

LOK SATTA
People Power

A Presentation to NCER

A Suggested Agenda for National Campaign

6th March, 2003, New Delhi

True Swaraj

The real *Swaraj* will come
not by the acquisition of authority by a few,
but by the acquisition of the capacity by all
to resist authority when abused

- *Gandhiji*

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
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Is Money the Issue?

Sanitation

- 140 million toilets needed
- Cost: Rs 35000 crores
- Equals just 20 days expenditure

School Education

- 1.6 million classrooms needed
 - Capital cost : Rs 16,000 crores – 9 days govt. expenditure
 - Recurring expenditure : Rs.8000 crores – 5 days govt. expenditure
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Irreducible Role of Government

- Public order
- Rule of law
- Justice
- School education

Contd..

Irreducible Role of Government

- Healthcare
 - Infrastructure
 - Natural resource development
 - Social security
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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
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Failure of Political Process

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

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%)
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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

Way Out

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

Electoral reforms	Funding
	Criminalization
	Voting irregularities
Electoral system	Proportional Representation
	Separation of Powers
Decentralization	Local Governments
Rule of Law	Judicial reforms
Accountability	Right to information
	Citizens' charters
	Independent crime investigation

What can Civil Society do?

- When political process fails, the ball is with citizens,
the ultimate sovereigns
 - Local assertion
 - State-level reforms
 - National platform for larger reforms
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Approaches to Citizens' Action

- Collective, informed assertion
 - Wide dissemination of information
 - Effective mass communication
 - Strategic intervention
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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
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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

Contd..

Methods of Citizens' Action

Advocacy for state and local goals

- Empowerment of stake holders (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

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
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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
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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)
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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
Monagar	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

Details of electoral rolls verified			Deletions Reqd (Errors of Commission)				Additions Reqd (Errors of Ommission)				Variation		
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 voted	Left the area but not residing 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

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
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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

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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.

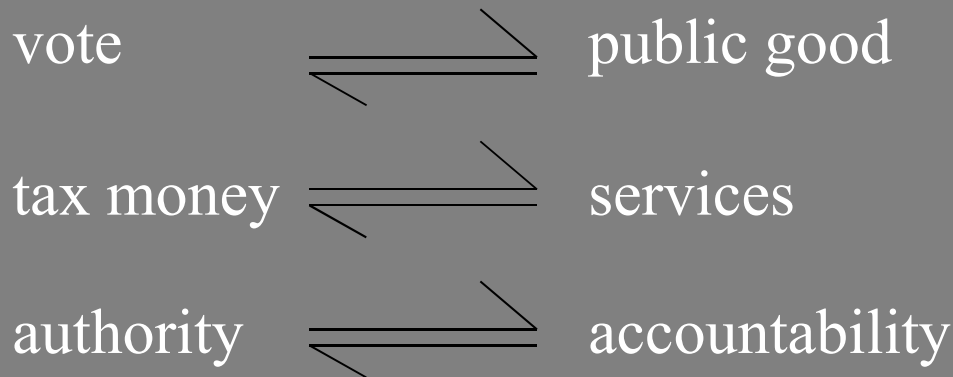
Payment extorted, on pain of delay, harassment, humiliation, anxiety and greater loss.

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

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
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National Platform

Electoral reforms

- Process improvements
 - Preventing polling irregularities
 - Arresting and reversing criminalization
 - Checking abuse of unaccountable money power

Contd..

National Platform

- System improvements
 - Political party reform
 - Proportional representation combined with constituency election
 - Direct election of head of government in states and local governments

National Platform

- Judicial reforms
 - National judicial commission
 - Indian judicial service
 - Procedural changes for speedy justice
 - Local courts for speedy justice

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

- Margaret Meade