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..
Nature of Our Democracy

Deep rooted

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

Contd..
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
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

<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>% of vote</th>
<th>Added 18 years of age</th>
<th>Moved into the area</th>
<th>Total</th>
<th>% of voters</th>
<th>Total number</th>
<th>% of voters registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>29</td>
<td>22297</td>
<td>1634</td>
<td>488</td>
<td>184</td>
<td>2306</td>
<td>10.34</td>
<td>447</td>
<td>592</td>
<td>1039</td>
<td>4.7</td>
<td>3345</td>
<td>15.1</td>
</tr>
<tr>
<td>Urban</td>
<td>27</td>
<td>18102</td>
<td>4218</td>
<td>273</td>
<td>211</td>
<td>4702</td>
<td>26.00</td>
<td>653</td>
<td>2761</td>
<td>3414</td>
<td>18.9</td>
<td>8116</td>
<td>44.8</td>
</tr>
<tr>
<td>Rural+Urban</td>
<td>56</td>
<td>40399</td>
<td>5852</td>
<td>761</td>
<td>395</td>
<td>7008</td>
<td>17.30</td>
<td>1100</td>
<td>3353</td>
<td>4453</td>
<td>11.0</td>
<td>11461</td>
<td>28.4</td>
</tr>
</tbody>
</table>
## Election Watch – 2004 – Pre-Poll Survey

<table>
<thead>
<tr>
<th>Location</th>
<th>No. of Constituencies</th>
<th>No. of Polling Stations</th>
<th>Total No. of Voters</th>
<th>Additions required</th>
<th>Deletions required</th>
<th>Total No. of Additions &amp; Deletions</th>
</tr>
</thead>
<tbody>
<tr>
<td>RURAL</td>
<td>37</td>
<td>71</td>
<td>70848</td>
<td>1634 (2.3)</td>
<td>2086 (2.94)</td>
<td>3720 (5.25)</td>
</tr>
<tr>
<td>URBAN</td>
<td>22</td>
<td>41</td>
<td>41042</td>
<td>2205 (5.37)</td>
<td>2782 (6.77)</td>
<td>4987 (12.15)</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>59</td>
<td>112</td>
<td>1,11,890</td>
<td>3839 (3.43)</td>
<td>4868 (4.35)</td>
<td>8707 (7.78)</td>
</tr>
</tbody>
</table>
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

<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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Residing in the area but not voted</td>
<td>Left the area but residing within the city</td>
<td>Left the city/country etc</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>207/173</td>
<td>1143</td>
<td>625</td>
<td>483</td>
<td>5</td>
<td>91</td>
</tr>
<tr>
<td>207/176</td>
<td>956</td>
<td>459</td>
<td>377</td>
<td>15</td>
<td>41</td>
</tr>
<tr>
<td>209/93</td>
<td>725</td>
<td>428</td>
<td>306</td>
<td>20</td>
<td>95</td>
</tr>
<tr>
<td>209/75</td>
<td>989</td>
<td>495</td>
<td>380</td>
<td>42</td>
<td>72</td>
</tr>
<tr>
<td>210/426</td>
<td>893</td>
<td>476</td>
<td>399</td>
<td>22</td>
<td>49</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4706</strong></td>
<td><strong>2483</strong></td>
<td><strong>1945</strong></td>
<td><strong>104</strong></td>
<td><strong>348</strong></td>
</tr>
</tbody>
</table>

Post Poll Survey – Andhra Pradesh – 1999
## Election Watch 2004 – Post-Poll Survey

<table>
<thead>
<tr>
<th>Location</th>
<th>No. of Constituencies</th>
<th>No. of polling Stations</th>
<th>Votes Polled</th>
<th>Bogus Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>RURAL</td>
<td>16</td>
<td>29</td>
<td>18069</td>
<td>169</td>
</tr>
<tr>
<td>URBAN</td>
<td>9</td>
<td>16</td>
<td>8894</td>
<td>168</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>25</td>
<td>45</td>
<td>26963</td>
<td>337</td>
</tr>
</tbody>
</table>
### West Bengal – 2001

<table>
<thead>
<tr>
<th>Complaints type</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of voter complaints</td>
<td>519</td>
<td>100</td>
</tr>
<tr>
<td>No name specified</td>
<td>72</td>
<td>13.87</td>
</tr>
<tr>
<td>No part number</td>
<td>137</td>
<td>26.4</td>
</tr>
<tr>
<td>Complaints type</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Vote already cast</td>
<td>197</td>
<td>37.96</td>
</tr>
<tr>
<td>b) Long queue of voters / very slow vote</td>
<td>12</td>
<td>2.31</td>
</tr>
<tr>
<td>c) Bombs thrown / fight broke out</td>
<td>32</td>
<td>6.17</td>
</tr>
<tr>
<td>d) Others</td>
<td>278</td>
<td>53.56</td>
</tr>
<tr>
<td>Total</td>
<td>519</td>
<td>100</td>
</tr>
</tbody>
</table>
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 27th 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
Interlocking vicious cycles
Inexhaustible demand for illegitimate funds

Illegitimate Money Power

Political Power

Corruption
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..
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..
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..
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
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

Contd..
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
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