

Civil Society and Elections: Changing Grammar of Politics UP Assembly Elections 2007

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Elections to the 403 seats of the 15th Uttar Pradesh Assembly were held in 7 phases. In the sweltering heat of the Gangetic heartland, the elections after three consecutive hung assemblies generated enough heat to keep the country on its toes for two and a half months. Uttar Pradesh is the most populous state in the country with an approximate population of 17 crores and an electorate of about 11.40 crores. UP is also one of the most under developed states of the country with high crime rate and abysmally low human development index. For the last 15 years, the state has been under several different political alliances with none of them being able to complete their term.

The BSP has won a majority of seats and contenders like BJP and SP have got much less seats than expected by political pundits. A look at the vote share of the two front runners tells us that the BSP has increased its share by about 10 points, where as the SP has increased it fractionally over the last elections. The parties that suffered most are BJP and the group called other parties. While the results have confounded pollsters and political analysts and led to renewed debates on social engineering and caste arithmetic much less attention has been paid to the consequences of a civil society led movement for electoral reforms. I think the UP election process and the electoral result reflect an emergent trend towards citizens demanding increasing accountability of their prospective representatives. Are we witness then to a fundamental change in the way the citizens relate to the whole process of electoral democracy, shifting to a deeper and more participatory relationship. This article is about a silent revolution of citizens, which has resulted in changing not only the language but the grammar of politics in the Hindi heartland.

Democratic Innovations

In recent years there have been significant developments in Indian democracy, in terms of civil society participation in the electoral process. Disclosure laws such as Right to Information Act and mandatory affidavits along with nomination papers detailing criminal antecedents, assets, liability, and education of contesting candidates, have made it possible for citizens to seek accountable governance from their elected representatives.

Since the path breaking Supreme Court judgement of 2002 ensuring the right of the voter to know the background of the candidate one is voting for, as a fundamental right of the citizen, civil society organizations like the Association for Democratic Reforms (ADR), have been active in creating *citizens election watch* bodies in various states. The objective of such monitoring bodies has been to aid the citizen voter in making an *informed choice*. After a long struggle, in Bihar

assembly elections 2005, the work of citizens election watch bore some success. Despite having about 49% candidates with pending criminal cases in the assembly, the chief minister elect announced that anyone with even a single pending criminal case against him/her would not get a seat in the cabinet. This was not only a triumph of citizens' vigilance, but also a wake up call for political parties putting up such candidates in the fray.

Prior to UP, assembly elections in West Bengal, Assam, Tamil Nadu, Pondicherry, Uttarakhand and Punjab had seen a down ward trend in candidates with pending criminal cases contesting and winning. But UP was going to be the test case. Known for its deeply entrenched caste based politics and overwhelming presence of MLAs with criminal charges pending against them, the state stood at the top of violent crimes and crime against SC and STs in India. According to an affidavit filed in the Allahabad High Court by the Government of UP in 2005, 206 sitting MLAs (out of a total of 403) had pending criminal charges against them, of which 159 had charges for committing heinous crimes. All the political parties had a share in this total. (SP 66/143, BSP 31/98, BJP 31/88, RLD4/13, INC 11/24, IND 10/16).

Political parties justified the presence of persons with criminal background by trotting out well worn arguments. If we don't give such candidates tickets other parties will give them the tickets and we will lose the seat (winnability argument), "Criminal Charges have been foisted by the ruling party on political opponents or while undertaking public protests ("political vendetta" argument) or" No one can be called a criminal till the charges have been proved in a court of law (Technical argument). The most brazen justification being " So what if they are criminals - they have been elected by the people'. It is however public knowledge in Bihar and UP that for a criminal getting elected to the assembly has meant protection from the law and especially, from the dreaded STF's encounter deaths. As it happens UP tops the list in extra judicial killings in the country.

Citizens Election Watch

Six months prior to the elections in UP, ADR started its work among the civil society organizations, opinion makers and political parties. Workshops, small meetings in district head quarters, meeting with news paper editors, eminent citizens of the state, and the electronic media stirred up a muffled debate in the civil society circles. What will happen if people know about the candidate's background; whom should they vote for then; how will election watch stop the caste allegiance of the voters; will anything change in this country; who will go against the *Bahubalis'* diktats and who will protect us? ADR pursued a non partisan line through out saying changes do come when people own the process and in reality reach the information about candidates to the voter of the country in villages and kasbahs and let them decide who will benefit them most. The arrogance of the educated class in our country, of course, prevented it from accepting the fact that the hungry, frail, uneducated voter of our country knew what is good for her.

Two conditions insisted upon by the ADR during the campaign from the participating organizations and groups were a) political non-partisanship of the participant organizations, and b) complete financial transparency of the organizations. Since the effort was a voluntary civil society initiative, it was expected that each participant organization would take care of expenses arising in their own area of activity. Several statewide tours, hundreds of village and small town level meetings resulted in getting on board 200 odd organizations who believed that in order to usher in change, one must be a part of it, not a bystander. A high level committee comprising eminent and concerned citizens of the state, under a retired DG Police of the state, known for his integrity and fearless uprightness was constituted. Each of the districts had several NGOs along with lawyers, teachers and local citizens, who would hold meetings in various localities informing people about the objective and usefulness of election watch process, collect affidavits at the district head quarter, and disseminate information about candidate background to voters, once the affidavits are collated and analysed. A thoroughly researched data base on the state of governance of UP was prepared and along with previous election watch reports were distributed widely. News papers carried informed articles on education, health, corruption, law and order, hunger and human development. District level correspondents were provided with region specific development data and were encouraged to bring into focus issues specific to the region into the political agenda of contesting parties. Through out the state the election watch campaign tried to convince the people that any issue, how ever local it may be, needs to be addressed by the elected representatives and in order to take the issue to their priority, citizen groups must unite for a better, clean and responsive candidate who will work for them. The slogan that became the clarion call for the campaign was – *Jo Daru Murga Bantega, woh sarkari khajana lutege; jo kam kharch pe jeetega, woh janata ka bhala karega*. Advertisements appeared in local dailies inviting people of the state to participate in the election watch campaign. Help line numbers were given, citizens were asked to seek affidavits from the district electoral office and disseminate the information among voters. Even before the election dates were announced, the murmurs of a public debate was heard in the Kasbah tea stalls of UP. The grounds for Clean UP Campaign had been laid. The story of the campaign in the State can be best illustrated by the example of Bundelkhand region of UP.

Bundeli Jan Ki Katha Aur Vyatha

It is said that every 16th person in the world belongs to UP. The state, even after its bifurcation, has 70 districts, 403 assembly constituencies and 80 Lok Sabha seats. About 32% of its population lives below poverty line. In the last three years 188 hunger deaths have been reported in the state. The worst affected region perhaps is Bundelkhand. In 2006 alone, in the Bundelkhand region, 119 farmers had committed suicide. If one goes by the local civil society data, in the last three years about 600 farmers suicides had taken place in the region. Bundelkhand,

consisting of six districts, Jalaun, Banda, Hamirpur, Jhansi, Lalitpur Mahoba, and Chitrakoot, is a drought prone area. The sorry state of the farmers of this region can be imagined from the fact that, despite such large scale loss of human life due to debt consequent on repeated crop failures, the area has not yet been even declared a Drought Affected Area by the Govt. Being on the border of Madhya Pradesh, this region is also famous for its Dacoits. Over the last decade or so Dadua and Thokia, two rivals, have been ruling over the region. It was said that without support from these gentlemen, no political party could win any of the 21 seats of this region. In fact during our travel through Bundelkhand, we were shown the *firmans* asking people to vote for a certain party or candidate or else.... Villagers did speak of the repercussion of not abiding by the Dacoits orders. In the last assembly elections Dadua came out in support of a party, which won majority of the seats. This time both Dadua and Thokia went a step ahead. Dadua's brother, Bal Kumar was given a ticket from the Samajwadi party, and Thokia's mother Piyaria Devi was put up by Rashtriya Lok Dal. The challenge in Bundelkhand was to show the people of this region that it is possible to break the clutches of fear and as citizens of the country, get a candidate elected, who would represent them and address their problems.

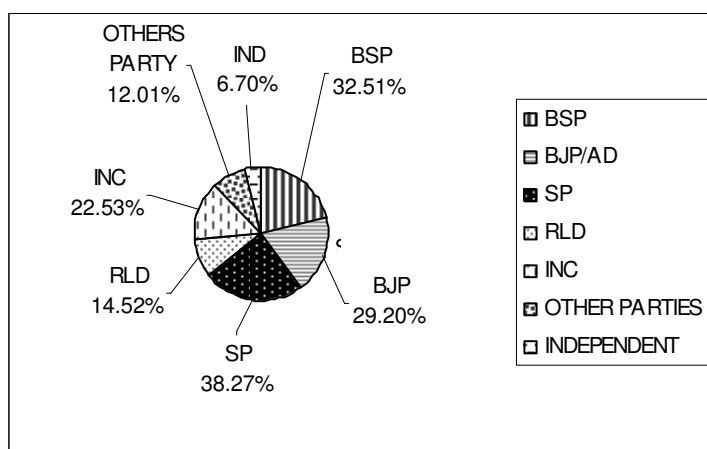
A Voter Awareness Campaign – ***Bundeli Jan Ki Katha Aur Vyatha*** -- was organized in 21 constituencies of Bundelkhand Region. The main concerns of this campaign were to highlight the drought issue and administrative apathy towards the region. During the campaign meetings, Nukkad nataks etc were organized at village level and a 21 Question Format was given to candidates of each constituency. They were requested to fill the formats and give their views on the issues raised by the people of Bundelkhand. People also asked them if they were elected then what would they do to improve the condition of Bundelkhand. 36 candidates filled the form and said that they will work to remove drought and livelihood crisis in the region and signed a pledge. Among these, 18 candidates who had made Bundelkhand drought as the main issue during their campaign promise, won. That is, 18 candidates out of 36 in 21 seats were elected because they promised to take up the issue of the people. Piyaria Devi lost, so did Bal Kumar, despite the firmans of their respective outlaw kins. Well, Bal Kumar did lose by a thin margin of 454 votes, but the fact is he lost the election despite Dadua's support. Psephologists will agree with me that this is the region where BSP took a decisive lead over its rival SP in the recent elections. The election commission has had a big role in this. The deployment of central forces in the area, for a longer period than was done else where, made it possible for a large number of poor villagers to come out and exercise their franchise. Its promise to conduct a free and fearless election in UP was substantiated in the election results of Bundel Khand.

Criminalisation and Politics

Criminalisation of politics was the central issue, which dominated Citizens campaign in the UP assembly elections. The *UP election watch* collected and analysed 5940 affidavits filed by the candidates in seven phases of the election.

There were 882 candidates (14.84%) candidates who had pending criminal cases against them. If we look at the combined percentages/figures of all the seven phases, out of total number of candidates with pending criminal cases, major political parties account for **59%**, other parties **22%** and independents **19%**.

The ranking of the major political parties in terms of percentage of candidates with criminal cases was as follows-- SP (38%), BSP (32%), BJP+AD (29%), INC (22%) and RLD (14%). This is significant because, it shows the level of dependence of political parties on such candidates and their belief that having pending criminal cases adds to the winnability factor of such candidates.



The analysis of the final election results, however throws some surprises. There are 155 elected candidates (38.55%) who have pending criminal charges. Out of these 91(58.70%) are charged with such heinous crimes, which, if convicted, would fetch them more than 5 years of prison terms. While during the election it seemed that dependence of political parties in putting up such candidates reflected their desperation to win, the results showed a contrary trend. If we look at the main parties who have national and regional stake, the number of candidates who lost despite having criminal charges is astounding. Among the losers with pending cases, SP 101/148 (68.24%), BJP has 83/101 (82.17%), BSP 60/128 (46.87%), Jan Morcha 23/23 (100%), LJP 17/17 (100%), NCP 8/8 (100%), RLD 33/37 (89.18%) and INC 78/87 (89.65%). Is it still not clear that this time round in UP the voters have rejected the tainted ones by voting decisively in favour of clean candidates! This calls for a strategic debate in the think tanks of political parties for a review of the criteria constituting *winnability*.

It is interesting to note that in terms of re-fielding candidates with pending criminal cases, SP topped the list with 65 such candidates, followed by BJP-22 and BSP-21. This means that out of the 66 sitting MLAs SP had in the previous house with pending criminal charges, it put up 65. Most other parties preferred to

change their candidates who had pending charges against them and put up new faces.

On the other hand, we must note that some of the big names in UP's crime world have made it to the august house. DP Yadav, Raja Bhaiyya, Madan Bhaiyya, Mukhtar Ansari, Amar Mani Tripathi, Akhilesh Singh, Sushil Singh, all have won with huge margins (ranging from 17000 votes to 53000, the highest margin being in favour of Raja Bhaiyya) . Most of them have in fact retained their traditional seats. At the same time, Pavan Pandey (the candidate with 63 criminal cases), Hari Shankar Tiwari (the candidate whose criminal records have been lost according to the affidavit submitted by the UP Govt itself), Ashraf (Atiq Mohammad's brother, who is accused of killing Raju Pal. In fact it is Pal's wife Puja Pal who has defeated the Don's brother this time), Bal Kumar (Dadua's brother), Sujit Singh Belwa (the imprisoned don who was in media focus because his wife and minor children were going door to door to campaign for him), Thakur Prakash Singh (The Apna Dal Candidate with 45 cases, who used to be Raja Bhaiyya's right hand man till a few days back and fell out with him) have all lost. In all the 15th UP assembly has 38.46% members who have pending criminal cases in comparison to 51.11% in the previous house. Do we see here a glimmer of a trend towards decriminalisation of electoral politics? Still when Mayawati selected her cabinet this is what came out:

- 22 out of 41 ministers (54%) have pending criminal cases against them.
- 16 out of 41 (39%) have cases pending against them for heinous crimes that would fetch them more than two years of imprisonment if convicted.
- The Cabinet has 19 ministers, out of which information is available for 15+ the CM, who did not contest the assembly polls (but we have her affidavit submitted during lok sabha polls).
- 10 out of the 16 cabinet ministers (62%) have pending criminal cases against them.
- 8 out of 16(50%) have heinous crime charges against them.
- Out of the 31 ministers of state, information is available for 25.
- 12 out of the 25, i.e. 48% have pending cases against them.
- 8 out of 25, i.e. 32% have been charged for heinous crimes.
- 4 BSP MLAs have SC/ST Act charges against them. One of these, Awadhesh Verma, who belongs to SC community, has been made a minister.

Money and Muscle

Another interesting aspect of the UP election was the role of money power. The election commission had made it very difficult for political parties to spend money in the usual buntings and processions. Observers were made to move in the constituency without the knowledge of the District magistrate and those

candidates who indulged in ostentatious spending were issued show cause notice. The major avenue of spending seemed to have been advertisements in newspapers and electronic media. The joke in political circles of UP was that whatever the media had lost in terms of revenue in the disastrous exit of the Indian team from the world cup, was made up from the advertising revenue from Samajwadi Party. Except the BSP, all the major parties spent some money in advertising. In all there

Total Candidates who have assets 1 Crore and above																	
Party	I		II		III		IV		V		VI		VII		Consolidated		
	Candidates	Won	Candidates	Won	Candidates	Won	Candidates	Won	Candidates	Won	Candidates	Won	Candidates	Won	TOTAL	Won	Won who have criminal background
BJP	13	5	20	4	6	1	7	0	8	4	6	2	6	1	66	17	6
BSP	14	8	29	13	10	5	9	3	13	3	13	7	11	5	99	44	15
INC	10	1	12	0	9	0	6	2	14	4	8	0	7	1	66	8	3
RLD	2	0	20	6	4	0	0	0	2	0	0	0	0	0	28	6	3
SP	17	5	19	2	14	4	12	5	18	7	9	2	15	9	104	34	17
OTHERS	17	0	26	1	17	2	11	0	7	2	11	0	12	1	100	6	4
TOTAL	73	19	126	26	60	12	45	10	62	20	47	11	51	17	463	115	48

were 463 candidates who had declared assets worth more than Rs 1 Crore. Out of these 115 (24.83%) have won. And among these 115, 48 have pending criminal cases against them. The order of fielding crorepati candidates by major political parties is exactly the same order as that of candidates with pending cases. A mere coincidence? In terms of amount of asset, among the top ten richest candidates of the election, it was Congress, which had 5 candidates in the list. Despite this it needs to be pointed out that V.M. Singh, of INC, (Puranpur)

who happened to be the richest candidate of all (Rs. 374 crores of declared assets) and had the added advantage of 5 serious pending cases against him, has lost.

Sheer money power does not work, nor does sheer muscle power. V.M. Singh is the exception, which proves the rule that a combination of money and muscle certainly enhances the chances of winning by 3 folds. This is borne out by an analysis of the winners of last 5 assembly elections in the country. This means dependence on money and muscle power still remains the criteria for considering winnability. And political parties do fall for it while distributing tickets. There is nothing wrong with being a crorepati, except for the fact that without a vigilant EC, it would tend to queer the pitch and not provide a level playing field to all the contestants. (See Graphics). It's like lowering the basket for one team in a basketball match because it has money. Use of money power in election affects the fundamental principles of democracy and universal franchise and shifts the balance in favour of the rich. By the way the 48 winner crorepatris who also have pending criminal cases against them include all the big Dons mentioned above. It is common knowledge that the main fount of political corruption is in the use of unaccounted money during elections. It is time that the policy makers in the country take the issue of state funding of elections seriously and plug the loopholes that allow black money to have a say in electoral politics.

Strengthening Democracy: The EC Style

The experience of UP elections would not be complete without a word about the role of the EC. This was by far the biggest exercise in any single state taken up by the EC. A massive exercise in manpower management and logistics entailed detailed and meticulous planning. The EC was aware that not only does it have to ensure that the common voter of UP gets to the polling booth without intimidation, but the state bureaucracy too operates in an impartial manner. A bureaucracy, which has been put up by the ruling party and is known for its favoritism tasted the wrath of EC when it removed the Chief Secretary and the DGP for attending a ruling party function. But the lower bureaucracy was still a tough nut to crack.

A Message to the Bureaucrats

The UP Election watch met the EC prior to elections and requested the commission to ensure that affidavits were provided on demand by District authorities to the election watch representatives. Letters were faxed to all the 70 district electoral officers informing them about the Supreme Court judgement and the consequent EC orders making it compulsory for electoral officials to provide affidavits to citizens on payment of photocopying charges. The early procurement of affidavits was crucial to the whole exercise of analysis and dissemination of information to the voter prior to the polling day. The Hurdle came in the first

round of elections itself. In Bundelkhand region, DMs of Banda, Hamirpur, Lalitpur, Mahoba and Etawa refused to oblige the Election watch members on the ground that no such order exists, or they were too busy to oblige a citizen's democratic rights. The standard procedure of refusal was like this--- The DM upon hearing from the EC would pass the order to the concerned ADM; the ADM would not be available in office and would not give time; once he is found out, the normal query was – do you want to take our jobs—the EC is here for two months only, after that what will happen to us. One articulate ADM, upon being pestered by an enthusiastic EW representative said: *Loktantra gaya tel lene, hum yahan aapke naukri nahin kar rahein hain*. The complaints were systematically noted and forwarded to the EC. The next day, the bureaucrats woke up to a very people friendly morning. They searched for the cell number of the election watch person and politely asked them to come and collect the affidavits. *Complain kyun kar te hain. Hum log to aapke sewa main lage hain*. After that in the rest of the six phases no DM dared to say no. This is an occasion where citizens have asserted their rights and were obliged by a public servant. One order accompanied by the will to force compliance could change decades long practices of abuse of power, bias and secretiveness. **This single factor of government servants actually obliging the public, as of right without begging or bribes is a lasting impact of the election watch exercise. The stories of being able to get information from their closed fists will pass into folk lore as it passes from mouth to mouth and this is the lasting legacy of the election watch.** . In fact this election is historical in the sense that for the first time not a single life was lost due to violence. The EC deserves all the credit.

Taking Time Out for People

In Sonbhadra District, there is a village called Raup gaon. This village has a population of about 500 and is inhabited by ghasia tribes people. These tribals are famous for their Karma dance and mostly earn a livelihood by manual labour. They have been displaced from the Kanhar Dam project and now occupy a patch of forestland near Robertsganj, the district head quarter. The village was in media glare following the death of 18 children due to hunger last year. Sonbhadra is a naxal-infested area where the various groups had called for boycott of elections. During election watch meetings, the villagers requested that despite their repeated pleas the district administration has not issued voter identity cards to them. A list of eligible voters was prepared and sent to the EC with the request that identity was part of their struggle for dignity and a voter card would go a long way in rehabilitating their faith in democracy. The elections were on, and it was not certain whether the EC would have time to look into this matter. On our next visit to the village, after 10 days, ecstatic villagers who were proudly displaying their voter cards surrounded us. Voter card was a matter of identity and dignity for them. After being kicked around for years, there is a permanent address, and no one can now prevent them from voting nor can any one throw them out of the village. The memorial erected in remembrance of the

18 martyrs of hunger remains their source of spirit for fight. They have chosen to side with democracy rather than take up a gun, as is the norm in Sonbhadra. These gestures signify the commitment of the constitutional body to the spirit of democracy. On behalf of civil society, the EC deserves three loud Cheers.

In conclusion, here are some of the exciting trends that reflect the maturing of the Indian electorate. Despite being a caste-ridden society UP has voted decisively breaking down all caste arithmetic. Criminalisation, use of black money, and empty slogans have not paid dividends. The voice of the voter has prevailed.

The opinions expressed in this article are the author's personal views.