

Seventh National Conference on Electoral and Political Reforms at IIT, Chennai

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Inaugural address by Shri Gopalkrishna Gandhi

I am honoured to be asked to inaugurate this national conference on electoral and political reforms.



But it is an honour I do not deserve, for I have never contested an election and am not in politics. Indeed I could not have ever contested an election – for I am unelectable. Such skills that I may have are not political, such ambitions that I may have are not political, I have no political intelligence, no political ideology, I belong to no region, no community, no caste, no language. Manu and the laws of Pratiloma would place me as far down as their lists of communities go. But since I have never been in want or in any condition of deprivation, I cannot in all conscience claim that slotting either. My surname would brand me as a Modh Vania in Gujarat but my rusted Gujarati confuses people there, just as my broken Tamil does the same here, leading vegetable vendors and auto-drivers to call me 'Sait' or 'Saibu' and then hearing me speak a kind of Tamil promptly switch to 'Saar'.

The self-description closest to the truth I have been able to find is 'yettanna' or 'athanni', the equivalent of '50 paise' that belongs to metal but aspires to paper.

The net result is I can appeal to no vote bank and have no constituency. And so I have not been in politics. I might add I have no regrets about that. On the contrary I regard that as my good fortune.

Why should I forfeit my freedom to think independently, judge rationally ? Why should I want to spend my time. winning Boss Number One's favour (if shown by no more than a fractional nod of recognition), winning Number Two's patronage and Number Three's preferment, winning territorial writs over a block here or a zilla there, winning races for posts within the party's hierarchy of cabals and committees, winning the protection of the money-strong and the bicep-strong and from that vantage winning selections to pre-election processes, and then winning elections themselves. Why ? No wonder I have been, am and will remain unelectable. And therefore undeserving of the honour of speaking today.

There is another, more important reason for my not deserving this honour. And that is, unlike the organizers and distinguished participants of this conference, I have not spent time and energy to analyse the ills of our political and election scene, nor tried by strenuous efforts to make systemic efforts to improve it.

The only claim I may lay to a seat in this hall today is that I have, like almost everyone in the IAS, been a Returning Officer and happen to have seen from ringside seats political leaders of different hues. I often wish I had been spared the experience. I would have still nursed some happy illusions.

What I observed of elections – that was way back in 1971 – I found immensely distasteful. Money flowed, vehicles flew, as did hooch, tempers and egos. I knew the candidates. The votes they got had little to do with their personal attributes or political beliefs. The votes they got or did not get was because they belonged to one or the other political aggregations which, in turn, had worked out other subordinate aggregations in attempts at linking them up in strategic partnerships into a large number of votes.

Strategic partnerships are forged, sometimes by chance, sometimes by design and sometimes by such interests acting together. The great can thus ally with the gross, the excellent with the expedient, the sincere with the smart, the caring with the clever, the clever with the cunning and the cunning with the criminal. Great causes can accommodate great compromises.

The most important coming-together in our elections is that of low politics and high money. We had an inconveniently far-sighted statesman in our midst, not all that long ago. C. Rajagopalachari wrote in a diary he maintained while in Vellore Jail in 1921-22 the following:

"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."

Believe it or not, this was written 25 years before independence. He continues *"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 dishonour 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 wealth."* (Unquote).

In the first few years since 1937, elections meant the chance to select, objectively, A over B. Today, it generally though not always, means the pitting of A's money resources against those of B. Elections have come to mean the infusing of candidature with cash. The fizz of money – white, black and grey – pervades the election air.

You will be surprised to hear of an election episode of 1937 recounted by Lal Bahadur Shastri in a 1959 tribute to Jawaharlal Nehru:

"The general elections under the new Government of India Act took place in 1937; they were of great significance. In these elections Nehru played a very important role. I remember his visit to the district of Allahabad. It was about 8-30 p.m. when he finished his

speech. As soon as he had done so, he enquired from the local Congressmen whether he could leave. Pat came the reply, "Yes, sir." After having driven about a furlong Jawaharlal said that the Congress workers of Mirzapur had no sense of hospitality. "I said I wanted to go and they agreed to it without even offering me a cup of tea." Nehru had taken no tea in the afternoon and ... he was feeling very hungry. He asked me whether there was any restaurant in the city... I remembered the railway station where some tea could be got. He said, "Let us go there." We motored to the railway station and went to the railway restaurant... After having taken the tea we were asked to pay the bill. Everyone of us searched his pockets and found that none of us carried sufficient money. Between us we could collect about two and a half rupees. Nehru had about a rupee and a quarter, Mrs. Purnima Banerjee another rupee and I gave the few annas to complete the full amount required. How awkward would it have been if we had failed to make up the amount among ourselves! "

Not many present here today would have heard of the highly respected Congressman of Bombay, Shri Vaikunthlal Mehta. He was a candidate in elections held in 1946. He was a man of such probity that any individual or Corporate House would have considered it a privilege to assist with his campaign. When he was contemplating the contest, he received from Gandhiji who said:



'Bhai Vaikunth ...

Offer your name as a candidate for the Assembly, on the condition, however, that you will not have to spend a single pie and will not have to go begging for votes. It may not perhaps be possible to apply this rule in all cases, but it should be applied in yours.'

Not spend a single pie ? Is that possible ? Vaikunthbhai could not quite follow that advice but he remained as close to it as was possible. He decided that his method

of seeking votes would be stark: he would only send a postcard to each of his electors and do nothing more. He did not visit them, did not put out advertisements, did not organize processions, meetings or rallies. Vaikunthbhai's postcards won him the seat and he became the first Finance Minister of Bombay State after Independence. No donor could have reminded the Finance Minister of his debt – for there was no donor and there was no debt. Vaikunthlal Mehta was unobligated, uncompromised and unfettered.

Today he would be unelectable. Why, for the matter of that, Gandhi, Nehru, Rajagopalachari, Shastri would all be unelectable unless they let party bosses run the campaign for them – something they would not dream of doing.

Both the elections I have mentioned were held in pre-Independence India. Let us come to post-independence India in which CR had predicted we will see 'the power and tyranny of wealth'. Goodness knows how we have seen it! 'Badness' knows even better. Candidacy is regarded by some as an investment. The important consideration for such candidates –

mercifully their number is small – is that their candidacy will leave them richer than when they entered it. Victory or defeat are not the consideration with them.

In 1957, Tata Iron & Steel Co. wanted to change their Memoranda of Association in order to allow the Company to make contributions to political parties. Why would the Tatas in 1957 have been so keen to contribute to political parties ? I wonder. Anyway, the matter went to Court. Allowing the plea, Justice M C Chagla and Justice S T Desai however said something in their Bombay High Court order that was even more important than their operative decision (and I quote):

“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... Before parting with this case 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.”

In 1969, a ban did get to be imposed on corporate contributions to elections funds. I will leave it to the historically minded to see what the circumstances were in 1969 that made company donations to political parties unacceptable to Government.

But in 1976, not even seven years had elapsed after that ban had come in, re-thinking started. A Bill was introduced in Parliament in that year seeking to give companies the power to donate up to 5% of their profits to political parties. Nine years thereafter, that is in 1985 Section 293A came to be recast altogether by an Amendment Bill, that became an Act of 1985 which described its objectives thus :

“...With a view to permitting the Corporate Sector to play a legitimate role within the defined norms in the functioning of our democracy, it is proposed to substitute a new section for section 293A of the Companies Act.”

Company donations had been frowned upon in 1969, but permitted with some restrictions in 1976, came to be further liberalized in favour of donations in 1985. Again, I would leave it to the historically minded to trace the political contexts of these visions and revisions.

This new section 293A restricted in the year 1985 the blanket ban against political contributions to Government companies and companies which have been in existence for less than three financial years. All other companies were left free to make political contributions not exceeding five per cent of their average net profits if a resolution authorizing such contributions was passed at a meeting of their Boards.

And so, as the law stands at present, a political party may receive any amount by way of contributions under the Companies Act. By an independent encouragement for Corporate

funding, Section 77 of the Representation of the People Act excluded expenditure incurred by political parties from the computation of the ceiling on a Election Commission-prescribed candidate's election expenditure.

What were the consequences of all this ? First, candidates backed by political parties and corporate donations have come to enjoy a weightage over independent candidates. That is, all financially and politically unelectable individuals that is, the postcard types, are effectively made irrelevant. Second, and more important, before an election weighs votes on its balance, cash weighs itself on the same scale's trays.

Examples can be cited of clear, bonafide and transparent donations by business houses to political parties. Rajagopalachari himself approached industrial houses for open donations to the Swatantra Party. But a Board of Directors payment by means of a white cheque to a party is one thing, vast sums getting flung into an election both from within and *outside* of the provisions of The Companies Act as a result of the atmosphere created by the relaxation of the Act is quite another. This is where black money mingles with the white making the whole thing as grey as smog.

Beyond the action of grey money in elections, lies the important question: Once elected with the help of another's money – be it an individual's or a Company's – can the victorious candidate look the donor in the eye and say 'No' when that donor asks for an inappropriate concession? The 'power of wealth' then becomes a 'tyranny', not only for the losing side but for the winning side as well.

We in India are, of course, not alone in this plight.

In Paul Krugman's column in The Hindu of 20 October 2007, I came across a memorable quote from Mark Hanna:

"There are two things that are important in politics. The first is money, and I can't remember what the second one is".

Currency notes come into the election bazaar first in container and cargo quantities, then in truck-loads, going into wholesale, small retail and finally in attaché, *thailaa, pai*, and pocket-sized portions, every five years at the least and often oftener than that. They originate either legally, through licit company donations or come from a myriad sources which, as Professor Amit Bhaduri explained recently to a Chennai audience, necessarily and unavoidably go back to our natural resources such as mines, forests and land. Illegal transactions in all these yield harvests of black cash.

No political party can claim to have steered clear of this pattern. Individual candidates in them have. But all parties as such have all taken a dip at some point or the other of the same murky ghat. For the opposition of the day to point an accusative finger at the government of the day is to point at the mirror. It can only point back. For the government of the day to remind the opposition of its own transgressions when it was in office is for a second edition of the same book to mock at the first. It has come to this.

If this mutually telescoping malaise has to end, some steps are urgently called for.

I believe the time has come for the laws in respect of the funding of our elections to be brought bravely and transparently under the public scanner once again focused on the working of Section 293A of the Companies Act. And going beyond that, hard and exemplary

action needs to be taken by those who are empowered to do so, whenever and wherever funds in excess of permissible quanta are patently employed.

Simultaneously government and political parties should disengage senior politicians, and certainly those who are in public office, from responsibilities in cash-rich sports federations. Their dual charge can only be to the detriment of either the sport or of the public office concerned.

Our CEC's determination to address the question of money in elections is therefore deeply satisfying and hope-giving. We need to redeem our elections from the vice-like grip over it of money, for elections are precious to us, as is money in its rightful place and role.

Money is not the sole corrosive. There is another thing that is growing in its spread and strength and may be said to be trying to 'rule' India. And that 'thing' is, with narcotics, a close cousin of money, namely, the illegal small fire-arm. India has not one million, not four million, not ten million but at a conservative estimate, 40 million illegal small arms floating around all over the land. Mischief, of course, does not come from illegal arms alone. The incidents of police or paramil firings and encounters in which the incident has later been judged unjustified and unlawful have been around the use of legal arms. So, going beyond the phenomenon of illegal arms in India, the question to ponder is the larger one of weapons and the 'culture' of weapons entering the blood-stream of our lives, especially in the electoral and political context. Small arms like the pistol, the hand grenade, the rocket-propelled grenade, the landmine and the sub machine gun are associated with the ubiquitous goondaa. Which political party has been able to keep the 'goondaa' out ?

I also believe political parties must set up their own internal Lok Ayukta-s and Lok Pal-s , presided over by men and women with a background of the law, which receive and after a prima facie substantiation transparently go into complaints of corruption and misdemeanor against persons holding party offices and against elected representatives from their party, taking disciplinary action against those found guilty and, equally, against those who have been found to make complaints out of malice or mala fide.

We should not however hasten to the conclusion that the politician is by definition today an untrustworthy person. That would be incorrect, apart from being cynical. And here our media which has become so good at scam-searching may like to do some soul-searching as well. There was a time when some newspapers were what could be called, in terms of their diet for scams, vegetarian ; some non-vegetarian but vegetarian on certain days of the week, some wholly and vigorously carnivorous and some, particularly of the tabloid variety, fond only of varieties of the human flesh. Today a large and growing section of our media delights in frying one Kentucky chicken a day. Not every person is guilty of what he or she has been accused of.

The harm done to reputations is incalculable. But the harm done to what may be called our collective sense of fair-play, balance and discrimination is worse. If only because guilt must be identified and booked, the accusations of guilt must not degenerate into a 24x7 scam-tainment. If Jayaprakash Narayan's movement against corruption in 1973 became invincible it was because he had not made scam-hunting his full-time obsession. And so when he spoke, everyone listened. There is a danger today that with television, the print media and computer pop-ups making scams a never-ending serial, the people of India may begin to treat corruption as a daily thriller. And that would be tragic, for corruption in India is a real and serious disease.



Objectivity also requires that we acknowledge the fact that if India today has a formidable body of progressive legislation, both at the Union and State levels, covering a vast area of human endeavours, it is because elected representatives of the people have put them in place. Not just the Constituent Assembly but every Lok Sabha has pioneered important enactments of which we can be proud. In the conceiving and enacting of these pieces of legislation, our MPs and MLAs have shown idealism, imagination, legislative discrimination and wisdom. We have to grant that to Indian politics, to the political class.

But that said, we cannot but see that at the operative level, often called the 'grass-roots', politics in India has become a field ploughed by flattery, seeded by intrigue, manured by violence, watered by corruption and harvested by ambition. On it grows a harvest of smirking pick-thanks and sniveling malcontents who have either spun money successfully or ended fuming in failure. And it is from out of that dubious 'winning field' or 'field of ruination' that the 'neta' emerges – smiling and showing the 'V' sign if victorious or sulking and vowing vengeance if he has floundered.

What can be expected of such a 'political leader'?

He is already compromised. To all that and to all those before whom he has surrendered autonomy. And to interests vested, entrenched in their self-perpetuations. That political leader has, for the rest of his innings, to remain an agent.

Can such a political leader be expected to 'try' anything, anything at all, in the larger fields of nation-building? Or where he has to take decisions that must, hurt those very vested interests, those entrenched stakes?

In all fairness, I must say there are exceptions, great exceptions, to this sweeping portrait. I know them and value them. You know them and value them. But they are few, almost a handful. Some of them, at the Centre and in the States, are in positions of pre-eminence, and thank God for that. But they are swamped by those around them who by their sheer numbers comprise the rule. The exceptions to the rule in politics are not alone. They are part of an endangered species in the wider arena of competitive living in India. Endangered, like Sonawane who was killed by the kerosene mafia.

So, is there hope?

There better be! For we did not wage a battle against colonialism and then, for the last six decades, against poverty to come up a cropper in terms of our political stature.

The biggest challenge now lies, however, not in the attitude of the political class but in that of the voting mass. So soaked in the culture of pre-poll cash gifts, goodies and freebies has it become that I am genuinely concerned over whether it is sufficiently bothered about the ethics of it all. There is I fear a real danger that voters, particularly poor rural voters may begin to think that the rain of cash and of gifts at election time is part of the process, like posters and loud speakers, and may not realize how its acceptance of these gifts undermines democracy. Difficult as it is going to be to arrest the spending of money, it is going to be far more difficult to stop the accepting of money during and around elections.

Is this possible?

Let me explain why I think it is.



If electorates seem to succumb all too easily to blandishments, they do not accept bullying. As the Election Commission knows, in every election, candidates and their representatives keep bringing to the authorities' notice attempts, large and small, violent or coercive in other ways, to bull and rig the process. And the media comes in here 24x7 highlighting the sequence. If independent election commissions make it clear to electorates that blandishments are also a form of bullying, a form of coercion, and that to accept them is both unethical and illegal, there will be a difference. I believe before candidates begin their campaigns raising the bar for all manner of electoral excess, the election commission must begin its own campaign lowering the bar against malpractices. Before microphones begin to blare political messages, official microphones must intone the rules of the game. And since colour television sets are a standard item of election-eve generosity, the election authorities must saturate all channels with relentless messages involving sportspersons, artistes, and politicians also, explaining the rules of the election game. 'All is fair in love and war', is the old saying. One might modify that to 'All is fair in love, war and elections'. This has to change.

Can there not be some mechanism by which if not the Election Commission but a consortium of election watching NGOs transparently and verifiably looks out for and rewards candidates, irrespective of whether they have won or not, for good electoral conduct, especially in the realm of electoral expenditure?

May I also suggest that the election authorities set up, with other agencies helping, a mechanism to watch election behavior rigorously from the viewpoint of the physical environment and, in consultation with the Ministry of Environment and domain NGOs lay down and enforce stringently:

- Permissible levels of voice amplification (decibel pollution).
- Use of CNG-powered vehicles for campaigning alone (air pollution).
- Ban on the use of plastic-coated flags and plastic-using or vinyl using posters and hoardings.

In doing these and similar things, the Election Commission cannot and will not be alone. The Supreme Court of India and the High Courts, the Comptroller and Auditor General of India, the Chief Vigilance Commissioner, the Chief Information Commissioner, the National Human Rights Commission, the National Women's Commission, the Commission for Scheduled Castes and Tribes, the Minorities Commission and those bodies that parallel and mirror these in the States which also have their Lok Ayukta-s, are often loosely described as Constitutional Authorities, and so they are. But I like to see them as institutions of conscience. In the continuing independence and fair-mindedness of these institutions of conscience, in their being ever alert, ever-responsive, self-critical, self-examining and not self-justifying or self-exculpating, rest the self-correcting mechanisms of our state and, hence, the image and the reputation of our Republic.

All the institutions of conscience that I have described as institutions of conscience are essentially retrospective in their operations. They identify, rectify wrong doing. Conscience however is not retrospective alone. Its work is not post facto as much as it is, to borrow a phrase from grammar, in the present continuous. It has to be at work, to borrow a phrase from television, 24x7.



I for one look up to our institutions of conscience to take the lead in making this happen. And to individuals and organizations catalyzing the working of the nation's conscience. I would however urge them never to make individuals their chief targets. For then the drive deteriorates into a hunt. They should leave it to the Courts and those authorized to identify and punish individuals who have defrauded the public exchequer or lifted funds they are meant to have protected. I find a tendency on the part of some persons, groups and sections of the media to become hunters. That pastime can be exciting; but blood-letting is not the answer. What we need is a new architecture of integrity not trophies of slain hyenas on existing walls To borrow a metaphor from the world of medicine, what is needed is a n ethical dialysis of the system, which cleanses it of the impurities brought on by the non-functioning of its internal checks amounting to a renal collapse.

The UPA governments I and II have brought in some pioneering pieces of legislation, of which I regard the RTI Act to be outstanding as an enactment of conscience. It has changed the narrative of accountability. I know it is often used flippantly, vexatiously, maliciously and to seek personal career-related redress. Those are misapplications. But in the main, it has empowered our people against the swagger of office and the disdain of authority. One legislation which has remained on the anvil for too long – not one year, not ten years, but full forty years – is that pertaining to the activating of the institution of Lok Pal. I find it interesting that no political party is over-anxious about it and yet no political party can be seen to oppose it. Its fate reminds me of the line from the Hindi film 'Mr. India' wherein Amrish Puri as Mogambo says : *Mein tujhe jeene bhi nahiin duungaa aur marne bhii nahiin duungaa.*

But what does the refusal of the Lok Pal Bill to wither away show ? It shows that image counts, reputation matters and whatever be the sway of money and rough-handling, we the people of India know that politics is a sludge, a mire, a poisoned field. But we also know that we have had a hand, if only that of passivity, in its creation. But we are not buffalos to want to wallow in it. We would like to see the same sludge , the same mire to throw up a new leadership, not just in terms of new faces but new purposes. We would like to see the same landfill of political ambition create its own exceptions, with the guts to speak bitter truths, not honeyed words, at a time when we need to forget the emotive, forgive the hurtful and forego the greedily coveted in the nation's larger interest.

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