

# Political Reforms

*by*

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The purpose of a government is to make it easy for  
people to do good and difficult to do evil.

**William Gladstone**

# Democracy – Myron Weiner's Four Conditions

- Competitive elections
- Political freedoms for all
- Peaceful transfer of power and no retribution
- Real power with elected governments

# Nature of Our Democracy

## Genuine

- Elections
- Liberty
- Change of governments
- Political contention
- Independent judiciary

Contd..

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## Nature of Our Democracy

Deep rooted

- 1977 verdict
- Peaceful transfer of power
- Dalit and OBC empowerment
- Balanced federalism
- Local governments taking root

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## Nature of Our Democracy

### Stable

- Constitutional authorities
- Strong bureaucracy
- Tradition of neutrality of civil services
- Impressive administrative infrastructure
- Bipolarity in most states
- Stable conditions at the Union level
- Broad consensus on most policies

# Free and Fair Elections

- Disaggregate volatility
- Broadly reflective of public opinion
- Ruling parties and powerful candidates do lose
- Rejection vote common
- Strength of Election Commission
- No state-sponsored rigging
- Neutrality of civil servants
- Compensatory errors even when there are defects

# Distortions of State Power

- Positive Power restricted  
Negative power unchecked
- All organs are dysfunctional
- A system of alibis  
Victims of vicious cycle
- Change of players  
No change in the rules of the game
- Political process ought to be the solution  
But has become the problem itself

# Keys to Resolution

- Crisis is systemic
- Most players/politicians are victims of a vicious cycle
- Change of players not enough
- Change of rules of the game needed
- Institutions are the key
- Resources are not a problem
- The way they are deployed is the key

# Primacy of Politics

- To vilify politicians for the prevalent state of affairs is a knee-jerk reaction to a complex crisis that our democracy is facing
- There is no substitute to politics
- Politicians perform the two most complex tasks
  - Bridging the gulf between limited resources and unlimited wants
  - Harmoniously reconciling the conflicting interests of contending groups
- All this might result in misplaced faith in un-elected bodies

# Vilification of Politicians – Distortions

- Increase revulsion among middle classes
- Isolation of honest and competent politicians
- Failure to recruit fresh talent
- Bureaucratic inertia and negativism

# Vilification of Politicians – Distortions

- Usurpation of political turf by judiciary and other institutions
- Failure of rational public discourse
- Short-term populism
- Persistent anti-incumbency
- Good performance of individual legislators not rewarded

# Politicians and Reform Process

- There is a need for a comprehensive look at our political system
- The governance crisis is not limited to our political process alone
- Our bureaucracy and judiciary too have glaring inadequacies
- Any reform has to begin with the political process
  - Every election is a mandate for peaceful transformation
  - Politicians should drive change in other segments of state

# Democratic Reform Agenda – Major Steps Forward

- Mandatory disclosure of candidate details
- Right to information law
- Post office for voter registration accepted in principle
- Anti-defection law
- Limiting the size of Council of Ministers
- Changes in Rajya Sabha election
- Progressive law on political funding
- National Judicial Commission in pipeline
- Law on Local Courts in Parliament

# What is Wrong With Elections?

- Flawed electoral rolls
- Polling irregularities
- Unaccounted and illegitimate use of money power
- Rampant criminalization
- Autocratic political parties

## Defective Electoral Rolls

- 1999 Sample Surveys: 15% errors in villages  
40% errors in towns.
- 2004 Sample Surveys: 5.25% errors in villages  
12.15% errors in towns.

## Verification of Voters' Lists in Andhra Pradesh

### Survey of Polling Stations in AP 1999

Details of electoral rolls verified		Deletions Required (Errors of Commission)						Additions Required (Errors of Omission)				Total Errors	
		District	No. of Polling Stations	No. of Voters	Moved out of the area	Death	Other	Total	% of vote	Attained 18 years of age	Moved into the area		
Rural	29											22297	1634
Urban	27	18102	4218	273	211	4702	26.00	653	2761	3414	18.9	8116	44.8
<b>Rural+ Urban</b>	<b>56</b>	<b>40399</b>	<b>5852</b>	<b>761</b>	<b>395</b>	<b>7008</b>	<b>17.30</b>	<b>1100</b>	<b>3353</b>	<b>4453</b>	<b>11.0</b>	<b>11461</b>	<b>28.4</b>

# Election Watch – 2004 – Pre-Poll Survey

Location	No. of Constituencies	No. of Polling Stations	Total No. of Voters	Additions required	Deletions required	Total No. of Additions & Deletions	
						No.	As % of total Voters
RURAL	37	71	70848	1634 (2.3)	2086 (2.94)	3720	5.25
URBAN	22	41	41042	2205 (5.37)	2782 (6.77)	4987	12.15
TOTAL:	59	112	1,11,890	3839 (3.43)	4868(4.35)	8707	7.78

## Simple Solution

- Post office as Nodal Agency for registration
  - Voters list on display
  - Sale of electoral rolls
  - Statutory forms supply and sale
  - Verification of applications
  - Registration / deletion / correction
  - Provision for appeal

# Benefits of Post Office as Nodal Agency

- Access and transparency in voter registration
- While revision of rolls continues as now, the burden of ensuring accuracy shifts to the community
- Abuses can be checked by access, transparency, and appeal
- Postal department can earn decent revenues
- Public satisfaction and credibility of electoral process will improve significantly

## Other Polling Irregularities

- Bogus voting rampant
- Personation of voters is the commonest method.
- EVMs cannot prevent false voting
- Voter identity card is a vast improvement, but not a safeguard against collusion or coercion.
- In certain pockets, non-Indians registered as voters

# Post Poll Survey – Andhra Pradesh – 1999

## 1999 Assembly and Parliamentary Polls, Hyderabad, AP

Assembly Constituency / Polling Booth No.,	No. of voters	No. of votes polled	No. who reported that they actually 'voted'	No. not voted or doubtful cases				Percentage of doubtful and 'not voted' votes
				Residing in the area but not voted	Left the area but residing within the city	Left the city/ country etc	Total	
1	2	3	4	5	6	7	8	9
207/173	1143	625	483	5	91	46	142	22.7
207/176	956	459	377	15	41	26	82	17.9
209/93	725	428	306	20	95	7	122	28.5
209/75	989	495	380	42	72	1	115	23.2
210/426	893	476	399	22	49	6	77	16.2
<b>Total</b>	<b>4706</b>	<b>2483</b>	<b>1945</b>	<b>104</b>	<b>348</b>	<b>86</b>	<b>538</b>	<b>21.7</b>

# Election Watch 2004 – Post-Poll Survey

<b>Location</b>	<b>No. of Constituencies</b>	<b>No. of polling Stations</b>	<b>Votes Polled</b>	<b>Bogus Votes</b>	
				<b>No.</b>	<b>As % of votes polled</b>
RURAL	16	29	18069	169	0.9
URBAN	9	16	8894	168	1.9
<b>TOTAL:</b>	<b>25</b>	<b>45</b>	<b>26963</b>	<b>337</b>	<b>1.2</b>

# West Bengal – 2001

Total number of voter complaints	519	%
No name specified	72	13.87
No part number	137	26.4
Complaints type		
a) Vote already cast	197	37.96
b) Long queue of voters / very slow vote	12	2.31
c) Bombs thrown / fight broke out	32	6.17
d) Others	278	53.56
Total	519	100

## What Can be Done

- 100% voter identity cards
- Amend rules to ensure mandatory repoll if tendered votes exceed 1% of votes polled. (Tendered vote is proof of false voting)
- Wide publicity to tendered vote
- Citizen ID cards wherever illegal immigrants are in large numbers

# Criminalization of Politics

## Current situation:

- Sec 8 of RP Act provides for disqualification for certain convictions
- Sec 8(4) gives immunity to incumbent legislators until appeal is disposed of
- Many known criminals in legislatures
- Disclosure of criminal record is now mandatory (EC notification dated 27<sup>th</sup> March 2003 pursuant to Supreme Court's final judgment)
- Certain anomalies in law regarding period of disqualification corrected in RPA by amendments

# Criminalization – What Can be Done

- Disqualification for grave and heinous offences
  - The draft ordinance of July 2002 could be the basis
  - Charges of murder, abduction, rape, dacoity, waging war against India, organized crime, narcotics offences are adequate grounds
  - Fair reconciliation between the citizen's right to contest and community's right to good representation
- Sec 8(4) should be amended to give immunity only for the current term. In the next election all candidates stand on the same footing.

# Criminalization – What Can be Done

- Disclosure norms should include past acquittals
  - People have a right to know all records
  - The Supreme Court judgment of 2002 provided for it
  - Empirical evidence shows that several of the worst criminals have no charges pending. Past acquittals in respect of serious charges are a better guide
  - In AP – 13 candidates of major parties with notorious criminal history have no charges pending, but were acquitted of murder – several murders in some cases – of them three were elected to legislature
  - Our conviction rate is only 6%

# Unaccounted Money Power

- Recent Developments
  - The Sept 2003 amendments are far-reaching. India has one of the best funding laws.
- Key provisions
  - Full tax exemption to donors (individual or corporates)
  - Mandatory disclosure of all contributions of Rs 20,000 or more
  - Free air time on all electronic media – private or public – to recognized parties and candidates.
  - Removal of loopholes under sec 77 of RPA

# Funding Law – Unfinished Agenda

- Free media time not implemented as rules are not framed
- No incentive to disclose, except tax exemption to donor. Severe penalties on donor for non-disclosure will be salutary. No donor will risk jail term for undisclosed contributions. But parties and candidates have incentive to avoid disclosure
- Compulsory statutory auditing of party accounts must be provided for
- Election Commission to be the final authority for determination of compliance

# Funding Law – Unfinished Agenda

- RPA must prevail over Cable Television Network Rules, 1994, which prohibit political advertisements (Sec 39A of RP Act)
- The law must explicitly provide for political advertisements – in the light of SC directives for monitoring and pre-censorship. All such pre-censorship should cease. There can be fines for violation of broadcasting code
- Much more creative and imaginative use of media time – live party and candidate debates at all levels.
- US debates format. Law provides for free time in all electronic media including cable networks
- Rules under RPA must cover these details, while EC will decide allocation of time based on a party's past performance

# Is This Enough?

- Some of the reforms are in the right direction, but are not enough
- Systemic deficiencies in all spheres of governance left untouched
- If they are not addressed immediately, will undermine the unity of the nation and severely cripple economic growth

# Crisis of Governance

- Inefficient state apparatus
- Unresponsive bureaucracy
- Ineffective judicial system
- Increasing lawlessness
- All-pervasive corruption
- Criminalization of politics
- Money and muscle power in elections
- Political instability
- Erosion of legitimacy of authority

# Shifting Nature of Corruption

- Inexhaustible appetite for illegitimate funds
  - Telgi stamp scam
  - Satyendra Kumar Dubey's murder
  - CAT exam papers' leak
  - Warrant against President Kalam and Chief Justice VN Khare
  - CGHS scam

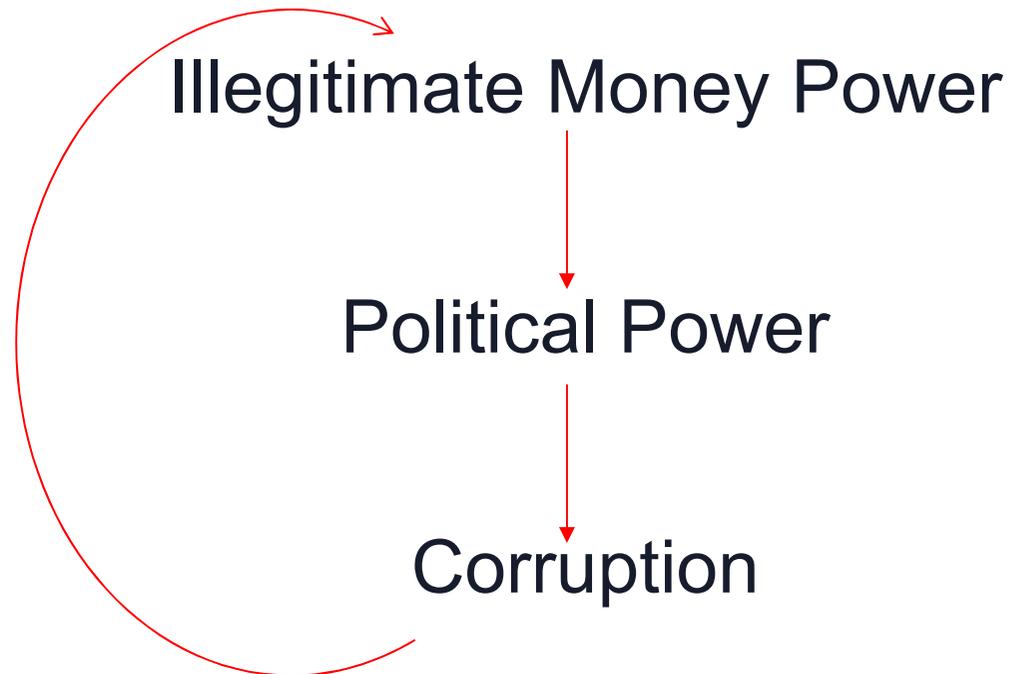
# System Caught in a Vicious Cycle

- Inexhaustible demand for illegitimate funds
- Most expenditure incurred for vote buying
- Rise of political fiefdoms
- Vote delinked from public good
- Taxes delinked from services
- Political survival and honesty incompatible
- Social divisions exacerbated
- Competence and integrity excluded
- National parties marginalized

# Failure of Political Process

Interlocking vicious cycles

Inexhaustible demand for illegitimate funds



# Most Expenditure is to Buy Votes

Voter seeks money & liquor

More expenditure

Large spending may or may not lead to success, but failure to spend almost certainly leads to defeat

Greater corruption

Greater cynicism

Voter seeks more money

Contd..

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## Rise of Political Fiefdoms

Need for money, caste and local clout

↓  
Parties are helpless in choice of candidates

↓  
Rise of political fiefdoms

↓  
Absence of internal party democracy

↓  
Competition among a few families in most constituencies

↓  
Oligopoly at constituency level

Contd..

Contd..

## Vote Delinked From Public Good

Centralized polity

↓  
No matter who wins, people lose

↓  
Vote does not promote public good

↓  
Voter maximizes short term gain

↓  
Money, liquor, caste, emotion and anger become dominant

↓  
Vicious cycle is perpetuated



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# Political Survival and Honesty Not Compatible

Parliamentary executive

Government survival depends on legislative majority

Legislators spend a lot of money to get elected

They need multiple returns to sustain the system

Corruption and misgovernance endemic

Government has to yield to legislators' demands

Corruption is perpetuated even if government has the will

Honesty not compatible with survival



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## Competence and Integrity Excluded

FPTP



Need for money power and caste clout



Honest and decent elements have little chance



Bad public policy and incompetent governance



Deepening crisis

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## Oligopoly of Parties

FPTP

Only a high threshold of voting ensures victory

Parties with 35 - 50% vote, or social groups with local dominance get elected

Significant but scattered support pays no electoral dividends

Voters prefer other “winnable” parties

Marginalization of reformers, and national parties

Regionalization of polity & perpetuation of status quo

# What Ails Bureaucracy

- Life time security of bureaucracy
- Penchant for centralization and secrecy
- Lack of professionalism and specialized skills
- Absence of incentives for excellence
- No accountability
- Corruption and maladministration

Contd..

## What Ails Judiciary / Rule of Law

- Laws delays
- Poor selection of Judges
- No accountability
- Political control of crime investigation and prosecution

# Key Reforms

- Independent Anti-Corruption Commission
- Empowered district and city governments
- Specialization and Civil Service reforms
- National Judicial Commission
- Independent crime investigation
- Proportional Representation
- Direct election at State and Local levels

# Two Paths - Choice is Ours

German example vs USSR example

- Freedom enhancing
  - Democratic
  - Orderly
  - Integrating
  - Growth-oriented
- Tyrannical
  - Chaotic
  - Disintegrating
  - Debilitating

“Politics encircles us today like the coil of a snake from which one cannot get out, no matter how much one tries”

- ***Mahatma Gandhi***