



For a free referee

The Election Commission must be unflinchingly strict in ensuring a fair election

It took more than a rap on the knuckles by the Supreme Court before the Election Commission of India stirred from slumber amid repeated violations of the law and transgressions of the Model Code of Conduct in the ongoing election campaign. In fact, the EC had appeared to be willing itself into inaction amid a flurry of abusive and divisive speeches by pleading powerlessness to act. On Monday, the Supreme Court came down heavily on the EC for its lack of initiative in enforcing the law. The EC cracked the whip soon after the court's censure and barred four leaders accused of intemperate speeches from campaigning for varying durations of time. By suggesting a clinical parity between BSP chief Mayawati's call for Muslims to not divide their votes, and Uttar Pradesh Chief Minister Yogi Adityanath's speech in which he characterised the election as a contest between 'Ali' and 'Bajrang Bali', in a reference to Muslims and Hindus, the EC perhaps wanted to demonstrate impartiality. However, it needs to do much more to be seen as a fair referee. The incumbent members of the EC may end up expending the accumulated trust in the institution if they do not consistently and unflinchingly demonstrate efficiency and neutrality in enforcing the law and the MCC.

For now, the EC has managed to redeem that hope to some measure, but not entirely. Article 324 of the Constitution gives the commission the powers of "superintendence, direction and control" of elections. Through the Representation of the People Act, other rules and orders, by the apex court and the EC, the system governing the Indian electoral process has evolved, and continues to do so. The EC has powers to deal with newer challenges that crop up, such as the easy dissemination of misinformation with the help of technological tools in recent years. While responding to new situations by changing the legal architecture is essential, the EC needs to build upon a fundamental premise of the rule of law, which is, 'be you ever so high, the law is always above you.' Prime Minister Narendra Modi has brazenly violated a directive of the EC that campaigners must not seek votes by invoking the name of the soldiers. Continuing raids by Central agencies targeting only Opposition leaders and the blatant partisanship of the public broadcaster, Doordarshan, smack of misuse of power by the incumbent government. The EC is vested with powers to ensure a free and fair election. Under Chief Election Commissioners like T.N. Seshan and J.M. Lyngdoh, the commission has in the past shown the capacity to come up with creative solutions that adhere to both the spirit and the letter of the law. Their examples should encourage the EC to find strength in its constitutional mandate and not plead helplessness in the face of challenges to its authority. The Supreme Court too made the EC conscious of its own powers once more.

Kohli's 15

India is hoping to deliver by packing the team with experience

The ICC World Cup is cricket's holy grail. The quadrennial event played through the One Day International (ODI) format often shapes the legacy of squads and players. It is the one championship where all leading Test-playing teams congregate, and once a unit wins the World Cup, the ambiguity ends and arguments cease. With the 12th edition set to commence in England on May 30, there had been immense interest in the Indian team's composition. The selectors, led by M.S.K. Prasad, have decided to give an experienced crew to Virat Kohli. Many summers ago, M.S. Dhoni said that a player should have a minimum of 50 ODIs under his belt before playing in the World Cup. The former captain's logic was that an experienced cricketer would have more game-awareness. The present squad ticks that box. Among the 15, nine have played more than 50 ODIs, with Dhoni leading at 341; four are hovering close to the 50-mark; and only K.L. Rahul (14) and Vijay Shankar (9) are below that mark although there is no mistaking their talent. The Indian team has explosive batsmen, incisive fast bowlers and wily spinners. The all-rounders' quartet of Shankar, Hardik Pandya, Ravindra Jadeja and Kedar Jadhav also gives Kohli varied options when India opens its campaign against South Africa at Southampton on June 5.

The Indian team can deliver, but it could face tough opponents in hosts England and Australia, bolstered by the return of Steve Smith and David Warner. Kohli, Dhoni, Rohit Sharma and Shikhar Dhawan will be under pressure to fire with the bat; the bowling, featuring the remarkable Jasprit Bumrah, has to strike. Bumrah's delivery stride might inflict a bio-mechanical strain on his body, but he has sparked and has adequate support in Mohammed Shami's pace and Bhuvneshwar Kumar's swing that gains extra bite under the overcast English skies. Meanwhile, wrist spinners Yuzvendra Chahal and Kuldeep Yadav have Kohli's backing. Additionally, there is Jadeja's left-arm spin and Jadhav's off-spin to bank upon. Dinesh Karthik's selection as the reserve wicket-keeper ahead of youngster Rishabh Pant stirred a debate, but the former's experience tilted the scales. There was heartburn for Ambati Rayudu but Rahul has prospered in the current Indian Premier League, and in an emergency, he can also step in as a wicket-keeper. In any case, Pant and Rayudu have been named as stand-bys. The accommodation of so many glove-men in the team is an acknowledgement that, at 37, Dhoni might suffer an injury in a long-drawn tournament that concludes on July 14. India will return to cricket's birthplace for one more tilt at the title, and the memory of Kapil Dev holding the 1983 World Cup at Lord's remains as potent as ever before.

The limits of populism

It is very difficult for an incumbent government to offer biographical solutions to structural problems



SAJJAN KUMAR

Democracy and populism are cousins. A charismatic leader mesmerises the electorate, strikes an emotional chord and blurs the distinction between the leader and the led. However, a charismatic-popular-populist pitch doesn't automatically transcend into populism. It requires demagoguery wherein hitherto suppressed but popular desires get articulated by a mesmeriser who emerges as the saviour. Both Mahatma Gandhi and Jawaharlal Nehru were charismatic but not populist as they assumed a guiding role *vis-à-vis* the people rather than getting subsumed by their worldview. Gandhi didn't hesitate to withdraw the non-cooperation movement in the aftermath of Chauri Chaura when it gained momentum, and Nehru stood for secularism and scientific rationality in the midst of Partition's mass frenzy. The popular and the populist can be perfect strangers or bedfellows, and their transition into populism lies in a social, political and electoral mix.

History of populist elections

Against this backdrop, post-Independence India witnessed the first populist national election transcending into populism in 1971, on the plank of Indira Gandhi's "Garibi Hatao" slogan. Being true to the saltiness of the turbulent late-1960s and 1970s, she adopted left-wing populism, denouncing her rivals as right-wingers. To be called right wing at the time im-

plied being anti-democratic, anti-people and anti-poor. That populism made the leader and the led coterminous. It was even proclaimed that 'Indira is India'.

What makes an election populist and determines its final transition into populism? The answer can be found by locating the constituent elements of the package. First and foremost, one needs a democratic set-up – real or farcical – as the 'masses' are indispensable to populism. Second, a charismatic leader is required, someone seen as an insider-outsider in the system offering a therapy for an ailing polity. It denotes a politics of 'impatience' and 'exasperation'. Institutions and established procedures are seen to be subverted by the privileged elite to retain their advantage over the 'masses'. The collective quest then is for a larger-than-life saviour to recover the national self. Third, a leviathan demon must be imagined whose destruction only a messiah is capable of causing. This takes the focus away from institutions/structures to personalities. A perfect battleground of protagonist vs. antagonist is drawn. In a nutshell, populism offers a biographical solution to structural problems. A saviour is presented who must seek popular approval to take the demon head on. An election in a democratic set-up is the perfect occasion for this crusade.

Since 1971, India has witnessed three more populist national elections transcending into populisms of various kinds, in 1977, 1989 and 2014, when the collective democratic quest in the electoral arena seemed to be for a saviour rather than a leader. On every occasion elections appeared like a biography of a new saviour. Pollsters and political analysts call this pheno-



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menon the 'leadership factor'. So, if 1971 was about Indira Gandhi, 1977 was about Jayaprakash Narayan, 1989 was about the sudden metamorphosis of an erstwhile feudal leader, V.P. Singh, into an anti-corruption crusader, and 2014 was about Narendra Modi promising epochal change.

The story since 2014

True to the populist requirement, Mr. Modi emerged as the complete package, being everything to everyone. A 'Hindu-Hriday-Samrat' to the Hindutva constituency, a 'developmentalist' for the corporate and middle class, a ray of hope for the rural masses, an ultra-nationalist for those sensing a national drift, a 'chaiwala' for the poor, and an insider-outsider to the masses feeling vanquished by the very system that is supposed to empower them. Thus, the circle of electoral populism that emerged from the leftward vantage point in 1971 got completed in 2014 with the right-wing populism of Mr. Modi.

However, the political journey since 2014 reveals something mammoth. The charisma Mr. Modi used to exude is dipping, if it has not vanished entirely, opening up a new political scenario without charismatic/mass leaders. At present, India doesn't have charismatic leaders like Bal Thackeray in

A crisis of credibility?

While nothing bars the EC from asserting its authority, it still needs institutional safeguards to protect its autonomy



S.Y. QURAISHI

The Election Commission of India (EC) is a formidable institution which has led the world in electoral efficiency since its inception. But in the 2019 general election, it has come under the scanner like never before in the wake of incidents involving a breach of the Model Code of Conduct, particularly those by the ruling party. On April 8, in a letter to the President of India, a group of retired bureaucrats and diplomats, in the context of recent incidents, expressed concern over the EC's "weak kneed conduct" and the institution "suffering from a crisis of credibility today".

Points of concern

The letter described the Prime Minister's March 27 announcement, of India's first anti-satellite (ASAT) test, as a "serious breach of propriety [which] amounts to giving unfair publicity to the party in power". Questions were also raised over the launch of NaMo TV without licence, and a biopic on the life of the Prime Minister which was scheduled for release on April 11, when elections commenced. The group also requested

the EC to "issue directions to withhold the release of all biopics and documentaries on any political personages through any media mechanism until the conclusion of the electoral process". They asserted that the release of such propaganda amounted to free publicity, and hence should be debited as election expenditure in the name of the candidate in question. The same standards should also apply to other such propaganda, an example being a web series titled "Modi: A Common Man's Journey".

Other important issues highlighted in the letter included transfers of top officials, voter verifiable paper audit trail (VVPAT) audits, violations of the MCC by Rajasthan Governor Kalyan Singh (for which the group has requested his removal on account of "grave misdemeanour") and Uttar Pradesh Chief Minister Yogi Adityanath (in his speech he referred to the armed forces as the army of Narendra Modi), and also corrosion of the political discourse in general.

Needless to say, the questions being raised about the credibility of the EC are a cause for worry. It is, however, not the first time that the conduct of the commission has been questioned.

At the core

To my mind, the genesis of the problem lies in the flawed system of appointment of election com-



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missioners, who are appointed unilaterally by the government of the day. This debate can be settled once and for all by depoliticising appointments through a broad-based consultation, as in other countries.

In its 255th report, the Law Commission recommended a collegium, consisting of the Prime Minister, the Leader of the Opposition and the Chief Justice of India. Political stalwarts such as L.K. Advani, and former Chief Election Commissioners including B.B. Tandon, N. Gopalaswami and me supported the idea in the past even when in office. But successive ruling dispensations have ducked the issue, not wanting to let go of their power. It is obvious that political and electoral interests take precedence over the national interest.

A public interest litigation was also filed in the Supreme Court in late 2018 calling for a "fair, just and transparent process of selection by constituting a neutral and inde-

Maharashtra, N.T. Rama Rao in Andhra Pradesh, M.G. Ramachandran/Jayalithaa/Karunanidhi in Tamil Nadu, Jyoti Basu in West Bengal or Biju Patnaik in Odisha. Lalu Yadav, Mayawati, Mamata Banerjee, Prafulla Mahanta and Arvind Kejriwal are now quieter avatars of the old fiery selves. When there is a dearth of popular leaders even at the State level, for a populist to mount the crest of populism at the national level is a small possibility.

This means India is in a post-charismatic leadership phase. How this phenomenon unfolds in these Lok Sabha elections is yet to be seen, but one big takeaway lies in the fact that a populist election without a charismatic leader cannot transcend into populism. With dwindling charm, Mr. Modi can't so easily repeat the triumph of 2014 in 2019.

Second, the fine distinction between the incumbent right-wing populist and the liberal elite is blurred due to associational factors, such as the competition for the same sort of rhetoric on pro-people policies, making the slogan for anti-elitism, a prerequisite for any kind of populism, feeble.

Third, there hasn't been a policy solution to the problems afflicting the people in 2014. Rather, with a high unemployment rate, deep rural distress, etc., the government has been pushing the problems out of the frame, rather than solving them. For instance, by suppressing data on unemployment, and making audacious claims that 'job-seekers have become job-givers'. However, when the masses suffer, the populist leader's capacity to strike an emotional chord so that they trust him by reputation is tough.

At present, a repeat of the 2014 kind of populism isn't possible as

pendent Collegium/selection committee". The matter has been referred to a constitution bench. It's not a routine matter. On issues of such vital importance, even the Supreme Court – which I have always described as the guardian angel of democracy – has to act with utmost urgency. If democracy is derailed, its future too would be in jeopardy.

Besides the manner of appointment, the system of removal of Election Commissioners also needs correction. Only the Chief Election Commissioner (CEC) is protected from being removed except through impeachment. The other two commissioners having equal voting power in the functioning of the EC can outvote the CEC 10 times a day. The uncertainty of elevation by seniority makes them vulnerable to government pressure. The government can control a defiant CEC through the majority voting power of the two commissioners. One has to remember that the Constitution enabled protection to the CEC as it was a one-man commission initially. This must now be extended to other commissioners, who were added in 1993, as they collectively represent the EC.

Moving forward

The EC's reputation also suffers when it is unable to tame recalcitrant political parties, especially the ruling party. This is because despite being the registering auth-

the electoral speeches of Mr. Modi then carried the promise of emancipation. The fluidity of the binding narrative of 'achhe din' provided a sense of certitude to voters worried about various uncertainties. Now the narrative has shifted to presenting one's failures to be less than those of the rivals. In a nutshell, populist tactics don't seem to translate into populism at this juncture. In this post-populist scenario, the public sphere is witnessing animated public debate on a range of issues. No single narrative is dominant.

Therefore, in these Lok Sabha elections, the Bharatiya Janata Party's emphasis is on alliances. It is the pragmatism of political alliances that holds the key for the party, rather than Mr. Modi's populism.

A fractured narrative

Hence, all the political hullabaloo over post-Pulwama hyper-nationalism may offer a shot in the arm to the BJP amid the dwindling charm of Mr. Modi. However, a repeat of the 2014 kind of populism against the backdrop of undelivered promises will require a collective embrace of 'self-deception' by a significant majority besides the BJP's core base. Populism is no more the defining feature of Indian politics and, by extension, of Indian democracy. All the narratives offered are fractured, including that of nationalism. In all likelihood, the Lok Sabha elections, too, will yield a fractured mandate. A fractured mandate at this juncture will be a good omen for Indian politics as democracy mustn't be reduced to the biography of a leader.

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ority under Section 29A of the Representation of the People Act, 1951, it has no power to de-register them even for the gravest of violations. The EC has been seeking the power to de-register political parties, among many other reforms, which the EC has been wanting.

The reform was first suggested by the CEC in 1998 and reiterated several times. The EC also submitted an affidavit to the Supreme Court last February saying it wanted to be empowered "to de-register a political party, particularly in view of its constitutional mandate".

Elections are the bedrock of democracy and the EC's credibility is central to democratic legitimacy. Hence, the guardian of elections itself needs urgent institutional safeguards to protect its autonomy. It is time that action is taken to depoliticise constitutional appointments and the EC empowered to de-register parties for electoral misconduct. It is a step needed towards restoring all-important public faith in the institution.

While these reforms may continue to be debated, nothing stops the EC from asserting the ample authority it has under the Constitution and being tough. It's not their discretion but the constitutional mandate. It did not need a reminder or a nudge from the Supreme Court.

S.Y. Quraishi is a former Chief Election Commissioner of India

LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

Cash, votes and TN

This is not the first time that the Election Commission of India has countermanded polls in Tamil Nadu, especially after allegations of the use of money power to influence voters.

It is deeply shameful and a pointer to what ails the election process in the State. It is also distressing that a culture of corruption and bribery is taking deep root in the State. Almost every high-profile constituency in the State is reporting a huge flow of money to influence voters. At the same time, one cannot be oblivious to charges being levelled by the Opposition of "selective raids" by Central agencies. (Page 1, "Vellore poll cancelled over cash seizures", April 17).

M. JEYARAM,
Sholavandan, Tamil Nadu

■ Seizure of money has become routine at the time of elections, but no one seems to be getting punished. Politics has become a channel to mint money and this is dangerous in a democracy. The EC appears to be leaden-footed.

SRAVANA RAMACHANDRAN,
Chennai

■ There is no doubt that money dictates elections in Tamil Nadu. The report makes me recall what a security personnel in an apartment complex near our house told me while I was out on my morning walk recently. He said he had received money from various "political agents", which came to a total of ₹3,100, but was confused about who to vote for. He also said he wanted to vote for the party which has the symbol of two leaves – according to him it always "had the welfare of

the poor in mind". In the same breath, he said he did not want to vote for the party at the Centre. He had a hard time believing me when I told him that both the parties he had mentioned were in an alliance in the State. No prizes for guessing which parties these are.

SHANTI SOUNDARARAJAN,
Chennai

■ Perhaps the EC could have made a decision soon after the huge haul of money earlier in the month as there was enough and more evidence of rampant cash distribution. It was also common knowledge that the election was likely to be cancelled. A quick decision could have saved a lot of man-hours for different departments, arrangements by election authorities and consequent expenses.

S.V. VENKATKRISHNAN,
Bengaluru

Women and politics

Politicians seem to be leaving no stone unturned in trying to impress women voters. But why aren't they equally fervent about sharing power with their women counterparts? Another major election seems to be passing without adequate representation for women in proportion to their population. India's gender parity in the political arena is abysmal. We need strong women leaders who can dictate decision-making which will also empower women of this country in the true sense of the word. All our political parties, big and small, must encourage women leaders to take up more meaningful roles (OpEd page, "Interview", "Women voters now matter much more than before", April 17).

Y. MEENA,
Hyderabad

'3D' remark

Ambati Rayudu's remark, "ordered 3D glasses to watch WC" ("Sport" page, April 17) is in bad taste. The comment was in apparent reference to all-rounder Vijay Shankar who pipped him for the fourth spot in the Indian batting line-up for the World Cup and whom selectors have described as a 'three-dimensional' cricketer. But Rayudu has to blame himself as he performed poorly against Australia in the ODI home series. He has been struggling with the bat in the IPL too. Overall, the selectors have done a good job in picking the strongest possible squad for the World Cup.

R. SIVAKUMAR,
Chennai

Lessons from Paris

The devastation caused to the iconic Notre Dame cathedral is a great loss to

the world. At the same time, it is happy news that France is determined to rebuild the cathedral within five years. As far as India is concerned, the Notre Dame fire should be a wake-up call on heritage structures in India. The Indian government must chalk out a plan, if there is not one already, under the supervision of the Archaeological Department to check all heritage structures and their safety and have the full details of their architecture, if necessary in 3D.

As the response to the Notre Dame example shows, heritage structures that are properly maintained can greatly aid in improving foreign currency reserves and in generating employment.

P.S.V. PRASAD BABU,
Bhadrachalam, Telangana

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