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## **Electoral Violence, Threats and Security: Problems and Prospects for Indian Democracy**

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#### **Abstract**

Electoral processes are very much about the management of social conflict through public dialogue, vigorous debate and the authoritative selection of leaders through electoral rules. At its core, and in line with the principles of democratic development, when people perceive that they have had an opportunity to be heard in a procedurally fair election, they are more willing to accept the results and grant legitimacy to the elected government to implement its policy and programs. Nevertheless, elections are not in themselves sufficient mechanisms for managing political change, when the players have not bought into the rules of the game. In such circumstances elections can act like a piece of tinder in a hayfield and just as easily ignite violence or conflict, as enable a peaceful transfer of power. While elections in India have meant more meaningful participation across a broad spectrum of society and better representation of all sections in politics, the incidence of electoral violence has grown along with Indian democracy. This trend reflects a complex mixing of socio-political factors and keen competition for political dominance among political parties. Elections, violence, hate and criminality have become intertwined over the decades. Strictly implemented reforms that covered the election process end-to-end, from voter registration and identity cards to a code of conduct for candidates to the adoption of electronic voting machines, have largely succeeded in securing the actual election process. But, electoral democracy continues to be plagued by criminal elements, often marshalled to serve divisive ends. Extending well beyond election management bodies, the ability of an electoral process to achieve its democratic development objectives relies on the political actors, government agencies and security bodies, civic and media groups and national purveyors of justice to uphold their roles in the process. The Indian democracy needs to take cognizance of the fact that just as almost all sectors of society have an interest in the outcome of an election; they have equal responsibility in promoting its integrity.

#### **Keywords**

Indian Democracy, Electoral Violence, Universal Suffrage, Electoral Process, Election Reforms

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#### 1. Introduction

In its simplest form, *election* is a means through which people make their choice of leaders. Election offers a medium through which citizens in a polity choose their representatives and political leadership. It also allows a degree of communication between the rulers and the ruled and further provides a means of legitimizing the rights of the rulers to govern. This legitimizing process has a two-way

function which includes the mobilisation of support for the regime and engendering positive attitudes amongst the governed [1]. Thus elections represent an important dimension in the efforts towards democratic consolidation in any country. It is true that robust democratic institutions are usually understood as the ultimate guarantor for social peace. However, owing to the fact that electoral processes are

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intrinsically about the attainment of political power, often in high-stake contexts, elections — as a process of competition for power — can also become catalysts of conflict [2].

Since elections are a contest for power, and are therefore inherently contentious; unless conducted fairly, they can (and often do) lead to violence. Political parties participating in an election use violence, intimidation and conflict to influence the results or timing of an election. This is particularly true when a particular side perceives the process as unfair or exclusive. As Jeff Fischer rightly observes, "when electoral violence occurs under these circumstances, it is not a product of an electoral process; it is the breakdown of an electoral process. The challenge, therefore, is to ensure that elections are fair, credible and transparent. An electoral process is an alternative to violence as a means of achieving governance. However, when an electoral process is perceived as unfair, unresponsive or corrupt, its political legitimacy is compromised and stakeholders are motivated to go outside the established norms to achieve their political objectives. Electoral conflict and violence, hence, become tactics in political competition" [3].

If "Democracy" is a competitive system with free, fair and regular elections and universal suffrage where citizens are guaranteed their main freedom rights,[4] then the Indian democracy has been by and large successful in regards to freedom of expression and association, and the existence of alternative sources of information. India "considerable scope to express political dissent and protest" [5] as well as "one of the world's freest presses and electronic media" [6], with the press are remaining "vigorous, free, and unafraid to challenge the government" [7]. Plus, India has an "important associational life" and an "active civil society" integrated by groups so different as language movements, Dalit and student movements, amongst others. Nevertheless, though one of the largest democracy in the world, it is also perhaps the most violent. As democracy in India has deepened, so it appears, has violence. According to official estimates, in the last decade alone, at least 23000 citizens were killed in Kashmir, 11,000 in the North East, and close to 8000 in Maoist related violence across states [8]. Hundreds have died in communal violence. Thirty thousand cases of murder have been registered every year adding up to an astounding three hundred thousand in a single decade [9]. Every change in government through election – particularly the government at the centre - has been the outcome of people's general will expressed in the election despite differences on local issues. To that extent there is reason to be proud. India has also been steadfastly making efforts for refining the system of electoral politics, but for which our democracy would have lapsed into non-functioning chaos. Nevertheless we are still in the critical zone of our

democratic polity as new challenges crop up to derail the system.

The threats to democracy in India are basically two criminalization of the electoral practice and communalization of the stakeholders. Criminalization is not merely criminals contesting election but resorting to criminal methods to win an election. Use of muscle and money power, threat, intimidation and inducement are part of criminalization of electoral politics. Moreover, communalization is a practice of divisive politics and it is inherently insidious to our nation building. Narrow parochialism on caste, class and religious lines has come to inform electoral politics in the country today. It is becoming increasingly difficult for the common people to stay immune from the psychological and physical pressures during election and the most damaging trend is that the voters are being reduced to becoming tradable merchandise. In the light of the above, this article is an endeavour to unravel the linkages between electoral violence and its challenges to the security of the voter/citizen as well as to the electoral process as a whole. The discussion is hence divided into:

- A theoretical background on the various aspects and manifestations of "electoral violence".
- Democracy, security and electoral "threat" analysis.
- The Indian democracy and the emerging challenge of election violence.
- A discussion on prospective alternatives to deal with the problem.

## 2. Electoral Violence: A Conceptual Analysis

The notion of violence-free elections is encapsulated in the term 'free and fair' elections, serving as a benchmark for determining their legitimacy. However it is interesting to note that elections can generate conflict rather than solving them [10]. For several reasons, violence can be an attractive option to influence the electoral process and outcome. In transitional and war-torn countries, incumbents are often manipulating or believed to be tampering with the electoral processes. The opposition parties also have incentives to further their strength through the use of violence. Spoiler groups' intent on disrupting the election may use violence to prevent the election from taking place or to make sure that the election outcome is declared invalid. Such violence is potentially damaging for democratic processes and can undermine progress towards democratization. Electoral democracy has come at a high price in many countries. Each year hundreds of people lose their lives in connection with competitive

elections. Electoral violence can suppress voter turnout, affect voter registration, prevent candidates from running for office, acerbate divisions in society, or even postpone an election or prevent it from taking place at all. While electoral violence is a longstanding phenomenon, ballots such as those in Afghanistan in recent years have brought attention to the challenge of establishing a secure environment that can facilitate free and fair democratic elections. Yet, electoral violence is not the preserve of transitional or fragile states alone. Even established democracies in Asia have instances of some or the other form of electoral violence.

#### The UNDP defines "electoral violence" as [11]:

Any acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process, or that arise in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections — such as efforts to delay, disrupt or derail a poll — or to influence the outcomes: the determination of winners in competitive races for political office, or securing the approval or disapproval of referendum questions.

When breaking down the different components of electoral violence there is general consensus on three main forms. The first, and most obvious, is that electoral violence involves acts of physical harm. Assaults and attacks on communities or candidates, gender-based violence, mob violence and political assassinations during the election campaign may force political contenders to leave the electoral process or prevent elections from taking place. The second is that violent acts can be targeted against objects, buildings and structures as well as people. For example, the targeting or deliberate destruction of campaign materials, vehicles, offices or ballot boxes may deter targeted communities from exercising their vote in a free and fair manner. The third indicator, threats and intimidation, relates to forms of coercion that are just as powerful as acts of violence [12]. Indeed the "threat" of violence, especially where there is a history of previous conflict, can have just as strong an impact on participation in, or even the outcome of, an election as actual physical violence.

In today's changing democratic contexts, electoral violence may feature:

1. Distinct victims who are targeted for their participation in a democratic process, who suffer the intentional consequences of acts against them or against the process, or who are so impoverished and focused on the struggle for survival that they become victims of de facto disenfranchisement.

- 2. Distinct perpetrators with diverse motivations and strategies, both rational and irrational, who reject peaceful institutional channels of making their voice heard in favour of disruptive tactics and physical harm
- 3. Distinct forms, tactics and strategies to disrupt legitimate electoral processes, to disenfranchise, or to protest pressure or punish perceived illegitimate electoral events
- 4. Distinct geography, including urban mobilizations, national and transnational crisis-communications, and the victimization of vulnerable rural and internally displaced population
- 5. Distinct time/space including all phases of the electoral cycle (pre-, during and post-elections) [13]

Within the context of a representative democracy, elections are perceived and managed as a process and not as a one off event that happens only on a given day or over a limited number of days. It is rather a process, known as electoral process or electoral cycle which can evolve in a continuous manner almost without interruption between two elections. This electoral cycle is generally divided into three phases, namely, pre-electoral phase, electoral phase and postelectoral phase [14]. The pre-electoral phase is the period stretching from the start of actual preparations for holding forthcoming elections to the end of the electoral campaign. Electoral phase is the polls, which generally last for a day (or several days in some countries). The post-electoral phase is the period between the closing of polling stations (meaning the end of the electoral period) and the declaration of final election results (after all electoral disputes are settled). USAID in its report on electoral security framework point out that electoral conflict and violence can occur during any phase of the electoral cycle. For example, in Bangladesh, political rivals have been engaging in violent attacks on each other during the pre-election phase. In Colombia, the Fuerzas Armadas Revolucionarias de Colombia (FARC), an insurgent guerilla group is known to have employed roadblocks and sabotage on Election Day in an attempt to suppress voter turnout. And, in Zimbabwe (2008), the Zimbabwe National African Party - Patriotic Front (ZANU- PF), the ruling party since independence in 1980, has inflicted retributive violence in the post-election phase against opposition leaders and supporters of the Movement for Democratic Change (MDC voters. These examples demonstrate that electoral conflict can be spontaneous and opportunistic, as in Bangladesh, as well as pre-meditated and centrally directed, as in Zimbabwe. This USAID report, however, tries to explain the electoral threats and tactics as being spread across five phases (as depicted in table 1).

Table 1. Electoral Threats and Tactics by Phase

Election Phase	Threats and Tactics
Phase I: The Long Run Up to Electoral Events 18 months to 3 months before Election Day	Intimidation or removal of independent judges
	Intimidation or targeting of election officials
	Intimidation or harassment of journalists
	Incitement to violence in the media or public (venue)
	Police or internal intelligence services targeting of meetings of opposition figures
	Protecting expanding or delineating turf or 'no-go zones'
	Increased rates of hostage-taking kidnapping and extortion
Phase II: The Campaign's Final Lap	Clashes between rival groups of supporters
	Attacks on election rallies or candidates
	Bomb scares
	Attacks or intimidation of election officials
	Attacks on observers, domestic and international
Phase III: Polling Day	Attacks by armed rebel groups to disrupt the polling to limit turnout, or to attack security forces on
	police stations
	Intimidation of voters to compel them to vote or stay away
	Attacks on election administrators or observers
	Physical attacks on election materials such as destruction of ballot boxes
Phase IV: Between Voting and Proclamation	Armed clashes among political parties
	Violent clashes among groups of rival supporters
	Vandalism and physical attacks on property of opponents
	Targeted attacks against specific candidates or political parties
Phase V: Post-Election outcomes and Their Aftermath	Attacks on rivals who have either won in elections, or were defeated
	Violent street protests and efforts by armed riot police to maintain or restore order, tear gas, firing on
	protestors, attacks by protestors on property or the police
	Emergence of armed resistance groups against an elected government
	Escalation and perpetuation of ethnic or sectarian violence

Source: Electoral Security Framework, USAID, July, 2010.

Election-related conflict has devastating effects on governance and development. When such violence occurs, it often impairs the function of the governmental institutions that emerge from processes where violence has tainted the fairness of the process and the legitimacy of election outcomes. From the perspective of democratic politics [15], violence and insecurity may affect the election results or the outcomes of elections in various ways. Threats and intimidation may be used to interfere with the registration of voters. Voter turnout may be influenced if large sections of population refrain from casting their votes due to fear of violence. Assaults, threats, and political assassinations during the election campaign may force political contenders to leave the electoral process or prevent elections from taking place. Although it is difficult to definitively describe causal connections, the linkage between election-related conflict and development is described best in terms of a vicious cycle in which strife and underdevelopment are mutually reinforcing. If election related violence undermines development and democracy, it goes without saying that it also entails a serious threat to the security of the people.

## 3. Democracy, Security and Election "Threat' Analysis

There exists a distinction between free election characterized by fair competition for power and electoral

fraud or sham referring to flawed elections staged by cynical rulers to perpetuate their rule. While the former fosters stability and legitimacy of political leadership, the latter usually stirs uncertainties which pose threats to security and stability of the state and its people. Free and fair elections ensure that popular sovereignty which is an intrinsic aspect of democratic ethos is operationalized and sustained. On the other hand, flawed elections usually rely on rigging, violence and other manifestations of irregularities designed to subvert popular mandate. When elections are marred by widespread irregularities, it leads to infringement of national values which constitute an integral aspect of national security. Such flawed elections if not reversed, lead to loss of confidence in the political system and in itself constitute a threats to national security and thereby the security of the voter/citizen.

In practice, the assurance of equitable security during an electoral process is essential to retaining the participants' confidence and commitment to an election. Consequently, security is both integral to the goal of an election and an inseparable part of the electoral process. There is no single model of elections or democracy that is universally applicable to all countries. An election is unique – defined not only by the electoral rules, but also shaped by the social values, politics, religions, history and culture of the people. In the same way, the security of an election is unique to the circumstances in which it is conducted. The stakes of any

given election are different – even if it is held periodically in the same country – due to the changing forces that shape the national interest and corresponding political agenda. As per the international institute for democracy and electoral assistance (IDEA), "democracy matters for human security because well-designed and inclusive political institutions and processes are the key to both preventing violence and managing conflict constructively, and because respect for human rights and public participation are essential for meeting human development objectives" [16]. The IDEA'S "Democracy, Conflict and Human Security Project" points out that democracy needs to be "reclaimed" today because:

- Democracy worldwide is 'under fire': contrary to the end-of-the-cold-war predictions concerning the triumph of democracy as a political system, there are glaring 'challenges of delivery' and new questions of popular legitimacy and for the long-term viability of the state.
- Democratization is instrumental to meeting human needs: many current challenges relate to the need for improved development and the reduction of inequality.
- Violent conflicts may have their origins in human insecurity: insecurity is linked to exclusion and lack of access to resources and power.
- There is a need for democratic practice: besides and above the indispensable formal institutional framework, the legitimacy and sustainability of democratic systems are perceived as depending increasingly on the responsible exercise of power and on giving voice to those who feel marginalized
- Democracy building is highly political and not just a technical exercise: respect for the dignity of citizens, local ownership and effective public policy dialogues are essential, with visible results in improved delivery.
- Democracy is about political power: the constructive use of such authority is predicated on legitimacy and ownership; clear accountability, 'checks and balances' and the decentralization of power are essential for effective response to human security needs.

The security challenges of the 21st century require the promotion of a broader definition of democracy that includes human rights concerns, capacity for social and economic development, accountability, the building of consensus in settings of high diversity, improving electoral processes, and promoting public involvement. Democracy's crisis stems from public dissatisfaction in many parts of the world with the inability of some elected governments to deliver economic opportunity for all, from the perception that in many countries democracy allows the state to be 'captured' by elites motivated by personal gain, from the

concern that transitions to democracy can stimulate violent conflict. In the words of Swarna Rajgopalan, "at their best, elections offer a safety valve that can prevent difference of opinion from escalating into conflict. Conversely, an election gone wrong can be the final straw for mobilising public opinion against a particular establishment. Free and fair elections bestow authority upon governments. Those who seek election, seek legitimate power. When the elections are not free and fair, the government that follows lacks legitimacy. Eroded legitimacy leads to alienation, a signal feature of insecurity" [17].

Election time threats and intimidation tactics have been identified as a major security issue as well as an all-pervasive challenge. Even established democracies like India have to grapple with situations of fraud, discrimination and various forms of election- related intimidating techniques. Intimidation can take many forms:

- pressuring voters before voting, such as threatening bodily harm, loss of employment or educational opportunities, and other physical or economic threats;
- pressuring voters to attend, or not attend, political meetings, rallies, marches, demonstrations or other events;
- pressuring a polling official or interfering with the independence or impartiality of electoral employees[18].

The theoretical analysis has clearly indicated that elections are a means and a process; whereas security is a value, an aspiration and a state of affairs. At their best, elections create a climate in which issues relating to the welfare and security of citizens can be amicably debated and differences resolved. They offer a safety valve that can prevent difference of opinion from escalating into conflict. Conversely, an election gone wrong can be the final straw for mobilising public opinion against a particular establishment—a mobilisation that can in turn take many routes, including insurgency.

It is a tragic reflection on civilization that in spite of much-publicized progress in various spheres of human activity, the resort to violence has been increasing. Even in India, where the apostle of peace and non-violence, Mahatma Gandhi, preached that violence is both degrading and derogatory to human beings, the menace has been increasing. Proof of this dismal phenomenon is found in the sharp increase in violent crimes in the country, including murders, stabbings and other manifestations of cruelty. The concept of "might is right" is being practiced with a callousness. Unfortunately, even elections have not been spared by this rampant display of power, be it money or muscle power.

# 4. The Indian Democracy and the Inconsistencies in the Electoral Process: The Challenge of Electoral Violence

India has experienced elections for innumerable times and has undergone great transition crossing several upheavals, engrossed with numerous discrepancies. Acclaimed to be one of the largest democracies in the World, India has a multiparty system, with hundreds of political parties competing for power both at the Central and State levels, in periodic elections. Elections in India involve complex political, mobilization and organizational logistics that remain unparalleled in the world. In the 2009 general elections, the Election Commission employed almost 3.5 million personnel to administer the elections and an estimated 2 million civilian police and security forces were deployed for order maintenance. In view of the isolated geographical conditions election arrangements involved various modes of transport and deployment of thousands of security personnel to counter threats by insurgents to set up some 700,000 polling booths.

However, the way our legislature and State assemblies function, does not make us proud. One of the major causes for the unruly and unproductive functioning of the legislatures is the quality of people who find their way into the legislatures. The birth of scourges like communalism, corruption, under-development, poverty, etc. can be attributed to the unethical practices, our leaders indulge in. There persists a big swarm of burning issues hampering the democratic piousness and productive representation in our Indian society. The rampant issues bulging out as a handicap to the election process are-

- Dominance of money power and Muscle power
- Criminalisation of politics
- Financing of election exceeding the legal limit
- · Booth capturing
- Intimidation of voters
- Buying Voters
- Tampered electoral rolls
- Large-scale rigging of elections
- Abuse of religion and caste in the enlistment of voters, etc.

Violence is also not uncommon in Indian elections. States like Bihar, Uttar Pradesh, Assam, and Jammu and Kashmir are particularly notorious, although violent clashes have occurred everywhere during elections at some point. Many groups attempt to prevent people from voting, or try to influence the final decision, by using violent means. Seen in this light, the quality of policing has a direct impact on the democratic rights of the people. The police forces in India face considerable burden due to the competitive nature of elections, difficult terrain, poor infrastructure, limited resources and organizational limitations. Protecting the security of voters and candidates, not to mention maintaining order during the electioneering period, presents extraordinary challenges. The factors responsible for this can be analysed under the following categories:

#### 4.1. Criminalization of Politics

Indian law prohibits a person from contesting election if he or she has been convicted of any criminal charges. This provision is easily circumvented, however. A large number of people, charged with serious crimes such as murder and rape, have still able to contest and win elections in the Indian system. This "criminalization of politics" has become a peculiar phenomenon of Indian politics with serious consequences for the police. By one estimate in 1997, 700 of 4,120 elected members of 25 State-level assemblies had criminal records. Of these, some 1,555 were accused of heinous crimes such as murder, armed robbery, rape and the like. The 2004 national elections further presented several disturbing examples of this feature. In the district of Siwan, Bihar, the Rastriya Janata Party (RJD) candidate was one of the most dreaded offenders. Criminal cases pending against him ranged from murder to extortion, kidnapping, violation of prohibitory orders, and theft. According to one report, as many as 32 candidates with pending charges contested the second round of general elections in Uttar Pradesh during May 2004[19].

The Parliament and State Legislatures elections are very expensive in India. The general election expenditure costs up to Crores of rupees, hence it can easily be said that politics in India today is "no common man game". Therefore, the solution is quite simpler, to have criminals in politics so that large amount of untaxed funds can easily generated. The use of muscle power can very well observed at the time of elections. The Politicians involve the criminals freely to effect the voting behaviour of the electorates. Politics is all about vote bank. At the time of election, the political parties try to woo every possible voter by hook or by crook. The help of murderers and robbers are taken to influence the votes and slowly these criminals become the integral part of legitimate process itself. Thousands and thousands of cases are pending in District Courts, High Courts and Supreme Court against these criminal cum politicians. Therefore, unless a person has been convicted, he is not a criminal. This

is the reason that they fight elections shamelessly, and take the help of the week judicial system to defend them.

Talking about the UP assembly election 2012 the Election commission of India has issued a list in which it was clearly stated that nearly 77 candidates are with a criminal background. The number of Lok Sabha members of the 2009 House with pending criminal cases against them is a whopping 162 out of 543, or nearly 30% of the entire house. This is an increase of nearly 27% from the corresponding number (128) in 2004. The number of LS members in 2009 with serious pending criminal cases is 76 out of 543, or 14%, an increase of 31% over the 58 members in 2004[20].

#### 4.2. Caste Politics in Election

Caste began to play an important role in the electoral process after independence. The fact that "caste" existed as an easily identifiable social cluster of people, made it an object of political mobilization by political parties in their quest for political support and votes. While the parties sought to exploit caste for its own electoral purposes, caste groups by making politics their sphere of activity got a chance to assert their identity and bargain for benefits and position in society. Today, the role of the caste in Indian elections has acquired new dimensions. This can be seen at all levels of the political process of the country. All political parties tend to give party ticket to candidates for contesting elections from amongst the numerically or otherwise dominant caste in every constituency. Major caste groups get representation in the council of ministers. Be it elections, political appointments or even formation of political parties, caste has been the major consideration.

#### **Caste based Violence**

Salma, a 32-year-old Dalit woman who was elected as president of the local Mandal Praja Parishad in Chittoor district, Andhra Pradesh in 1999, was abused and intimidated by the dominant caste men who initially encouraged her to contest elections. They said, "You are a Mala woman; you are not eligible to be in this post... you cannot sit in the MPP seat in front of us. If you sit in that chair, it degrades us; you are eligible to sit only in a normal chair. Just sign wherever we say and apply for three months leave and go away! ...If you don't listen to us, you cannot survive in this village." She considered her options, and eventually resigned from the position, allowing the dominant caste Vice- President to take over the work.

Source: Aloysius Irudayam s.j. Jayshree P. Mangubhai Joel G. Lee, "Dalit Women Speak Out Violence against Dalit Women in India Overview Report of Study in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh" National Campaign on Dalit Human Rights 2006 p. 4.

The influence of caste, however, varies depending upon the level of election and the region. Its influence is far more at the local and state-level political process than at the national level. Similarly, caste plays a greater role in the rural than in urban areas. In the rural areas and at the local level, the smallness of constituency and the fact that there is a greater face to face interaction account for the strong influence of caste in politics. In a constituency-based first-past-the-post (FPTP) system of election, the local caste clout, and ability to bribe or browbeat voters, and resort to polling irregularities like bogus voting enhances chances of victory. Though many criminal gangs are initially 'secular', they soon split on caste or communal lines. They clearly take advantage of social cleavages and position themselves as protectors of their caste or community, thus provoking primordial loyalties. That is why many criminals enjoy fierce local support. With such caste clout, musclemen at their disposal, and money accumulated through crime, they have natural advantages in a local election. In the FPTP system, what matters is to garner more constituency vote than any of the rivals. The losing candidate's votes do not count. Therefore, there is fierce competition for the marginal vote that a candidate can bring, which often is the difference between victory and defeat.

#### 4.3. Woman and Election Violence

Women constitute nearly half of the entire Indian population. However, the condition of women in India is miserable, due to illiteracy, poverty and backward social values. Keeping in view the prevalent circumstances, reservation for the women was suggested to emancipate the women from the drudgery of household. A debate has been going on to ensure women's reservation at every level of representative system of Indian Democracy, and even in the state administrative services. Under the Panchayati Raj system women's seats have been reserved at both the Panchayat level and the block & district levels. Some political parties are also debating the issue of giving at least 30% tickets to women candidates for contesting elections of state legislative assembly and also for the parliamentary elections, but women's reservation bill is still pending in the parliament.

According to Helen O'Connell, violence against women is "used to keep women in their place, to limit opportunities to live, learn, work and care as full human beings, to hamper their capabilities to organize and claim their rights. It is a major obstacle to women's empowerment, and their full participation in shaping the economic, social and political

life of their countries"[21] "Women are often subjected to threats, attacks, intimidation, physical and psychological violence and harassment by men just because they dare to speak up publicly in a patriarchal society. These intimidating threats acquire violent dimensions during elections [22].

Historically, politically prominent women have become victims of electoral violence through their associations, not their actions. In post-conflict and non-conflict countries, women often rose to political visibility as partners, wives, mothers and daughters of political personalities. In these roles they became targets for political opponents seeking to intimidate and disrupt electoral proceedings. As women's political visibility rises, so does their vulnerability to electoral violence targeted at political leaders and candidates. This risk is frequently amplified by anger against women's rejection of traditional roles and values. Women are, however, more often targeted as voters than men are.

Women are increasingly becoming victims of electoral violence in India, as they join social movements and non-governmental advocacy networks to voice their political concerns, including defence of human rights. Participation in local civil society groups has skyrocketed in the past two decades. Inevitably, as these groups clash with police, governments, rival parties or other opposing groups in both public and private protest, the number of violent incidents and the number of female victims of violence increase.

The Naxalite armed movement challenges the Indian state since more than 40 years. It is based on Maoist ideology and gains its strength through mobilizing the poor, underprivileged, discouraged and marginalized, especially in rural India. The Naxalite movements are a serious threat for the functioning of the Indian democracy. They are now active in 223 districts in 20 states and the strength of their armed cadres is estimated between 10.000 and 20.000. Due to the Naxalites control over certain areas and their armed fight against the state security forces, they are challenging the inherent ideals of the state, namely sovereignty and monopoly on the use of force.

The naxal movement has been one of the biggest threats to the general elections for quite some time now. The threat is spread right from the Nepal border to Tamil Nadu. Fifty-three districts have been identified as 'highly affected', while 17 are 'moderately affected.' 52 districts 'less affected' and 21 as possible targets of naxal activities. The affected states namely Bihar, Uttar Pradesh, West Bengal, Andhra Pradesh, Kerala, and Tamil Nadu have failed to crush them on their own. Bihar, Jharkhand and Andhra Pradesh have been facing the problem eternally. Thousands of central and state security personnel are stretched to their limit during the election as they fight a cat and mouse game with men and women who still swear by the dream of proletariat rule. For the Naxalites the entire election process is a target.

#### 4.4. Naxalism: The Maoist Challenge

#### According to preliminary polling data from Jharkhand (2009)

"Voter turnout was higher in the regions considered Maoist strongholds, whereas some places with little rebel presence recorded lower polling percentage. Initial figures show that polling percentage in the eight Lok Sabha seats varied between 42 and 58 percent as people braved Maoist violence as well as the mercury soaring to 42-46 degree Celsius in various parts. Number of people were injured in the attacks in many parts of the state while intermittent gun battles continued for hours in the forested areas of Jamshedpur and Giridih. Giving details of the violence, police said three people, including two officials going to polling booths, were injured in a landmine blast triggered by Maoist rebels in Kalamajo village of Giridih district. Maoist rebels set four trucks on fire at Sonuwa block of West Singhbhum district. Three electronic voting machines (EVMs) kept in a vehicle were also burnt. Polling was disrupted by rebels at four polling booths in the Singhbum constituency. On April 16, 2009 when nine people, including six Border Security Force (BSF) personnel were killed in Maoist violence. Maoist rebels attacked a camp of the Central Reserve Police Force (CRPF) in West Singhbhum district, where a gun battle between the militants and security lasted for four hours."

Source: "50-52 percent voting in Jharkhand amid Maoist violence" The Saea Times April 23, 2009, Ranchi.

#### 4.5. Booth Capturing

Booth capturing is a type of voter fraud that is most common in countries like India and Sri Lanka. It's a very obvious form of tampering with the results of an election, because it is extremely clear that it is occurring. Past incidents of booth capturing have resulted in violent fights breaking out at polling centres, especially if two rival candidates or their supporters show up at the same polling place. The practice of booth capturing became widespread in India during the 1970s and 1980s [23]. At first it tended to occur in northern parts of India, and then spread to other parts of the country. By 1989, the Indian government, sickened by the increasing rate of suppression tactics, passed laws that made booth capturing a criminal offense. In addition, the government created laws that allow the government to not count polling stations where booth capturing occurred, thus rendering the

practice much less effective.

#### Youth shot in Ludhiana, stray cases of violence (January, 2011)

A youth was shot in Ludhiana during violence witnessed during civic elections even as instances of booth capturing, damage to EVMs, stone-pelting were reported from across the state. The polls, which hold high stakes for the ruling SAD BJP alliance and the Congress, smarting from a humiliating defeat in the assembly polls, were held for Jalandhar, Patiala, Ludhiana and Amritsar municipal corporations on 8<sup>th</sup> January, 2012. Supporters of SAD and rebel Congress candidates clashed at Bazigar Colony in Ludhiana, leaving Banti Bajwa, 38, dead. Police said Bajwa was shot in the clash which erupted between supporters of SAD nominee Bajinder Singh and rebel Congress candidate Gurdeep Singh due to some old rivalry.

Source: "Youth shot in Ludhiana, stray cases of violence", Times of India January 11, 2012, Ludhiana.

Yet the practice still continues to a degree, even with the development of Electronic Voting Machines. Booth capturing now occurs in a systematic and planned manner. Generally, in large parts of India local patterns of caste and affiliations determine voting behaviour [24]. People of one caste tend to support or oppose a particular candidate depending upon caste affiliations and local politics. Largely, people vote for candidates belonging to their own caste, although different castes do join hands to build alliances. In the process, local caste leaders play a critical role in mobilizing support, creating favourable alliances and influencing voters to support a specific candidate or political party through the offer of incentives [25]. These local leaders act as vote banks and play an important role in getting people of their area to vote a specific candidate or political party [26]. If these leader support a particular candidate then booth capture becomes easier; the leaders use their influence and power to have votes polled for their candidate. If the leader denies support or fails to deliver then force is used. In many places only a predetermined electorate has the opportunity to cast their vote.

Booth capturing is carried out by hired criminals in a very organized way. First, booths are chosen carefully to minimize confrontation with the police and where citizen resistance is likely to be minimal. Second, those booths are targeted which are isolated or guarded by a small police force. Since a single booth is unlikely to affect the overall results most candidates plan targeting as many booths as possible. Thus, the logistics of transportation, quick getaway, and local caste based support and preparations for any kind of resistance are planned meticulously in advance. The candidates hire armed criminals, obtain vehicles and guns before the elections start, and spend considerable amount of money on these resources. Hence the threat of booth capture, conflict among the contesting groups and the harassment of polling staff as well as ordinary voters is real and poses formidable challenge to police authorities.

As the Assam example shows, the Election Commission's dependence on officials serving at the State level, and in public sector undertakings, clearly compromises its

effectiveness. All the "returning officers" (such as District Magistrates) and "presiding officers" (subordinate officers in charge of polling booths) deputed for election duty remain loyal to their parent organization and their political masters. In order to prevent local political rivalries from influencing these officials, they are generally deputed away from their region of work. This, however, creates situations where the deputed officials have little knowledge of local conditions, and are even unable to identify eligible voters. They rely upon agents of the candidates to verify the identities. Not surprisingly, bogus and deliberately targeted voting is fairly common in many regions. These can be shut down by people working at a voting location if they suspect booth capturing is occurring.

#### 4.6. Buying Votes

The practise of enticing the voters by distribution of stuffs in cash and kind to the masses are done since they form the major chunk of the voter bank. To the extent they are also served with liquor and drugs to gather votes, thanks to the slothful and sluggish people. And if these tricks don't fetch votes then intimidation and coercion serves as the last resort. By manipulating, tampering of electoral rolls or by use of force, intimidation and coercion the process of rigging of election has been quite successful down the line of several decades [27]. The National Election commission has directed the returning officer, civil society and any person to intimate about booth capturing or any kind of rigging to the commission to take strong action against the perpetrator of anarchy under section 58 A of Representation of people Act, 1951.

#### 4.7. Communal Riots and Election

Political actors may also use violence to advance their electoral interests. Wilkinson (2004) [28] for instance, has shown how patterns of Hindu–Muslim violence in India respond to the political incentives of state-level elected politicians: where incumbent parties or coalitions do not depend on minority (Muslim) voters, they lack incentives to prevent Hindu–Muslim riots. Such riots can be electorally useful, particularly to upper-caste Hindu nationalist parties

such as the Bharatiya Janata Party (BJP) who aim to prime the Hindu–Muslim political cleavage and thereby attract Hindu lower-caste voters. Wilkinson and Haid (2009),[29] for example, show that Hindu–Muslim riots that took place in 2002 in the western Indian state of Gujarat broke out disproportionately in the most competitive seats and resulted in substantial subsequent vote swings toward the BJP. Drawing on qualitative evidence suggesting that riots were planned as part of an electoral strategy, Wilkinson and Haid (2009) [30] refer to ethnic riots as a "particularly brutal form of campaign expenditure."

Nearly 80 people were killed and 400,000 displaced in fighting between Muslims and mostly Hindu Bodo tribesmen in north-eastern Assam state in August 2012. The mass flight was sparked by rumours that Muslims, a big minority in predominantly Hindu India, were seeking revenge for the Assam violence. Normally, there is little fallout in the rest of India from bouts of violence in Assam, which borders Bangladesh and is one of seven states connected to the main bulk of the country by a 'chicken neck' of land. This time, however, the grisly scenes unfolding in the far-flung northeast may fan communal politics in a country where simmering tensions between Hindus and Muslims have often been exploited for electoral gain.

As India heads for national elections in 2014 amid a sharp slowdown in growth, religious politics, along with a loss of jobs and wealth, could be a key issue. "The conflict in Assam is getting communalised," said Zoya Hasan, a political scientist at New Delhi's Jawaharlal Nehru University and former member of the National Commission for Minorities. "Right-wing nationalist parties are cashing in on this by calling Assam's Muslims 'foreigners' and 'illegal Bangladeshi migrants' who threaten the fabric of Indian society. They are not going to let this go so easily, especially with elections coming up and will try to make this a Hindu-Muslim issue."

There is a general consensus among intellectuals, authorities, and other observers that communal violence and politics are often linked to one another. The account of the 1990 riots in Hyderabad, among other factors, an explanation of the national, state-level and local political situations, contributing to a 'communal atmosphere' that is conducive to rioting. Although several investigations into communal rioting in India have suggested that political parties often polarize constituencies for electoral gain, at least two scholars in recent years have gone further and argued that political and electoral interests and incentives play a central role in producing communal violence.

Wilkinson argues that ethnic riots "are best thought of as a solution to the problem of how to change the salience of ethnic issues and identities among the electorate in order to build a winning political coalition [31]." His theory is based on an analysis of 167 towns in Uttar Pradesh (north India) for the period 1970 to 1995 and, more recently, of districts in Gujarat for the 2002 Hindu-Muslim violence where he finds violence to have broken out in the most competitive seats [32]. The Gujarat violence of 2002 is significant for recording the highest annual death toll in any event of Hindu-Muslim violence in a single state in the history of independent India— 984 persons, largely Muslims, were killed after 59 Hindu passengers on a train near Godhra town were killed on February 27. Killings were low where the Hindu nationalist Bharatiya Janata Party (BJP) was weak, but were also low where the BJP was strong; it peaked where the BJP faced the greatest electoral competition. Killings increased with greater economic deprivation, measured by underemployment and youth unemployment. Confounding expectations, violence was lower where Scheduled Castes and Tribes composed a higher proportion of the population. The fact that violence in towns and cities followed a political logic is confirmed by an analysis of the subsequent election: the BJP's vote increased most in districts with the worst violence. The anti-Muslim violence was termed a 'pogrom' that the Sangh Parivar planned and executed, with support of the Bharatiya Janata Party (BJP) government in the state for electoral benefits in the subsequent assembly elections [33].

The first large-scale Hindu-Muslim violence in the state occurred in 1969, in Ahmedabad city, following an argument over cows disrupting a Muslim religious procession. It claimed around 600 lives in five days [34]. The violence is usually explained as the result of communal propaganda by the BJP (then called the Bharatiya Jana Sangh) and two other parties, dominated by upper-caste Patidars and Vaniyas [35]. In the 1970s the Congress faced a serious challenge to its power in the state, but it eventually established a stable coalition of caste and religion known as 'KHAM': Kshatriyas (a political alliance of upper-caste Rajputs and lower-caste Kolis), Harijans (Scheduled Castes), Adivasis (Scheduled Tribes), and Muslims. In 1981 and then in 1985, violence occurred in Ahmedabad city between upper-caste Hindus and Scheduled Castes. While the first was entirely a caste-based conflict, the anti-reservation riots of 1985 transformed into a Hindu-Muslim conflict within one month [36].

#### 5. How to Deal with the Problem: Reform and Suggestion's

An all-encompassing policy for conflict-mitigation in an election cycle centres on the institutional design, political system and election laws of a given country. It also depends upon the acceptance and willingness of political parties and

actors to participate in the electoral cycle and accept results. While this can be partly attributed to the real and perceived independence, transparency and effectiveness of an electoral administration, peaceful elections still rely heavily on a political culture that is motivated by, and respectful of, democratic principles.

Heated political competition has fuelled electoral violence in India. Some candidates see elected position as a ticket to personal advancement. Campaigners often pay supporters to harass, threaten and physically attack citizens who intended to vote for their opponents .For example, just two weeks before the 2009 polls in West Bengal, a member of the Communist Party of India (Marxist), was shot and killed by Maoist rebels after refusing rebel orders that he resign from the party. Indeed, a decades-long Maoist insurgency in West Bengal has driven much of the electoral violence. Fraud has also disenfranchised many voters. Initially the requirement of money was felt for campaigning and since the majority voters were illiterate masses so, electioneering was required to be on a large scale. The candidates fetched support, aid and finances from criminals and muscle men. Generation and accumulation of money requires a robust support from the bureaucracy and these tend to encompass the bureaucracy too in the political web. After a while the criminals involved in non-bail able and cognizable offences themselves started participating in politics, since they could easily win the elections by threats and coercion. The battle of ballot became battle of bullets.

According to Ram Jethmalani, "Conducting elections in India, even in the states, have now become a major national exercise, almost akin to preparing for a civil emergency, lasting for weeks together. Thousands of election observers from the civil services across the country are commandeered to ensure that the elections are fair and free, disrupting their routine work for at least two months. National paramilitary forces are deployed to martially protect voting booths and prevent any threat, intimidation or force used during electioneering and on election days. The electoral exercise is indeed a celebration of our democracy, and a boon for the poor. Mighty political leaders woo and beg the subsistence and fringe populations to vote for them. Employment rates rise, especially of the unskilled, and the critical mass of the electorate smiles at the unlimited supplies of cash, booze and goods that reach them through ingenious circumvention of surveillance systems put in place by the Election Commission" [37].

Taking cognizance of these serious shortcomings several commissions have come up with the proposal for reformation of Electoral process in India. Prominent among them include the Goswami Committee on Electoral Reforms 1990, Vohra Committee Report 1993, Indrajit Gupta Committee on State Funding of Elections 1998, Law Commission Report on the Electoral Laws 1999, National Commission to Review the Working of the Constitution 2001, Election Commission of India with Proposed Electoral Reforms, 2004 and the Second Administrative Reforms Commission 2008. committees first outlined the alarming divergence and irregularities of the Election process and then made recommendations for its implementation. Other than dealing with challenges faced in the election process; the Election commission lays down the model of Code of conduct, since it is the custodian of fair and free elections. But the harsh reality is that political parties never obey the code of conduct. The Commission has taken numerous new initiatives in the recent past. Prominent among these are, a scheme for Electronic Media as a medium for broadcast by Political parties, checking criminalization of politics, computerization of electoral rolls, providing electors with Identity Cards, un-complicating the formula for maintenance of financial records and filling of the same by candidates.

The chief electoral officer in each of India's states and union territories has had the responsibility for allocating state police to help limit violence and fraud within their jurisdictions. When planning police deployments in the past, the electoral officers had relied on intuition and instinct rather than firm data on the location of trouble spots. As a result, police were not always assigned to the polling places most susceptible to fraud and violence. The political entanglements of the state police further complicated efforts to quell election violence. Because the police were an arm of the state government, the party in power could use the agency to its advantage, providing security based on the desires of its candidates, rather than the needs of citizens [38]. "Political pressure meant that forces were diverted from polling places where they were needed most," explained Ashish Chakraborty, an undersecretary at the commission. "The police were doing their own thing." Chief electoral officers had legal authority over the head of police in each state, and they could overrule politically motivated police assignments. But chief electoral officers had no way to monitor what was going on at each of the thousands of polling places in their states.

#### WEST BENGAL AND VULNERABILITY MAPPING

The state of West Bengal piloted the new tactic. Intense political competition and Maoist insurgency in some parts of the state meant West Bengal was more susceptible to trouble than many other places in the country. Using general guidelines drawn up by the commission, the head election official for West Bengal, Debashis Sen, and classified polling stations by

their level of sensitivity. These rankings helped election officials decide where to position the police and paramilitary. The commission also instructed the police to execute existing arrest warrants and to keep close tabs on likely offenders. Election officials in West Bengal said the mapping helped dampen violence and increase voter turnout on Election Day.

Source: Bose, Raktima, Vulnerability mapping of voters in West Bengal, The Hindu, March 9, 2011.

In addition, the state police were often slow to execute arrest warrants for people suspected of criminal offenses in the months preceding elections. Politics played a role in contributing to the backlog. After security personnel were deployed to polling places, the challenge became How to make sure they were doing their jobs fairly. The commission needed neutral observers who understood the dynamics of the local situation and knew the players. In particular, they sought to oversee any detention and monitoring of individuals. Unjustified arrests and other enforcement actions could discredit both the commission and the electoral process. During India's 2009 election, there were not enough uniformed personnel to guard every one of the country's 828,000 polling places or to keep the peace during the campaign period. It was then that the Election Commission of India introduced "vulnerability mapping" to help election officials decide where to deploy the police and paramilitary personnel ahead of polling day.

Tehrese Laanela suggests three things which countries like India could incorporate in the guidelines against electoral violence [39]:

- Training programs: polling station staff training has to be more interactive (role play activities, scenariobuilding) in order to increase staff capacity to handle election day complaints effectively before they escalate to violence
- 2. Dialogue among electoral stakeholders (political parties, EMBs, human rights organizations, security forces etc.) to create an agreement on the rules of the game, but also the build-up the commitment and relationships (exchange of information, regular meetings, contingency planning). Dialogue efforts are essential not only centrally but also on lower levels, ensuring that district/village level conflicts are resolved and that all actors respect the codes of conduct
- 3. Efficient and credible complaints processes: unresolved complaints are one of the main triggers for electoral violence (especially as they relate for instance to party registration), so the mechanisms to deal with them have to be efficient.

As the world's largest democracy, India delivers the world's largest exercise in voter participation. The UNDP in its report on India suggests that the following recommendations will ensure that the political rights of the marginalized are

realized and capacities are built within the electoral system to prevent violence [40]:

- New voter registration and the updating of voter lists should be simplified and conducted at regular periods.
- The Model Code of Conduct outlined by the Election Commission should be incorporated into law, and candidates who violate it should be reprimanded accordingly.
- A system for the verification of information furnished by candidates in affidavits should be set up, and those providing false information or concealing information should be barred from contesting elections.
- The speedy disposal of electoral disputes can be achieved by setting up fast-track special courts and tribunals.
- The Election Commission should be vested with more quasi-judicial powers to settle electoral disputes.
- Stronger legal provisions should be established to prosecute polling officials found to play a partisan role in elections.

#### 6. Conclusion

Elections are a procedural or institutional demonstration of democratic values and practice. As flawed as they might be, they by and large suggest that there is an aspiration in the polity towards the appearance of freedom of choice and freedom of political thought. When national identity, development and justice issues are part of electoral platforms and debated in seriousness, elections come to serve three purposes. They provide an opportunity for learning from multiple perspectives. People are able to make an informed choice. Because these issues affect people's ability to survive and thrive, elections ultimately further their overall security. It is commonly recognized that today, elections per se are not a source of insecurity and conflict. On the contrary, when they are well managed, they are expected to help prevent conflicts, arbitrate between the various concepts of managing state affairs and can even serve as a safety valve for any representative democracy worth the name. However, the nature of an election makes it vulnerable to a range of security threats against participants, infrastructure, information and materials.

Electoral violence may arise at any point during the electoral

cycle. Therefore a concerted effort should be made to entrench the quality of elections through an approach that gives support to the electoral cycle. This requires recognition of the types, manifestations, and causes of election-related violence in a way that informs the strategic design of prevention management programs. Preventative activities should also be woven into each stage of the electoral cycle, as should the careful assessment and tracking of violent incidents. The continuum of various phases of the electoral process provides viable entry points which could allow for early interventions to obviate, resolve, or mitigate conflicts. The electoral cycle approach focuses on consistent and continuous conflict mapping, monitoring, networking, training and building the capacity of key election stakeholders and civil society components. Secondly, in some countries the management of elections and subsequent violent outcomes indicate the absence of a democratic culture and dislocations in the broader structures of governance, including the equitable provision of socio-economic dividends which often results in exclusion and inequality and may sow the seeds of tensions. In these instances elections per se do not cause violence, rather it is the process of political competition which exacerbates existing tensions, exposing structural disparities and inequalities which stimulate the escalation of these tensions into violence. The ability of states to consider electoral violence as being often a manifestation of unresolved socio-economic and political issues rather than emanating from an electoral event will inform their actions which should move beyond ad hoc intervention.

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