

LOK SATTA

People Power

Retreat - Concern to Concerted Action

August 18th & 19th, 2001

LV Prasad Eye Institute, Hyderabad

Keys to Resolution of Crisis

- 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
- 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
- Parties
 - Autocratic and unaccountable
 - Repel the best
 - A problem, not solution
 - Repel the best
 - Choice - Tweedledom & Tweedledee
- Elections
 - Change of players
 - No change of rules of game
 - Criminalization
 - Money power
 - Flawed process
 - Electoral rolls (40% errors)
 - Bogus voting (22%)

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.

Can economic reforms alone deliver

- Irreducible role of government
 - Public order
 - Rule of law
 - Justice
 - School Education
 - Health care
 - Infrastructure
 - Natural resources development

From the Citizen's point of view

- Justice
- Dignity
- Vertical mobility

Key governance reforms

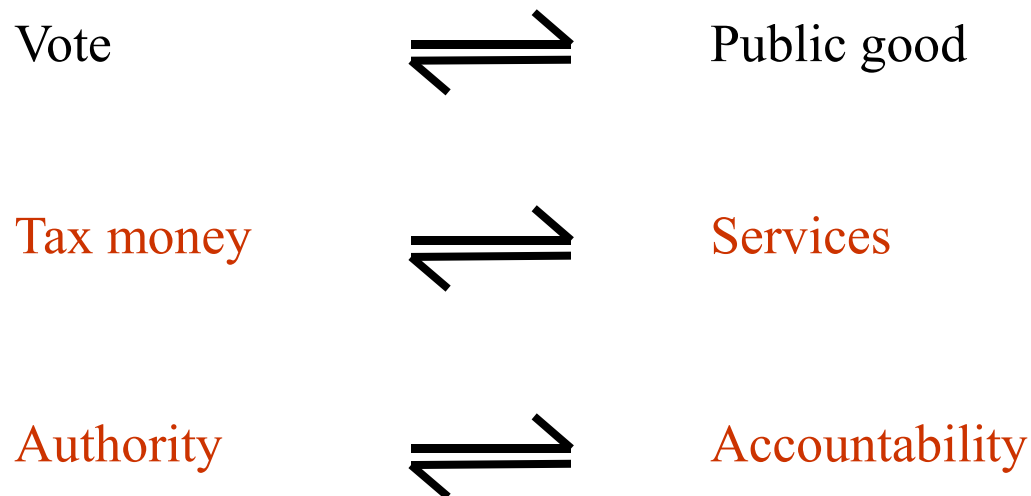
- Electoral reforms
- Decentralization
- Justice
- Accountability

Electoral reforms

- Voting fraud
 - Registration
 - Rigging
- Criminalization
- Unaccounted money power

Decentralization

- Functions, frauds & functionaries



Justice

- Speedy
- Efficient
- Accessible
- Inexpensive

Accountability

- Right to Information
- Citizen's charters
- Local government empowerment
- Stakeholder empowerment
- Independent crime investigation
- Independent appointment of constitutional functionaries
- Independent anti-corruption agency

What can citizens do

- Resist misgovernance
- Check corruption
- Influence public discourse
- Channel resources better
- Enforce better services
- Bring pressure for reforms

Lok Satta's experience

- People's Watch
- Swarajya
- Election Watch

People's Watch

- Impediments to action
 - ignorance
 - isolation
 - fear
- Key to action – informed, collective assertion
- Knowledge & training
- Brand image & local network
- Assertion techniques & tools

People's Watch (with existing tools)

Examples of success

- Petrol stations
- Registration
- Building regularization scheme
- Fair price shops
- Corruption in government schemes etc (toilets)
- Certificates
- School education

Swarajya (to create new tools)

- Citizen's charters
- Local governments empowerment
- Stakeholders' empowerment
- Toilets for every household
- Right to Information
- Access to school education to all
- Speedy justice through rural courts

Election Watch

- Voter verification & registration
- Screening of candidates
- Know your candidates
- Common platforms
- State-level debates
- Training of volunteers
- Monitoring of polling

Election Watch

- Does not aim to affect the outcome
- Election time is ripe for awareness campaign
- Focus on remediable flaws
- Pressure on parties and candidates
- Idea of accountability

Lessons of Lok Satta

How can we build a State-wide movement?

- A team with high credibility and name recognition
- Clarity of goals and insights
- Minimal agenda which is relevant to all
- Full-time commitment of a core team

What can be replicated ?

- People's watch
- Swarajya goals
- Election Watch

What can Lok Satta attempt?

- A training module
- Support Election Watch
- Help synergize through networking

Can there be a national campaign ?

- Focus on a key goal
- Electoral reforms are the key
 - Central to democracy
 - Wide awareness
 - Media attention
 - Requires a mere change of law or procedures
 - Broad consensus
 - Requires mere change of law or procedures
 - Urgency felt

Electoral funding is the key

- Criminalization
 - Lok Satta, Association for Democratic Reforms & others helped bring it to centre stage
 - Widespread awareness
 - Jayalalitha case is helping to shape national agenda
 - Statutory solutions fraught with complications
 - Civil society initiatives are the key

Electoral Reforms - Polling irregularities

Voter registration

- Serious flaws
- Sample survey
 - ▶ 40% errors in towns
- 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 Req'd (Errors of Commission)				Additions Req'd (Errors of Omission)				Variation			
District	No. of Polling Stns.	No. of Voters	Shifting	Death	Other	Total	% to voters	By attaining age	By shifting	Total	% to voters	Total	% to voters
E.G	4	1289	166	36		202	15.7	31	50	81	6.3	283	22.0
W.G.	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	11.7	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
Kurnool	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
M'bnagar	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	5.8	37	0	37	3.7	96	9.5
Rural Total	29	22297	1634	488	184	2306	8.5	447	592	1039	5.8	3345	14.3

**Verification of Voters' Lists 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	% to voters	By attaining age	By shifting	Total	% to voters	Total	% to 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 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

Simple solutions

Voter registration:

Post office 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

Electoral Funding Reform

- Not addressed adequately
- Felt need
- Elegant solutions available
- Most parties ready and willing
- Key to corruption
- Status quo is unsustainable

Electoral Reforms – Campaign Funding

Problems

- Explanation 1 of Section 77 of RP Act, 1951
- No public auditing
- Weak (non-existent) enforcement (IT)
- No disclosure norms
- No penalties
- No asset and income disclosures
- No incentive for open funding

Campaign Finance Reform

- Tax credits for funding
- Mandatory disclosures
- Auditing and disclosure of party accounts
- Severe penalties
- Election commission to determine violations
- Explanation under Sec. 77 to be repealed
- Public funding

Tax credits

- Political activity is a noble endeavour
- Incentive to funding is necessary
- Full tax exemption proposed
 - up to Rs. 10,000 for individuals
 - up to 5% of profit for corporations

Full disclosure

- All contributions over Rs.500 by cheque only
- All contributions totaling over Rs.1000 to be disclosed to EC, IT and public
 - by the donor
 - by the recipient
- EC to make disclosures public
 - Website
 - Public document
 - On demand
 - Printed statement

Party Accounts

- A law to regulate the conduct of political parties
- Accounts to be audited by EC
- Returns to be filed
 - Each year
 - After each election

Severe Penalties

- Non disclosure or false disclosure:

Donors:

- Fine equal to ten times the amount
- Imprisonment for six months

Candidates:

- Disqualification for six years
- Fine equivalent to ten times
- Imprisonment for at least one year

Parties:

- Derecognition for five years
- Deregistration for five years
- Fine equal to ten times
- Imprisonment of office bearers for three years

Violation of disclosure norms

- EC to be final authority
- Determination on application or suo motu
- EC's order automatically invites all penalties except imprisonment
- Criminal courts or special courts will try criminal cases and impose prison term

Explanation 1 under Sec.77

- Inserted in 1974
- Negates all expenditure ceiling
- Supreme Court recommended its repeal
- Its repeal is long overdue
- Emphasis on legitimacy of expenditure than on ceilings
- All illegitimate expenditure (inducement, bribes or electoral irregularities)
 - Fine ten times
 - Disqualification for 6 years
 - Imprisonment for 3 years

Public Funding

- Non-discretionary
- Verifiable mechanism
- Applicable to all candidates
- 10% vote threshold in a constituency
- Rs. 10 per vote cast
- Recognised parties to get 50% of amount in advance based on past election
- Public funding only after disclosure norms are in place

Agenda for the Retreat

Concern to Concerted Action

- How can we build strong movements in each state
- How can we build a national campaign (for funding reform)
- How can we build a national coalition