



LOK SATTA
People Power

Elections and Representational Legitimacy

Workshop on

The Indian Parliament: A Comparative Perspective

25th - 27th March, 2002, CPA, New Delhi

Indian Democracy - Impressive Record

Myron Weiner's Democratic Practices

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

Indian Democracy - Aberrations

- Internal emergency (1975 - 77)
- Flawed elections
- Decline of debate in legislatures
- Abuse of Art 356
- Palace coups to oust legitimate governments
- Ayaram- gayaram culture
- Bribery for voting in legislature (JMM Case)
- Contentious transfer of power (Jagadambica Pal - Feb 98)
- Change of players - but no change of rules of the game

Key Ingredients of Democracy

- Freedom
- Self-governance
- Empowerment
- Rule of law
- Self-correcting mechanisms

Table 1: Representational base of our legislatures

Year of election	% of Members of "Forward Castes"	% of BC Members	% of farmers
1952	45.4	10.2	22.5
1962	49.4	12.8	27.4
1971	44.7	13.0	32.2
1984	36.9	9.3	38.3
1996	45.6	23.3	51.8

Source: India Today, July 16, 1996. p26-30

Table – 2 : Women's Representation in Parliament 1952-1999

Year	Lok Sabha			Rajya Sabha		
	Seats	Women MPs	% of Women MPs	Seats	Women MPs	% of Women MPs
1952	499	22	4.41	219	16	07.31
1957	500	27	5.40	237	18	07.59
1962	503	34	6.76	238	18	07.56
1967	523	31	5.93	240	20	08.33
1971	521	22	4.22	243	17	07.00
1977	544	19	3.49	244	25	10.25
1980	544	28	5.15	244	24	09.84
1984	544	44	8.09	244	28	11.48
1989	517	27	5.22	245	24	09.80
1991	544	39	7.17	245	38	15.51
1996	543	39	7.18	223	19	08.52
1998	543	43	7.92	245	15	06.12
1999	543	49	9.02	245	19	07.76
Average	528	33	6.15	238	22	09.00

Source : CSDS Data unit

Table 3 : Independents Elected to Lok Sabha in Successive General Elections

Year	No.of seats filled	No.of independents elected	Percentage of independents who lost deposit
1952	489	38	66.6
1957	494	42	60.1
1962	494	20	79
1967	520	35	86.2
1971	518	14	94
1977	542	9	97.2
1980	529	9	98.9
1984	542	5	99.7
1989	529	12	98.9
1991	534	1	99.5
1996	542	9	99.7
1998	542	6	99.1
<i>Source : Lok Satta Data unit</i>			

New Entrants into Lok Sabha

- Heredity and family links
- Money power
- Criminal record and muscle power
- Personal loyalty to ‘high command’
- Non-political visibility (films or sports)
- Accidents of fate

Unaccountable Parties

- Membership
- Leadership choice
- Resources and utilization
- Choice of candidates

Political Parties - Why Regulation?

Political Parties

- Monopoly or oligopoly
- Represent history, memories, aspirations of millions
- Seek power over all people
- Cannot be easily formed or built
- People and members have no realistic alternatives
- Vehicles for political participation of citizens

Societies

- Free choice
- Mere organisations of convenience
- Pursue members' collective goals
- Can be formed and dissolved at will
- Members have multiple options
- Vehicles for voluntary pursuit of individual / group goals

Macro Perspectives of Indian Polity

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

Micro Perspectives 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

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

Table 4: Verification Voters' List in Andhra Pradesh Survey of Rural Polling Stations

Details of electoral rolls verified			Deletions Reqd (Errors of Commission)				Additions Reqd (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
Mnregar	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

Table 5: Verification Voters' List in Andhra Pradesh Survey of Urban Polling Stations

Details of electoral rolls verified			Deletions Req'd (Errors of Commission)				Additions Req'd (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
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

Table 6: 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 not residing the city	Left the city within 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

Problems with Current Campaign Funding Laws

- Explanation 1 of Section 77 of R.P. Act, 1951
- No Public Auditing
- Weak Enforcement (Non- Existent)
- No Disclosure Norms
- No Penalties
- No Asset and Income Disclosures
- No incentive for Public Funding

Campaign Expenditure – India and US Comparison

Expenditure for Lok Sabha + all Assemblies – all parties + candidates

Estimated : Rs.2500 + Rs.4500 crores

Total : Rs.7000 crores = \$1.5 b

70-80% is for vote buying

US election expenditure in 2000

Presidency + House + 1/3 Senate + 1/3 governors

Estimated expenditure: (Soft + issue ads Hard) \$ 3 billion

80% is for TV advertising.

Actual campaign expenditure : 50%

\$ 1.5 billion

Adjusted to our low per-capita income, and high purchasing capacity of Rupee, our expenditure is 60 times that of US!

Campaign Expenses – Vicious Cycle

- Illegitimate expenses are often 5-10 times the ceiling or more

(Assembly ceiling: Rs 6 lakhs

Lok Sabha ceiling: Rs 15 lakhs)

- Every crore spent illegitimately



Rs 10 crore returns

(to cover ROR, Interest, personal upkeep, supporters, family's future, next election costs)



Rs 100 crore collected through bureaucracy

(for every legislator, there are 2000 employees who need to collect 'rent')



people suffer ten times more.

Payment extorted, on pain of delay, harassment, humiliation, anxiety and greater loss.

Criminalization

- Polling irregularities
- Failure of criminal justice system
- Political control of crime investigation
- Limitations of electoral law
- Compulsions of FPTP system
- Disguised executive system
- Crime - Caste nexus

Distortions of FPTP System

Table 7: Percentage of votes and seats obtained by the largest party in Lok Sabha.

Year	% of Votes Polled	Name of the Largest / Majority Party	Seats obtained /Total No. of Seats	% Votes obtained by largest / Majority Party	% votes necessary for obtaining 50% seats	% votes needed for half the seats (in total electorate)
1952	61.7	Congress	357/489	45.04	30.9	19.07
1957	63.7	Congress	359/494	47.8	32.8	20.89
1962	55.4	Congress	358/494	44.7	31.0	17.17
1967	61.3	Congress	279/520	40.7	37.9	23.20
1971	55.3	Congress	352/519	43.7	32.3	17.86
1977	60.5	Janata	295/542	41.4	38.0	22.99
1980	56.9	Congress	353/527	42.7	32.9	18.72
1984	64.1	Congress	415/543	48.1	32.6	20.89
1989	62.2	INC	197/543	39.5	54.5*	33.89*
1991	56.7	Congress	232/543	36.5	42.7	24.20
1996	57.9	BJP	169/543	20.3	32.6	18.80
1998**						
1999	60.0	BJP	182/543	23.75	35.50	21.30

Note: * Congress lost a large number of seats with small margin

** Figures not immediately available

Source: Syed Shahabuddin: 'Representational Legitimacy of the Existing System' – paper presented at the National Seminar on Electoral Reforms, Kolkata, 17-18 Nov 2000

Distortions of FPTP

- Election with minority of votes polled
- Composition of Legislature unrepresentative
- Non-representation of scattered minorities
- Over representation of locally dominant groups
- Tokenism in dealing with problems of equality
- Reservation with or without rotation
- Best talent repelled
- No pressure on established parties to reform
- Alienation of large segments

Parliamentary Executive in Perspective

- Legislature acts as unaccountable, disguised executive
- Elections highly adversarial
- Creation of modern ‘Zaminadaris’
- Patronage, transfers, postings etc.
- Political control of crime investigation
- Change of governments does not improve governance
- Short-term populism

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Parliamentary Executive in Perspective

- Palace coups and defections
- Captive executive – helpless in real execution
- Captive legislatures – helpless in legislation or oversight
- Talent not tapped by executive
- Reversal of roles – political executive vs bureaucracy
- Distorted use of power
- Alibis for non-performance