

An open letter from an 'irresponsible' citizen

I have not spoken about the reason(s) for my intervention in the writ petition challenging the EC's deletion of names from the voters' list. This has enabled the Government to trot out its self-serving version in the media. Unfortunately, the involvement of a "celebrity" tinges the news with an adversarial colour; hence, my version!

Without believing in *conspiracy theories* by a political party, I tried to verify the facts revolving around deletion of my name and reviewed the concerned documents. I was intrigued by the overwhelming number of similar complaints. Further investigation revealed a certain pattern of "massive operational mistakes" (as admitted by Mr. Brahma in Delhi) in the revision of the electoral rolls executed by the booth level officers (BLO) assigned in the 34 Loksabha Pune constituency. Upon studying the concerned legal provisions and rules, the blatant violations of the same by the BLOs became evident. I was surprised to learn that any reasonable and timely relief was not available to citizens illegally deprived of their rights. The voters' illiteracy and ignorance in this regard is incredibly vast. The hovering news of duplicate inclusion of 1 lac voters from Sangali in the Pune constituency was shocking as well. If all this could happen in Pune, what will be the situation in cities where governance and rule of law exist only as exceptions?

The laws are woven in a manner which keeps the EC insulated from partisan politics, but in doing so lend a cloak of infallibility to the institution.

The right to vote is declared to be a statutory right contrary to the public belief that the same, being the pillar of democracy, must be a fundamental right. The electoral laws, framed in the 1950s and 60s, despite subsequent amendments, have not taken into account the ever-changing socio-political reality.

The judiciary seems to have deferred to the EC's supremacy, thereby condoning administrative flaws and inadvertent actions which deprive citizens of their right. Such infractions are considered negligible considering the daunting responsibility which the EC shoulders. Thus, the BLOs' not giving due notice of inspection or show cause notice prior to deletion of names is not to be considered denial of due process.

For example, the Rules mandate that a voter is considered to be “shifted” for the purpose of deletion from the voters’ list of a particular constituency only if he/she is moved out of that “constituency”. In reality, BLOs have deleted the names of people if they found the house to be locked or if the voter was temporarily absent or changed residence within the same constituency. BLOs are supposed to fill a form identifying the new address of the voter which is the basis for their *panchanama*. No such procedure was followed by them.

With the minimal expectation of causing a ripple, I preferred to approach the High Court. Without disturbing the on-going electoral process, various Petitioners tried to ensure exercise of voting for the deleted voters. Following 3 options were suggested -

a. Let a supplemental poll be conducted for 2 days, only in the 34 Pune Loksabha constituency, immediately as the election process is still going on; thus voters deprived of their right can vote without delaying or disturbing the process.

b. Let a supplemental poll be conducted immediately as stated above and those votes may be kept aside; counting of votes may carried on without considering those fresh votes. If the margin between the first 2 candidates is less than 2,71,662, those votes may be counted.

c. The counting of votes may be carried out. If the difference between the first 2 candidates is less than 2,71,662, do not announce the candidate; Supplemental poll as stated above may be conducted immediately; the winning candidate may be declared upon counting these fresh votes.

For all these options, the list of deleted names (2,71,662 in Pune constituency), may be considered as the deemed valid voters' list. Let people vote once their present proof of residence and identification are verified by the election officer at the booth.

The Hon’ble Judges, the custodians of citizens’ rights, are known to be progressive and socially committed. Even then we are not hoping for some path breaking precedent in voters’ favour. The deprived voters may not be allowed to vote; still the verdict will be respected by all of us. However, it may not be fair and just!

A fundamental tenet of good governance is that citizens are able to exercise their rights smoothly, but that doesn't seem to be the case here. Howsoever egregious the administration's flaws, the citizens will be branded as "irresponsible" for not acting in a timely manner to seek remedies. Instances of administrative mistakes such as two names being deleted from a family of four voters residing in the same house for over 20 years, or a voter who appears in the deleted list as 'expired' actually votes, or a voter's name may appear in three different constituencies... similar array of defects are traced to the citizens' non-vigilance!

Now, a brief clarification –

In 2004, I had requested the authorities to delete my name from the Mumbai voters' list by submitting necessary documents; but am I responsible if that hasn't been done in 14 years? Similarly, when my both residential houses are in the same Pune constituency and I have not changed my 'official' residential address, why should I assume that someone might actually declare me 'shifted' and delete my name without following the legally mandated process? (Interestingly, police had verified our address and cleared the new passport of my wife just around the same period when a BLO had quietly proclaimed my shifting!) When I had voted in the same Pune constituency thrice with the same address and identification, why am I expected to assume that my name will be missing from the voters' list?

"A person without a vote is a person without protection." Lyndon B. Johnson's words hold true for all times. It is incumbent upon the EC to take expedient remedial actions, to amend the laws to deepen democracy and to protect all the citizens.