

PANDEMIC DEMOCRACY IN MANIPUR: BY ELECTIONS AND COVID-19

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Abstract - This article provides an initial assessment of the many risks posed by the COVID-19 pandemic on the conduct of genuine and transparent elections in Manipur. It begins with explaining why elections are a vital part of democracy and then using the notion of the electoral cycle, constructs a risk matrix that assesses the relative impact and likelihood of risks to the cycle, as well as proposes a number of potential mitigations to these risks. The root cause of the by-elections in Manipur is to be the election of the Rajya Sabha which held on June 19, 2020 by indulging in cross voting in favour of BJP candidate. There is a clear that the rise of Covid-19 cases be increased during the democratic process of by-elections such as, mass rallies, congregation etc. without maintaining SOPs. The number of elections dimensions of the electoral cycle that can be disrupted and the need for solution raises significant questions about the future of democracy itself.

Keywords: COVID-19 pandemic, genuine and transparent elections, democratic process of by-elections, dimensions of the electoral cycle.

INTRODUCTION

The Election Commission of India gives nod for by-poll in five constituencies which was the root cause of one seat of Rajya Sabha (RS) election in Manipur by indulging in cross voting in favour of BJP candidate in the recent RS election held on June 19, 2020. At the first time the Election Commission of India (ECI) announced by-elections dates for three Assembly Constituencies (ACs) of Manipur, namely Wangoi, Saitu and Singhat due to the resignation and disqualification of MLAs of the respective constituencies after RS election in Manipur. Following the announcement, the election code of conduct came into effect in the area falling under Wangoi constituency and the entire district of Kangpokpi and Churachandpur, a release signed by Chief Electoral Officer (CEO), Manipur PK Singh. The three constituencies will go to poll on November 7 **along with two other constituencies, namely Lilong and Wangjing Tentha**, the schedule for which had been announced on September 29, 2020. Later on the ECI had already declared five constituencies as clear vacant and due for by-elections. There are Wangoi, Wangjing Tentha, Lilong, Saitu, and Singhat respectively. Election petitions for eight constituencies are still pending in the High Court. Elections for five Legislative Assembly seats in Manipur will be counting scheduled for November 10, the Election Commission announced. On this critical situation of the eve of by-elections during COVID-19 pandemic BJP candidate Ginsuanhau was elected unopposed as a uncontested candidate from the Singhat Assembly Constituency (AC) in Manipur which is the good sign of opening account of the BJP party. As the campaigning for the upcoming by-elections in four assembly constituencies is at its peak, extant Standard Operating Protocols (SOPs) for prevention of Covid-19 have taken a backseat amid the heat of the high voltage of poll campaigns. Meanwhile, four polling stations in Wangjing Tentha assembly constituency have been shifted for want of space to maintain social distancing during the day of voting. As per an order issued by District Election Officer, polling station number 34/16 – Wangjing Wangkhei (1) will be shifted from Wangjing Junior High School (W/W) to Wangjing High School (E/W); polling station number 34 /17 – Wangjing Wangkhei (2) shifted from Wangjing Junior High School (E/W) to Wangjing High School (W/W); polling station number 34/18 – Khongjom Shivnagar (1) from Khongjom Girls Primary School to Lalit Madhov Sharma High School; and polling station number 34/19 – Khongjom Shivnagar (2) will be shifted from Khongjom Primary School (S/W) to Lalit Madhov Sharma

High School (S/W). As the by-elections will be held on November 7, poll campaigning by different parties and their candidates are in full swing with activities like public meeting, door to door campaign among others. However, there is hardly any observance of the extant SOPs for prevention of Covid-19 spread. Even though District Election Officers are tasked to check and ensure strict observance of SOPs, almost all of the public meetings have crowds larger than the permitted numbers that too without maintaining social distancing. District Election Officers are to send officials and mark seating areas in order to ensure social distancing but no such measures are seen to be taken up till date. A candidate, who is fighting the by-election told the daily news '*People's Chronicle*' on the condition of anonymity that candidates are facing high risks in fighting elections during the COVID-19 pandemic. They are contesting the election as out of compulsion and they are sure that the by-elections will have its negative and serious impact in the fight against the pandemic after a couple of week or months. Even though there are rules to limit number of gathering in public event, no candidate can ask their supporters not to come considering the tempo of the by-elections is going on. ECI should have considered the situation before taking such decisions, the candidate opined. On the other hand, Covid-19 Task Force (CTF) found poll related activities like organising grand feasts, camera meeting, gathering among others without any care and seriousness for the pandemic and there is high risk for spreading of COVID-19 in the state of Manipur for the cause of by election. On this critical juncture elected unopposed from Singhat AC in the by-poll, Ginsuanhau Zou of BJP took oath as Member of Manipur Legislative Assembly on 28th October, 2020. Speaker Y. Khemchand administered the oath of secrecy and office at his Office Chamber attending with some cabinet ministers. After emerging out of the Speaker's Chamber, MLA Ginsuanhau told media persons that he would take up various development programmes to bring Singhat AC at par with other assembly constituencies. He also claimed that 26,000 voters of Singhat have trusted him and he is able to take oath as MLA due their blessing. He also credited Chief Minister N. Biren Singh and people of Singhat AC for the success by the grace of God and His will, he got elected as an MLA. And he also further for the success, with the blessings and love from the 26,000 voters from his Singhat constituency, he was elected as unopposed. Ginsuanhau Zou was elected unopposed after his one challenger Chinlunthang withdrew nomination on October 22 in 2020. The Opposition Congress did not field candidate in the Singhat AC. It was Ginsuanhau's third electoral triumph after being elected in the 2012 and 2017 assembly elections respectively. He was first elected on a Congress ticket in 2012 and re-elected in the 2017 assembly election. Ginsuanhau later joined the BJP along with four other Congressmen for which he was disqualified under the anti-defection law in August, 2020. The by-election for the remaining four ACs in Manipur will be held on November 7. Giving a free hand over public meetings which clearly flout SOPs and penalising commuters, show the lawlessness in the State, he further noted. The polling and counting of votes in Manipur will take place along with that for the 243-member Bihar Assembly. Elections in Bihar are to be held in three phases on October 28 and November 3 and 7 with counting on November 10. The decision to hold elections in Manipur has been taken after considering various factors like local festivals, weather conditions, movement of forces and the Covid-19 pandemic a statement issued by the Commission of the states. The Commission has also issued broad guidelines for holding elections in Manipur during Covid-19. The Commission has extended the postal ballot facility to various categories of voters including electors marked as persons with disabilities, electors over 80 years of age and those who are Covid-19 positive/suspected and quarantined home/institution. Similarly, for door-to-door campaigning the Commission has stipulated that a maximum of five people including the candidate and not counting security personnel would be allowed otherwise SOP could not be maintained.

OBJECTIVES OF THE STUDY

The major objectives of the study are:

- To study the historical background of by election in Manipur.
- To investigate problems and prospects of by election in Manipur.

METHODOLOGY

The study is based on primary and secondary data. The secondary data are collected from the printed journals, news papers, circulars, file materials, official record and documents. General information has been collected with the help of e-journal and internet. The collected data are analyzed by using experimental, historical and analytical method.

IMPACT OF BY-ELECTIONS IN MANIPUR STATE DURING THE COVID-19 PANDEMIC IN 2020:

Date	Positive Case	Deaths
5/11/2020	20120	196
4/11/2020	19503	187
3/11/2020	19241	184
2/11/2020	19091	180
1/11/2020	18750	171
31/10/2020	18502	168
30/10/2020	18272	164
29/10/2020	18051	160
28/10/2020	17809	156
27/10/2020	17604	150
26/10/2020	17424	144
25/10/2020	17162	139
24/10/2020	17022	138
23/10/2020	16777	132
22/10/2020	16621	127

Source: The Sangai Express English Edition

There is a clear evidence that the rise of Covid-19 cases be increased during the democratic process of by-elections such as, mass rallies, congregation etc. without maintaining SOPs. Even as the police are penalising commuters flouting SOPs issued by the Government to curb the spread of COVID-19 in the State, the same SOPs is openly discarded as by-election campaigns gather momentum in the State. It has been evident that no SOPs is being observed at big election rallies and meetings held in some assembly segments for some days now and apparently law enforcing agencies have no say on these ugly scenarios. With the COVID-19 threat seemingly sidelined, various sections of the society including student bodies have been raising questions whether election is worthier than the lives of many. Regarding the ugly development, the vice president of KSA, the student of the frontal organisation told the daily news the 'Sangai Express' English medium that nothing is more saddening than to see the leaders who actually should lead by example, indulging and encouraging public meetings which do not stick to relevant SOP just for the sake of promoting candidates sponsored by their parent political parties. No matter how hard the CSOs, student bodies and other sections struggle to fight the disease, the cause will remain unsuccessful unless leaders in various political parties play their part well, he further noted. Asking if there are separate SOPs for politicians, he also noted that it is very irresponsible on the part of law enforcing agencies to give a free hand and allow such crowded public meetings. If such differential treatment continues, people would start disobeying the SOPs and obviously aggravate the situation. Even if the by-polls are to be conducted, mass gatherings should be avoided and SOPs should be strictly enforced.

EFFECT OF RAJYA SABHA POLLS

The Manipur Pradesh Congress Committee (MPCC) General Secretary issued show-cause notice to two MLAs for cross-voting on the Rajya Sabha (RS) election which was the new and landmark history of RS election in Manipur. They had done allegedly cross-voting in favour of the opposition BJP in the recently concluded Rajya Sabha election for the one seat in the state. The notice was issued by the MPCC General Secretary to Wangkhei MLA Okram Henry and Sagolband MLA RK Imo Singh. Okram Henry is the

nephew of former Chief Minister Okram Ibobi Singh, who is also the leader of the Congress Legislature Party (CLP). RK Imo is the son-in-law of Manipur Chief Minister N Biren Singh. They have deliberately breached and acted against the decision of the Indian National Congress (INC) by indulging in cross-voting in favour of the BJP candidate in the recent Rajya Sabha election held on June 19, 2020 and this has not only violated the decision of the Congress party to support other candidate but it is also detrimental in maintaining the party principle, the notice stated. The two MLAs also reportedly participated in the felicitation of the BJP candidate who won the election, organized at the Chief Minister's bungalow. RK Imo has also been accused of accompanying the Chief Minister to New Delhi on a Chartered flight on June 30, 2020 without the permission of the party. So he frequent physical identification with the BJP Chief Minister of the state, which was often exhibited in the print and electronic media, amount to giving up the membership of the INC, thereby attracting the provision of the Tenth Schedule of the Constitution of India, the notice added. The party has given the MLAs two weeks to respond to the notice. If they fail to do so, the party would assume they had nothing to say, and the Party Disciplinary Action Committee would proceed to terminate their membership. The BJP candidate, Leishemba Sanajaoba, the titular king of Manipur won the one seat by getting 28 votes of the total 52 votes. The Manipur Assembly has 60 seats but eight MLAs were disqualified by the Speaker under anti-defection law prior to the RS elections.

TUSSLE FOR MANIPUR'S RAJYA SABHA SEAT

On the political upheaval, seven rebel Congress MLAs in Manipur ahead of the RS election for one seat in the state of Manipur on March 26, 2020. The seat is held by Kshetrimayum Bhabananda of the BJP, whose term ends in April, 2020. The Congress in Manipur has 28 MLAs, but eight of them switched over to the BJP to help N. Biren, Chief Minister of Manipur form a coalition government in 2017. The BJP had won 21 of the 60 seats. Of the eight MLAs who switched allegiance, Thounaojam Shyamkumar became the Forest Minister in the BJP-led Government and a case regarding his political status is pending in the Supreme Court. The other seven have claimed that they are very much Congress MLAs. So their candidate has a chance if the rebel Congress MLAs do not side with BJP. They are also hopeful of getting the vote of a Muslim Independent MLA, a senior Manipur Pradesh Congress Committee leader noted. The Congress is also banking on the BJP's regional allies, specifically the Naga People's Front (NPF), for its candidate to sail through. There has been some friction between the BJP and the NPF, which is a rival of the saffron party in adjoining Nagaland. The State Congress extended the deadline for filing nomination for the RS seat from March 9 to March 12 in 2020 after only one candidate, party spokesperson and academic personality namely Ningombam Bupenda Meitei, submitted his papers that he meet all his party MLAs at a personal level and had received positive vibes from them, Mr. Bhupendra Meitei told the daily national newspaper *'The Hindu'* from Imphal. While a section of the party leaders want Mr Bhabananda to be renominated, others have been batting for BJP veteran and former Union Minister Thounaojam Chaoba. The BJP is learnt to have asked Mr. Bhabananda, who is also the State BJP president, to choose between another Rajya Sabha term or shepherding the party's State unit. However Leisemba Sanajaoba, the titular king of Manipur was chosen by the central leaders as the BJP candidate in the Rajya Sabha poll.

DEMAND ON THE ASSEMBLY FLOOR TEST

The BJP won the one RS seat from Manipur on June 19, 2020 when the Congress led coalition parties met the Governor and demanded a floor test in the assembly, calling N. Biren Singh Government be the minority one. The Rajya Sabha election was held amid high political drama in the state, where nine MLAs supporting the BJP-led Government recently withdrew their support and noted they would back the Congress. While the poll result is a face-saver for N. Biren Singh, Chief Minister of Manipur the opposition is likely to challenge it in court. Manipur's titular king L Sanajaoba defeated T. Mangi Babu of the Congress winning 28 votes against 24, even as the speaker allowed four of seven former Congress MLAs who have been barred by the Manipur High Court from entering the assembly to vote, while disqualifying three BJP members who have joined the Congress and the Trinamool Congress MLA. In two other north-eastern states where RS polls were held, ruling coalition candidates and National People's Party president WR Kharlukhi won in Meghalaya and Mizo National Front's K. Kanlalvena wrested the

seat in Mizoram. In Manipur, besides the three BJP MLAs, four National People's Party members, an independent and the Trinamool Congress MLA had withdrawn support to the BJP-led Government. The high court had directed Speaker Yumnam Khemchand to restrain the seven former Congress MLAs who had joined the BJP from entering the assembly till further orders. In March, a minister who had joined the BJP after winning on the Congress ticket had resigned from the assembly following the Supreme Court order. Congress candidate Mangi Babu remarked that it was not a fair election and hinted at moving to the Supreme Court. Meanwhile, former Chief Minister Okram Ibobi Singh claimed to form a Secular Progressive Front Government in Manipur. On the prevailing situation he along with former Deputy CM Gaikhangam of the Congress and Y. Joykumar of the National People's Party met Governor, Najma Heptulla. Congress Spokesperson Ningombam Bupenda Meitei remarked that, he hoped there would be a Special Assembly Session soon for the trust vote. He further remarked that the Congress Party has the single magic number and have 24 Congress MLAs while the BJP alone had 18. They are confident of winning the trust vote. BJP leader Ram Madhav tweeted that Congress party couldn't win the RS seat in Manipur. Yet they went to Governor claiming that they have majority in Assembly. Their leader Ajay Maken and MP Gaurav Gogoi entered Manipur disregarding Corona guidelines. They have been promptly quarantined by the state health authorities. The ruling party, BJP denied to show their strength on the Assembly Floor of the House so that the struggle of the opposition Congress party came into null and void.

SIX CABINET MINISTERS DROPPED

On the conflict situation a major reshuffle ahead of Manipur Assembly by-elections during the COVID-19 pandemic, Chief Minister N. Biren Singh on 5th October 2020 inducted five new faces in the Council of Ministers after removing six Cabinet Ministers. Of the six Ministers dropped, three were from BJP - Education Minister Th. Radheshaym, Agriculture Minister V. Hangkhanlien and Nemcha Kipgen, the only woman Minister in the coalition government; two from its ally National People's Party (NPP) - Health Minister L Jayantakumar and Tribal Affairs Minister N. Kayisii; and one from Lok Janshakti Party (LJP) - PD Minister Karam Shyam for the smooth functioning of his government. In a swearing-in ceremony, five new Cabinet Ministers were inducted, including two MLAs who recently left the Congress to join BJP. One cabinet berth has been left open. One of the Congress MLAs is Okram Henry Singh, the nephew of former CM. Okram Ibobi Singh. CM. Biren Singh remarked that the sole objective of the reshuffle was the progress of Manipur while expressing his confidence that the government would be able to perform better with the rejig. The reshuffle comes two days after N. Biren Singh, Chief Minister of Manipur returned to Imphal from New Delhi accompanied by BJP national vice-president Baijayant Panda. The CM. had rushed to New Delhi along with Manipur BJP Chief Saikhom Tikendra Singh to meet the BJP brass, including national president J P Nadda. On leaving a Cabinet berth vacant, BJP national vice-president Baijayant Panda noted that the BJP-led Manipur Government has certain coalition partners. As such, the party would take the decision taking into account all the factors involved they would know as they went along. Panda noted the reshuffle would improve the stability of the Government. He further remarked that within two years, expecting a railway project to happen and similarly, very large-scale projects for water resources and many other things are being taken up for the development of the country and especially in the Northeast states. The Election Commission of India (ECI) has acknowledged five assembly constituencies namely Wangoi, Wangjing Tentha, Lilong, Saitu and Singhat due for bypolls among the 13 seats left vacant. The eight remaining constituencies would not go to the polls due to pending election petition cases in the court.

REASONS AGAINST THE BY-ELECTIONS

The Communist Party of India (CPI), Manipur State Unit strongly opposed to the by election during COVID-19 pandemic so as there is no any candidature from its party, the simple reason is that life is more important and weighed than that of by-elections. Not only this a huge amount of money has been incurred. Longjam Ratankumar, president of Ethno Heritage Council (HERICOUN), on the other hand reiterated their call to defer the by-election in view of the severity of the COVID-19 outbreak in the State. He remarked that the upcoming by-elections are not going to be held to fill the vacant seats after demise of

MLAs but because of the power tussle between politicians. People should rather study why there should be by-elections for mere resignation of MLAs who clearly disrespected people's mandate, he noted while highlighting the importance of a new legislation to stop such dirty political practise. Despite appeals from various CSOs, ECI has issued notification of by elections in 5 Assembly Constituencies in view of the vacancies, he noted while adding that the only way now left to all is to simply obey the SOPs. On these by-elections the Congress and independent candidates joined such elections as candidature to fight against the BJP candidates during COVID-19 pandemic. Further it is denouncing that Chief Minister, N. Biren for leading election campaigns of his party for the by-poll in total violation of the norms laid down by the ECI instead of focusing on the unabated Covid-19 positive cases in the state and checking price hike of essential items, CPI Manipur State Council staged a sit-in-protest demonstration at its Irawat Bhawan complex there on 27th October, 2020. Speaking to the newsmen at the sit-in venue, party leaders contended that the present government led by CM. N. Biren has been claiming to be delivering selfless service to the people, but in reality the government has been distancing itself from its very own people. Prime Minister Narendra Modi as well as CM. N. Biren have assured of making the land a prosperous society. However, instead of saving the lives of the people from the virulent Covid-19 and treating Covid-19 positive patients properly, the Chief Minister N. Biren has been focusing primarily on campaigning for candidates fielded by his party or extending support for the upcoming by-poll which is scheduled for November 7, so as to make sure candidates of his party win the election by hook or crook, the CPI leaders alleged. Pointing out that CM Biren has been campaigning for the BJP by violating the election SOPs issued by the ECI and they also alleged that the government is trying to force government employees to vote for BJP candidates. The resources of the state have been utilised for his party candidates. So, ECI should check and stop such gross violation of election code of conduct, senior CPI leaders including L Sotinkumar and Dr M Nara demanded. Manipur CM. N. Biren also expressed that community transmission of Covid-19 may have taken place in the state of Manipur.

CONCLUSION

Event	Date	Day
Date for Nominations	13 October 2020	Tuesday
Last Date for filing Nominations	20 October 2020	Tuesday
Date for scrutiny of nominations	21 October 2020	Wednesday
Last date for withdrawal of candidatures	23 October 2020	Friday
Date of poll	7 November 2020	Saturday
Date of counting	10 November 2020	Tuesday
Date before which the election shall be completed	12 November 2020	Thursday

Source: The Sangai Express English Edition

Thirteen seats of the Manipur Legislative Assembly fell vacant after disqualification and mass resignation of Congress MLAs after which thirteen seats fell vacant. By-elections for Five state assembly constituencies will be held in Manipur on 7 November 2020. Eight more vacant seats are also expected to be held in 2020. The first phase of the by-elections for 5 constituencies of the Manipur Legislative Assembly has been announced.

This brief overview of the many challenges for the conduct of by-elections during the time of the pandemic, shows that there remain many unknowns as the pandemic progresses and as governments responded. There are clearly no single or simple solutions to the election quandaries we set out however, given the number of elections, some of which are very significant for global politics, due to take place under the shadow of COVID-19, make it imperative that solutions need to be found, tested, and legitimacy secured if democratic institutions and accountability are not to be damaged. Given the centrality of elections to democracy and the large number of elections scheduled around the world during the pandemic in general but by-elections in Manipur in particular. It is vital that solutions for the conduct of genuine and transparent elections are to be highly necessary without any muscle and money power. Need of the hour is

required an effective solution to save the healthy democracy for future and compromise the fundamental human rights to voters and participate in the governance of a state for maintaining SOPs.

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