



CENTRE FOR ADVANCED STRATEGIC STUDIES



**N. K. FIRODIA MEMORIAL SEMINAR : 2004
ON
ELECTIONS AND DEMOCRACY IN INDIA**

17th February, 2004

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SEMINAR ON "ELECTIONS AND DEMOCRACY IN INDIA"

CHAIRMAN OF THE SEMINAR : SHRI MOHAN DHARIA

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PROCEEDINGS OF THE SEMINAR

N. K. Firodia Memorial Seminar : 2004 on "Elections and Democracy in India" is on a subject very close to the heart of late Shri N. K. Firodia. He had made a deep study of the subject and had published a booklet on "Electoral Reforms" over a decade ago. A patron and a guide to the Centre for Advanced Strategic Studies, he took very keen and active interest in all its seminars / panel discussions and deliberations. A keen and a patient listener, he was forthright in his valuable comments.

Air Marshal S. Kulkarni, Director of the Centre welcomed Shri Mohan Dharia, Chairman of the Seminar, and the distinguished speakers, Shri J. M. Lyngdoh, former Chief Election Commissioner and Justice B .P. Jeevan Reddy, former Justice of the Supreme Court and all the Seminar participants. The Seminar was very well attended, the participants numbering over 250.

Shri Abhay Firodia, Chairman and M.D., Bajaj Tempo Ltd. and Honorary Life Member of the Centre opened the Seminar on a personal note giving an introduction to the N. K. Firodia Memorial Seminar : 2004. Air Marshal S. Kulkarni introduced the Chairman and Main Speakers of the Seminar to the audience.

The Chairman of the Seminar, Shri Mohan Dharia in his opening address raised a pertinent question, whether India, had democracy with 32 crores of people being illiterate and nearly 50 percent people below the poverty line. He said that we need to examine ourselves to what extent we have been able to render justice to our democracy and the Seminar should examine this. On defection, he said that an elected person today has become a purchasable commodity. He expressed his concern at the low percentage of voting. Candidates amassing property through illegal means should be compelled to declare not only their property but also that of their family members. The elections should start from low levels gram sabhas and gram panchayat upwards. He gave some posers for the electoral reforms to the main speakers. These included suggestion to have open system of elections for indirect elections, declaration of assets of not only the candidates for the elections, but

also those of their family members, and close relatives.

Shri J. M. Lyngdoh, former Chief Election Commissioner said that often it is the poor people who suffer during elections. On the credit side there is a regularity about elections, by and large, the elections are fair and during the elections the whole country is united. Unfortunately there are large parts of the country like Bihar, Chhattisgarh, large parts of Andhra Pradesh, Madhya Pradesh where the writ of the State does not run. He mentioned that in a recent symposium held in Paris on "Religion and Politics in India : Past and Present" some scholars stated that Indians were used to monarchy and that democracy in India was a transplant in a very shallow soil of mud', some thing very valuable going into the hands of people of straw. He said that many from the younger generation are thinking alike. There are many electoral candidates of very poor quality, many upstarts who have clandestinely amassed immense wealth in quick time and their power has grown enormously. They cannot look beyond their self interest, and are steeped in corruption. He said that there is a hopeful sign. The Delhi High Court and finally the Supreme Court have made it compulsory for the candidates to make disclosures giving their ruling on a writ petition. Compilation of the electoral rolls is many time fiddled by the vested interests, by the State Governments. There is also some serious discussion in the country on proportional representation.

Justice Jeevan Reddy, former Justice of Supreme Court said that the Law Commission had recommended a number of electoral reforms for evolving a system which best provides an opportunity to the voter to express his views to bring about a properly effective, representative government. One recommendation was to disqualify a person against whom court has raised criminal charges. The other was that the nomination paper should be amended compelling the candidate to disclose his antecedents, his criminality, whether he is involved in any case, convicted, charges pending, his assets, that of his wife, minor children, his correlations. Supreme Court affirmed these. The Parliament tried to amend these but failed. Another recommendation was that after the election by direct method, the Election Commission should work out the allotment of additional seats to the parties based on the percentage of votes secured by them and for which 25 percent more seats should be created. The Law

Commission had also recommended internal democracy in a political party, and the candidates for election should be selected from the base and not from the top. He said that inspite of the Supreme Court's orders, due to Parliament's manoeuvre, it is almost impossible to accurately keep track of expenditure incurred by the candidates, as quite a bit is incurred by the party and friends. He said that on defections a healthy process seems afoot. The Law Commission had recommended a constructive no confidence motion whereby confidence is reposed in the alternative government. Another recommendation was confiscation of property amassed through corrupt means. The existing legal system provides too many loopholes to circumvent these provisions. This is how the political system moves.

After the presentation by the main speakers the Seminar was thrown open for questions, comments and general discussion which was very lively, animated and fruitful.

Shri Mohan Dharia, Chairman of the Seminar and Air Marshal S. Kulkarni, Director of the Centre thanked the distinguished speakers and all the participants before declaring that the Seminar is closed.

WELCOME BY DIRECTOR

AIR MARSHAL S. KULKARNI

Good Evening Ladies and Gentlemen. On behalf of the Centre for Advanced Strategic Studies, I welcome you all to the Seminar on N.K. Firodia Memorial Seminar on "Elections And Democracy In India". Before we start the proceedings, I request Shri Abhay Firodia, Chairman and Managing Director of Bajaj Tempo Ltd. to kindly welcome the speakers this evening firstly Mr. Mohan Dharia, and then to welcome Justice B.P. Jeevan Reddy and then to welcome Mr. J.M. Lyngdoh. I will now request our speakers and also Mr. Abhay Firodia to kindly light the lamp and pay floral tributes to Shri N.K. Firodia. I will now request Shri Abhay Firodia to extend formal welcome. Shri Abhay Firodia.

INTRODUCTION TO LATE SHRI N.K. FIRODIA MEMORIAL SEMINAR : 2004

SHRI ABHAY FIRODIA

Shri Mohan Dharia, Justice Reddy, Shri Lyngdoh, Air Marshal Kulkarni, Ladies and Gentlemen. CASS was founded over a decade ago with a view to give to the richly experienced individuals residing in Pune a platform from which to articulate important issues of strategic nature and in this effort, Mr. N.K. Firodia my father and Mr. S.L. Kirloskar the great Punite were both instrumental. CASS has carried on the tradition of having very topical, very important issues agitated, discussed examined with a view to present an opportunity to all to have the benefit of the experience of people specially insight and therefore I am very delighted that CASS this year has decided to have this N.K. Firodia Memorial Seminar on the subject of "Democracy and Elections". It will not be out of place to say that Mr.N.K. Firodia had studied this subject in detail. He as a matter of fact had published a small booklet over a decade ago on electoral reforms. And in that, respect, the subject chosen for todays Seminar is very fitting. We have today very distinguished speakers who bring very special insight and a rich lifetime of experience on the issue of Elections and Democracy. I believe, what Nanaji Deshmukh said sometime back is very true. We have elections in India, this is true. Do we have democracy in India, we really need to think, because Elections and Democracy are not necessarily the same thing. Elections are elections and Democracy is democracy. You can have elections and yet not be democratic and in that respect, when the average person looks at elections as a benchmark or let me say an important characteristic of a healthy democracy we need to examine to what extent our democracy is enriched or we can buy the electoral system and the electoral situation that we see to be saddled with today. A number of examples come to mind where the election system has been hijacked by people whose main purpose is to stay in power and to that extent it is certainly necessary for all thinking people to seek what can be done to bring the electoral system back on track, to see how we can influence if at all, to see that it is not a system which perpetrates or perpetuates power for the few but offers an

opportunity for people who are selfless and who have service to nation as their main emphasis to have an opportunity to express themselves. I do hope that today's distinguished speakers will give us the benefit of their insight into this aspect which concerns us all who are standing on the threshold of another election. This may be a more important election than any we had so far which may change the way our country is governed in the future. And therefore the insight that today's speakers will bring will help us to understand a process of what is expected to happen a little bit better. I welcome Justice Reddy and Mr. Lyngdoh once again. I will not dare to welcome Mr. Dharia who is "Anna" to all of us Punites by saying you are our guest. He is one of the host today and therefore I look forward to this opportunity that is offered to all of us to hear their considered views on this subject. Thank you very much.

INTRODUCTION OF THE CHAIRMAN AND MAIN SPEAKERS

AIR MARSHAL S. KULKARNI

Before we proceed with the Seminar, I would like to just give a brief introduction to the speakers this evening so that once we start the discussions in the Seminar, it can go un interrupted. The Chairman of the Seminar Shri Mohan Dharia is well known in Pune. He has been a Corporator in the Pune Municipal Corporation, General Secretary of the Maharashtra Congress Committee, Member of the AICC, Member of Parliament from 1964 to 1979. A Minister of State for Planning, Works, Housing Urban Development 1971 to 1975, he resigned from the Ministry opposing the Emergency and went behind the bars to save the democracy. As Cabinet Minister for Commerce, Civil Supplies and Co-operation Government of India from 1977 to 1979 and Deputy Chairman of the Planning Commission, Government of India in 1991. Now currently, he is the Founder President of the Trust which looks into many issues of environmental ethics.

Justice B.P. Jeevan Reddy enrolled as an Advocate in Hyderabad in 1955. In 1975, he was a Judge of the Andhra Pradesh High Court. In 1990 he was appointed as Chief Justice of the Allahabad High Court. In 1991, he was appointed as Justice in the Supreme Court. In 1997 he retired from the Supreme Court and in the same year he was appointed Chairman of the Law Commission of India. In 2000, he was appointed as a Judge Adhoc in the International Court of Justice at Hague in the dispute between India and Pakistan regarding shooting down of the Pakistan plane. In 2000, he was also appointed a Member of the National Commission to review the working of the constitution. In the same year he was appointed for the second term as the Chairman of the Law Commission from which he resigned in Dec.2001. He is a resident of Hyderabad.

Mr.J.M. Lyngdoh was born at Shillong in 1939. Did his B.A. (Honors) in economics and joined the Indian Administrative Service in 1961. He is an alumnus of the National Defence College, a serving Fellow at the Princeton University, and a senior executive fellow at Harvard University. He had been Managing Director of Food Corporation of India, Additional Secretary Ministry of Agriculture, Secretary Department of Tourism, Secretary Co-ordination Public Grievances in Cabinet Secretariat. He had been President of Indian Administrative Service Officers' Association. After superannuating from the Government services in Feb.1997, he was appointed as Election Commissioner on 1st of March, 1997. And we all know he took over as Chief Election Commissioner on the 13th June, 2001. He retired from the Election Commission this month on 7th of February, 2004 and drove down in his Qualis from Delhi to Hyderabad, where he settled down on the 12th and that is, about less than five days ago. And we are very happy to have him here to talk on today's the very important topic. He was awarded the Ramon Magsaysay Award in 2003 for his outstanding Government service. With this introduction now I request Shri Mohan Dharia to kindly take on as the Chairman of the Seminar on "Elections And Democracy in India". Shri Mohan Dharia.

CHAIRMAN'S OPENING ADDRESS : SHRI MOHAN DHARIA

Justice Jeevan Reddy, Mr.J.M. Lyngdoh, the former Chief Election Commissioner of India, Mr. Abhay Firodia, the Director of this Centre, Mr. Kulkarni and friends. Before I begin I would like to offer my tributes to Late Navalbhai Firodia who was always interested in having an orderly social and political system. I am aware that neither the day nor the timing of the Seminar is convenient, but the convenience of our guests was more important, otherwise perhaps it would have been very difficult to accommodate the mob in this hall. This seminar has been organized at an appropriate period when the country shall soon be facing the Lok Sabha Elections. Friends, doubts are being raised whether what is happening in India is it democracy ? Mr. Abhay Firodia himself raised this point in his preliminary remarks. I think we shall have to take wider perspective.

There are various systems to govern the country and parliamentary form of democracy was perhaps the system which had parleys, and it is disadvantageous. In America, there is this parliamentary form of democracy. We have to look at the past, I believe that nothing has gone wrong with our Constitution. As Dr.Ambedkar had said when he presented on the floor of the house the draft of the Constitution, he had stated that we have taken adequate care so that this Constitution stands in time of peace and in times of war and in future, if something goes wrong, it is not the Constitution which shall be wrong but it shall be the people. These are the words of Dr. Ambedkar. We shall have to examine ourselves to what extent we have been able to render justice to our democracy. I believe that through democracy, the authority is given to the elected members of the Parliament, Assemblies, Zilla Parishads or even Panchayats and it is expected by the people that it should be the most effective socio-economic instruments for development. As it happened, on the essential good, it is not adequate. The country does not have literacy for 32 crores of people, fifty percent of our people are poor or below the poverty line. Is it not necessary that the

Governments or the representatives elected by the people should act to render the socio economic justice ? Friends, in the initial stages, there was no opportunity to play a single part in the notice of any party or any voter. But now, the times have changed and it is not that the voters are dissatisfied but even party workers of the same party have to be paid to work for the candidate. This is where we have reached. It is a fact that money has perhaps taken hold of all the matter. Money and money through power is the most unholy alliance and is being supported by the gangsters in the country, by the mafia in the country. If this is to be broken, the seminar should suggest how we look at this democracy, how we look at the systems

I am happy that recently as per Constitution Amendment there is ban on any defection. Earlier there was a ban on individual defection. But if more than one-third people elected representatives, they changed the party, it was seen as a change of heart or opinion and it was all allowed. So you can't sell yourself alone but you could be auctioned if you are more than one-third. I am happy that at least this system has been taken care but I may suggest for the consideration of the house particularly for Mr. Lyngdoh and Mr. Jeevan reddy, this index system. I am aware of the sanctity of vote, once a man, a person is elected to a Corporation, the State Assembly, Lok Sabha. We are supposed to elect the Mayor or in the case of State legislatures, Members to the Legislative Council or Members to the Rajya sabha. There is a secret ballot, but not an open ballot. When I am elected on the party ticket, why I should be afraid in openly voting for the candidate of my party. Today what happens is that the person elected just has become a purchasable commodity and no action is to be taken because it is a secret vote. I would like to have this suggestion considered if we could have this open system for elections in indirect elections and not in direct elections, I think it will go a long way in saving our democracy.

Friends, we have seen so far that fifty percent of the voters go for polling. Fifty percent of the enrolled people go for voting and out of these who vote, a party secures about thirty to forty percent votes. It is not enough. It is 25% of the voters or about 12 or 13 per cent of the people who take charge of the whole of the government and the rest of

the people are just outside. When I insisted on Mrs. Gandhi in 1975, my correspondence has been published in a book Fumes and Fire. I had insisted that in a massive country like India most of the people are not directly responsible for electing party into power, should we not have dialogue in between these various political parties. I think dialogue is a necessary process of democracy. But if there is no dialogue, there is bound to be confrontation. So in this background also, what could be done ? Is it necessary, or will it be viable to say that every voter must go and vote. He may give vote to any party but he must go to a polling booth. In a massive country with so much illiteracy today it may be a bit difficult but we should really create the climate to go and vote. It is our paramount duty and very important. In Pune I have seen most of the voters who came for voting were from the poor sections of society, from the lower middle classes of society but I have seen in nice localities like National Housing Society or Aundh Housing Society or most of Deccan Gymkhana, they do not bother to vote but they are free to criticize what is happening to the democracy. We should be a part of the democracy. If we want the democracy to succeed, should we not play a part ? I think, we shall have to catch the Election all rounds.

I am happy that because of the Election Commission, the candidate has to declare his assets, his property at the time of filing his nomination but this is not enough. I may suggest for the consideration of the seminar that the candidate alone with all those who are staying with him in the family should also file their declaration on oath. They should be available to the people, bring in the public record. Plus, every year, the elected member should be under the obligation to file the property returns to the concerned officer. This will make tremendous impact. They will have to believe today what happens in the name of the wife, in the name of my sons or relatives or whatever it is I just amass wealth and nothing to be done. Is it or will it not be justified if this compulsion is brought while filing the nomination.

Friends, there are some other suggestions also made by Ved Prakash and others. This system should go. This election should start right from the Gram Sabha. They should have their own

representative. These village representatives from the gram sabha of a block should elect their own representative of the block and these representatives of various blocks should elect the members to the assemblies or members of the Parliament instead of these sort of general elections. Again we have a suggestion for consideration to what extent this can be practicable because unless and until we take a decision that everybody in the country must be literate in a frame of work for three to five years, unless educate the masses, educate the people, educate the voters, democracy cannot succeed. To bring democracy, whether it is democracy, I must say that there is something wrong.

We should point out what is wrong and if we could do that, if we could create that sort of an atmosphere, I feel, I am just raising some issues for the honorable speakers of the day and for the participants of the day. Before I conclude, I feel that people should be made to vote. Why the youngsters, why the workers of all the political parties should raise their voice telling the party leaders we are with the party? We would like to be loyal to the party but do not thrust any candidate who is a corrupt person, or known criminal. If we thrust such candidates, it is pity of our party. We shall try and defeat that candidate. Why should we not raise that sort of point? I feel I am speaking for the people. It is no use only blaming leaders. I have started this campaign gradually in our Pune city. You know our hands are the hearts of Pune city or yours. Moola and Mutha rivers or other rivers, again they are also equally unimportant. Why should we not tell our party leaders, you may belong to any party, but do not choose a candidate who is willing to destroy these hills. We want these hills to be green, our rivers to be clean and if your candidate is not prepared to pledge accordingly we shall belong to your party, but we shall not work, on the contrary, we shall work against the candidate. No party will have the daring to nominate a candidate here in Pune city who is not prepared to take that oath. I shall take care of clean and green Pune city. Is it not possible? I think, do not leave everything to the bench. Do not leave everything to the leaders. I know how leadership functions. I have seen it with my own eyes. I have seen during all these governments, what happens at the government level. I have also seen that if the people are ready, they

could change the governments. In 1977, when we came out of jails, we were penniless. The Emergency was existent. Traders were not prepared to come to us to give money. They were not prepared to give contract also because tomorrow they shall not be with us. Under the circumstances, it is the people who came forward and at that time, I was being invited as I had resigned from the ministry and was behind bars for about 16 months. You know this country believes in sacrifice may be that. But when we used to go for meetings, I used to say our revered candidate has no money which means what ? I am going to stand for ten minutes. I am getting late. This is a piece of cloth. You put one rupee, two rupees, hundred rupees, whatever is possible, believe in me. I used to collect from four thousand to twenty two thousand rupees in a meeting, hand out the cash to the candidate. If the people decide, it is not the black money that counts, it is the people that counts. I think this seminar should consider these aspects and thank you for giving me this opportunity to be in this nice seminar. Thank you very much ! I now request Mr. Lyngdoh to give his views on the topic.

PRESENTATION BY SHRI J. M. LYGDOH

Mr. Dharia, Justice Reddy, Mr. Firodia, Air Marshal Kulkarni and all the distinguished people on the other side of the room. First of all, I am deeply conscious that there is a limitation in time. Nevertheless, I am tempted. I am very tongue-in-cheek to say that I am speaking to you for the first time as a converted visitor. If you look at democracy, there is a different perspective from the government's point of view, the political parties point of view, the candidates, voters, Election Commissions, media, courts, security forces, corporate sector and so on. Many of these perspectives are well known and I won't dwell on them. I just want to mention that the security forces are a group who are normally forgotten or rarely get a footnote. You will bear in mind that whenever elections comes, they are the poor people who suffer the most because so many get shot up

in Kashmir, so many get shot up in Chattisgarh and so on and we barely shed a tear for them. Many of them are low paid people and they do their duty uncomplainingly.

I will just run through the whole thing. There are many credits to Indian electoral democracy. We got about six hundred and fifty million voters. That is more than most of the countries of the world. There is a regularity about elections except of course when people defect now and then and or they wind up government before they ought to with the expectation that they wipe out the opposition perhaps. The regularity, yes, I mean, not because of the system but because of the political parties in power. There is some irregularity now and then. Even by-elections are held in time. After my friend Mr. Seshan left the Commission, we made it a point that every by-election would be held within six months and ultimately the law followed that path. So you cannot delay by-elections any longer. By and large results are fair. In the sense that there is a quite lot of cheating, a tremendous amount of cheating and that cheating goes on increasing. But it is cheating by everybody, by all the political parties. So it tends to cancel out and in the final result, there are very few cases where because of free cheating or semi free cheating, the wrong person wins. There are very few cases that type. I have reports where voter is very native, especially while taking handouts from every political party to deciding in his own way, where he wants to vote. What is also important is that the democratic process over the years has enfranchised rural India including the poor and the under privileged. These were not irrelevant things and the other day, it is quite a long time now and it is about thirty or forty years. And the elections today is the only occasion when the whole country is united. There are large parts of the country which are outside the sovereignty of the State - Bihar, Chattisgarh, parts of Andhra Pradesh, Madhya Pradesh, North East large parts of it, they are all outside the state. And who knows whether they are part of India. We do not know. But certainly they are not controlled by the government. In fact, in Patna itself it is part of the legal area of the State in Patna itself, it is quite common. If you go driving around in the evening, somebody will ask you to open the window of the car. He puts his boy into your car and says sign this piece of paper. And this piece of paper

if you read it later, says that you sign away your car and that chap has bought it. So it all happens after you have been dispossessed of the car and you have given away your comfort and you are under the lamp post and you read what is that you have signed.

Every time an election is held it is held in every part of this country. Nothing is excepted and the Election Commission and the security forces make this contribution every five years for the country. But there are any number of flaws as well. Few months ago, I attended a symposium in Paris. It was all in French. Fortunately there were simultaneous translators and the level of academics in that symposium was certainly the highest I have ever been to. This was for two days and the enthusiasm at the end of the symposium or seminar was equal to what it was at the beginning and there were one or two papers by very learned people which said that and mind you, this Symposium was on Religion and Politics in India : Past and present. One or two papers said that we were really used to monarchy. Monarchy was the ideal sort of state of affairs through the ages and we had very little experience with democracy. It is a transplant in very shallow soil of mud and I hate to mention, you remember, when we got our independence and those of you who are older than I am would remember that French churches made some disparaging remarks, about something valuable going into the hands of people of straw. I hate to say that people much younger than myself are repeating these words today. That is a very bad sign. There is very little democracy in the political parties themselves. It is usually something powerful somebody is thrust on the rest of everybody and that is how it goes on. And of course, if you are part of potential dynasties, that is even better.

There are lots of dynasties and they keep on forming. We were like the Chinese. In the olden years, Chinese empires grew out of the peasants revolutions and that is how Mao Tse Tung deviated from the normal path of communism. Because we still have the present government, hence of course we are concerned with inverted commas, aristocrats, not the present aristocrats but aristocrats per se. I do not know how many of aristocrats may be one generation people who made lot of money. We take them at their word.

We have a situation of very poor candidates and 650 million electors and some of the most atrocious material you will ever find. It is all part of this. Somebody has got a lot of money by some means or other. Today, if you do not, if you are not worth spending at least one and a half crores, I mean, you do not stand a chance whatever party you belong to. You got what will be called by somebody in the Economic and Political Weekly (EPW) a denationalized educated middle class, in this country and that issue, the EPW says, that because of minor middle class, the educated middle class have found some kind of compensation abroad and they are no longer interested in India at all. Very gloomy, actually if the educated middle class takes no interest in the democracy, because for God's sake, they are the only people who understand what democracy means. The others do not. They are never taught the basics of democracy. As I said before they are used to monarchy and monarchy, they are used to hierarchies, you are used to touching somebody's feet, kotowing and so on what is supposed to be equal and feel equal to everybody else. And it is something which we have to grow up with. If you get in somebody from the village somewhere and he suddenly comes through a lot of money and power, he is never going to know what democracy means because nobody has taught him. In fact, in governments service, I must say we were taught ethics, the ethics of a public servant, which we never learnt at home, we never learnt it in school. People told us a lot of virtues at home, in school, but not the ethics of a public servant. That we had to learn from our seniors, when we joined service. What more for a person who has come, who is still covered with mud. He has come from a village, he has been dug up from the earth and he is suddenly made member of a legislature or Parliament. There is no body to tell him, how he is supposed to be in. How do we expect him to know ? Now, of course, you got a democracy which produces governments which are much too uneducated, much too corrupt, much too distracted to even address the problems of the day. Basically, the main problem of any country, anywhere on earth is survival and survival means essentially economic survival. How do you survive with a band of people who have no time even to consider what is needed for survival, let alone their being unable in many cases even to understand what is going on. So you have got this huge truck running full speed down the hill with very dangerous driver

who does not even know how to handle it. So, essentially, Indian democracy is about quantity and not quality.

What Mr. Dharia reminded me today, the government represents only about forty to forty two percent of the electorate and the remaining sixty percent obviously have nothing to do when they while away their time for the next five years, catch flies maybe? In all this, I must mention that it is not only gloomy. There are some very good signs. There are some bugs here and there and it needs some watering, a little bit of gardening. Fortunately, because of 9/11 and the cyber outsourcing which is going on, a lot of our friends and relative abroad, a lot of hostility is and potential hostility is being directed against them. Because employment, being done out of employment in our own country creates a lot of hostility against anybody else. As you remember, Hitler hit power based on the strength of little rural petty bourgeois wanting to make ends meet after their depression. Now, what are these hopeful signs here and there. One of course is the disclosures that the candidates have to make. The foremost part is that the orders of the court, initially of the Delhi High Court and finally of the Supreme Court were based on the writ petition filed by academics who spent their own money going to court and spent their own money on air travel from wherever they were, from Ahmedabad, from Bangalore and so on going all the way to Delhi, time and again and they did it all for you only. Totally unstinted and unselfish. How they were able to use these disclosures is at the moment something I very gladly left behind. But I am sure my successor will deal with that.

There is also this other aspect. You know electoral rolls are the point where governments fiddle. They fiddle with the rolls more than anybody else. Six hundred fifty million voters, and just the other day in Andhra Pradesh you must have noticed about 4 million voters were wiped out of the electoral roll because of proper checking. So you have got this huge bubble everywhere. People being added who should not be there, little children, dead people masquerading as living people and so on. So this 4 million just in Andhra Pradesh. so it is a horrendous area and it is got very obliging government servant everywhere. If you are a government servant everywhere, if you are

government in power, you have got them. There are a lot of deal outs that you can use for whatever nefarious purpose you have in mind. I must mention this to just fill out the picture. This was in Kashmir, last election. We are a country which pride ourselves with the statement usually made that the armed forces are totally apolitical. We like to believe that. But in fact, we found in Kashmir in the last elections, that even in the Army, Armed Forces were not totally apolitical. For example, the General kept on asking us why are you not allowing Abdullah to use the aircraft? The helicopter after all, it is a security risk like the Prime Minister, he should be allowed to go around by helicopter and it look us a lot of effort to make them half understand that there is a slight difference between Prime Minister and Farooq Abhullah and today, of course, you find that there is a slight difference between the Prime Minister and the Deputy Prime Minister. My successors, I am very happy to say, have continued making these fine distinctions.

Now, the Army point is that the people, the same people who went to court to secure disclosures of the candidates, the same people have started a movement to get these electoral rolls cleared. So it started in Rajasthan and it is going to other places. They have what are known as Ward Panchayat meetings, where the entire electoral roll is read out and the ones that should not be there are scored out and the ones that ought to be there are added. And, it is a very good development. The other day, I even went to Bihar and there were some people who were interested in that sort of thing. Delhi, of course, has already caught on.

There is another very happy development. There is an unstated implicit common cause between the voter, the court, especially the Supreme Court and the Election Commission. It is unstated because we all realize that there is something wrong and something needs to be done.

It is again something which is not done. But again, I will say hats off to the court, during my entire tenure as Chief Election Commissioner, we did not lose a single case. Even the governments in power has had, at times, to make some corrections. And the

Government of India has recently made some corrections to the law defections. It has been brought back, more or less, what it was more than thirty years ago. It is also brought the law regarding expenses to what it was earlier, more or less. Because the Election Commission, recently, did not even bother to take any, to take this seriously. Because all your expenses as candidate can be attributed to friends and relatives and political parties. Now, of course all that has been cut off. So, this has to be taken seriously and let us see what happens. Finally, there is now some serious discussion about proportional representation. So, here the Army had some fertile pastures. So let us do some work. Thank you.

Responding to questions and comments by the participants Mr. J.M. Lyngdoh stated :

The Chief Electoral officer is a part of the State Government. You know, the Election Commission, we are not part of them any longer. The Election Commission really comes into the picture only when the Elections are near. Before that it is normal government and the Election Commission is not supposed to interfere. Now, the law as it still stands, allows donations to political parties from all over the place, from outside, inside, whenever and the political party is not even required to pay any income tax. So, it is all very loose and dangling. I do not need to say more on the subject.

The other question was about electoral rolls being computerized. Fortunately your State, Maharashtra has made the beginning in incorporating the postal addresses of the people. But it is not very, fool-proof, it is not seen as such. It cannot overcome the people who are determined to cheat. So, who operates the machine ? If it is those government servants who operate the machine, if they want to cheat then they are predisposed to cheat, then anything can be done. In fact, if you are a political party your own political agents are bought, then there is no way your purpose is going to be achieved. The instructions to Chief Election Officers received. What do you do if

something goes wrong ? Fortunately, most of the CEO s are quite loyal to the Election Commission for the period they are on deputation with it. But, the Chief Election Officers have to work through their own government machinery and at election time, that government machinery works fairly well because it is slightly apprehensive of the Election Commission and possibilities of suspension and so on. But for the rest of time, which is most of the time, they are not under anybody's control, you know the Deputy Commissioners and whoever, they have the freedom of the land, they do whatever they want, they roam wherever they forage on behalf of the government. EVMs, why not elections in one day ? Of course, we can have elections in a day. But you cannot have elections any longer in this country without the police forces. And police forces, you can muster only some of them and the same force will go all over the country stage by stage. That is the trouble and therefore, if we have for example, a simultaneous elections for the whole country for the Parliament as well as every State Legislature, you take nothing less than two months. That is why I kept on making the statement, what do you mean by simultaneous. The whole thing is going to take two months, it is not simultaneously. I mean, it is one-sixth of the whole year.

Incidentally, I also have to mention in the answer to your question, before I forget, that the computers are very good. But there are times when the computers also forget, it tends to forget. I mean, the software is not always perfect. So you suddenly find a whole lot of villages being left out of something and its not anybody's bad intention. The software is like that. The computer is not perfect. There is slight danger.

Proportional representation, the point which Justice Reddy made, it is difficult because, if you already spent two months on holding elections and you are not able to come across the kind of people who are supposed to win according to rules, then you got to do it all over again. Then, if you do it again and again, you come to a situation where there is elections only in this country and nothing else. For God's sake, we have another election and the Delhi High Court has ruled that teachers should not be used anymore. So that

will need to be examined more carefully.

Now, the right of recall of the elected representatives. Absolutely, I entirely agree with that. Then parliament has to agree. Disqualification of political parties, now, that is the weakness of the law in India. In fact, they took quite some time for the law to even mention corrupt individuals because they had the 1950 Act and the 1951 Act, so the 1950 Act does not even think in terms of corrupt people, corrupt politicians, corrupt political parties And, political parties one recognized by the law only at a later stage, somewhere in the 80s. When there was discussion, I think, about the registration of political parties only in the 80s. Constitution also does not think in those terms.

So you need some law to deal with political parties. You need some law to deal with governments of the day because they are the most mischievous people. Governments of the day, what do you do with that ? And then, today you have got affiliates, you got affiliates to political parties, that do whatever they want. You know, all these T-shirts which came out in Gujarat and all, they fell from the air and the affiliates. So, what do you do with them ? The law does not recognize them. Nobody recognizes them. They are all nice people.

PRESENTATION BY JUSTICE JEEVAN REDDY

Respected Mr. Mohan Dharia, Mr. Abhay Firodia, Mr. Lyngdoh , Air Marshal Kulkarni and the distinguished audience. I must express my gratitude to CASS for giving me this opportunity to be in your company and express my views and have an exchanges of views on an important subject like Elections and Democracy. In the presence of such a distinguished and learned audience, I need not mention the underlying the electoral system. you all know it. The

idea is to evolve a system which best provides an opportunity to the voter to express his views in a proper manner so that there is an informal voting and a properly effective representative government. The idea is to bring about a properly represented government. Towards this end several organizations, several individuals, parties, Election Commission, Law Commission, everybody has been making recommendations from time to time. In the year 1999-2000, the year that I was Chairman of the Law Commission, we took up the subject of Electoral Reforms. We held a number of seminars, the last was a National Seminar which was inaugurated by the Prime Minister. He liked many of the recommendations. He said, they will take various steps for the recommendations for implementing them. Since the Law Commission's report contains a large number of recommendations, this would mean a total overhaul of the system, the Electoral system for achieving the same object. It is not possible for us to delve on all of them, but at least some of them.

I will start with the one which had an immediate echo mentioned by Mr. Lyngdoh and Mr. Mohan Dharia. What they suggested was that a person who is, against whom the court has raised criminal charges should also be disqualified. Now, the position today, only a person convicted for an offence, punishable for more than two years alone is disqualified but not a person against whom charges have been raised. What is the idea? The idea is that in the present day, where the money power and the muscle power is, the 'Dadas' are there, dons are there, they frighten the electorate, booth capturing fear. In such cases it is difficult to get such persons convicted. Nobody comes forward to give evidence against them. They are afraid. Everybody has family, everybody has children, everybody has his own security and safety as the first consideration. Therefore we say that the court which has framed the charges that should be enough to disqualify a person, number one. Number two money power. That is to say that every person, every candidate, every person who files his nomination for contesting the election as a candidate, he must disclose his assets, not only the assets held by him but also by his close relatives as adopted by the definition of relations by the prevention of corruption act. Therefore we said the nomination paper should be amended compelling the candidate to

disclose his antecedents, his criminality, whether he is involved in any cases acquitted, convicted, any charges pending, all these must come under record. And his assets, his wife's assets, minor children's affidavit assets, of his co-relations all these assets must be disclosed on oath. This was our recommendations. Now what happened was that certain non-Governmental Organizations took out the issue, filed a writ petition asking that this report of the Law Commission, 170th report of the Law Commission, this particular part should be implemented. The Delhi High Court said yes, issued a petition, implement this provision. It went upto Supreme Court. Supreme Court affirmed it. When the Supreme Court affirmed it, the Election Commission issued the necessary rules and directions under Article 324. You all know, then the Parliament stepped in. They wanted to amend and tone down the effect of the Supreme Court decision. That attempt again failed. Ultimately today's position is that the Supreme Court decision which requires these thing to be done stands. Now, this is one of the, in fact one of the minor type of recommendations.

Another type of recommendation is this Mr. Mohan Dharia mentioned, Mr. Lyngdoh also mentioned that a larger number of votes in our system go waste. I will give you an example of UP. Where there are two parties, this does not happen. When there are more than two parties, this happens. Take UP there are at least four parties, major political parties involved. Let us say there are a million voters in a constituency, in a parliamentary constituency. Sixty percent votes that is, six lakh people, six lakh voters vote. Now these votes are distributed among the four political parties according to a plethora of independence. Ultimately, a candidate who is able to win just about thirty to thirty two percent vote wins the elections. The remaining seventy percent votes cast go waste, go unrepresented, have no voice. And this man who got thirty percent of the sixty percent cast votes represents the entire constituency. This is something which is rather inequitable, rather unacceptable. Therefore, we examine the systems existing in several countries including what happens in the German constitution. There of course, half the members are elected directly, half the members are elected in a party based system, LIST system. Half the strength of the Parliament, that is, lower house is elected directly like ours. Half the

members are elected in this LIST system. That means, each party files a list of candidates and the number of votes, it gets, that proportion of votes, that proportion of members are nominated or become members. But, we thought that, to start with, we shall have an easier system. Instead of a dual voting, we shall have a single voting but at the same time, a proportional representation system may be evolved may be implemented. What we suggested is this take the state as unit. I will take the example of Andhra Pradesh, the state from which I come. There are forty two parliamentary constituencies. Suppose, who gets elected, even the succeeding candidate gets one vote over the other, he gets elected. Therefore, after the elections are over, I will rather give you the example of UP, it will be more appropriate. In UP, there are 4 parties, 84 seats were there. Now 80 are there. Some members are elected by the direct method system. after that, what the Election Commission was supposed to do under our recommendation was. It will find out, it will verify and ascertain how many votes each party got in the State, Congress got so many votes, SP got so many votes, BJP got so many votes, National Congress got so many votes. Like that, each party got so many votes. Now, add twenty percent more seats in Parliament. There are 530 seats in Parliament. Create twenty five percent more seats, let us say 150 or 120 or 125. some number of seats will be elected from UP. Say fifteen seats out of this additional seats are allocated to UP. There 15 seats must be allocated to the different political parties in proportion to the votes they got in the State. No separate election, no separate voting, no separate ballot boxes, same election, same votes, the idea was that this wastage of votes should be prevented. Seventy percent of the votes are going without a voice. That should not be allowed. Voice should be given to all the votes. This was one of the ideas, which was, but of course, the implementation may take place, may not take place.

The more important recommendation pertained to the party system. We suggested that unless there is internal democracy in a political party, they cannot be expected to observe democratic principles when they come to power. You know, a democracy cannot work except through political parties. You cannot envisage a democracy, except one being operated by the political parties. We

gave an example just imagine, suppose tomorrow 300 independent are elected to Lok Sabha, what will happen ? It will be chaos. Therefore, there must be political parties. Political parties are a necessity. They are a necessity, good or bad, they are a necessity.

Now, with a view to improve the system, what we must do is improve the political parties. How do we do it ? Then, again, we went to Germany, German Constitution which provides for German Constitution, the law made, which provides, which has evolved a system for ensuring internal democracy within a party because there cannot be autocracy and authoritarianism within a party. But when a party comes to power, it cannot be democracy, it is the same authoritarianism which continues. We have witnessed that in our country, how authoritarian Prime Ministers rule the country, how it is one man or one person rule. Once they are in the power, democracy goes by the wayside. The suggestion was that what as Mr. Mohan Dharia suggested right from the lowest level you must have elections. There must be elections at Gram Panchayat level. There must be elections within the party, within each party. There must be at Panchayat Mandal level or Taluka level or district level, or state level and so on and so forth and even the candidates must be selected by these groups, these units. The candidates from the constituency the members of the political party of that constituency must say who is to be elected from the party, not from the top. These are all some of the recommendations.

Then, so as to fight the money power, number of recommendations are made probably, many of you know that in the representation of the People Act of there is a section called Section 77, It says that a candidate shall not spend more than a specified limit upon elections Mr. Lyngdoh also mentioned about this aspect. But we all know that this provision of law is observed more in breach than honored.

It was said about the last elections in Andhra Pradesh that from a particular constituency, two candidates, very rich candidates contested, both of them. The general belief was may be correct, may not be correct that each of them spent about fifteen to seventeen

crores on the Parliamentary elections. It may be one crore in one case, two crores in another case or five crores in a third case. But it is in crores, not in lakhs in Parliamentary elections.

Now, what Section 77 says is a comeback. It says that a candidate shall not spend over and above a specified limit, whether it is 10 lakhs or 50 lakhs, is immaterial. If a person spends more than that, it will get a

penalty. He is disqualified for a certain number of years. Supreme Court intervened and said yes, any money spent by a candidate on elections, or the party on the candidates election must go into the candidates 'Khaata'. I will give you an example the candidates are set up by political parties. The political parties also spend their money upon these candidates. They provide them pamphlets, they provide them money, they provide them all the jeeps, vehicles. All kinds of paraphernalia which is required for fighting elections is provided, apart from the money. So the Supreme Court said what all the party spends on the candidate, apart from the general campaign, the party also spends on general campaign, omit that. But what all political party spends on the candidate must go into the candidate's account. What he spends will be in that account. But all this both together shall not exceed the limit.

Now, the Parliament which ignores the judgment of the Supreme Court for years together is another matters. Many observations are made, many recommendations are made, many designer things are observed, no implementation ever takes place. In this case, the Parliament, most of the judgment happened because internally they amended the Act. They provide an explanation saying that what is spent by the party shall not go into the candidates account, shall not be, counted in the candidates account. So you can go on that the party has spent, my relative has spent, my friend has spent, I am not responsible, my expenditure is only two hundred and fifty rupees or two lacs fifty thousand rupees whatever it is.

So this is all, the law allows them, consciously allow a provision for circumventing it, a loophole, whatever you call it and escape

clause. So the suggestion was, please delete this explanation one. I am not saying the suggestion of the Law Commission alone. It has been said by other persons also. So we put all of them together and made a report and all of them, a committee produced this report. Nothing has happened. I doubt something is afoot. Maybe something has happened now as Mr. Lyngdoh says. Hopefully it will be done.

There are no defections. Now I will give one or two examples of defections. You all know, Mr. Mohan Dharia also said, once a person gets elected and a ticket to the party, he must stick to the party. Once you get elected the membership to the Parliament or membership to the Assembly is not the private property of the person, it is not property which he can sell or which he can carry with him wherever he goes. He must stick to the party on the ticket of which he has been elected and if he wants to change, he must resign, contest the election, he cannot change parties, he cannot go from one party to another for the sake of Ministerial or other benefits. This, fortunately, is, I think, again in the process.

One of the recommendations we suggested was, for a candidate to get elected, he must get at least fifty percent of the votes plus one of the number of votes cast. If six lakh votes are cast, he must get three lakhs and one, votes at least to get elected. Today people get elected on thirty, thirty one, thirty two percent votes. Very few people get elected with more than fifty percent vote. As I said, the two party system, in fact, is there. There also it happens that they get elected on total fifty percent vote. But many cases, it is not. Therefore, the recommendation was that this fifty plus one percent be implemented. Unless, the candidate gets fifty percent plus one, he would not be declared elected but then there is a problem. Other countries which implemented this system had had them, there is a run off. Suppose, in the first election, no candidate gets fifty percent of the votes, the second election is there which is called run off. This election is confined to the first two candidates, candidate getting the second highest votes and the candidate getting the highest votes, confined to them. One of them gets fifty percent plus one of the vote cast. But in our system, Mr. Lyngdoh also said, where the elections were held with the aid of Armed Forces, all forces are moved from one

region to another, from one state to another and the elections over four weeks, five weeks, six weeks. The reason the counting takes place after elections all over the country is over. The boxes are kept, they are sealed and the counting begins only when the election all over the country is over. In such a case, if we have to have run-offs, the second round of elections, the whole thing has to be repeated which will be difficult, the practicability of this is rather difficult. We found it. But, if the Election Commission can find a way of solving it, the government can find a way of solving this problem, it is excellent. Because, that will overcome the caste based politics. You must have come across some of the political parties arguing that we combine two castes in a given constituency or a given state. If we can give the votes, mobilize the votes of these two castes, we need not worry about other castes and other communities. We will succeed, we will get our thirty percent, thirty five percent and we will get elected. We need not name the castes and all that. All of you will know that, should know that. So, with a view to break this kind of thing, what we suggested was fifty percent plus one should be implemented. But this is the, trade-off problem of that. I would mention one more before I close. That is, what is what we call the constructive no-confidence motion. This is also in German. That is in a Parliamentary system, the government can be voted out at any time, on any day, the very next day, the ministries can be voted out. It happened thirteen days later BJP government was voted out within thirteen days. It could not get the no-confidence motion and it was voted out. Any day, it can be voted out.

We have also had the spectacle of a party, being a government being voted out. But, no other party or combination being in a position to form a government. Necessitated election within 10 or 13 or 14 months. To augment such a situation, the suggestion was, to adopt the constructive no-confidence motion system which is there in Germany. What happens is that, there it is not really no-confidence motion when a government is in power. If you want to move a no-confidence motion against a government, do not say that I have no confidence in 'X' ministry which is in power. What you say is I have confidence in 'Y'. then he must be asked to form the government. The Parliament must ask him. So, voting takes place at this, whether to

move 'X' which is power, but whether to make 'Y' the Prime Minister, whether he should be asked to form the government. If he gets the vote, then it really means that he has the confidence of the house. Why would he be asked to form the government. The idea is, what we suggested is that along with no-confidence motion, there must be another motion expressing confidence in a named person or party. So both must be put to vote which technically means the same thing. It is only whether one motion or two motions, ultimately it means the same thing. The idea was that if one government goes, the other government is in place to carry on the administration and we do not have the spectacle of having another election within six months, one year, two years and so on.

This is one of the many recommendations which we suggested and so far as the corruption is concerned, this is slightly there. In Law Commission, we also suggested that the properties of the public servants amassed by the corrupt means should be forfeited without a criminal file. What is the present law ? The present law is that a public servant, which of course, means a member of Parliament, member of legislature, ministers are also included in the definition of Public Servant in the Prevention of Corruption Act. When can the properties, which we think are amassed by corrupt means, can you forfeit it ? Only when he is prosecuted for a crime under the Prevention of Corruption Act that 13-1(e) says that if a person is in possession of disproportionate assets, disproportionate means disproportionate to known means of income, those assets, means he can be prosecuted, he can be convicted first, then those properties can be forfeited. And we know, this is an impossible task. The present Criminal Judicial system, convicting a powerful, rich, influential person is almost an impossibility, it is not possible. The witnesses are purchased, induced by some means. The witnesses are purchased, the court is helpless, the Prosecution is helpless. The car becomes a truck in Delhi, it just goes on like this and nothing ever happens. So what was the idea ? The idea was that since prosecution, conviction and similar forfeiture of property was almost an impractical achievement measure, evolve another measure. What is that ? An authority must be created whether it is in Chief Vigilance Commissioner or some other authority must be created who must

have a machinery under him, an investigating machinery, well-endowed machinery. They will find out which public servant, again Public Servant means not only the bureaucrats but political service holders like MPs, MLAs, ministers. Whether they are in possession of disproportionate means of income, whether in their names or in the names of others. Normally, no corrupt person keeps properties in his own name. It is very often in the name of his children, brothers-in-law, fathers-in-law, sisters-in-law. It goes on in all districts. He must be asked to explain, how these assets, he has acquired? And if he is not able to explain satisfactorily, the properties must be confiscated, forfeited to the government. An opportunity will be provided, because only he can tell by what means he has acquired, what is the income with which he has acquired. If he is not able to satisfactorily explain the means by which he has acquired this property, property must be forfeited. This was also one of the suggestions, which all of them go together to evolve a better system, a better system of electorals, a better system.

In fact several other measures have been recommended for the consideration of the Parliament. Very rarely, when writ petitions are filed, they compelled the move. This is how the political system moves. But I only hope in the course of time and in the peoples pressure, the publics pressure, pressure of the Election Commission, courts, organizations etc. NGOs, I hope that the system will get slowly reformed through law, through other measures and we shall have a better electoral system, a better society, a better nation. So that we all can hope for a better future.

Thank you. Thank you very much.

Responding to questions and comments by the participants Justice Jeevan Reddy stated :

I will start with the last question, penalizing the political parties. Again, to refer to the German constitution, they have a provision. If a party violates the provision relating to internal party democracy system or any other violation by political party. There is a sanction but that sanction is that there is government funding of elections that political parties are given money, the candidates are given money to fight the elections. We have also got the idea under consideration, the funding part. So, what they do is, if a political party violates a certain provision, a penalty is imposed by withholding, this cutting of state funding of political parties, funding of elections. That is one sanction. But, of course, in our country even if you cut out the state funding, there are other sources of funding. They will not bother. That is one thing.

Now, then, the other question was, about compulsory voting. In a country where the illiteracy, poverty is so rampant, people live in jungles, the scheduled tribes still live in jungles, the forests. There are scheduled castes and other poor people who are sometimes prevented from voting. It is well known, the Election Commission was fully aware of that in Rae-el-seema area of Andhra Pradesh, these factions are very powerful. They happen to be Reddys, the community to which I belong. There are two factions, both are led by Reddys. So, what they used to do was, they will never allow the people from scheduled castes to come and vote. In fact they were afraid, how they will vote. They were mostly dissatisfied, disgruntled by this faction leaders. Therefore, they did not allow them to come to vote. Now, if you punish them for not coming to vote, what happens ? Scheduled tribes persons who are not permitted to vote, persons who are not allowed to vote or are prevented from voting. This is all, in a large country like ours, where poverty is there and illiteracy and so diverse conditions, social conditions prevail. Maybe at this stage of our development, it may not be a practical proposition.

Now, the other question was cannot we have some Ministers who are not members of the Legislature and Parliament like

American system ? We can have it. In fact, in the Rajya Sabha, there are nominated members but only a few, only belonging to certain specified categories. You can tomorrow increase the number by 10, by 20. What does it matter ? Add 20 members to either Rajya Sabha or Lok Sabha, how does it matter ? And give the discretion to the Prime Minister to appoint such technocrats, economists, accountants, other persons who are well versed in other fields who are there. You can have them as Ministers What is the difficulty, there is no difficulty. It can be implemented. They will of course come and participate in the debates they will not be entitled to vote, but they can participate in the debate, they can answer. That can be permitted. That is a good idea. Thank you.

CHAIRMAN'S CLOSING REMARKS : SHRI MOHAN DHARIA

There is one question for me though very innocent and simple, though complicated too, how to reform the society ? Friends, it is indeed a serious matter. If we look at our educational system, we do not imbibe the values, not for the country, patriotism, sacrifice in the minds of our small children. In our houses also, we are not prepared to have some ideal living. Even at higher levels. I recollect once I had said, it was my open motion against corruption. Prime Minister intervened and said, it is a global phenomenon and we are trying to control this growing corruption. That time I said it, Mrs. Indira Gandhi gave a reply, "Jab Tak Nangol Mein Shudh ovr Pavitra Nahi, Tab Tak Ganga Shudh or Pavitra Rehni Ki Koi Sambhavana Nahin Hogi". It is for the leaders, whether they are from political parties, whether they are from social sections. Well,, they will have to put some ideals for the country. Unfortunately, it is not obvious today. Several effort have to be made. But I may like to say today is 'Are we prepared to insist for values'? 'Are we prepared to insist for society'? 'Are we prepared to insist for patriotic feeling ? This whole fever in the name of pre-market economy and this luxury oriented society,

somewhere, we shall have to be able to reform our society. I think it is very difficult but we shall have to try.

Friends, as the Chairman of this seminar, I would like to congratulate Mr. Lyngdoh and Justice Jeevan Reddy for telling us the various efforts being made to reform this whole system. The report on this is ready, these electoral reforms is a document by itself. In fact, when I was speaking there were a lot of suggestions, which I had taken from Mr. Reddy's report. It was a very fine report. Although time was not very convenient, it was a very purposeful dialogue that we do not feel dejected about what is going to happen to our democracy. I think various systems are coming forward. The Supreme Court is taking some decisions, the Election Commission is also taking some care. There are several organizations which are also taking some care. If we all decide, in this existing system also we could change this system or enumerated or nominated kind of system. We could have some fair election in the country. We should have faith in ourselves. If we have that faith, I mean, even though just under 80, I have faith in myself and also in the people of the country. Let us have faith.

Thank you very much.

THANKS BY THE DIRECTOR AIR MARSHAL S. KULKARNI

Ladies and Gentlemen, I would like to take this opportunity to convey our very sincere appreciation, thanks and gratitude to Justice Jeevan Reddy and also Shri Lyngdoh, who despite their extremely busy schedule, agreed to come to Pune for this Seminar and in fact, I must say that it was my pleasure to talk to them and the very time I talked to them, they accepted. Of course, Shri Lyngdoh, was in his last couple of days in office in Delhi very busy. He said I am going to land up in Hyderabad, how do you expect me to be in Pune on 17th.

I said, you must come. This will give us an opportunity to hear you and he readily agreed to come and he is here. Justice Jeevan Reddy also instantly agreed to come and participate in this seminar and we are grateful to him for having accepted it. And of course, my gratitude and thanks to Shri Mohan Dharia who has always stood by us whenever we have requested. He asked me as to what you want from me. I said, as a politician, I cannot think of anyone in Pune today who I can request to come for this kind of a seminar because if ever they have time, they would rather deliver election speeches rather than preside over such seminars. So he readily agreed to come and I am very happy and glad he could come. I must also convey my thanks to Shri Abhay Firodia for presiding over this function. Thank you very much, sir. And lastly, ladies and gentlemen, to you all for coming here and making this seminar such a success. Now I shall request you all to stand for the National Anthem.

SUMMARY OF DISCUSSIONS

With the elections in the offing, the subject of the Seminar was very timely. The Chairman and the main speakers in this Seminar brought into their address and presentations a wealth of knowledge and insight based upon their very long and rich experience at the top level. The questions, comments, answers during the general discussion were relevant, lively and animated. At the end a general consensus emerged on the following lines :-

- Despite the colossal size of the electorate 650 million, spread over a vast area, it is creditable that there is a regularity about elections and by and large these are fair.
- The question whether India has democracy with 32 crores people being illiterate and fifty percent of the people below poverty line has been agitating the minds of many thinkers.
- An elected member today has become a purchasable commodity.
- The selection of candidates of the parties should start from the bottom instead of the top as is being done at present. The political parties should have regular elections.
- There should be open system of elections for indirect elections.
- It should be mandatory for electoral candidates to declare on affidavit all their property and property in the names of their family members and relatives.
- There is a legal limit on what the candidate can spend on elections. The expenditure incurred by the party and by friends and relatives gives an easy escape route to bypass the authorized limits.
- Committed bureaucracy and the State governments often manipulate and fiddle with the compilation of the electoral

rolls. This defeats the democratic process.

- Candidates against whom courts have raised criminal charges should be disqualified. At present they are disqualified only after they are convicted by the courts.
- The present system of bringing no confidence motion in the parliament and in the state
- legislative assemblies needs to be changed and made constructive by changing it into a vote of confidence in the alternate proposed government.
- A very large number of candidates come from a criminal background, lack character, are interested in amassing wealth for themselves, their family members and close relatives and friends. The nexus between the political leaders, criminals, bureaucrats and police forces coupled with lack of transparent governance facilitates denial of justice through the legal system. A terrorist minority can hold the silent majority to ransom.
- The courts and the Supreme Court at times do intervene to set things right mostly due to public interest litigation. Such cases are few and far between.