LOK SATTA

People Power

Civil Society and Governance

LOK SATTA’s Experience in Election Watch

7th - 9th May, 2003, Public Affairs Centre, Bangalore
True Swaraj

The real *Swaraj* will come
not by the acquisition of authority by a few,
but by the acquisition of the capacity by all
to resist authority when abused

- Gandhiji
Indian Democracy – Impressive Record

Myron Weiner’s Democratic Practices

- Competitive elections
- Political freedoms
- Peaceful transfer of power & due process
- Government accountable to people
Key Ingredients of Democracy

- Freedom
- Self-Governance
- Empowerment
- Rule of Law
- Self-correcting mechanisms
Crisis of Governance

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

- Disaggregate volatility
- Broadly reflective of public opinion
- Ruling parties and powerful candidates do lose
- Rejection/Negative vote pretty common
Micro Perspective of Indian Polity

- Money power dominant
- Criminalization rampant
- Voting irregularities frequent
- People take money to vote
- Caste and divisive impulses are prominent
How is Democracy Surviving?

• A system of compensatory errors (competing distortions neutralize each other)

• Strength of Election Commission

• Tradition of Neutrality of Officials

• Pre-polling process scrupulously fair (nominations, ballot papers, appointment of polling officials etc.)

• Post-polling process - completely non-partisan (transport, storage and counting of ballots and declaration of results)
What is Wrong with Elections?

• Polling irregularities

• Autocratic political parties

• Money power

• Criminalization
Governance at a Glance

- Governments spend Rs. 1800 crores every day

- Out of 27 million organised workers, government employs 70%

- Fiscal deficit (Union and States) remains at 10% GDP

- 50% Union tax revenues go towards interest payment
Irreducible Role of Government

- Public order
- Rule of law
- Justice
- School education
- Healthcare
- Infrastructure
- Natural resource development
- Social security
Distortions of State Power

- Positive power restricted
  Negative power unchecked
- All organs are dysfunctional
- Crisis is systemic
- Political process ought to be the solution
  But has become the problem itself
In a Sane Democracy

- Political process should resolve the crisis
- Parties, elections and public office are the route to reform
- In India a vicious cycle operates
Interlocking vicious cycles

Inexhaustible demand for illegitimate funds

Illegitimate Money Power

Political Power

Corruption
Interlocking Vicious Cycles

Most expenditure is to buy vote

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..
Interlocking Vicious Cycles

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..
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

Contd..
Interlocking Vicious Cycles
Taxes delinked from services

Only 16% of GDP collected as taxes (union & states)

Fiscal deficits and crisis

Higher Taxes
- Unacceptable because of corruption and poor services

Desubsidization
- The poor do not see alternative benefits for the subsidies given up

Wage Reduction
- Centralization and Art 311 preclude it

Deeper fiscal crisis

Poorer services and public goods

Perpetuation of poverty and backwardness

Contd..
Interlocking Vicious Cycles

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
Keys to Resolution

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

- Assert people’s sovereignty

- Fundamental democratic transformation

- People centered governance
# Key Reforms

<table>
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<tr>
<th>Electoral reforms</th>
<th>Funding</th>
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<td>Citizens’ charters</td>
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<td>Independent crime investigation</td>
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Approaches to Citizens’ Action

- Collective, informed assertion
- Wide dissemination of information
- Effective mass communication
- Strategic intervention
Conditions for State-wide Movement

- A group of credible citizens with excellent track record
- Insights to political and governance process
- A practical agenda which unites all segments
- Professional, full-time, institutional approach
Methods of Citizens’ Action - People’s Watch

Collective, informed assertion

Tools:

- A people’s charter in local language
- A common platform with name recognition
- Establishment of citizen centres
Advocacy for State and Local Goals

- Implementation of Right to Information
- Citizen’s charters with penalties
- Empowerment of local governments

Contd..
Advocacy for State and Local Goals

- Empowerment of stakeholders (water users, schools, market committees, fair price shops)
- Empowerment of ward committees
- Grama / Nagara Nyayalayas for speedy justice
Advocacy for State and Local Goals

- Monitoring of meters in petrol stations
- Focus on delivery of school education and health care
- Police reforms at state level
- Monitoring of government programmes
Election watch

- Verification of electoral rolls
- Advocacy for specific electoral reforms
- Election-related activities
  - Know your candidate
  - Screening for criminal record
  - Common platforms
  - Go out and vote campaign
  - Monitoring of polling
Polling Irregularities

Serious flaws in voter rolls

- Sample survey: 40% errors in urban areas
- State-wide survey: 15% errors in villages
- > 40% errors in towns

21.7% possible fraudulent voting in cities
# Verification of Voters’ Lists in Andhra Pradesh

**Survey of Rural Polling Stations**

<table>
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<tr>
<th>District</th>
<th>No. of Polling Stns.</th>
<th>No. of Voters</th>
<th>Shifting</th>
<th>Death</th>
<th>Other</th>
<th>Total</th>
<th>% of voters</th>
<th>Attained 18 years of Age</th>
<th>By shifting</th>
<th>Total</th>
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</table>
## Verification of Voters' Lists in Andhra Pradesh
### Survey of Urban Polling Stations

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Polling Stations</th>
<th>No. of Voters</th>
<th>Moved out of the area</th>
<th>Death</th>
<th>Other *</th>
<th>Total</th>
<th>% to voters</th>
<th>Attained 18 years of age</th>
<th>Moved into the area</th>
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*under-aged / ineligible / fictitious
## Post-Polling Survey of Select Polling Station Areas
(1999 Assembly and Parliamentary Polls, Hyderabad, AP)

<table>
<thead>
<tr>
<th>Assembly Constituency / Polling Booth No.</th>
<th>No. of voters</th>
<th>No. of votes polled</th>
<th>No. who reported that they actually ‘voted’</th>
<th>No. not voted or doubtful cases</th>
<th>Percentage of doubtful and ‘not voted’ votes</th>
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<td><strong>1945</strong></td>
<td><strong>104</strong></td>
<td><strong>348</strong></td>
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Verification of Electoral Rolls

Why?

- Ordinary Citizens can easily understand it
- Locally achievable
- Law is perfect – only implementation is needed
- Electoral rolls have a direct bearing on elections & governance
Simple Solutions

Voter Registration
- Post office as nodal agency
- Voter lists on display
- Voter lists for purchase
- Statutory forms
- Receipt of application
- Acknowledgment
- Action taken intimation

Polling Fraud
- Voter identity card
- Repoll if tendered votes exceed 1 %
- Wide publicity to utilise tendered vote
Criminalization

- Section 8 of RP Act not adequate
- Charges framed by magistrate
- Civil society pressure
- Transparency
- Media exposure
- Disclosure of prosecution, charges, History Sheet, Rowdy Sheet etc.
Prescreening Potential Candidates

- **RP Act 1951 Section 8**
  - Prohibition only if convicted for offences listed
  - Election Watch screening by constituency committee

- **Criminal record**
  - Screening involves
  - Rowdy sheeters
  - History sheeters
  - Convictions
  - Charge sheets pending
  - Credible allegations with documentation
Screening of Candidates

- Post box no: 100
- Screening Committee
- Bench Marks
  - Conviction
  - Charge sheet
  - Rowdy sheeter
  - History sheeter
Screening of Candidates

- Information from public & other sources for information on potential candidates
- Screening of available information
- Write to parties
- If they are put up as candidates, make the lists public
Corruption Antecedents

Criteria

- Credible allegations with documentation
- Convictions
- If public servants earlier, details of disciplinary action
- Charge sheets pending
- Assets before entering public life and now
- Assets disproportionate to income
- Income and expenditure assessment
Screening Procedure

- Identify prospective candidates of major parties
- Screening at constituency level
- Full involvement of media persons
- Send details to parties with an appeal not to nominate them

If they are nominated:

- Make details public
- Appeal to people not to vote for them
Know Your Candidate

- Information on
  - Personal details
  - Income and assets
  - Criminal record, if any
  - Political history
  - Views and aspirations (Election Commission proforma as guide)

- Collect from candidates
- Collect disclosure details of candidates (criminal, financial and educational)
- Make public
Common Platforms at Constituency level

- All recognized party candidates
- Predetermined format
- Brief statements
- Time-bound answers to written questions
- Impartial moderator
- Wide publicity
- Questions from Lok Satta panel
State Level TV Debate

- Live telecast
- Predetermined format
- Question-answer form
- Opportunity for rebuttal
- Strict time limits
- US presidential debate format
Impact of Election Watch

- Arrested, but not reversed criminalization of politics in AP
- Could influence selection of candidate – eg: ZP chairperson in Kurnool district
- Election Watch made disclosures a dominant public issue leading to litigation and judicial verdicts
- Put electoral reforms on the national agenda
Impact of Election Watch

- EC and Postal department have agreed in principle to make post offices as nodal agency for voter registration
- Proved the effectiveness of citizen action and civil society pressure in furthering the reform agenda
- Served as a model for citizen activism in major states
- Created a strong framework for national platform
Advocacy Issues

- Short Term (advanced stage)
  - Post office as nodal agency for voter registration
  - Disclosure of financial details of candidates
  - Political funding law
  - Tendered votes as a ground for automatic repolling

Contd.
Advocacy Issues

- Short Term (advanced stage)
  - National judicial commission
  - A law for local courts in every state
    - One for every 25,000 population
    - Justice in 90 days
    - Simple procedures in local language
  - Local government empowerment (Amendment of Art 243)
Advocacy Issues

- Long Term
  - Political party regulation
  - Proportional representation (Mixed System)
  - Direct election of chief executive at state level
  - All India Judicial Service
“Never doubt that a group of thoughtful, committed individuals can change the world. Indeed it is the only thing that ever did”

- Margaret Meade