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
- Natural resources development
- School Education
- Health care
- Infrastructure
From the Citizen’s point of view

- Justice
- Dignity
- Vertical mobility
Key governance reforms

- Electoral reforms
- Decentralization
- Justice
- Accountability
Electoral reforms

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

- Functions, frauds & functionaries

Vote $\iff$ Public good

Tax money $\iff$ Services

Authority $\iff$ Accountability
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

<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>% to voters</th>
<th>By attaining age</th>
<th>By shifting</th>
<th>Total</th>
<th>% to voters</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.G</td>
<td>4</td>
<td>1289</td>
<td>166</td>
<td>36</td>
<td></td>
<td>202</td>
<td>15.7</td>
<td>31</td>
<td>50</td>
<td>81</td>
<td>6.3</td>
<td>283</td>
</tr>
<tr>
<td>W.G.</td>
<td>2</td>
<td>2086</td>
<td>37</td>
<td>52</td>
<td></td>
<td>89</td>
<td>4.3</td>
<td>24</td>
<td>23</td>
<td>47</td>
<td>2.3</td>
<td>136</td>
</tr>
<tr>
<td>Krishna</td>
<td>1</td>
<td>416</td>
<td>27</td>
<td>13</td>
<td>1</td>
<td>41</td>
<td>9.9</td>
<td>12</td>
<td>3</td>
<td>15</td>
<td>3.6</td>
<td>56</td>
</tr>
<tr>
<td>Prakasam</td>
<td>2</td>
<td>1297</td>
<td>43</td>
<td>38</td>
<td>2</td>
<td>83</td>
<td>11.7</td>
<td>34</td>
<td>12</td>
<td>46</td>
<td>3.5</td>
<td>129</td>
</tr>
<tr>
<td>Nellore</td>
<td>4</td>
<td>3084</td>
<td>87</td>
<td>79</td>
<td>15</td>
<td>181</td>
<td>5.9</td>
<td>60</td>
<td>100</td>
<td>160</td>
<td>5.2</td>
<td>341</td>
</tr>
<tr>
<td>Chittoor</td>
<td>2</td>
<td>1762</td>
<td>143</td>
<td>37</td>
<td></td>
<td>270</td>
<td>15.3</td>
<td>47</td>
<td>110</td>
<td>157</td>
<td>8.9</td>
<td>427</td>
</tr>
<tr>
<td>Kurnool</td>
<td>4</td>
<td>4648</td>
<td>488</td>
<td>71</td>
<td>1</td>
<td>560</td>
<td>12.0</td>
<td>82</td>
<td>128</td>
<td>210</td>
<td>4.5</td>
<td>770</td>
</tr>
<tr>
<td>Warangal</td>
<td>2</td>
<td>1399</td>
<td>51</td>
<td>15</td>
<td>4</td>
<td>70</td>
<td>5.0</td>
<td>7</td>
<td>12</td>
<td>19</td>
<td>1.4</td>
<td>89</td>
</tr>
<tr>
<td>M’bnagar</td>
<td>1</td>
<td>344</td>
<td>32</td>
<td>11</td>
<td></td>
<td>43</td>
<td>12.5</td>
<td>35</td>
<td>12</td>
<td>47</td>
<td>13.7</td>
<td>90</td>
</tr>
<tr>
<td>Karimnagar</td>
<td>5</td>
<td>3956</td>
<td>549</td>
<td>100</td>
<td>59</td>
<td>708</td>
<td>17.9</td>
<td>78</td>
<td>142</td>
<td>220</td>
<td>5.6</td>
<td>928</td>
</tr>
<tr>
<td>Khammam</td>
<td>2</td>
<td>2016</td>
<td>11</td>
<td>36</td>
<td>12</td>
<td>59</td>
<td>5.8</td>
<td>37</td>
<td>0</td>
<td>37</td>
<td>3.7</td>
<td>96</td>
</tr>
<tr>
<td><strong>Rural Total</strong></td>
<td><strong>29</strong></td>
<td><strong>22297</strong></td>
<td><strong>1634</strong></td>
<td><strong>488</strong></td>
<td><strong>184</strong></td>
<td><strong>2306</strong></td>
<td><strong>8.5</strong></td>
<td><strong>447</strong></td>
<td><strong>592</strong></td>
<td><strong>1039</strong></td>
<td><strong>5.8</strong></td>
<td><strong>3345</strong></td>
</tr>
</tbody>
</table>

*Note: The table above shows the details of electoral rolls verified in Andhra Pradesh, along with the deletions and additions required due to various errors.*
## 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>
<th>Total</th>
<th>% to voters By attaining age</th>
<th>Total</th>
<th>% to voters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vizag</td>
<td>3</td>
<td>1298</td>
<td>355</td>
<td>22</td>
<td>17</td>
<td>394</td>
<td>30.4</td>
<td>82</td>
<td>413</td>
</tr>
<tr>
<td>E.Godavari</td>
<td>3</td>
<td>419</td>
<td>78</td>
<td>14</td>
<td>0</td>
<td>92</td>
<td>22.0</td>
<td>39</td>
<td>85</td>
</tr>
<tr>
<td>W.Godavari</td>
<td>2</td>
<td>1491</td>
<td>121</td>
<td>12</td>
<td></td>
<td>133</td>
<td>8.9</td>
<td>46</td>
<td>179</td>
</tr>
<tr>
<td>Krishna</td>
<td>3</td>
<td>1919</td>
<td>690</td>
<td>35</td>
<td>0</td>
<td>725</td>
<td>37.8</td>
<td>53</td>
<td>500</td>
</tr>
<tr>
<td>Kurnool</td>
<td>3</td>
<td>1796</td>
<td>419</td>
<td>43</td>
<td>28</td>
<td>490</td>
<td>27.3</td>
<td>62</td>
<td>90</td>
</tr>
<tr>
<td>Nalgonda</td>
<td>1</td>
<td>797</td>
<td>273</td>
<td>5</td>
<td>2</td>
<td>280</td>
<td>35.1</td>
<td>34</td>
<td>125</td>
</tr>
<tr>
<td>Warangal</td>
<td>2</td>
<td>1863</td>
<td>320</td>
<td>28</td>
<td>30</td>
<td>378</td>
<td>20.3</td>
<td>43</td>
<td>74</td>
</tr>
<tr>
<td>Guntur</td>
<td>5</td>
<td>4060</td>
<td>1039</td>
<td>83</td>
<td>92</td>
<td>1214</td>
<td>29.9</td>
<td>209</td>
<td>604</td>
</tr>
<tr>
<td>Hyderabad</td>
<td>5</td>
<td>4459</td>
<td>923</td>
<td>31</td>
<td>42</td>
<td>996</td>
<td>22.3</td>
<td>85</td>
<td>691</td>
</tr>
<tr>
<td>Urban Total</td>
<td>27</td>
<td>18102</td>
<td>4218</td>
<td>273</td>
<td>211</td>
<td>4702</td>
<td>26.0</td>
<td>653</td>
<td>2761</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>17.3</td>
<td>1100</td>
<td>3353</td>
</tr>
</tbody>
</table>

**Variation**

Voters' lists were verified in urban polling stations of various districts in Andhra Pradesh. The table details the number of polling stations, voters, and the number of deletions and additions required due to errors of commission. The percentage of voters affected by these changes is calculated for each district. The Urban Total and Rural+Urban categories also show the combined figures for the percentage of voters affected. The variation in the percentage of voters affected across different districts is noted.
### 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Residing in the area but not voted</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>207/173</td>
<td>1143</td>
<td>625</td>
<td>483</td>
<td>5</td>
</tr>
<tr>
<td>207/176</td>
<td>956</td>
<td>459</td>
<td>377</td>
<td>15</td>
</tr>
<tr>
<td>209/93</td>
<td>725</td>
<td>428</td>
<td>306</td>
<td>20</td>
</tr>
<tr>
<td>209/75</td>
<td>989</td>
<td>495</td>
<td>380</td>
<td>42</td>
</tr>
<tr>
<td>210/426</td>
<td>893</td>
<td>476</td>
<td>399</td>
<td>22</td>
</tr>
<tr>
<td>Total</td>
<td>4706</td>
<td>2483</td>
<td>1945</td>
<td>104</td>
</tr>
</tbody>
</table>

Note: Percentage of doubtful and 'not voted' votes calculated for the total number of votes polled.
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