

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
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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
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Macro Perspective of Indian Polity

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

- Money power dominant
 - Criminalization rampant
 - Voting irregularities frequent
 - People take money to vote
 - Caste and divisive impulses are prominent
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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)
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What is Wrong with Elections?

- Polling irregularities
 - Autocratic political parties
 - Money power
 - Criminalization
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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
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Irreducible Role of Government

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

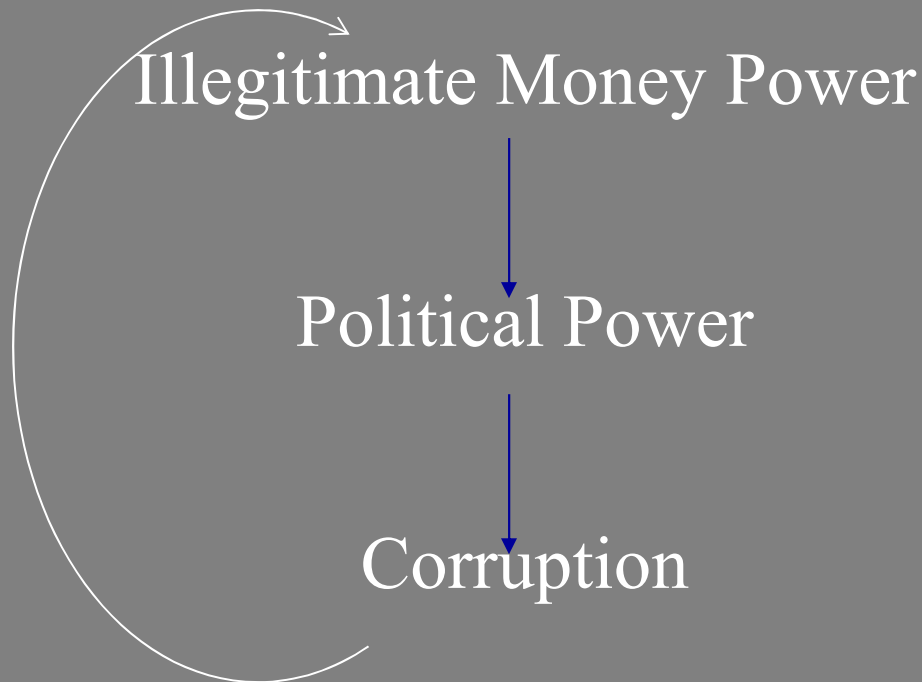
In a Sane Democracy

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

Interlocking vicious cycles

Inexhaustible demand for illegitimate funds



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..

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

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

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..

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
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Key Reforms

Electoral reforms	Funding
	Criminalization
	Voting irregularities
Electoral system	Proportional Representation
	Separation of Powers
Decentralization	Local Governments
Rule of Law	Judicial reforms
Accountability	Right to information
	Citizens' charters
	Independent crime investigation

Approaches to Citizens' Action

- Collective, informed assertion
 - Wide dissemination of information
 - Effective mass communication
 - Strategic intervention
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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
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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 stake holders (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
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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

Details of electoral rolls verified			Deletions Repl (Errors of Commission)				Additions Repl (Errors of Omission)				Variation		
District	No. of Polling Stns.	No. of Voters	Shifting	Death	Other	Total	% of voters	Attained 18 years of Age	By shifting	Total	% of voters	Total	% of voters
EG	4	1289	166	36		202	15.7	31	50	81	6.3	283	22.0
WG	2	2086	37	52		89	4.3	24	23	47	2.3	136	6.5
Krishna	1	416	27	13	1	41	9.9	12	3	15	3.6	56	13.5
Prakasam	2	1297	43	38	2	83	6.4	34	12	46	3.5	129	9.9
Nellore	4	3084	87	79	15	181	5.9	60	100	160	5.2	341	11.1
Chittoor	2	1762	143	37	90	270	15.3	47	110	157	8.9	427	24.2
Kurud	4	4648	488	71	1	560	12.0	82	128	210	4.5	770	16.6
Warangal	2	1399	51	15	4	70	5.0	7	12	19	1.4	89	6.4
Monagar	1	344	32	11		43	12.5	35	12	47	13.7	90	26.2
Karimnagar	5	3956	549	100	59	708	17.9	78	142	220	5.6	928	23.5
Khammam	2	2016	11	36	12	59	2.9	37	0	37	1.8	96	4.8
Rural Total	29	22297	1634	488	184	2306	10.34	447	592	1039	4.7	3345	15.10

Verification of Voters' Lists in Andhra Pradesh

Survey of Urban Polling Stations

Particulars 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	% to voters	Attained 18 years of age	Moved into the area	Total	% to voters	Total number	% to voters registered
Vizag	3	1298	355	22	17	394	30.4	82	413	495	38.1	889	68.5
E.Godavari	3	419	78	14	0	92	22.0	39	85	124	29.6	216	51.6
W.Godavari	2	1491	121	12		133	8.9	46	179	225	15.1	358	24.0
Krishna	3	1919	690	35	0	725	37.8	53	500	553	28.8	1278	66.6
Kurnool	3	1796	419	43	28	490	27.3	62	90	152	8.5	642	35.7
Nalgonda	1	797	273	5	2	280	35.1	34	125	159	19.9	439	55.1
Warangal	2	1863	320	28	30	378	20.3	43	74	117	6.3	495	26.6
Guntur	5	4060	1039	83	92	1214	29.9	209	604	813	20.0	2027	49.9
Hyderabad	5	4459	923	31	42	996	22.3	85	691	776	17.4	1772	39.7
Urban Total	27	18102	4218	273	211	4702	26.0	653	2761	3414	18.9	8116	44.8
Rural+Urban	56	40399	5852	761	395	7008	17.3	1100	3353	4453	11.0	11461	28.4

*[under-aged / ineligible / fictitious]

**Post-Polling Survey of Select Polling Station Areas
(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
Total	4706	2483	1945	104	348	86	538	21.7

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
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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
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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.
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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
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Screening of Candidates

- Post box no: 100
 - Screening Committee
 - Bench Marks
 - Conviction
 - Charge sheet
 - Rowdy sheeter
 - History sheeter
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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
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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
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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
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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
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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
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State Level TV Debate

- Live telecast
 - Predetermined format
 - Question-answer form
 - Opportunity for rebuttal
 - Strict time limits
 - US presidential debate format
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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
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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
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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)

Contd..

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