LOK SATTA
People Power
A Presentation to
Ms Karen Fogg, Secretary General of IDEA
11th March, 2003
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
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 game
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

Contd..
Irreducible Role of Government

- 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
Failure of Political Process

- Parties
  - Autocratic and unaccountable
  - Repel the best
  - A problem, not solution
  - Choice - Tweedledom & Tweedledee

Contd..
Contd..

Failure of Political Process

- Elections
  - Change of players
  - No change of rules of game
  - Criminalization
  - Money power
  - Flawed process
    - Electoral rolls (40% errors)
    - Bogus voting (22%)
Way Out

- Assert people’s sovereignty
- Fundamental democratic transformation
- People centered governance
## Key Reforms

<table>
<thead>
<tr>
<th>Electoral reforms</th>
<th>Funding</th>
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<tr>
<td></td>
<td>Criminalization</td>
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<td></td>
<td>Voting irregularities</td>
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<td>Electoral system</td>
<td>Proportional Representation</td>
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<td>Separation of Powers</td>
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<td>Decentralization</td>
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<td>Rule of Law</td>
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<td>Accountability</td>
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<td>Citizens’ charters</td>
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<td>Independent crime investigation</td>
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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

<table>
<thead>
<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>
<th>% of Voters</th>
<th>Variation</th>
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### Rural Total

- No. of Polling Stns.: 29
- No. of Voters: 22297
- Shifting: 1634
- Death: 488
- Other: 184
- Total: 2306
- % of Voters: 10.34
- Attained 18 years of Age: 447
- By shifting: 592
- Total: 1039
- % of Voters: 4.7
- Variation: 3345
- % of Voters: 15.10
## Verification of Voters’ Lists in Andhra Pradesh
### Survey of Urban Polling Stations

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Polling Stns</th>
<th>No. of Voters</th>
<th>Shifting</th>
<th>Death</th>
<th>Other</th>
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<th>% of voters</th>
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<th>% of voters</th>
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## 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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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>Residing in the area but not voted</td>
<td>Left the area but not residing within the city</td>
</tr>
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<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
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<td><strong>104</strong></td>
<td><strong>348</strong></td>
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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
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.
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
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

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.
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
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

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

vote — public good

tax money — services

authority — accountability
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
Judicial Reforms

- Limit writ jurisdiction
- Increase number of courts
- Local courts in local language (Gram Nyayalaya)
- Time bound justice
- Independent mechanism for judicial appointments & removals
- Independent crime investigation
Instruments of Accountability

- Right to Information
- Independent crime investigation
- Independent appointment of constitutional functionaries
- Independent and effective anti-corruption agency
- Strict penalties for abuse of office
- Citizen’s Charters
- Stakeholder empowerment
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  

Contd..
Methods of Citizens’ Action

Advocacy for state and local goals

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

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

Contd..
Methods of Citizens’ Action

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

Contd..
Methods of Citizens’ Action

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
Possible 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
Possible 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)
“Never doubt that a group of thoughtful, committed individuals can change the world. Indeed it is the only thing that ever did”

- Margaret Meade