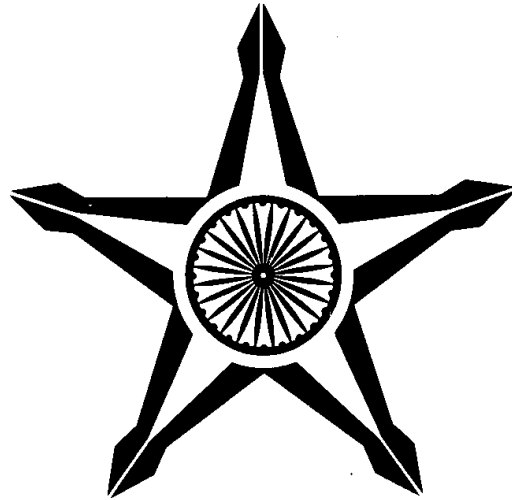


Election Watch Manual



LOK SATTA

People Power

Lok Satta # 401 & 408, Nirmal Towers, Dwarakapuri Colony, Punjagutta, Hyderabad - 500 082

Tel No. 91 - 40 - 3350778 / 3350790, Fax No. 91 - 40 - 3350783, Email: loksatta@satyam.net.in / fonderef@hd1.vsnl.net.in,

Web: <http://www.loksatta.org>

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1. Verification of Electoral Rolls

1. The foremost activity to be taken up under the Election Watch programme is verification of electoral rolls which assumes importance for the following reasons:
 - i) Many eligible voters do not find their names in the electoral rolls.
 - ii) The electoral roll contains the names of persons who are either dead or do not live in the area. It also contains bogus names and names of children. There was an instance of 350 voters getting registered with the same address. Because of these, bogus voting has become a common phenomenon.
 - iii) Despite periodic revision of electoral rolls, because of lack of proper information to the public, lack of understanding by the public on the procedure to be followed, because of work pressure on the election machinery and political interference, the electoral rolls are significantly flawed.
 - iv) The need for getting the names of eligible voters included, and deletion of names of ineligible voters does not require emphasis.
 - v) No individual can oppose revision of electoral rolls. In fact everybody will appreciate inclusion of names of eligible voters and deletion of names of ineligible voters.
 - vi) Every citizen has some understanding of the importance of 'vote'. As such it is possible to enthruse citizens to participate and cooperate in the revision of the electoral rolls.
 - vii) Revision of electoral rolls has a direct relevance to electoral reforms and governance reforms. In the absence of proper electoral rolls, elections become dubious and democracy gets diluted.

Eligibility to Vote

1. Every citizen has a right to vote in the elections for Lok Sabha, State Assembly, Panchayat or Municipality. However, there are different electoral rolls for Lok Sabha / State Assembly and Panchayat / Municipality. As eligibility to vote is the same for both there is no need to have separate electoral rolls. We should demand that the electoral rolls for Lok Sabha / Assembly should be used for Panchayat / Municipalities. This makes revision of electoral rolls easy and less expensive. There may be some minor changes in classification of voters list wardwise for Panchayat / Municipality elections which can be carried out without difficulty. Common Electoral rolls will reduce irregularities.
2. As per law, the criterion for eligibility to vote is as follows:
 - Any citizen of India, 18 years of age and above and registered as a voter is eligible to vote. Citizens who are mentally unstable as determined by court and those who are disqualified for electoral offence are ineligible to vote.
In fact there are not many people who are ineligible to vote.
3. A citizen can get himself registered in only one polling station in the constituency. He should get registered at the place where he lives.

Revision of Electoral Rolls

1. The electoral rolls are periodically revised. They are revised before the general elections for Lok Sabha and Assembly. They are also revised on the direction of the Election Commission or before a by-election. In the districts the revenue divisional officers and taluk / block revenue officer function as Electoral Registration Officer. In the cities the Deputy Municipal Commissioner and the officers below him function as Electoral Registration Officers.
2. During election time the election officers prepare the draft electoral rolls and call for objections if any, through the language press. As per law the draft electoral roll should be displayed at each polling booth in each village to provide an opportunity to the people to peruse the same. However, in the absence of proper compliance with this provision, the officers discharge their duties in a ritualistic manner and the people's involvement in the revision of electoral rolls is minimal.
3. It is our responsibility to ensure that the draft electoral rolls are displayed at each polling booth. The citizens should examine the electoral roll and check whether the names of all the eligible family members find a place in the same. We may depute one or two knowledgeable persons to each locality to assist the people in such verification. At the same time the rolls should be examined to find out whether names of any persons not living in that area are included.
4. A complaint should be made to the concerned electoral registration officer if, on verification, it is found that the name of any eligible voter does not find place in the electoral roll. Similarly, complaint should be made to the concerned officer to delete from the rolls the names of children, dead people or fictitious names or those who are not living in that area. After making an enquiry appropriate changes will be made by the electoral registration officer.

Additions and Deletions in the Electoral Rolls

1. Additions and deletions in the electoral rolls can be made at any time. However once the election process is on, changes are difficult to make. The last date before which changes could be made is the last date of nominations for elections. The process takes at least a week's time. Therefore it is better to ensure that changes are carried out well before the elections.
2. The electoral roll contains the name of the voter and details such as the name of father / husband, age, residential address. Generally the age of the voter as on January of the year in which the revision is carried out is noted. If the voters list is prepared after April, the age as on April is noted. The voter's list could be perused at the office of the taluk revenue officer or in the municipal office.
3. As per provision 33 of provisions for registration of voters, any citizen can obtain the electoral roll for a polling booth or a constituency by paying the required fee. The fee has to be paid in the government treasury. Generally the fees is about 5 to 10 rupees per polling

booth. On furnishing of the challan the revenue officer / municipal officer will furnish a photocopy of the electoral roll.

4. Electoral rolls are public documents, which should be accessible to the people. However, in view of the indifference of the government staff and the pressure of work on them, examination of the electoral roll by ordinary citizens is almost impossible.
5. The following changes can be made in electoral rolls.
 - Correction of erroneous or defective entries (wrong spelling, age, gender etc.)
 - Change of polling station within the constituency
 - Change of polling station outside the constituency
 - Deletion of name on account of death or migration
6. The electoral registration officer or any designated officer is authorized to include or delete names.
7. An application must be made in duplicate for inclusion or deletion or change in the electoral rolls. The forms prescribed for the purpose are indicated below (the proforma for the forms are enclosed):

Form No.	Purpose
6	Inclusion of name
7	Objection to inclusion of name
8	Change of any entry (name, spelling, age, sex , etc.)
8 A	Change of polling station
8 B	Deletion of entry due to death or migration

8. The electoral registration officer will display one copy of the application in the notice board and give notice inviting objections if any within seven days from notice. After the completion of notice period, the registration officer will consider the application and objections, if any.
9. He may also enquire into facts through his officials. You should cooperate fully during the enquiry, and give accurate information. On being satisfied that the name should be included, he will order its inclusion in the electoral rolls.
10. Other appropriate orders will be passed depending on the application. If the application is rejected, the registration officer will have to record in writing the reasons for rejection. The whole process may take about two weeks.
11. If there is no action by the official or if there are large scale bogus votes registered, or if legitimate voters' names are not included, please approach the RDO or Sub-Collector or

Collector, if necessary. In the City, please approach the Deputy Commissioner or Commissioner of the Municipal Corporation.

Verification of Electoral Rolls

1. About 100 volunteers are required for each constituency to take up verification of electoral rolls. The activity aims at preserving and protecting the sanctity of elections. In particular youth, students and women should be encouraged to join the effort. They need to be given training on monitoring of electoral rolls. The volunteers could be divided into groups of five and each group may be entrusted with about 10 booths. The election watch committee should procure two copies of the draft electoral roll and provide the same along with adequate number of forms to the volunteers.
2. Adequate publicity must be given through print, radio and electronic media to make people aware of the revision of electoral rolls. The volunteers must select few youth and students and others in the village and enlist their support. Prior publicity must be given to the visit of the volunteers to the village.
3. It would be possible for one volunteer group to verify the electoral roll in two booths in a day. A group will thus be able to complete the work relating to 10 booths in 5 days. If the work is taken up only on one day in a week, the exercise can be completed in about 5 weeks time.
4. After giving advance publicity of the visit to the village, the volunteer group should reach the village in the morning and arrange for a meeting of the village leaders, youth and women. It is necessary to get the support of the youth in the village. As everybody knows everybody in the village, verification of electoral roll in the presence of the village people becomes easy. When the names in the electoral roll are read out in the meeting the people would be able to respond by giving out the names that are not included or those that need to be excluded.
5. Applications have to be made in form 6, 7 & 8B for inclusion, deletion, change etc. It is necessary to get the facts verified at the meeting in the presence of everybody before filling up the forms. If necessary the group may take up individual verification by visiting the houses. Form 7 should be used for deleting the names of ineligible voters. These forms should be filled up by the voter registered under the particular booth. Form 8 B should be used in case of transfer of residence. This form should be filled in by a member of the family of the concerned voter or any other registered voter.
6. Help from educated people in the village should be sought for verification of electoral rolls. You should get Form 6 filled in by persons whose names have to be included. In the case of illiterates, the contents of the application form should be explained to them and their thumb impressions obtained on the filled out forms.
7. All applications should be filled in duplicate. A record of the applications made for revision of electoral rolls should be maintained.

8. The volunteer group should submit the applications to the electoral registration officer in duplicate and obtain an acknowledgement. It would be of help if a good rapport is established with the concerned officers to ensure prompt action. In case of any difficulty the Election Watch Committee, for the constituency / district should be consulted.
9. The electoral registration officer has to send a reply to the applicant within 10 days from the date of application. The volunteer group should keep track of the response from the electoral officer. They should send a weekly report to the District election watch committee and the Constituency election watch committee on the number of applications filed with the electoral officer for inclusion, deletion in the enclosed proforma. The District election watch committee should consolidate the information and send a weekly report to the State Election Watch Committee in the proforma enclosed (page 10).
10. The village election watch group should be informed of the additions and deletions etc.
11. Similar procedure has to be followed in the towns and cities. As people in towns and cities may not be knowing their neighbours, it becomes necessary for the volunteer group to visit each house and ascertain the details. Assistance from persons living in the locality is very necessary. It would be helpful if the group displays banners and placards at appropriate places.
12. We may encounter some difficulty in taking up this exercise in crime prone and faction ridden areas. As such it is necessary that in the first phase the exercise is taken up in non-problematic areas. Once the process is on and proper ambience is created, it would not be difficult to take up the exercise in the problematic areas / villages.
13. It would thus be possible to carryout verification and revision of electoral rolls in a few weeks' time. Such an exercise would contribute to making democracy healthy, transparent, more inclusive and participatory. Further it helps in mobilizing people for election watch, electoral reforms and governance reforms.

Table - 1
Village / Polling Station Report on Verification of Electoral Rolls.

District Constituency
Revenue division Village

1. Number of polling booths in the village.
2. Boothwise details of registered voters

Booth	Registered voters	Male	Female

3. Date of commencement of verification
4. Number of volunteers
5. Names of volunteers
6. Names of eligible voters whose names are not included in the electoral roll
7. Number of applications made in Form 6 for inclusion.
Male: Female: Total:
8. Number of voters found ineligible on account of age, residence or other reasons,
Male: Female: Total:
9. Number of applications made in Form 7.
10. Number of entries to be deleted on account of death or change of residence.
Male: Female: Total:
11. Number of applications made in Form 8B
12. Number of cases in which changes are necessary for other reasons.
Male: Female: Total:
13. Number of applications made in Form 8 and 8A.
Male: Female: Total:
14. Particulars of applications submitted to the electoral registration officer
Date: No. of applications submitted
15. Acknowledgements received. No:
16. Action taken on the applications

Proforma:

Form	Number	Date of submission	No. on which action is taken	Action taken		Reason for rejection	Other details
				Accepted	Rejected		
6							
7							
8, 8A							
8B							

17. Whether press and TV were informed in advance? Yes / No

If yes whether they participated in the programme?

18. Whether the names of the constituency election watch committee members were given to the volunteer group?

19. Particulars of the residents of the village who have volunteered to work for election watch.

S.No.	Name	Address	Phone	Polling Booth No.
	1.			
	2.			
	3.			
	4.			
	5.			

20. Did you experience any problems in the verification?

21. Any other information you would like to furnish.

Name of the volunteer :

Signature of the volunteer:

Date :

Place:

Constituency Report on Verification of Electoral Rolls

Constituency election watch committee

Report on verification of electoral rolls

Constituency _ _ _ _ _

District _ _ _ _ _

1. Number of villages.
2. Number of polling booths
3. Number of voters Male: Female: Total:
4. Number of volunteers Male: Female: Total:
5. Number of volunteers given training on verification of electoral rolls
6. Details of verification of electoral rolls carried out till date
 Number of villages Number of polling booths
7. Details of work done so far

Form	Number of applications filled	Number of applications submitted to MRO or Municipal officer	Number on which action is taken	Number accepted
No.6				
No.7 and 8B				
8 and 8A				

8. Did you face any difficulty in the revision of electoral rolls. Details may be given if necessary by using additional sheet.
9. How is the response from the officials. If you faced any problems? Please give details on a separate sheet.
10. Any other observations.

Constituency Election Watch Committee

Date:

Place:

2. Screening of Potential Candidates

As part of the Election Watch 1999 movement, Lok Satta has prepared guidelines for the activists. A Screening Committee was appointed including eminent jurists, civil and police officials, media persons and activists. All procedures have been streamlined, and all activities were conducted in a transparent manner. Strict guidelines have been evolved to ensure uniform and impartial application of standards, and fair, judicious and credible determination of criminal record. We are reproducing the guidelines for ready adaptation and application by activists all over the country. (Once the process started, we realised that it is much harder to obtain verifiable evidence of corruption. Therefore eventually screening was largely limited to criminal record of candidates).

Response Format :

Public response should contain four parts.

(a) The details of the Informant:

Name *
Age
Education
Address *
Constituency
Phone No.*

(* Optional. If name and address are given, they will be kept confidential.)

(b) The details of the Potential / Prospective Candidate:

Name
Address
Constituency
Brief Bio-data
Party

(c) Criminal / Corrupt record :

Details of cases with case numbers, police station, court etc.
Offences of which the person is accused
Convictions- with details, if any
Cases pending - with details
History sheet details
Rowdy sheet details
Any other information

(d) Enclosures :

Documents - original or photocopy in support of the information given above

2. Responses to be addressed to :

Election Watch
Lok Satta
Post Box No. 100
Hyderabad - 500 004

3. Collection and Storage

The mail will be cleared every day by Lok Satta Volunteers. At least two volunteers will visit the Post Office and clear the mail. All responses will be kept in sealed canvas bags specially made for the purpose. Until the responses are opened they will be stored at one of the following places.

- a) Lok Satta Election Watch Office or
- b) If more storage space is required - at **Lok Satta** Office in Punjagutta, Hyderabad - 500 082.

4. Opening of Letters/ Envelops

The mail will be opened once a week or more often as determined by the screening committee. The members of the screening committee, press and media persons and representatives of political parties will be present.

The mail will be opened at a suitable venue, say FAPCCI Meeting Hall in the presence of media and Political Party Representatives. However the actual information received will be kept confidential at this stage.

5. Tabulation of Information

The initial screening will be done in camera by a core of volunteers under the supervision of the Screening Committee. Volunteers will be drawn from the judiciary (retired), lawyers, retired civil servants and police officials, teachers and media persons.

6. Criteria for Scrutiny

A. Criminal Record

- a) Conviction for offences listed under sections 8, 8A and 9 of Representation of the People Act, 1951. (Annexure -1)

- b) Charges framed by a competent court after preliminary enquiry - in respect of offences listed under sections 8 and 8A of RP Act, 1951 - until they are acquitted. (Annexure-1)
- c) History sheets opened against convicted persons under Standing Orders 733, 734 and 736 of A.P.Police Standing Orders. (Annexure -2)
- d) Rowdy sheets opened against persons classified as rowdies under S.O. 742 of A.P.Police Standing Orders. (Annexure - 3)

B. Corruption Record

- a) Specific allegations on the floor of the Assembly or Parliament, and the explanations of the individual concerned
- b) Specific allegations in the press with supporting evidence, and the explanations of the individual
- c) Conviction in a court of law for corruption or misappropriation or embezzlement or cheating
- d) Charges pending in respect of above offences
- e) If a public servant present or past, disciplinary action taken or pending against the person
- f) If a public servant present or past, departmental enquiries pending or completed
- g) The assets of the person before entering public office or politics and the assets now, and the known sources of income
- h) The known income, and lifestyle and expenditure

7. Guidelines for Recommendations.

- The responses received will be carefully recorded and scrutinized by a corps of volunteers under the supervision of the screening committee.
- If specific information is provided with documentary evidence, such cases will be automatically considered by the screening committee.
- If information is specific, but no documents are enclosed, reasonable efforts will be made to obtain evidence (case records from courts, history sheets from police stations etc).
- If there are number of credible allegations by many persons against any individual, reasonable efforts will be made to gather specific evidence.

- All other cases will be ignored if there is no specific information.
- The cases in which specific information and evidence is available will be short-listed and placed before the Screening Committee with all details.
- The Screening Committee will go through the information, and will make a recommendation on the basis of facts available. The committee may seek further information if necessary.
- If the Screening Committee concludes that there is reasonable assumption of criminal or corrupt record, then such names with all details and committee proceedings will be sent to the political party and to the persons concerned.
- All recommendations will be made by consensus and if no consensus is possible, majority view will prevail.

8. Communication of Recommendations

- In respect of cases in which the Screening Committee recommends communication to political parties, a registered Acknowledgement Due letter will be sent to the Party President at the national level with a copy each to the state party president or chief and to the individual concerned.
(Draft letter in Annexure - 4)
- The letter will outline the information received in respect of the person and the evidence to suggest a criminal or corrupt record.
- The letter will appeal to the party not to nominate such a person as a candidate for public office until charges are cleared or satisfactory evidence is produced to prove the innocence of the prospective candidate. Such evidence of innocence should be made public to clear all doubts.
- The individual should be informed that s/he has the opportunity to present her/his case personally or in writing. The Screening Committee will consider the evidence furnished by the individual and if the committee concludes that there is no evidence of criminal or corrupt record, such person's name will be cleared, and the party will be informed accordingly in writing.
- All correspondence will be signed by the Chairman of Screening Committee or any other person(s) authorized by the committee.
- The Screening Committee is only determining as a public body of reputed citizens whether there is a criminal or corrupt record. The committee is not accusing any citizen, nor does it determine the guilt of a person. The correspondence should make this clear.

- The party should be told that if the party or individual concerned fails to establish that there is no criminal or corrupt record, and yet the individual is nominated as a candidate for public office, the entire record will be made public.

9. Making Recommendations Public

- If the party or person concerned furnishes information and evidence to establish that the person has no criminal or corrupt record, and can disprove the evidence already available to the Screening Committee, then the committee will consider such information and evidence.
- The committee is not an adjudicating body, and all proceedings will be summary in nature. No detailed examination is necessary.
- If the party or person fails to rebut evidence and prove that no criminal or corrupt record exists, and if such a person is nominated by a party for public office, then all relevant information will be sent to the Election Commission, the Chief Electoral Officer, the Returning Officer and the State Election Commission for their information and record. This information will be subsequently made public by the Screening Committee.
- Adequate copies will be made of the relevant information and documents, and they will be furnished to the media along with a brief statement. Widest possible publicity will be given to the facts of the case.
- Public should be told of the procedure, and of the fact that the Election Watch Screening Committee has informed the party in advance, and had appealed for the nomination of any other person with no criminal or corrupt record.
- Such procedure is followed in respect of all parties, and there is neither partisan interest nor prejudice in making the information public.
- The public should be appealed to reject candidates with criminal or corrupt record, irrespective of party affiliation or caste, religion and regional considerations.
- **Information Storage**
- All information received will be stored in a computer. The name of the informant shall be kept secret.
- The name of the person in respect of whom information was received will be kept secret except while informing the party upon screening committee's recommendation, and the details will be made public only if the person is nominated for public office.
- The original information and documents will be stored for a period of three years, until the statute of limitations no longer applies.
- In respect of persons who are politically active, the information and documents will be stored as long as Lok Satta Election Watch feels it is necessary in public interest.

- The storage of information will be the responsibility of Lok Satta.
- Any future Election Watch Screening Committee will have unrestricted access to such records in furtherance of its objectives.

Annexure - 1**Classification of Offences and Period of Disqualification**

The following table gives the type of crime, the period of disqualification and the concerned sections of the relevant laws.

Sl. No.	Offence	Law	Period of Disqualification
1	Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony.	IPC 153 A	Six years from the day of conviction
2	Bribery	IPC 171 E	- Do -
3	Undue influence or impersonation at an election	IPC 171 F	- Do -
4	Rape	Subsection (1) or (2)IPC 376 or 376 A, B, C & D	- Do -
5	Cruelty towards women	IPC 498 A	- Do -
6	Promoting enmity, hatred, and ill will between different religious groups.	Sub Section (3) IPC 505	- Do -
7	Practice of Untouchability	22 of PCR Act 1955	- Do -
8	Importing or Exporting of prohibited goods	Section 11 of Customs Act, 1962	- Do -
9	Membership in prohibited associations	Sections 10, 11, 12 of Unlawful Activities (prevention) Act 1967	- Do -
10	Violation of foreign exchange regulations	FERA 1973.	- Do -
11	Offences of Narcotic Drugs and Psychotropic substances	Narcotic Drugs and Psychotropic Substances Act, 1985.	- Do -
12	Offences of committing Terrorist acts and disruptive activities.	Section 3 of TADA Act, 1987 (Not in Vogue at present)	- Do -
13	Misuse of Religious Institutions.	Section 7 of Religious Institutions (Prevention of Misuse) Act, 1998, (41 of 1988)	- Do -
14	Electoral Malpractices	RP Act, 1951, Sections 125, 135, 135A, 136.	- Do -

15	Offences regarding places of Worship	Place of Worship (special provisions) 1991 Act, Section 6.	- Do -
16	Prevention of Insults to National Honour	Section 2 or 3 of Prevention of Insults to National Honour Act, 1971	- Do -
17	If sentenced for Six Months under hoarding or profiteering	Prevention of hoarding or profiteering Act	Six years after completion of conviction
18	Adulteration of food or Drugs	Prevention of Adulteration of food or Drugs Acts	- Do -
19	Offences relating to Dowry	Dowry Prohibition Act, 1961, Section 28.	- Do -
20	Offences relating to violation of Sati Act.	Commission of Sati (prevention) Act 1987 (3 of 1988)	- Do -
21	Electoral Malpractices and Corruption	RP Act, 1951, Section 99	- Do -
22	Removal from Government Job on the grounds of Corruption	Appropriate Rules of procedure	5 years
23	Not informing to Election Commission about Election Expenditure	RP Act, 1951	3 years
24	Electoral offences	IPC 171 E, F & RP Act 1951, Section 125, 135, 136.	6 years

Annexure - 2**Criteria for Rowdies and Classification of Rowdy Sheets**

The following persons may be classified as Rowdies and Rowdy sheets may be opened for them under the Standing Order of 742 of the Superintendent of Police or Sub Divisional Officer.

- a. Persons who habitually commit, attempt to commit or abet the commission of offences involving a breach of the peace;
- b. Persons bound over under Sections 106, 107, 108(c) and 110(1) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974);
- c. Persons who have been convicted more than once in two consecutive years under Section 75 of the Madras City Police Act or under Section 3, clause 12, of the Towns Nuisances Act;
- d. Persons who habitually tease woman and girls by passing indecent remarks or otherwise; and
- e. In the case of rowdies residing in an area under one Police Station but are found to be frequently visiting the area under one or more other Police Stations their rowdy sheets can be maintained at all such Police Stations.

(G.O. Ms. No. 656, Home (Police _ D) Department, dated 8th April, 1971)

Annexure - 3

Criteria for History Sheeters, Suspects and Opening of History Sheets

As per Police Standing Order 733 History Sheets of persons residing permanently or temporarily in the station limits, who are known or believed to be addicted to or to aid and abet the commission of crime, whether convicted or not or who are believed to be habitual receivers are maintained.

Automatic opening of History Sheets, as per Police Standing Order 734, is maintained at the time of conviction for persons convicted as under and shall be retained for two years after release from jail.

Descriptions of Persons or How Convicted	Number of Times Convicted
Persons released from imprisonment for life under chapters XII and XVII of the Indian Penal Code. Professional Prisoners Indian Penal Code Sections 395 to 402 Indian Penal Code Sections 392 to 394, if convicted or liable to conviction under Section 75 of the Indian Penal Code House Breaking Theft Bad livelihood sections of the Code of Criminal Procedure: Bound over under Section 109 Bound over under Section 110	Once Twice Twice Thrice Twice Once

Police Standing Order 736 deals with Suspects. The following persons should be classified as suspects and history sheets shall be opened for them under the orders of the Superintendent of Police or Sub-Divisional Officer:

- a. Persons once convicted under any section of the Indian Penal Code who are considered likely to commit crime again, and
- b. Persons not convicted, but believed to be addicted to crime.
- c. Care should be taken to see that History Sheets are opened under this Order only for persons who are likely to turn out to be habitual criminals and, therefore require to be closely watched.

Registered Post – Ack. Due

Lok Satta Election Watch

Draft Communication to the Party and the Person

Screening Committee

Hyderabad

Date :

Chairman,

Coordinator

As part of its campaign for free and fair elections, and better choice of candidates, Lok Satta Election Watch has constituted a Screening Committee to scrutinize the possible criminal/corrupt record of prospective candidates. Wide publicity was given to this and political parties have been taken into confidence.

The Screening Committee is not an adjudicating body, and it does not make any accusation against any one. The Committee, composed of highly respected, non-partisan citizens with wide experience, scrutinises the information and evidence furnished by the public and makes a recommendation in respect of individuals against whom there is evidence of criminal/corrupt record.

Accordingly, in its meeting held on the Screening Committee has concluded that the available evidence suggests a record of criminality/corruption against The committee understands that s/he is a prospective candidate for public office on behalf of your party.

The evidence produced before the committee is as follows.
enclosed)

(Copies

We urge you not to consider for nomination to public office until his/her name is cleared by a competent court. If you have information or evidence disproving the evidence enclosed, you may please bring it to the committee's notice immediately so that it can be taken into consideration by them. A copy of this letter along with enclosures is being sent to the individual concerned, so that s/he can present the case to the committee similarly. If no intimation is received from you or the individual, the committee will presume that there is no material to counter the evidence presented before it already.

The name of the person, and the relevant information are kept confidential at this stage. However, if no material is furnished to disprove the evidence available, and if the person is nominated for public office, then the Lok Satta Election Watch Screening Committee will be constrained to place all relevant facts before the people, and leave it to their good sense and judgement.

We have no partisan interest whatsoever in this exercise, and therefore we are bringing to your notice all facts available to the screening committee in advance. We urge you to nominate any suitable candidate for public office, and not to consider those with a record of criminality and corruption. As a party committed to cleansing politics and improving honesty and probity in public life, we are confident that you will act with integrity and honour, in keeping with public interest and highest standards of morality and propriety.

Yours sincerely

(Signature)

3. Know Your Candidate

People who aspire for public offices and who contest as candidates for elective office have the obligation to reveal to the public the details of their life which are relevant to their functioning as legislators. Usually such details pertain to the financial position of the candidate, the political record, criminal history if any and their views and commitments on certain larger public issues. It is proposed that Election Watch at the constituency level obtain this information from party candidates in the form of answers to the questionnaire, called “*Know your candidate*” **Election Watch** will not verify the truth of the statements of the candidates, because the resources at its disposal and the time available would not be adequate. **Election Watch** will therefore merely make this information public. In a competitive political process, the opposing candidates and parties will have the incentive to investigate the truth and reveal their findings to the public. There will be an affidavit accompanying the questionnaire. If any candidate refuses to answer these questions, the fact of such refusal to let the people know will also be made public. The people will then come to know that the candidate who “is so eager to service them” is unwilling divulge information which is of relevance to the voter. The voters will have a chance to draw their own conclusions and vote accordingly. A model questionnaire “*Know your candidate*” is enclosed.

Know Your Candidate

District _____ Constituency _____

Note: Please PRINT. Use separate sheet whenever necessary but make sure the appropriate number is given

1. Candidate details

- 1. Name
- 2. Male / Female
- 3. Political party
- 4. Age
- 5. Address
- 6. Education
- 7. Occupation / Profession
- 8. Married / Unmarried
- 9. Details of family (children, age's etc.)

2. Income details

- 1. Main source of Income
- 2. Other sources of Income
- 3. Total annual Income
- 4. Income Tax paid in the last year
- 5. Do you have any subsisting contracts or other business dealings with government?
- 6. Do you have any links with any business depending on government licenses? Give details.....
- 7. How will you mobilise the funds for your election campaign? Give details.....
- 8. The details of your total property and their value
- 9. Details of properties (with values) owned by your family members

3. Political history

- 1. The name of the party which has given you the ticket.....
- 2. When did you join this party?
- 3. In the last 5 years, which are the political parties in which you are/were a member?
- 4. Did you contest in earlier elections? The details of such contest (Rajya Sabha / Loksabha /Legislative Assembly / Zilla Parishad / Mandal Parishad / Municipality / Corporation Panchayat)
- 5. Details of those elections which you have won.....
- 6. List out the three achievements while you were in the office
 - i) _____
 - ii) _____
 - iii) _____

4. Criminal record

- 1. Were you convicted for any crime so far? Give details.
- 2. Are you charge-sheeted in any crime? Give details.
- 3. Is there any criminal case pending against you? Give details.
- 4. Were you at any time convicted for corruption or any other irregularity committed while you were a public servant? Give details.
- 5. Were you ever listed as a rowdy-sheeter in any police station? details

6. Can you give a commitment that you will not take support of rowdy sheeters and criminals? Yes/No
7. If elected, will you work for legislation preventing persons with criminal record from contesting? Yes/No
5. **Parties and Democracy:-**
 1. Will you agree that political parties which do not have internal democracy cannot protect the democratic system? Yes/No
 2. For the office bearers in political parties
 - A. Do you think periodic elections by secret ballot are necessary? Yes/No
 - B. Is there need for the laws and regulations to enforce internal democracy within a political party? Yes/No
 3. Selection of candidates for various elections
 - A. Should be by members of the party in the constituency and not at the discretion of high command? Yes/No
 - B. Is there need for laws and regulations to enforce this? Yes/No
 4. Do you want laws to regulate the party funding, expenditure and auditing? Yes/No
 5. To reduce the role of unaccountable money power and muscle power and criminalisation of politics
 - A. Do we need legal safeguards? Yes/No
 - B. Do you fully support such reforms? Yes/No
 6. If you get elected, will you fight for such reforms in local body elections? Yes/No
 7. Will you agree for the independence and autonomy of functioning of constitutional functionaries viz., Public Service Commission, Finance commission and Election Commission. Yes/No
 8. Will you support insulation of crime investigation from political control? Yes/No
 9. Will you support measures to eliminate partisan political interference in contracts, tenders and liquor licences? Yes/No
 10. Will you support measures which will reduce partisan and arbitrary transfers and postings of officials? Yes/No
6. **Views and goals:-**
 1. If elected, will you fight for Citizen's Charters? Yes/No
 2. If elected, will you support right to information legislation? Yes/No
 3. If elected, will you support measures to transfer to local governments powers, funds and functionaries in respect of subject listed in 11th and 12th schedules? Yes/No
 4. If elected, will you fight for empowerment of stakeholders such as water users, school education committees, market committees and ward committees? Yes/No
 5. If elected, will you fight for right to school education for every child and ensure establishment of schools within 90 days on demand? Yes/No
 6. If elected, will you fight for rural courts for speedy justice? Yes/No
 7. If elected, will you fight for construction of toilets in every household within three years? Yes/No
 8. If elected, will you fight for complete use of Telugu or Urdu in all matters of administration and in local courts? Yes/No
 9. If elected, what are the three important issues on which you wish to pay attention?
 - i) _____
 - ii) _____
 - iii) _____

Date:

Signature of the candidate

Place:

4. Common Platforms - State Level & Constituency level

Guidelines for Conducting Debates on Common Platforms

State Level

The outline of the state level debate is as follows:

1. There will be 2 debates in local language - each of 90 minutes duration.
2. There will be a low-profile moderator to conduct them. The moderator will be finalised in consultation with both the leaders.
3. In each debate, each of the two participants will have 2 minutes' time for an opening statement, and 1 minute for closing statement. The order will be decided by the draw of lots.
4. The questions will be put to each participant alternately, and each of them will be facing equal number of questions. The order - who will face the first question - will be decided by draw of lots in advance.
5. For each question, the leader facing it will have 90 seconds to answer; his opponent will have 60 seconds to counter it, and there will be 30 seconds time to the first leader to defend his position. Identical procedure will be followed in respect of the questions put to the other participant.
6. In the first debate, the moderator will ask questions prepared in advance by a panel of eminent persons. The questions will be kept secret until the debate. There will be in all 24 questions in the first debate - 12 questions addressed to each leader.
7. The moderator will merely ask the questions, and will not pass any judgement whatsoever on the answers. His role is strictly limited to two aspects:
 - a) rigid control of time allotted to the two leaders.
 - b) observance of strict code of conduct - the leaders will address the audience and viewers, and not each other; there shall be no mutual recrimination.
8. There will be a limited, invited audience drawn from all sections.
9. The debates will be telecast by all channels live, or if satellite uplinking cannot be arranged, there will be simultaneous telecast of the unedited, prerecorded debate by all channels.
10. The second debate- also for 90 minutes - will consist of questions from the invited audience. The questions posed by the audience will be kept secret from the moderator and the leaders until they are asked.
11. The invited audience will be asked to give their questions in writing shortly before the second debate, and a panel of eminent persons and journalists will screen them and select 24 questions on the following criteria:
 - a) equal number addressed to both leaders - 12 each.
 - b) elimination of duplication and overlap.
 - c) clarity and brevity of the question
 - d) no recrimination and objectionable language in the question
12. The moderator will be given the names of members of the audience and the order of their asking questions. As the moderator reads out the names in order, they will briefly ask the question on camera. The responses by the leaders will be as in the first debate.

Guidelines for Conducting Debates on Common Platforms

Constituency Level

1. The platform is organized by the local Election Watch Committee. All the candidates of all recognized parties should be invited for the Common Platform. And candidates can participate only by invitation.
2. People's participation on a large scale in the common platform should be ensured.
3. The public should be informed about the debate and the rules of common platform in advance through newspapers and other mass media.
4. The moderator for common platform should be a retired judge or a reputed lawyer or a person who held high public office and is known for his integrity and commitment.
5. Moderator shall spell out the rules and regulations of common platforms at the commencement of the meeting, not taking more than five minutes.
6. There shall be no display of party slogans, election symbols or flags; no garlanding shall be allowed at the Common Platform.
7. Each candidate shall speak only for 10 minutes. By a draw of lots, the moderator will pick who should be the first speaker.
8. The candidates in their speeches shall not use abusive language, or ridicule other candidates or behave indecently.
9. If any candidate wishes to make allegations against a rival, such allegations should be supported by specific evidence.
10. The audience will be allowed to ask questions after the presentations by the candidates. At least an hour's time will be allocated for questions. The questions should be clear, brief and to the point. Questions will be given in writing. Only illiterates may be allowed to ask orally.
11. Questions in the form of allegations should not be admitted if they cannot be supported by credible evidence.
12. Any specific evidence, with regard to the allegations made, can be handed over to the moderator.
13. There will be two members of the Election Watch Committee to assist the moderator on the dais. The moderator should scrutinize the written questions and put them to the candidates. The moderator will ensure that approximately equal time is allotted to all the candidates to answer the questions.
14. The answers to the questions put forth to the candidates should be clear and pointed. The moderator should see that the candidates respond to the question posed and not deviate from the main topic of discussion. The answers shall be brief, not exceeding one or two minutes each.
15. The moderator should conduct the forum in an impartial manner without any hint of support to any candidate or party.
16. The moderator can question the candidates on the democratic reforms advocated by **Lok Satta** and elicit response.
17. The moderator should elicit responses from the candidates for the 5th & 6th (see page 23) parts of the questionnaire in "Know Your Candidate" and obtain their commitments on democratic reforms.

18. The members of Election Watch committee can also seek explanation from the candidates on democratic reforms.
19. At the end of question-answer session, the candidates are given 2 minutes each to make concluding statements.
20. Opportunity should be provided to the media such as T.V, Radio and Press to observe and record the discussions. The Common Platforms should be conducted with the full participation and involvement of media persons.
21. The Election Watch committee will appoint observers to monitor the debate and intervene when required.
22. At the end of the programme, the moderator may give concluding remarks, not exceeding 5 minutes.
23. Punctuality is a critical requirement. The commencement of the meeting, presentations, and question / answer session should take place as per schedule.
24. The expenses for the conduct of the Common Platform can be borne by service minded organizations.
25. Common Platforms should be conducted in a responsible manner to ensure that the candidates are held to account by the people.

Copy of the letter addressed by Lok Satta to Sri Chandra Babu Naidu, Chief Minister, Andhra Pradesh on State Level Debate is enclosed.

22nd July 1999

Dear **Sri Chandra Babu Naidu garu,**

As you are aware, Lok Satta has embarked upon a massive public education campaign for democratic governance reforms. As a part of this campaign, we have launched Election Watch movement. We believe that political activity defined as the attempt to promote human happiness through better governance is a noble endeavour. We therefore have great respect and sympathy for the legitimate activities and needs of political parties.

One of the great problems confronting political parties in election campaigns in our country is the difficulty in effectively communicating the message to the vast multitudes spread over tens of thousands of hamlets and villages. The mass-mobilization techniques employed by parties are often cumbersome and ineffective in generating informed public debate. They also promote very unhealthy practices like abnormal use of money and muscle power in public life.

However, mere criticism of these unhealthy practices is not going to help, unless we create effective platforms for mass communication through modern technology. Lok Satta has therefore decided to sponsor televised debates between the heads of the main political parties in the State - the Indian National Congress (I) and the ruling Telugu Desam Party.

Lok Satta proposes two highly-structured, well-regulated televised public debates between Sri N Chandra Babu Naidu, Chief Minister and President of Telugu Desam party, and Dr Y S Rajasekhara Reddy, President of Andhra Pradesh Congress Committee. The debates will be moderated by a highly credible, soft-spoken, low-profile person of eminence. The moderator will be finalised in consultation with both the leaders. The debates will be only between the top leaders of the two leading parties in the state, and no substitutes will be acceptable. These debates will be patterned largely after the US Presidential Debates organised since 1960 by the League of Women Voters. The broad criteria which will be adopted for these debates are enclosed in Annexure - A. the finer details of the debate will be finalised in consultation with both the leaders

This will be the first time in the history of our Republic that such televised election debates are organised. We are sure that such debates will enlarge the appeal of parties, and enable them to carry the message to the widest audiences. We also believe that the debates initiated in Andhra Pradesh will be an example for the rest of India, and will radically alter the nature of election campaigning in India. Given the rapidly expanding television network in India, the time is ripe for such innovative campaign methods.

We, on behalf of Lok Satta, request you to give your consent to participate in these debates. Further details can be finalised in consultation with both parties. The two debates can be tentatively timed in the last week of August. We are sure that as the leader of a party dedicated to

informed public discourse and democratic values, you will readily come forward to participate in the debate.

Should you have any doubts or wish to seek clarifications, we will be happy to furnish you further information. In view of the vital public importance, and the urgency involved, we request your immediate consent.

With warm regards,

Yours sincerely,

Sd/-
Justice A Laxmana Rao
Chairman
Lok Satta Election Watch

Sd/-
K R Venugopal
Coordinator
Lok Satta Election Watch

Sd/-
Jayaprakash Narayan
Campaign Coordinator
Lok Satta

Sri N Chandra Babu Naidu
President, Telugu Desam Party
Plot No.1310, Road No.65
Jubilee Hills,
Hyderabad - 500 033

5. Voting with Care - A Guide to Citizens

- ★ Voting is your fundamental right and duty. Through voting, you are transferring a part of the power over yourself to a representative elected for common good.
- ★ If you do not participate in voting, your power is taken away from you by default or cheating or by force. You and the society are the losers.
- ★ So far, no government in India was elected at the national level with a majority vote. Even the largest parliamentary majorities were based on less than 50% voter support. When we consider that the polling percentages are about 50-60%, the winning parties obtained a maximum of 25-27% of the total eligible voters' support. Sometimes, this support is only about 20% of the total voters. On many occasions at the constituency level, the winning candidates obtained only 25% of the votes polled or less! There are also instances of the winning candidate obtaining fewer votes than required for refund of deposit i.e. less than 1/6 of the total number of valid votes polled.
- ★ As elections become increasingly competitive, and as politics and society are highly polarized, even 4 or 5% votes cast by enlightened and informed citizens will make a big difference to the result. Therefore please take the following steps for voting.
 - You should cast your vote. Or else the local goonda will capture the booths and cast your vote
 - Ensure that ineligible names are deleted from the electoral rolls in advance
 - Ensure that your name and names of other eligible persons are enrolled
 - Please vote for any candidate or party of your choice
 - If the party of your choice does not put up a good candidate, and if there is a genuinely worthy candidate contesting, then you should not vote for a bad or incompetent or corrupt or criminal candidate in the name of the party. Ultimately there is no guarantee that the candidate elected in the name of a party will remain with that party! Therefore the calibre and character of a candidate should be more important than party loyalty
 - Find out your polling station number (part number) and the serial number and address of polling booth in advance.
 - Do not accept transport from any party or candidate.
 - If you do not know your serial number, you can receive help from the agents of candidates near the polling area. But you are not in anyway obliged to vote for a party or candidate, whose workers gave you assistance.
 - Go as early as possible, so that someone else cannot impersonate you and vote in your name. Please remember, if someone impersonates you, and votes, then that person's false vote will be in the ballot box, and it will be counted!
 - **In case your vote is taken, you should ask for a tendered vote after establishing your identity through a ration card or driving license or credit card or passport. You can mark the ballot paper given to you and hand it over to the polling officials. However, in such a case, your vote called 'tendered vote', cannot be counted. But it can be a valid ground for an election petition.**
 - **The Election Commission should be persuaded to order an automatic repoll whenever the tendered votes exceed a prescribed number. This simple step,**

- which can be taken by the Election Commission without any change of law, will significantly reduce bogus voting and booth capturing.**
- If the polling officials are encouraging the voters to vote for any particular party or candidate, please file a written complaint to the officers making regular visits, or else complain to the Returning Officer, or Assistant Returning Officer.
 - If there is organized rigging or impersonation or booth capturing or if people are forcibly prevented from voting, please complain immediately to the authorities mentioned above. In such cases, if there is evidence, repolling will be ordered.
 - **Please go out and vote, even if you do not like any candidate. In case you feel all candidates are unworthy, please obtain the ballot paper and cancel it by making a big 'X' mark across it.**
 - **By this 'Rejection Vote', you will be preventing impersonation and bogus voting.**
 - **If enlightened people go out and vote, parties will be compelled to nominate good candidates. If there are many such rejection(X) votes, the voters will be sending a powerful signal to the parties and the society about the need for electoral and party reforms.**
 - **This rejection vote is an expression of strong protest and should be used, instead of not voting.**
- ★ Please organize common platforms with all party candidates at major centres in the constituency and obtain answers to people's questions in public. Let people decide on the basis of knowledge.
- ★ Please obtain information about candidates and circulate it widely.

6. Monitoring of Polling

- 1) After the revision of electoral rolls the Election Watch Committee will constitute monitoring groups in the towns and villages. Persons interested in joining the monitoring groups may contact the Election Watch Committee
- 2) The Election Watch Committee will provide a monitoring group for each booth. Addresses and the telephone numbers of the members of the Monitoring groups will be available with the Election Watch Committee. Similarly the addresses and telephone numbers of the members of the constituency monitoring group will be available with the Election Watch Committee. One of the members of the Election Watch Committee will be the Coordinator for the Constituency.
- 3) Usually there are about 750 to 1000 voters to a booth. Polling booths are located in schools, colleges, Gram Panchayats, Government offices or in temporarily erected structures. Depending on the population there may be one or more booths in a village. The polling booths in a village may be located at one or more places. Where the polling booths are located at one place, an independent entry is provided to each of the booths. Generally the polling station is located within a distance of half to one kilometer from various localities.
- 4) The monitoring group should be acquainted with the people of the locality. The group should also have complete details of the polling station. It will be helpful to the voters if the monitoring group makes available to them information on the location of the polling station, and the serial no. of the voter in the voters list etc.
- 5) Concerned officers of the Revenue department (in case of a city, concerned officers of the municipal corporation) will visit the areas before the election date to supervise the poll arrangements. The monitoring group should extend necessary cooperation to such officials. The group should also get in touch with the village administrative officer / revenue inspector and extend cooperation to them. Good rapport with these officials would facilitate effective Election Watch activities.
- 6) The addresses and telephone numbers of the members of the constituency election watch committee should be made available to the monitoring group. The names and addresses of the area police officers also should be made available to such groups. The groups must extend cooperation to the police in the maintenance of law and order. This would help in the orderly conduct of elections.

The election watch committee must have the addresses of the local representatives of the print and electronic media.

- 7) Each polling station will have one presiding officer and three or four polling personnel. The strength will be less if electronic voting machines are used. Lecturers, senior teachers and other officers are appointed as Presiding officers. Generally the staff from one revenue tehsil or taluk or block are appointed in another area. Necessary precautions will be taken to ensure such postings are not amenable to political pressures.

- 8) The polling staff along with the polling material are transported to the polling station the day before polling. Some staff members may come to the polling station on their own. All arrangements for polling will be made on the previous day itself.
- 9) The members of the monitoring group must wear Election Watch badges and introduce themselves to the polling staff and extend cooperation in making polling arrangements. Necessary arrangements may be made for the over night stay of the polling staff taking precautionary measures to avoid any undue pressures.
- 10) One zonal officer will supervise the polling in 10-12 polling stations. A police squad will be continuously moving around the polling stations in the zone. Wherever necessary one or two constables or home guards are posted at the polling station. Police may not be posted at many polling stations. What is important for orderly conduct of elections is unbiased polling officials and voters exhibiting restraint. It is impossible to conduct peaceful elections with mere guns and police without the cooperation of the public. It is for this reason that the monitoring group should come forward to extend assistance and support for the proper conduct of elections.
- 11) The monitoring group may not have any official function during the polling. However the group may at the request of the presiding officer extend assistance in making poll arrangements, organising queues, identifying voters and verifying the objections of the polling agents about bogus voters.

The polling agent has to pay one rupee for each objection he raises about a voter and if proved right the amount will be refunded to him.

- 12) In general, the following irregularities take place during elections:
 - Booth capturing
 - Threatening and preventing the opponents from voting
 - Large scale bogus voting
 - Threatening the polling staff
 - Bullying the poor to vote in one's favour
 - Providing free liquor to voters
 - Create unruly scene and pandemonium at polling station whereby voters are afraid to go to the polling station
 - Forcing the voters to show to whom they have voted.
- 13) If people are passive and do not oppose, polling irregularities are the norm in the villages. But if even a few people resist, 90% of the irregularities can be stopped. The very knowledge that Election Watch Committee is keeping a vigil checks most of the irregularities.
- 14) Because of fear or pressure the polling staff may sometimes turn a blind eye to the polling irregularities. Sometimes, because of political pressure, the higher authorities may not act on the complaints made by the polling staff. A strong and vigilant Election Watch movement with impeccable credentials and recognised for its objectivity can thwart many poll

irregularities. Support from election watch movement will provide courage and moral strength to the polling staff.

- 15) If large scale irregularities take place or the election atmosphere is vitiated despite their best efforts, the monitoring group should apprise over telephone the concerned officials, the election watch committees at the constituency and district level. It should be followed up by a written complaint giving all the details. The concerned authorities are bound by law to take appropriate action based on the objective presentation of facts by the polling station monitoring group.

Information should also be furnished to the print and electronic media whereby people would come to know of what happened. Fear of exposure through media will check the irregularities.

- 16) The job of the Election Watch Committee would be complete after the polling ends peacefully. There is no scope for any irregularity once the ballot boxes are sealed and handed over to the senior polling staff. Safe custody of ballot boxes and counting of votes are taken up under strict supervision. There is a strong redressal mechanism to rectify any lapses or mistakes in vote counting. The Election Commission has the requisite authority and capability to take appropriate decisions. Where necessary, the courts have the power to consider election petitions.

- 17) The monitoring group should send a brief report to the constituency committee after the election is over. Similarly, the constituency committee has to send a report to the District and the State Election Watch Committees.

Election Watch taken up as a movement with people's participation will yield good results. People will be able to elect competent persons with proven integrity as their representatives and servants, only if they can prevent persons who depend on muscle and money power and manipulative abilities from winning elections. Election Watch can give fillip to the democratic movement and eventually help pave the way for genuine, participatory democratic governance.

7. Election Watch - Organisation Chart

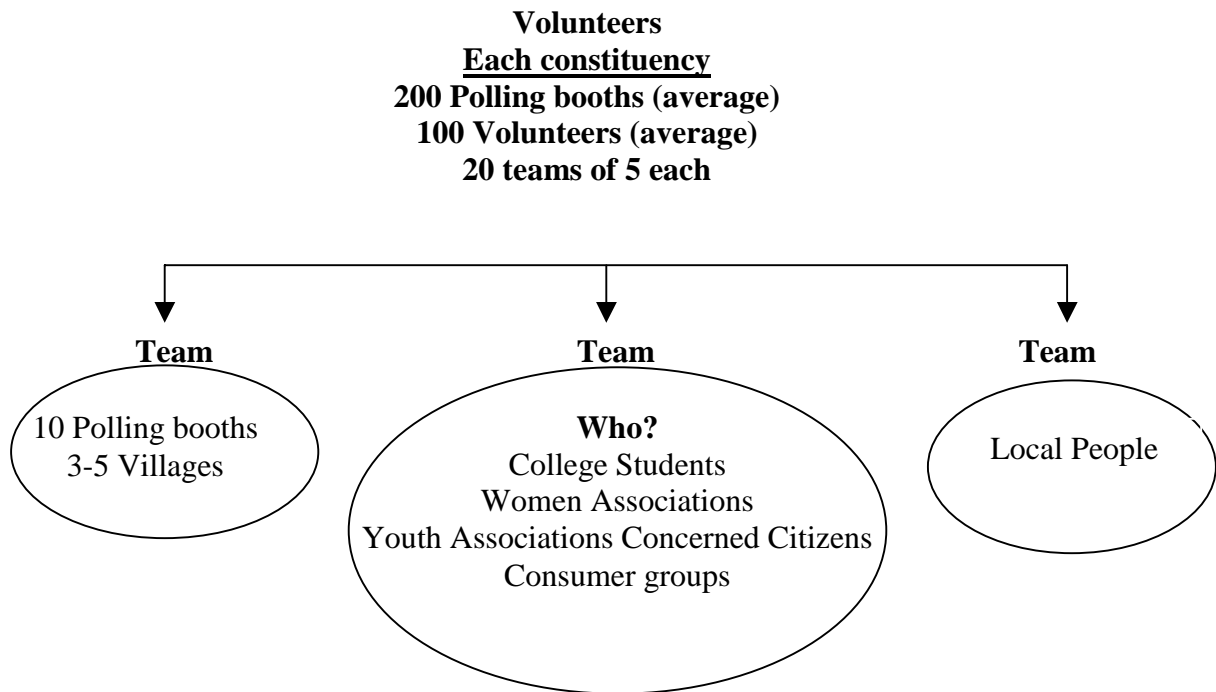
State Committee

Core Group

District Committees

Constituency Committees
(20 Members)

Volunteers



8. Governance Goals

Lok Satta has taken up Swarajya campaign to mobilize public opinion and bring pressure on the government to make governance people-centered. Swarajya goals have been identified based on the following criteria:

- a) They are no-cost or low-cost goals
- b) They are strategic goals, the achievement of each of which leads to several other positive consequences.
- c) They are universally acceptable to all shades of public opinion
- d) They can be achieved locally within a State or district or department or office or city, town or village.

Swarajya Declaration

We the citizens of India gave ourselves democratic constitution fifty years ago. We declared that the people are the masters. However since then we have gradually lost our sovereignty and authority. Citizen is at the heart of a democracy. We have set up many institutions for our sake. We have elected governments to take care of our common needs, Government exists for the well being of the people. The touchstone for the government performance is the satisfaction of the people. The basic tenets of democracy are the accountability of the government to its master the citizen, and the responsiveness of the bureaucracy to the needs and aspirations of the people who are their paymasters. However, we regularly experience indifference, callousness, corruption, harassment and ignominy whenever we approach government for a service. Are these the rewards for the master? In these circumstances democracy has become irrelevant and more a ritual. Governance has become constitutional brigandage.

As such, we as people, citizens, and masters are seeking true Swarajya, and genuine self governance. We expect the representatives elected by us and public servants chosen by us to respond to our aspirations and take up the following:

1. Citizen's Charter
2. Right to information
3. Genuine local self - governance
4. Direct empowerment of stakeholders
5. Guaranteed primary education
6. Speedy justice through rural courts
7. Toilets for every household

1. Citizens Charter

Citizen's charters must be prepared immediately for all the government services to which we are entitled. The citizen's charter should contain the following aspects specifically and with out ambiguity: a specific government official should be made responsible for each of the services and their accountability should be clearly defined.

Measurable performance indicators should be evolved for each service. Mandated guarantee must be given on the time limit, and other standards for the provision of the service to the citizens.

In case the service is not provided as per the prescribed standards, the persons responsible must be liable for specific punishment besides compensating the citizens for the loss.

The citizen's charter must be given statutory backing. The citizen's charter should cover certificates relating to birth, death, income, nativity etc. properly related services, civil supplies, voting right; municipal services, civil rights, public amenities, school education, public health and other government services. The citizen's charter should be given wide publicity and implemented immediately.

2. Right to Information

Citizens should always have access to information on administrative matters other than those relating to national security. Statutory provisions must be made to ensure that citizens have access to information on administrative methods, decisions and government must be obligated to provide all information to the public. Persons violating the responsibility to provide information to the people or hindering the citizen's right to information should be liable for punishment. The citizens concerned should also be appropriately compensated.

3. Genuine Local Self-governance

Most of the public services should be brought under the purview of the local self governments with a view to make them easily accessible to the people. The powers and responsibilities of the local governments should be clearly defined. Citizen should have a clear understanding of the relationship between his vote and public good; and the taxes he pays and the services he receives. Local governments should be entrusted with powers, resources and control over the government staff. Through such statutory devolution of power to local governments and comprehensive reforms in the local elections, the finest citizens should be enabled to take part in the electoral process.

4. Direct Empowerment of Stake-holders

Stakeholders should be given the power of supervision over government services such as school education, irrigation, agricultural inputs, public distribution system, primary health etc. Appropriate arrangements should be made to entrust the stakeholders with these responsibilities in a democratic manner. Statutory provisions must be made to transfer resources and to entrust the stakeholders with tax collection of cess / taxes relating to the service and supervision over government staff in respect of such services.

5. Guaranteed Primary Education

For democracy to be meaningful it should be ensured that every child born in the country gets primary education. Government should with the support of local people establish primary schools within one kilometer from each habitation and guarantee primary education to every child.

6. Speedy Justice through Rural Courts

Provision of justice speedily and efficiently is the hallmark of a civilized society. The common man finds justice a mirage as the law is written in a language he cannot comprehend and dispensed at a far off place after great delay. Rural courts should be set up under the control of the judiciary to ensure trial in people's language and resolution of disputes locally and speedily.

7. Toilets for every Household

The basic requirement for human dignity is a toilet for every household. 70% of the people are forced to ease themselves in public for want of suitable facility. This is an affront to human dignity, apart from causing inconvenience and affecting hygiene and health. It is shameful that even after five decades of independence this fundamental social problem has not been addressed. Government should provide adequate resources and launch a campaign involving the local people to ensure that every household is provided with a toilet in the next five years.

We as tax payers and masters in democracy want our representatives and public servants to take immediate action on all the above seven issues to our satisfaction. We strongly believe that true swarajya and self governance can be achieved only if the above measures are taken. We proclaim that such swarajya is our birth right. We pledge that we would not rest until we regain our sovereignty and redeem our republic and protect our swarajya.

9. Electoral Reform Goals

The health of a democracy depends on the choice of representatives and leaders, which in turn is directly linked to the way political parties function and elections are conducted.

While we have outstanding men and women in public life, flawed electoral process is increasingly alienating public-spirited citizens from the political and electoral arena. The persons best equipped to represent the people find it impossible to be elected if they adhere to law and propriety. If elected, decent citizens cannot survive for long in elective public office without resorting to, or conniving in, dishonest methods. Even if they survive in office, their ability to promote public good is severely restricted.

The Indian voters have frequently been changing governments and elected representatives. However, this change of players is having little real impact on the nature of governance. Even if all those elected are replaced by the candidates who have lost, the outcome will not be substantially altered. This throws light on the need for a change in the rules of the game and not a mere change of players.

Happily for us in India there has never been any serious State-sponsored rigging of elections. While numerous irregularities exist in the polling process per se, most of the pre-polling activities such as the printing and distribution of ballot papers, and post-polling activities, including the transport and storage of ballot boxes and the counting of ballots, are free from any political interference or organized manipulation. This is a saving grace, and probably explains in part why successive electoral verdicts have broadly reflected genuine shifts in public opinion.

The following are the most important flaws in our electoral process:

- I. Irregularities in Polling
- II. Criminalisation of Politics
- III. Unaccounted and Excessive use of Money Power
- IV. Autocratic and Unaccountable Political Parties

I) Measures to curb polling irregularities

Polling irregularities include rigging, booth capturing, false voting by impersonation, serious defects in voter registration etc. The following specific measures will significantly reduce polling irregularities:

A. Voter Identity Cards:

Lok Satta's sample surveys show that upto 40% voter names in urban areas and about 15% in rural areas are flawed – either the names of eligible voters are excluded, or the names of dead or fictitious persons and non-residents are included. Our house-to-house surveys of select polling booths in urban areas after the election showed that nearly 22% of those whose votes had been cast were bogus – either they did not exist, or they migrated or did not vote. When we consider that the recent crisis in the US elections was a result of a narrow margin of victory, with a mere 500 votes determining the verdict in about 100 million votes cast (or 1 in 200,000 votes), we can easily appreciate the acuity of the problem in India (with over 20% votes being bogus in cities!)

The most important step required to cleanse elections is introduction of mandatory voter identity cards. The law has been amended to facilitate introduction of identity cards and over Rs 1000 crores of public money has been spent to prepare and distribute these photo-identity cards.

However, parties and governments have been very lukewarm to introduction of voter identity cards, and the scheme did not take off in many States.

Happily, the Election Commission has successfully introduced mandatory voter identity cards as a precondition for voting in Haryana State Assembly polls in 2000. In addition to the ID Cards supplied by the EC, 24 other forms of identity (including ration card, driving license, passport etc) were accepted as proof of identity, and this flexibility in operation made the effort successful. The Commission has declared its intention to adopt the same procedure in all future elections. High level of public awareness, and pressure from citizens' initiatives and activists are critical to enforce this provision in all future elections.

B. Mandatory repolling if tendered votes exceed 1%:

Wherever the voter identity cards are not yet fully operational, there is another measure which could be effective in minimising rigging and false voting. Most rigging and booth capturing in elections result in a single, verifiable manifestation - Viz., impersonation, and false voting in the name of someone else. The law and rules (Rule 42) now prescribe that a person, in whose name a vote has been already cast earlier, is entitled to a tendered ballot paper after establishing his/her identity. The tendered ballot paper shall not be put into the ballot box, but it shall be placed in a cover specially kept for the purpose. However, while counting votes, only the ballot papers put in the ballot boxes are taken into account. There is no provision for the tendered votes to be counted. They will be counted only in case of a court order on an election petition.

Thus tendered votes are the direct, tangible verifiable and incontrovertible proof of rigging and false voting in some form or other. Since citizens do not know much about this process, and since in any case even if rigging is proved by a large number of tendered votes there is no remedy available, most voters do not take the trouble to cast tendered votes. As a result, organized impersonation and forcible rigging go almost entirely unchecked, and are amply rewarded in our election process.

The Election Commission can make a significant difference to the purity of our election process by strategic intervention through a mere executive order. The Commission can issue an order to the effect that in any polling station, if the number of tendered votes exceeds a certain limit - say 5 or 1% of the total votes cast in the polling station, then repolling will be held automatically. Once this order is issued, and it is publicized very widely through the press and electronic media, then many honest voters who are deprived of their legitimate franchise will be encouraged to go out to vote, and unearth the bogus voting and rigging. Automatically rigging will be severely restricted.

The Commission has the power to issue this order and no change of law or amendment to the Constitution is required. The mere fact of tendered votes is proof of rigging. It is no longer a presumption, but is actual proof.

By this single step, the Commission can arrest rigging, booth capturing, and impersonation to a large extent and improve the quality of our elections.

C. Electronic Voting Machines (EVMs)

EVMs cannot eliminate rigging, but they make polling and counting simpler, and reduce the risk of rigging. As ballot papers are no longer used, and as a minimum period of time is required before casting vote in EVMs, several forms of polling manipulation are reduced. The law has been amended to facilitate the use of EVMs and the EC has embarked on a credible programme for universal introduction of EVMs.

D. Eliminating flaws in voter registration:

One of the saddest features of our electoral process is the inaccessibility, irregularities and outright fraud in voter registration. As explained above, over 25% of all voters lists are flawed. The electoral rolls are inaccessible in reality to most people, though on paper a fair and objective procedure exists. Voter registration is done sporadically, and citizens have very little knowledge or access to it. Even the statutory forms for 1) registration of voters, or 2) deletion of names, or 3) correction of entries, are often unavailable. When applications are made, there is no effective mechanism for monitoring.

All these can be curbed by a simple change of procedure. At present the revenue or municipal authorities are in charge of voter registration. Instead, if there is an easy and permanent access to electoral rolls, statutory forms and voter registration through a citizen-friendly agency, then people can avail the facility regularly. Millions of ordinary citizens can access electoral rolls and well-meaning activists can help in verification and cleansing of electoral rolls. One such accessible, user-friendly agency is the post-office. If electoral rolls pertaining to the locality are available for verification at each post office, and if the statutory forms are distributed freely on request, the registration process will become accessible to the poorest citizens in remote corners. The post office can also supply voter lists for a price. If the post office collects application forms for inclusion or deletion of names and gives an acknowledgment, and if within a month the citizen is guaranteed action on the application, then voter registration can be an easy and simpler operation, and a vigilant citizenry can correct flaws. This requires only change in procedures, and the EC can do it through an executive order without any change of law.

II) Measures to Curb Criminalization of Politics

For want of a mechanism to check rigging and impersonation, the electoral arena has become a playground for criminals. It therefore comes as no surprise that the Election Commission once estimated that more than 700 of 4072 legislators in the States, or roughly one in six, had some sort of criminal record against them!

Most new entrants to politics over the past three or four decades have been candidates with political connections or enormous wealth — honest, educated and people committed to public service have been sidelined. In this vast country only a few candidates with insight and understanding of public affairs or a passion for public good have been elected and survived. In recent years, many local muscle men, whose

services were earlier sought for extortion or vote gathering, are now directly entering the fray and becoming law makers.

Simple changes in law could bring about a radical difference in the electoral process. As the disposal of criminal cases is excruciatingly slow, and conviction rate in such cases is a low 5%, many criminals are eligible to contest as the law prohibits only convicted criminals from contesting.

Taking into consideration the possibility of trumped up charges and misuse of powers, an effective law could be put in place disqualifying not only convicted criminals but also

- candidates involved in corrupt electoral practices under Section 99 of RP Act 1951
- persons against whom criminal charges are framed and pending for any offence listed under Section 8 of RP Act 1951 or any warrant case
- persons against whom history or rowdysheets — or similar records have been opened and kept open

To prevent abuse of power, or misuse of the disqualifying provisions, any aggrieved candidate may appeal to the sessions Judge whose time bound decision shall be binding. For convicted criminals the periods of disqualifications should be as per the recommendation of the Law Commission.

III) Measures to Curb Unaccounted and Excessive Use of Money Power

Closely connected and to a large degree corrupting the polling process is the vast amount of money spent by candidates on elections. Expenditure often is 10 to 15 times the prescribed limit. Much of this election expenditure is illegitimate and is incurred in buying votes, hiring hoodlums and bribing officials. The estimated expenditure of the major parties in the 1999 general elections to the Lok Sabha and Legislative Assemblies in Andhra Pradesh were Rs. 600 crores - expenditure of Rs. 1 crore for Assembly and Rs. 3-4 crores for Lok Sabha constituencies is common.

In the absence of strong legislative framework, the Election Commission's efforts to curb expenditure have merely pushed most expenditure underground. The ostentatious expenditure for visible campaigning is on the decline, whereas the illegitimate expenditure has been on the rise. Due to lack of strict disclosure norms, parties are not inclined to receive contributions openly. Almost always political contributions are obtained through extortion, or received as a consideration for past or future out of turn favours. Unaccounted election expenditure has become the root cause of corruption. Political funding and corruption are inextricably linked. Every rupee of election expenditure entails at least a five-fold return to the politician. To share five rupees with the political class, the rent-seeking bureaucracy has to recover Rs.50/-. In order to extort Rs.50/- from the public there should be delay, inefficiency, harassment, humiliation and indignity worth Rs.500/- heaped on innocent citizens! Because of the inexhaustible appetite of the political system for unaccounted funding, the entry of honest citizens into political and electoral arena is rendered almost impossible.

Proposals for Campaign Funding Reform

A. Measures to encourage political funding:

- 1) All individual contributions to individuals or parties for political and election activity shall be exempt from income tax subject to a ceiling of, say Rs.10,000
- 2) All corporate contributions from companies upto a ceiling of 5% of the net profit shall be exempt from corporate tax
- 3) Companies may contribute subject to the following norms
 - a) No contribution shall be made above 5% of the profit
 - b) A company which receives state subsidy or has a decision or contract or license pending with government shall not contribute

B. Measures to prevent abuse of office

- 4) Government shall not issue any advertisements containing the name of a person or party or photograph of any leader
- 5) No government advertisement shall be issued listing any achievements of a particular government.
- 6) Government transport or infrastructure shall not be used for political campaigning
- 7) No contribution shall be received from any person or corporate body in respect of whom any decision or license or contract or claim of subsidy or concession of any nature is pending with the government.

C. Measures to enforce disclosure and accountability

- 8) Every individual contribution exceeding Rs.1000/- and every corporate contribution shall be disclosed to the Election Commission and the Income Tax authorities. Penalty for non-disclosure will be fine equal to ten times the contribution and in addition case of corporate bodies, imprisonment for six months.
- 9) Every political party and candidate shall get the receipts and expenditure fully audited and make the audited accounts for the financial year public by Sept 30.
- 10) The audited statement of accounts shall be submitted to the Election Commission as well as the Income Tax authorities. Copies shall be made available to any member of the public by the Election Commission on payment of a nominal fee.
- 11) Along with the audited statement of accounts, the party or candidate shall submit a complete list of all contributions exceeding Rs.1000/- with the full identity, address and other details of the donors. These lists shall be made public and furnished to the Election Commission and Income tax authorities. Election Commission shall make available to the public this list on demand for a nominal fee.
- 12) Penalties for not furnishing audited accounts by a candidate will be disqualification for a period of six years or until accounts are furnished, whichever is later.
Penalties for non-disclosure of donations by a candidate will be disqualification and a fine equivalent to ten times the amount covered by non-disclosure, disqualification for six years and imprisonment for one year.
- 13) Penalties for not furnishing audited statement of accounts shall be de-recognition of the political party until accounts are furnished. Penalties for non-disclosure of donations by a party will be a fine equivalent to ten times the amount covered by non-disclosure, imprisonment of the persons responsible for a period of three years and de-recognition of the party for a period of upto five years.

D. Measures to limit campaign expenditure

- 14) There shall be a reasonable ceiling on expenditure in elections as decided by Election Commission from time to time. All expenditure including that incurred by a political party or any individual or group to further the electoral prospects of a candidate shall be included in the election expenditure.
- 15) Penalty for violation of ceiling shall be a fine equal to five times the excess expenditure. Penalty for willful non-disclosure of any expenditure shall be disqualification of the candidate for six years, fine equal to ten times the non-disclosed amount and imprisonment for six months.
- 16) There shall be reasonable ceilings fixed on television/radio/newspaper advertisements.
- 17) During election time, rallies held under covered roofs alone shall be permitted, and outdoor public rallies shall be prohibited. However, there shall be no restrictions on all other campaign related individual or group activities.

E. Measures for public funding

- 18) Free television and radio time shall be given in state media to recognized parties as prescribed by the Election Commission

- 19) Private electronic media shall earmark time for recognized parties as prescribed by the Election Commission for election-related campaign
- 20) There shall be election debates telecast and broadcast live by all electronic media as per the directions of the Election Commission
- 21) Every candidate/party obtaining 2% of the valid votes polled in a constituency shall be entitled to receive public funding to a tune of Rs.5 per vote. The Election Commission shall receive these claims, ensure the candidates and party's compliance with all norms of auditing, disclosure and expenditure ceilings, and award the public funds.

Miscellaneous

- 22) The Election Commission shall be the final authority to determine compliance or otherwise of these norms, and to impose penalties.
- 23) Public funding to party candidates shall be contingent upon the party candidates being selected democratically by secret ballot by members of the party or an assembly of elected representatives of the party members in the constituency.
- 24) Any expenditure to give inducements to voters, distribute gifts, bribe public officials involved in conduct of election, or hire any workers or gangs for any unlawful activity shall be unlawful. Penalties for such unlawful expenditure shall be disqualification of the candidate for six years, a fine equivalent to ten times the expenditure incurred and imprisonment for three years.
- 25) Every candidate shall make a declaration of his/her income and property at the time of nomination, along with income and properties of the members of his family. False or incomplete declaration shall invite disqualification for six years and imprisonment for one year. Non-declaration will invite automatic disqualification.

The Election Commission shall determine the compliance of this provision and make public these declarations. The EC shall be the final authority to decide on complaints of false declaration.

IV) Autocratic Political Parties

Political Parties have become arbitrary, autocratic and unaccountable. As parties are integral to democratic politics, their undemocratic functioning has weakened Indian democracy and politics. The only effective way of improving the quality of a democracy is by improving the functioning of political parties.

Entry into a party is often tightly and arbitrarily controlled by the leadership. In most mainstream parties the leadership denies membership to those with the potential to challenge their position. Similarly persons utterly opposed to party's stated ideology are admitted as members when it suits the leadership. Disciplinary powers are invoked and expulsions are resorted to habitually only to safeguard the position of leadership of a party. No healthy debate and democratic dissent are tolerated.

Leadership choices at various levels are rarely made by democratic voting. In most parties, internal elections are rarely held, or when held, are perfunctory. Even membership rolls are not available. Party leadership is utterly unaccountable to its members as well as the public regarding contributions made and expenditure incurred.

Choice of candidates is left to the discretion of the party bosses. There are no democratic procedures of member choice and secret ballot for candidate selection.

Party policies are rarely debated or decided in party fora. Members have no role in shaping party's policies. Manifestoes are written in a cavalier manner, and if the party is elected to office, promises are disregarded with impunity.

Lok Satta conducted a survey of leading political parties at the grassroots level. This survey was initiated by Sri LC Jain's idea of a Political Party Development Index to act as a pressure point for parties to reform. Constituencies for study of each party were short-listed based on the party's consistent good performance over the past four general elections, and the final choice was made by the party concerned. In effect these constituencies represented the best face that the parties could offer. The findings of the study confirmed all the ills of our party system outlined above.

Proposals for Democratisation of Political Parties

- Membership of a party should be open to all citizens subscribing to the party philosophy. There should be uniform membership norms and memberships rolls should be available to any party member or representative of the Election Commission. Members should not be expelled for espousing a view contrary to the leadership's view.
- Leaders at various levels should be chosen in a democratic manner. There shall be democratic election by members through secret ballot for filling all vacancies of office bearers and the highest executive body. The executive committees at various levels shall be elected at least every second calendar year. All decision making in party organs shall be by majority vote, and the ballots shall be secret at the executive committee, delegates' and representatives' assemblies. Voting at other levels shall be secret if the members ask for it.
- Candidates for election to any public office must be chosen democratically by secret ballot. The nomination procedure shall be governed by the party statutes. A person may only be named as party candidate in a constituency if he or she has been selected in an assembly of party members in the constituency or in a special general assembly of representatives elected for this purpose. The candidates and the representatives for the assemblies of representatives shall be selected by secret ballot. Selection of candidates for other public offices shall be by secret ballot at the appropriate level.
- An independent auditing authority should be established for auditing annual statements of income and expenditure of political parties and the statement of assets. Alternatively, an auditor, approved by the Election Commission should audit the accounts. Public shall have access to these records and may obtain copies from EC on payment of a nominal fee. All contributions more than Rs. 1000 shall be disclosed to the public and the Election Commission. The commission shall make available copies to the public on payment of a nominal fee. Any violation of disclosure norms shall invite de-recognition and imprisonment of members of executive committee for three years.
- A provision similar to Article 21 of the German Basic Law should be incorporated in the constitution to facilitate effective regulation of parties.
- "21(1) political parties shall participate in the formation of the political will of the people. They may be freely established. Their internal organization must conform to democratic principles. They must publicly account for their assets and for the sources and use of their funds.
- 21 (3) Details shall be regulated by federal laws."

The Election Commission should be the final authority to decide on the internal democracy of political parties, on disqualification of candidates, on compliance with funding norms, and on all election petitions. The Commission shall dispose of election petitions within 6 months from the date of polling. Election Commission should have the rule making power on its own in matters relating to supervision and conduct

of elections. The Election Commission should be made truly autonomous. For this purpose the following are necessary:

Selection of the CEC by a collegium consisting of the Prime Minister, leader of the Opposition, the Chief Justice, Speaker of Lok Sabha and Chairman, Rajya Sabha.

Selection of the other ECs by the above Collegium and the CEC.

Making expenditure on the Election Commission charged to the consolidated fund of India.

Making the EC secretariat independent of the government.

Delegating all rule-making power to the EC.

Prohibiting any non-elective public office for CEC / EC after retirement.

10. Electoral Reform Goals At a Glance

Reforms Needed	Measures Required	Achieved by	
		Change of law / Procedure	Constitutional Change
Decriminalization	➤ A law to prohibit persons facing criminal charges and those listed as rowdy sheeters or history sheeters (with judicial scrutiny)	✓	Nil
Expenditure — to be made accountable	➤ A law providing for mandatory disclosure, statutory audit and making records public;	✓	
	➤ Exemption from income tax subject to ceiling – severe penalties for violation including removal, disqualification, fine and imprisonment	✓	
Electoral rolls — improvement	➤ Post offices to be made nodal centres for easy access to electoral rolls and applications	✓	
Rigging/Impersonation — elimination	<ul style="list-style-type: none"> ➤ Mandatory Voter ID Cards ➤ Electronic Voting ➤ Mandatory re-polling if tendered votes exceed 1% 	✓	

Lok Satta # 401 & 408, Nirmal Towers, Dwarakapuri Colony, Punjagutta, Hyderabad - 500 082

Tel No. 91 - 40 - 3350778 / 3350790, Fax No. 91 - 40 - 3350783, Email: loksatta@satyam.net.in / fonderef@hd1.vsnl.net.in,

Web: <http://www.loksatta.org>