

LOK SATTA
People Power

Electoral Reforms

October, 2004,

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

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 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
Mnager	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**

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District	No. of Polling Stations	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

**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 within 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

Election Watch – 2004 – Pre-Poll Survey

Location	No. of Constituencies	No. of Polling Stations	Total No. of Voters	Additions	Deletions	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

Election Watch 2004 – Post-Post Poll Survey

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

Simple solutions

Voter Registration

Post Office as Nodal Agency

Voter Lists on Display

Voter Lists for Purchase

Statutory forms

Receipt of Application

Acknowledgement

Action taken intimation

Polling Fraud

Voter identity card

Repoll if tendered votes exceed 1%

Wide publicity to utilise tendered vote

Recent Developments – Post Office as Nodal Agency

- EC directive provides for display of voter rolls in Post Offices
- More needs to be done:
 - Sale of voters list for each polling station
 - Each delivery post office to display list of polling stations
 - Deadline for summary revision can be extended
 - Mass communication campaign

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.

Recent Developments – EC's Proposals

- EC Proposed disqualification of persons charged with offences punishable by 5 years of imprisonment
- Problems:
 - Too sweeping
 - Persons with trivial offences may be disqualified
 - Crime investigation under political control
- Corrective measure
 - Disqualification of those facing extremely grave charges like. Murder, Terrorism, Abduction, Rape, Dacoity Etc.
 - This is in consonance with draft ordinance (2002) and Supreme Court judgment

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

Political Parties – What Regulation?

Membership

- Free, open and voluntary
- Uniform, objective conditions / no restrictions
- No arbitrary expulsion
- Due process for disciplinary action

Leadership choice

- By regular, periodic, free and secret ballot
- Opportunity to challenge leadership through formal procedures with no risk of being penalised

Choice of Candidates

- By members at constituency level through secret ballot
- By elected delegates through secret ballot
- Central leadership cannot nominate candidates

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.

Key Elements of Political Funding Law

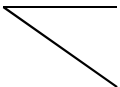
- Full tax exemption for contributions by individuals and corporates (subject to 5 % of annual profit) to political parties
- Mandatory disclosure of all contributions above Rs 20,000 by parties
- Free airtime on all electronic media to all recognized parties to be equitably allotted by the Election Commission
- Removal of loopholes under Section 77 of RP Act

Political Funding

- Tax credits for funding
- Full and truthful disclosure by donor and party
- Severe penalties for violations
- Compulsory statutory auditing
- Election Commission final authority for determination of compliance
- Public funding indirect – free air time
- Direct public funding – non-discretionary and verifiable norms

Electoral Funding – Possible Reforms

Public funding

Indirect – air time –  public channels
private channels

- more flexible use of time
- televised debates

Direct – only after other reforms are in place

- non-discretionary and verifiable

A model:

- funding for all candidates
- a threshold of 10% votes in the constituency
- Rs 5 or 10 per vote polled
- parties to get 50% advance based on last election

Will Vote Buying Disappear?

- Not immediately
- People will continue to take money for voting
- Candidates will spend personal money for sometime
- Severe penalties will force disclosures
- Local government empowerment will reduce vote buying

vote \rightleftharpoons public good

tax money \rightleftharpoons services

authority \rightleftharpoons accountability

value of vote will then be far greater than the money offered

Recent Developments – EC's Proposals

- Allowing candidates to contest only from one constituency
 - Reduces unnecessary election expenditure
- Facilitating cable and TV advertisements during elections
 - In consonance with freedom of speech
 - In consonance with Election and Other Related Acts – 2003
 - Banning surrogate advertisements
- Restrictions on exit and opinion polls – too close to elections

Recent Developments – EC's Proposals

- Changing the format of affidavit – having a single affidavit
- Doubling the security deposit – 10000 for Legislative Assembly; 20000 for Lok Sabha
- District collector to appellate authority on voter registration
- Political parties should follow proper accounting and auditing procedures
- Common electoral rolls for all elections – local, state and national

Recent Developments – EC's Proposals

- No transfer of officials – six months prior to elections
- Other EC commissioners to have the status of Supreme Court judges
- Expenses of EC to be charged from consolidated fund of India
- Disqualifications under anti-defection law should be decided by the President or Governor in consultation with EC

Other Critical Reforms for Reducing Unaccounted Expenditure

- Proportional representation (German model mixing with constituency election)
 - Incentive to buy votes in a constituency will disappear
 - Interests of local candidate will run counter to party's need to maximise overall vote
 - Will give representation to small parties and legitimate reform groups, forcing change
 - Voting will be based on party image and agenda, not local expenditure
 - Ignored sections will find voice and get representation

contd..

Other Critical Reforms for Reducing Unaccounted Expenditure

- Direct election of head of government at State and local levels
 - No one can buy a whole state electorate
 - Image and agenda of leader will be decisive
 - With separation of powers, there will be no incentive to overspend for legislative office
 - At state level, there is no fear of authoritarianism as Union government, Election Commission, Supreme Court etc., will act as checks

“The punishment suffered by the wise who refuse to take part in the government, is to live under the government of bad men”

- Plato