6.1. CONCLUSIONS

SAARC nations, with a population of more than 1.62 billion people, are tied together through similar geography, spirituality and also with the problems and challenges stemming from the same historical background. This region had to fight for its freedom and overcome regimes of tension between ethnic groups. Leaders and citizens alike have cherished the dream of a democratic and peaceful social transition. This transition has led to severe crisis in these countries at times. International politico-economic processes, corrupt political leadership, inefficient state institutions and growing militarization all have affected regional development.

The crisis of democracy in these SAARC countries is manifested by pervasive nepotism and corruption, misappropriation of state funds, an absence of transparency and accountability in public administration, a lack of respect for the rule of law and ethical behavior in public life and reluctance to delegate administrative or financial powers to grassroots organizations. There is growing consciousness of injustice and discrimination among the rural poor, who have been ruthlessly exploited in the past by feudal elements. Measures have been taken to reduce the role of money in politics. However, electoral contests are generally won with money and the coercive power of local elites. India has a powerful and independent election commission, but many other election authorities in the region are manipulated in one way or another. During the elections to the Constitutional Assembly, Nepal introduced measures to control campaign costs, which had positive results.

Although a two- or three-party system has been progressively evolving in most of the countries of SAARC, the mainstream parties have been in decline in terms of ethos, functioning and programmes. The role of religious parochialism in politics has substantially increased in Bangladesh, India, Pakistan and Sri Lanka. Despite the introduction of one or other variant of local self-government, substantive devolution
has yet to take place in any of the eight nations. Democracy is yet to take firm root and democratic culture is still far from becoming the norm.

The political systems of SAARC countries have failed to bring about any major changes in governance, with the exception of India’s Village Political Governance System, *Panchayati Raj*. Mistrust of political parties and their leaders is common across SAARC countries. Changing political ideologies or splitting political parties have become common regional phenomena. Local and national political leaders change party in order to win an election or obtain position. The power game has led some political leaders to form their own parties. Incompetent politicians embezzle public funds and spend these to purchase loyalties. While all the SAARC countries have democratic governments, their governance is not truly democratic. It is a disturbing paradox in the region that the more vigorous SAARC democracy is, the more dysfunctional it becomes.

A close look at the electoral processes and political systems prevalent in SAARC countries reveals some major problems that affect the character of political formations, the level of participation, and the inclusion of women and minorities as well as the rural and urban poor, the peripheral regions and sub-national groups in the mainstream. In most cases, ruling elites dominate electoral politics, major political parties and the powerful institutions of state. While increased representation of women has been ensured in some countries, efforts to bring gender balance to representative systems, especially in national assemblies, have not yet proved successful. Democracy has become an occasional ritual for electorates manipulated by powerful groups. Violence is quite common, reflecting the existence of authoritarian tendencies across South Asian societies.

The outbreaks of unrest and violence following the promulgation of Nepal’s new constitution underscore the urgent need for a vibrant dialogue and respect for the principles of *panchsheel*. The constitution enshrines federalism, republican democracy and equality, inspiring other SAARC nations, and the challenges faced in its implementation are relevant to the entire region.
Elections are the most significant indicators of the health of a democracy. Indian electorates display complex symptoms making the political health check-up of India extremely difficult. There is an ever-increasing upsurge of democracy, noticeable from the growing percentage of participation in the election process from the underprivileged sections of the society as well as the rural masses in general. Interestingly the election data during the last 66 years and more clearly show that the rural and marginalized sections of the society have been participating in larger numbers while the share of the urban participation is declining in proportionate terms. However, there is growing voice against electoral malpractices, use of money and muscle power, and the overall civilization of politics.

Elections in Pakistan have been mostly controversial and have sometimes resulted in dangerous political polarizations, as losing parties raise serious doubts about the fairness of the electoral process. The trust in the EC is weak and its independence and integrity is doubted by most political parties. All governments, civilian and military, have been accused of manipulating the elections. The legal framework and procedures for conducting elections are quite elaborate and well practiced in Pakistan. The problem lies however in sudden changes in legal requirements and the short time frame within which elections have to be conducted under the new procedures. In Pakistan group discrimination in elections against women, lower castes and until very recently, against the minorities has been pervasive. Privileged classes, particularly landowners in the rural areas of Pakistan, dominate the electorate scene.

Currently in Bhutan, Bhutanese government is trying to improve the condition of representation and political participation in Bhutan. But the most challenging factor before the government is the cultural diversity in Bhutan. This cultural diversity has always had great impact on Bhutanese politics in which Drukpa culture is the most influencing factor. As a result, the elite section of the society, which is born and brought up in Drukpa culture try to make final decision on the issue regarding politics, administration and ethnicity in Bhutan. This was only the reason why after getting democratic constitution enforced in the year 2008 till the election of 2013, Bhutanese people could not ensure their participation in Bhutanese politics.
effectively. As a matter of fact, in Bhutan the Monarchy as a political institution has huge impact among other democratic political institutions. As a result, in the recently held elections, issues regarding voting behavior, election process, citizenship etc, could not fit in to the parameters of democracy still, there is marvelous need that the government of Bhutan must take some strong steps to improve and consolidate democracy in Bhutan.

After holding political authority for 30 years, President Gayoom of Maldives has become the longest serving political leader of Asia. The death of a detainee in Maafushi Island prison in September 2003, sparked anti-Gayoom protests, leading to the creation of a Special Majlis in 2004, entrusted with drafting a new constitution for the country. Under the new constitution ratified by the President in August 2008, the first multi-party Presidential elections were held on October 8, 2008. As no candidate gained more than 50% of the vote, there will be a runoff round on October 29, 2008 between the two candidates who secured the top two positions in the first round, Maumoon Abdul Gayoom and Mohamed Nasheed. The implementation of reforms under the new constitution and the composition of Independent Commissions designated to run the judiciary, police and conduct elections continues to remain a matter of grave concern for the new political parties in Maldives. For two decades, Maldives has experienced free and fair elections for the Presidency, but still cannot be qualified as a successful democracy. With a single candidate in a ‘yes’ – ‘no’ referendum the democratic credentials of the political authority are naturally questionable. Democratic essentials like the party system, freedom of speech have been recently introduced in the country.

In recent years the politics of Afghanistan have been dominated by the United States and the subsequent efforts to stabilize and democratize the country. As of 2006 the system of government in Afghanistan is in transition. A new constitution has been adopted, but still country lacks a legislature. Afghanistan political development may be, arguably, the fastest in recent history. The United Nations and other governments and organization play a vital role in rebuilding this new democracy’s political environment. Politics in Afghanistan has historically consisted of power straggles, bloody coups and unstable transfers of power. The country has been governed by
nearly every system of government over the past century, including a monarchy, republic, theocracy and communist state.

In Bangladesh, Parliamentary elections have failed to give an equal opportunity to all political parties due to the absence of effective regulations and its enforcement about the electoral process. It is also said that dissatisfaction over the electoral process is mainly due to lack of implementation of the existing election regulations. Apart from that, there is a range of fraudulent regulatory electoral practices, which include noncooperation of the political parties in introducing Electronic Voting Machine. In addition, there is a slowness of resolution of election disputes, and lack of monitoring over election campaign. As a consequence, the combination of these factors hinders a free and fair election process in Bangladesh. From the above discussions, it can be said that the fragility of the regulatory framework in Bangladesh have proved that simply holding elections does not ensure free and fair elections. It is also found that Election Commission cannot enforce regulations to electoral offenders which harm a free and fair election.

It is generally believed that the root cause of the crisis of weak democratic governance in SAARC countries is the expensive electoral process. This has been subverted by illicitly acquired money, which can also buy muscle power. The root cause of corruption is the role of illegally acquired money in politics. All the political parties spend huge sums on every election. The expense is treated as an investment to be recouped later. The electoral laws, especially those concerned with the observance of limits on election expenditure, must therefore be enforced. Reform is only possible if the people assert themselves and demand that the country be governed and not ruled, and that issues of good governance are seriously addressed. Public campaigns to secure the right to information could start a mass movement. A culture of silence in SAARC countries is a sign of the democratic deficit. Democratic governance begins with commitment to and respect for the sovereignty of citizens irrespective of religious, racial, linguistic, class, caste and gender diversities in an accountable, inclusive and participatory process. A radical reconstitution of governance is therefore required to make democracy functional.
The opinion behind the functioning of all Election Management Bodies in SAARC countries is that democracy must be defended and the hero of a democratic polity is the voter. The citizens’ active participation in democratic structures is the central necessity of the existence of democracy. Although the SAARC countries distribute a host of similarities in terms of geographical location, colonial history, postcolonial political anxieties like nation-building; the democratic institutions and statecraft in these countries have been designed and developed differently. A number of these nation-states have adopted modern constitutional representative democratic polity in the recent past; while others have and are still witnessing numerous instabilities and obstacles in the smooth functioning of the state and its institutions. The respective Election Management Bodies of these countries are also encountering newer challenges periodically and trying to tackle them efficiently to the best of their capacities but the inefficiency of supportive legislative mechanism in SAARC countries are nullifying the functioning of Election Management Bodies.

The SAARC countries differ in terms of electoral systems and have adopted specific strategies coupled with innovative technologies to meet their purposes. The respective Election Management Bodies have also collaborated with both domestic and international agencies to facilitate the administration of elections in a more proficient, transparent and speedy way. In addition, the Election Management Bodies need to launch more intense and user-friendly programs for voters and citizens, as well as enter into future collaborations with each other for mutual benefits and knowledge sharing.Democratic ideals can proliferate only when we start thinking beyond the nation as much as thinking within it.

6.2. SUGGESTIONS

The following suggestions should be taken into consideration for making electoral system free and fair manner:

6.2.1. Fast Track Courts to Deal with Criminal Charges Against Contesting and Elected Candidates:

In all the SAARC Countries there do not exist any mechanism for speedy trial of criminal charges against persons who contest elections hence delayed trial of
criminal charges against persons who contest elections is a serious cause of criminalization of politics. There is urgent need to establish fast track courts to try the criminal cases against persons who contest elections because most of the criminals contest elections again and again due to long pendency of criminal case against him. The speedy trail of criminal cases would debar these candidates to contest elections again. Criminal cases against elected candidates should be given top priority and heard without break until completed.

6.2.2. On line Voting/E-Vote:

One of the most needed reforms in the digital age is the ability to e-vote - the ability to register your vote through your phone or computer. It will get a major section of the population involved in the election process who do not go to election booth to cast their vote due to different reason. It will definitely increase the voting percentage we agree that the number of internet users is pretty low in India. But it is always increasing in the right direction. Also, India has one of the largest cell phone users base. According to wiki, there are 75.21 mobile phones for 100 people in India. We are not saying that we should completely switch to this system because there will always be a section of the population without access to phones or internet they can cast their vote manually. E-voting should be included just one of the extra means to vote.

6.2.3. Fixing the Maximum Age Limit for Contesting Election:

Bhutan is the only SAARC member country where there is provision for maximum age limit to contest the elections. But in India there is no any such provision like Bhutan. In this regard this research suggests that similar provisions must be incorporated in other countries.

6.2.4. Compulsory Online Disclosure of Party Individuals:

At present there is no provision for compulsory online disclosure of educational qualification, experience, previous records and criminal charges of party office bearers in SAARC Countries. In this era of digital revolution when internet has deep penetration across societies and connectivity with common masses, having
provision for online mandatory disclosure will certainly empower people to have better knowledge and understanding about the candidate.

6.2.5. Political Parties Ban on Accepting Cash Donations Completely:

Bhutan is only country which restricted cash funding of election and passed Election Fund Act, 2008. In India so far, all donations above 20000 Rs were disclosed to the Election Commission. However, political parties use to accept donations in crores and convert them into cheques of 20000 Rs and this is more than 75% of all collection of political parties where sources were unknown. Now, with electoral bonds, 100% source will be unknown. There is a good thing which happened in India is that government has put a maximum cap on cash donation which now stands at maximum of 2000/- Rs only. The government has decided to give precedence to the donors’ wish to be anonymous. Therefore this research suggests that cash donation to political parties should be completely banned in all SAARC Countries and the feasibility of having national electoral fund should be explored.

6.2.6. Right to Recall:

Changing dimensions of ‘right’ in 21st century has greatly expanded the scope of right of people to elect with right to recall. Some developed countries i.e. USA, Canada, Switzerland, Denmark and Venezuela have incorporated right to recall in their electoral system and therefore this research suggests that right to recall must also be introduced in SAARC Countries in order to strengthen democracy and make the elected representatives accountable to the people. In India, the Representation of The People (Amendment) Bill, 2017 was introduced in Parliament of India in order to incorporate the Right to Recall of Member of Parliament by enlargement of sec. 78 through sub clauses (C) to (I). In Chhattisgarh, Madhya Pradesh and Rajasthan, the right to recall has been incorporated in their respective Nagar Palika Acts. Thus, it is required to introduce a similar legislation at the national level as well.

In his budget speech on 1 February 2017, Union Finance Minister Arun Jaitley referred to the Election Commission’s recommendation in December 2016 to ban anonymous contribution “above or equal to” the amount of Rs 2,000.
6.2.7. **One Country One Electoral Roll:**

Nepal, Bangladesh, Bhutan and Afghanistan have provisions for only one electoral roll for every election. One electoral roll would be convenient for the voters as well as to the state machinery. In India practice of having different electoral rolls in Central, State and local body elections has created lot of problems and unnecessary burden and expenditure on government machinery.

6.2.8. **Linking Voter List to Unique Identification Schemes:**

In India, Election Commission has required linking the ‘Aadhar’ to curb ill practices in addition/deletion of names in voter list, ensuring transparency, authenticity and integrity of election. Having such system will further strengthen online voting system in future. Therefore it is suggested that all SAARC Countries must link their electoral roll with unique identification system.

6.2.9. **One Nation One Election/Simultaneously Elections:**

In SAARC Countries holding provincial and federal elections at different times has proved to be very cumbersome and costly and investing productive human resource again and again. It also increases the fiscal deficit. Ex CEC of India has A rightly remarked that “election is the root cause of corruption. More you are in election mode; more you are in corruption mode”. Therefore holding of elections together will help in reducing cost and curb corruption to a great extent.

6.2.10. **Ban on Contesting Election from More than One Constituency:**

Nepal and Sri Lanka has provisions for ban on the contest election from two constituencies. India, Bangladesh and Pakistan have provisions to the contest the election from more than one constituency. It is suggested that a person should only be permitted to contest from a single constituency in all SAARC Countries.

6.2.11. **Minimum Basic Qualification to Contest the Elections:**

The Constitution of Pakistan and Bhutan provides a minimum qualification of graduation degree to the contest election. But in India there is no provision for minimum basic qualification to contest the elections on national and state level.
Rajasthan is the first state to bring minimum qualification of Class X for contesting the Zilla Parishad or Panchayat Samiti polls, Class VIII to contest Sarpanch elections, and Class V for scheduled areas. The candidate should not suffer from leprosy. Government of Haryana also fixes matriculation as essential qualification for general candidates contesting the panchayat elections, while the qualification for women (general) and Scheduled Caste candidates has been fixed at Class VIII. However, in case of a woman candidate belonging to SC category contesting election for the post of Panch, the minimum qualification would be Class V pass. Therefore it is suggested that minimum basic qualification should be fixed to contest election in SAARC Countries also.

6.2.12. Salary Commission for Elected Politicians:

In all SAARC Countries there should be an objective criterion in fixing the remuneration of elected representatives. At present in some countries particularly in India there stands stark difference in wages of government employees and elected representatives who are also public servants.

6.2.13. Performance Reporting Against Election Manifestos by Election Commission

The Election Commission should also be charged with reporting on the performance of elected political parties against their election manifesto commitments. The Election Commission of all SAARC Countries should produce such performance reports on an annual basis. It should require all parties to lodge their manifestos with it, and require manifestos to specify performance measures for each commitment. Such a mechanism will significantly enhance the performance of SAARC democratic countries.

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2 See: The Rajasthan Panchayati Raj (Amendment) Act, 2016
3 See: The Haryana Panchayati Raj (Amendment) Act, 2015