and Parliament, the substantial ones have been actually left out allowing the allegations that politicians are not keen about the reforms because of their vested interest."

Now, we have Kumar saying that he has asked the Law Commission to submit yet another report. Will someone please ask him to look at the 170th report of the Law Commission submitted to one of his predecessors, Ram Jethmalani?

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The views expressed by the author are personal