



NEWSLETTER

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Our Electoral System- Some Issues of Concern

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The following articles bring out some serious discrepancies in our electoral system. The first and foremost is the opacity in the source of funding of the political parties. The second is on the freebies granted by all governments in power for the purpose of winning forthcoming elections and thereby destroying the national fabric. The third article is on accountability of elected representatives. All these issues are those on which we need to ponder in the days ahead.

1. Analysis of Sources of Funding of Political Parties in India.

Political Parties play a key role in democracies as they contest elections, form governments, formulate policies and are responsible for providing governance and improve the lives of the common man. Political parties need access to money in order to reach out to the electorate, explain their goals/policies and receive inputs from people. But where do they collect their funds from?

An analysis of their Income Tax returns and donations statements filed with the Election Commission of India (ECI) shows that the sources remain largely unknown. At present, political parties are not required to reveal the name of individuals or organizations giving less than Rs. 20,000. As a result, about 25% of the funds cannot be traced and are from 'unknown' sources. While the National Political Parties were brought under the RTI Act by the CIC ruling in June 2013, they have still not

complied with the decision. Full transparency is, unfortunately, not possible under the current laws, and it is only the RTI that can keep citizens informed.

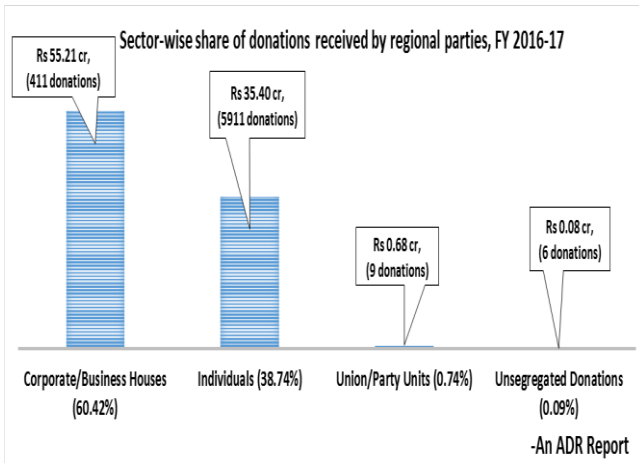
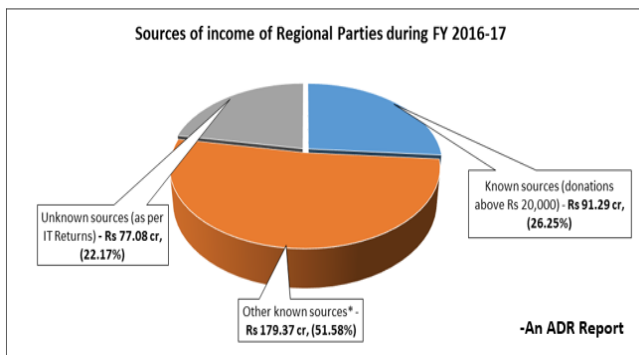
Income of Political Parties from known, other known and unknown sources:

- Known sources have been defined as donations above and below 20,000, whose donor details are available through contributions report as submitted by regional parties to the ECI.
- The unknown sources are income declared in the IT returns but without giving source of income for donations below Rs. 20,000. Such unknown sources include 'sale of coupons', 'relief fund', 'miscellaneous income', 'voluntary contributions', 'contribution from meetings/ morchas' etc. The details of donors of such voluntary contributions are not available in the public domain.
- Other known sources of income include sale of moveable & immovable assets, old newspapers, membership fees, delegate fee, bank interest, sale of publications and levy whose details would be available in the books of accounts maintained by political parties.
- For this analysis, 37 Regional recognised parties were initially considered, but out of them only 29 have filed both their Income Tax Return and Contributions report, rest 8 had not submitted either one of the reports
- Total income of 29 Regional political parties in FY 2016-17: Rs 347.74 cr.
- Total income of political parties from known donors (details of donors as available from contribution report submitted by parties to Election Commission): Rs

91.29 cr, which is 26.25% of the total income of the parties.

o Total income of political parties from other known sources (e.g., sale of assets, membership fees, bank interest, sale of publications, party levy etc.): Rs 179.37 cr, or 51.58% of total income.

Thus, Opacity in the funding of political parties leads to questionable practices of business financing and influencing politics in the country. If we are serious about eliminating the curse of black money, this is the area where we should focus our energies. This is not possible unless there is sufficient public support and enthusiasm. Do we have it in us?



2. How a nation can knowingly and deliberately denigrate and destroy its very own moral fabric?

Government welfare programs and freebies are usually doled out to buy votes. As compared to India, where this practice is prevalent, Japan does not have ANY welfare programmes like free LPG, free power, free laptops, free rice cookers etc.

Their motto: **Work for it or do without.**

These are possibly the 5 best sentences you'll ever read and all applicable to our Indian experiment:

- You cannot legislate the poor into prosperity by legislating the wealthy out of prosperity.*
- What one person receives without working for, another person must work for without receiving.*
- The government cannot give to anybody anything that the government does not first take from somebody else.*
- You cannot multiply wealth by dividing it!*
- When half of the people get the idea that they do not have to work because the other half is going to take care of them, and when the other half gets the idea that it does no good to work because somebody else is going to get what they work for, that is the beginning of the end of any nation.*

Good and sane citizens should stop this mania. Can we set an example by boycotting such blatant attempts to persuade voters to vote for a political party?

Code Of Conduct For Elected Representatives

Vice President of India and Rajya Sabha Chairman, Shri Venkiah Naidu, called for evolving a Code of Conduct for Members of Parliament and Legislatures. He made this remark during launch of the book "Moving on...Moving forward. A year in office." on his first year as Vice President and Rajya Sabha Chairman. Calling for reforms to improve the functioning of Parliament and State Legislatures, he said "In my view, political parties must evolve a consensus on the code of conduct for their members both inside the legislature and out of it. Otherwise, people might soon lose faith in our political processes and institutions."

3. Accountability of Elected Representatives in India

As a functional democracy, India's experiment could be rated exemplary by most institutional standards, if we take into account the free and fair elections at various levels, from panchayat to parliament, free press and fair judiciary. And yet, if one has witnessed the state of apathy in its

hospitals, schools, police stations, local courts, electricity and water supply offices, fair price shops etc., one is not sure anymore. Incompetent doctors playing with the lives of the sick, apathetic teachers, corrupt officials cooking up muster rolls, shocking misuse of power by the police give lie to the concept of responsible and accountable government. What is evident, therefore, is the systemic crisis of accountability. (Source: *Accountability Initiative, Centre for Policy Research, New Delhi*).

While accountability of officials of the government machinery is sought to be achieved through performance evaluation and grievance mechanisms, how does one bring about accountability of elected representatives?

To answer this question, we must be clear on what are the duties and responsibilities of elected representatives, say, Members of State Legislatures and Parliament. You will be shocked to know that nowhere in the Constitution are the roles and responsibilities of an MLA or MP clearly defined. In answer to a RTI filed by an activist in 2009, the Lok Sabha Secretariat said that there was “no provision either in the Constitution or the Rules of Procedure and Conduct of Business in Lok Sabha defining duties and responsibilities of members of Parliament or through which the accountability can be fixed on non-performing MPs.” The Bihar Assembly also believes that “there is no provision/rule through which the duties, responsibilities and accountabilities of MLAs are fixed.” And there was “no provision in the law through which accountability can be fixed” on non-performing MLAs, it said. The Haryana Vidhan Sabha secretariat said that while there were no specific acts defining the duties of MLAs, the “members are bound to bear the true faith and allegiance to the Constitution of India as law established, that he will uphold the sovereignty and integrity of India as per provisions of the Constitution of India.” The Assam assembly does not have specific rules. It said “As per parliamentary practice and convention, the members are bound to maintain the highest tradition in parliamentary life and they are responsible to observe good conduct both inside and outside the House as well.” The position regarding other state assemblies are not much different. However, in Sikkim, elected representatives have rules of procedure and conduct of business provisions “specifying the duties and responsibilities of MLAs towards the

August House being public representatives.” The Sikkim assembly secretariat, in reply to the RTI, said that the Sikkim provision says “it will be their prime duty to maintain communal harmony and peace among the people of their respective constituencies.” (Source: “MPs, MLAs have no duties and responsibilities, *Times of India*, 15/4/2011).

So, if you expect that the local MLA or MP would be responsible to maintenance of basic civic concerns, think again. MLAs/MPs do attend to such complaints out of fear of backlash from the voters. However, the main role of the MLA or MP is to enact laws, ratify public expenditure and hold the government of the day accountable by asking questions in the assembly.

Similarly, while the exact roles and responsibilities of an MP are not codified in the Constitution of India, section 3 of Article 105, which discusses the powers and privileges of MPs and of committees, lays the responsibility of defining the responsibility of an MP and committees on Parliament. It says “the powers of each House of Parliament, and of the members and the committees of each House, shall be defined by Parliament by law from time to time.” No such definition has so far been made.

Through various laws and otherwise, an MP is required to perform various responsibilities in Parliament and outside, which can be broadly classified into the following roles:

- a. *Legislative Role which means making laws for governance of the country (on subjects enumerated in the Union List and residuary subjects). This involves participation in debates on bills moved in the House by the Government or by any member of the House. This also involves voting for or against the resolutions/bills.*
- b. *Supervisory Role by which MPs exercise control over the executive through Parliamentary interventions such as Question Hour, Zero Hour, Calling Attention Motion, Adjournment Motion etc. Supervisory role is also achieved through participation in Parliamentary Committees, such as Estimates Committee, Public Accounts Committee etc.*
- c. *Electoral Role by which an MP participates in the election of the President and Vice President.*

- a. *Budgetary Role.* No tax can be levied and no expenditure incurred from the Consolidated Fund of India except with the approval of Parliament. MPs, through participation in the budget sessions, exercise their power to approve the budget expenditure.
- b. *Representative Responsibility.* An MP is the voice of his constituency. So, an MP raises issues relating to the well being and future of his constituency by raising these issues in the House and by meeting the concerned Ministers.

For a few years now, MPs and MLAs have access to MLALADS/MPLADS funds for local development where they have a role. This role is to recommend specific schemes to be funded in the constituency through these funds. (*Baijayant Jay Panda, M.P.'s answer to a question on what are the duties and responsibilities of a MP in India? Published in <http://www.quora.com> dated 21/1/2015*).

These then are the roles and responsibilities of MPs and MLAs. Don't you think that, by boycotting the proceedings of the House, the MLAs/MPs are not carrying out their responsibilities? Do you think a time has come when these duties and responsibilities should be codified and publicized so that people are aware what they should expect from their elected representatives? Do you feel that MLAs/MPs who do not perform should be recalled and there should be a provision in the electoral laws to enable this? Views would be welcome!

NEWS & EVENTS

□ On August 30, 2018, a children's activity was conducted at DUSC Secondary School, Maurice Nagar, Delhi. This activity was conducted with around 60 students of class VIII. The students were divided into groups and each group was given a case study related to values like honesty; love, care and compassion; responsibility; and patriotism. All the case studies had few questions like what would you have done in that situation, etc. Each group was given 15 minutes to discuss about the case and the group leader had to present the case with their solution. There was a very lively discussion in the class with active participation of all the students.



□ On August 31, 2018, a teachers' Workshop was conducted at Raja Ram Mohan Roy Sarvodaya Kanya Vidyalaya, Hauz Rani, Malviya Nagar, New Delhi. About 20 teachers teaching in the grades from III to VIII had participated in the workshop. The workshop was started with the recap session followed by a session on the feedback. The workshop was focused on the issue of indiscipline in the class and the school. The teachers themselves shared the problem of indiscipline and with the help of discussions and various case studies; the teachers agreed to develop a do's and don'ts list with the full participation of students for each class. Few individual cases were also discussed and it was suggested that such cases need to be handled by the Counselor and teachers agreed to discuss those cases with the counselor and arrange for one-to-one counseling sessions for such children.

Dear Readers,

FRNV invites stories from its readers on deep-rooted values that have helped us in our everyday lives. Some of these stories will be featured in the next issue of our newsletter. So put your thinking caps on, recall the values integral to your life which you cherish and write to us at shilpi@valuefoundation.in.