

COMPULSORY VOTING A SUBVERSION OF DEMOCRACY

Since Independence there has been strong resistance to Gandhi's dream of 'Gram Swaraj' and the Mahatma's deep disappointment that Panchayat Raj was not in the body of the Constitution forced the drafters included it in the Directive Principles as an afterthought.

It took 43 years, Shri Rajiv Gandhi's passionate speech in Parliament in 1989, his subsequent martyrdom and the efforts of Shri Narashima Rao to bring Panchayat Raj centre stage with the enactment of the 73rd Constitutional Amendment in 1992.

The Ramesh Kumar Report and Amendment Bill reflects not only the letter but the spirit behind Gram Swaraj and the Constitutional provisions. It ensures the imperative paradigm shift that safeguards the fundamental rights and freedoms of people – the members of the Gram Sabha.

Unfortunately, the Bill that was presented to the Legislature by Shri H. K. Patil on 30th March is yet another retrograde step and a major setback for Panchayat Raj in Karnataka. The Bill contains only three of the eighty eight amendments suggested by the Ramesh Kumar Committee with one addition, that of compulsory voting.

The three randomly selected amendments are significant, through lacking in teeth in the absence of the other eighty five. The Minister's reasoning is that he needed to first concentrate on those amendments that pertained to the forthcoming Panchayat Elections.

Even if the Honourable Minister's election argument were to be accepted, they were many more issues pertaining to elections that should have been tabled.

Through Shri Patil pleads lack of time over the Ramesh Kumar Committee Report, he has demonstrated surprising initiative and urgency to include an amendment of his choice, that of compulsory voting. It is interesting to note that this was **neither** recommended by any committee **nor** discussed by the Cabinet.

Such an amendment was opposed by the Congress in Gujarat and returned more than once by the Governor Kamala Benewal on the grounds that forcing voters to vote is "against the principles of individual liberty". The sad fact is that all politicians are the same irrespective to which party they belong. They will only ever change something if it's to their own advantage and electoral law is an area in which political self-interest [besides of course raising their honorariums] almost always overrides principle.

H. K. Patil justifies Mandatory Voting by claiming that 20 odd other countries have the same provision, but stops short of admitting that five of these are relatively minor countries in Europe, ten in Central and South America, one in Africa, two in Asia and two in the Oceanic. The major advanced industrialised 'democracies' that have compulsory voting are Australia, Switzerland and Singapore, all three among the most over-regulated and paternalistic

countries in the world! And even in these countries there are moves to reconsider this statute.

Another argument in defence of this amendment is that it will force a certain 'class' who shirk their responsibility, to vote. What the Minister fails to realise is this 'class' are the rich and powerful who need not be bothered with influencing the elections, confident in their ability to 'buy' any government that comes to power.

He claims that yet another group are the 'voiceless' prevented from voting by vested interests. One wonders who they are. The poor vote. They know it is their only chance to demonstrate their influence in our so called democracy. They cannot lobby with the powers that be, their right to dissent is being systematically throttled and the elections are the only forum left. Despite the latest trend to 'buy' votes, they have proved time and time again that they are agents of change.

The real voiceless and disenfranchised are the millions of migrants who are not registered voters and find no place in the electoral rolls and the vested interest in their case is the government.

Through there are no penalties attached to the mandatory voting provision, Shri Patil has made veiled threats about repercussions that might follow when one applies for a passport or government subsidies. This smacks of authoritarianism of the worst kind - instilling fear of breaking the law without knowing the possible future consequences of doing so!

In a democracy, people have to be persuaded to voting. Democracy is about freedom and the antithesis of compulsion that Gandhiji so abhorred. Implicit in the concept of rights is choice and the right *not* to vote is as fundamental as the right to vote. If challenged this is sure to be struck down.

Patil's final and rather lame reason is that people's participation is poor and compulsory voting will ensure their participation.

Dragging people to the polling booth once in five years under duress will not ensure their better understanding of political processes or that suddenly Gram Sabhas will become relevant or useful. The core of the issue is that Panchayats, especially Gram Panchayats have been rendered powerless and Gram Sabhas stripped of their rights. People know that real power lies with the MLAs and MPs. What is the point of negotiating with the milk delivery boy when the quality, quantity and composition of the milk are being controlled by some distant entity?

The key to this question lies in the empowering of Panchayats and thereby the Gram Sabhas by devolution all finances, functionaries and functions [the 3F's]. The answers are in the Ramesh Kumar report and its implementation will result in greater participation of people, optimum utilisation of funds for the real needs of people and the overall inclusive development of villages based on social justice.

It is clear that Shri H. K. Patil doesn't even have a glimmer of understanding of devolution or even decentralisation, and instead wishes to follow the Modi formula of governance using the 'carrot and stick' approach – the stick being compulsion clubbed with fear of the unstated and the carrot, the vague promise of economic advantage.

While the fate of the Ramesh Kumar Report is yet unknown and the government is hell bent on reversing the progress of Panchayat Raj – Gram Swaraj is still a distant dream.

Nandana Reddy

Social and Political activist and Member, Core and Drafting Committee of the Karnataka Gram Panchayat Act 1993 Amendment Committee; and Convenor, Gram Panchayat Hakkottaya Andolana