

Elections 2009

The Road Ahead

FGG Report

FGG Organized an event, led by Chief Elections Commissioner Mr Navin Chawla in August 2008.

Opening Remarks by Mr RV Raju

To quote Election Commissioner Mr Qureshi, “India’s electorate of 714 million is larger than that of all 50 countries in Europe put together, all 54 countries in Africa, all 41 countries in North and South America and the entire British Commonwealth minus India.” We had 43 million voters more this time than the last elections and that is two Australian electorates put together. Due to the staggering number of people who could vote this year, the election was held in five phases, even though many do believe that it could have been held in a single phase had there been enough security personnel.

The process of updating electoral rolls continued till the last date of filing nominations. 714 million people were eligible to vote in 2009, up 6.4% from 2004. With over 417 million people voting India once again witness to the largest exercise in democratic decision making anywhere in the world. Despite widespread media concerns about voter apathy the turnover of 59% was relatively healthy and broadly in line with the last five or six elections which have all been around 60%. Indeed, of the 15 Lok Sabha elections since 1952 turnout this time fell within the middle band with six elections registering a higher level and eight lower. There was considerable



deviation on a state by state basis. States such as West Bengal, Kerala, Tamil Nadu, and Andhra Pradesh recorded very high levels of participation with turnouts of over 70% while States such as J&K, Bihar, UP, Gujarat and Rajasthan were considerably lower with turnout around 50%. Among the States Bihar stands out with a precipitous chop of 13 percentage points from 2004. In contrast, in Tamil Nadu there was sharp increase of the same magnitude. But, with the exception of some States, the turn out did not change from 2004 by more than a few percentage points in most cases.

The National Election Study 2009 offers some insights into the reasons behind why people did not vote. Mostly people cite circumstantial reasons such as being



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out of station (25%), or having been unwell (14%), in some cases people were unable to vote because they did not have the necessary identification (10%) but on the whole lack of interest was not a major factor with just 6% citing it as a reason for not voting. 25% of those who did not vote were unable to provide a reason. These figures are likely to understate the impact of seasonal migration since the migrants are unlikely to be available to be interviewed for a post-poll survey. On average over half the population (58%) said they were not interested at all in the election campaign but this number has consistently fallen. Only 10% said they were interested a great deal, though this figure is much the same as in previous years. The proportion of those who take some interest has steadily risen to reach 32% this time. The level of enthusiasm, however, did not translate into voting and those who are very interested in the campaign are only somewhat more likely to vote than those who were not, 67% versus 56%. However, those with a keen political interest were much more likely than those with no interest to participate in a wide range of election related activities such as attending campaign meetings 51% versus 5%, participating in rallies 44% versus 2% and taking part in door to door canvassing 44% versus 3%.

Political interest therefore appears much better able to explain the depth of participation and the simple act of voting. Indeed, the scope of the election campaign to reach out to voters is something truly remarkable. Overall, the political parties managed to contact a substantial proportion of the Indian electorate. Over half of the population 57% were personally visited by a party worker or a canvasser.

Although a gender gap in turn out has

been reported in previous elections, once again the evidence suggests that this continues to get narrower with each election with just 4 percentage points separating men and women in 2009, 60% versus 56%. Similarly, there is not much variation in propensity to vote by age. The turnout rate among people under 25 (55%) a fraction lower than amount older people (58%). Is turnout a preserve of the well educated. Turnout amount college educated (60%) is the same as those educated upto primary level (60%) and only a fraction higher than those who are not literate (55%). Lastly, despite sharp divisions between different castes, communities in terms of which party they support there are only minor differences between them in terms of whether they vote or not. Muslims (59%), ST (60%), and SC (59%) are a shade more involved in the electoral process than upper castes (56%) and OBCs (58%). On the whole, these differences are minor and speak of a fairly well politically integrated citizenry.

Mr Navin Chawla

The Election Commission has received many congratulations 2009 election has been a watershed one. For the last 16 years, there has been a three-member body, one retires the other two continue and so there is a continuum. Many things that that the EC has done has been the result of policies and good practices laid down by predecessors. So, it is a great advantage having been a three member body rather than a single member Commission.

The EC also organized a watershed election in J&K in November/December 2008. Two years ago, we organized the election in Gujarat and the blueprints for both those elections were actually made by Mr Lyngdoh and I had Mr Lyngdoh's book on my bedside for so long that my

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wife used to call it a bible. This was his book on the J&K election and so in some ways the practices had already been established and there were many signals in that book that we were able to pick up. Mr TS Krishnamurty was Chief Election Commissioner when the electronic voting machine was first applied to the whole country for the general election in 2004.

It is important to analyse the vulnerability mapping that the EC devised during the UP election. We are a very large country, with a very large population, and also the biggest and largest democracy, even at the time of our independence. Our logistics are staggering but it is still important to know that when we went in for this election we had 714 million voters. We had issued 82% of our eligible voting population with the identity card and 580 million had been distributed before the general election. We set up 835,000 polling stations, a 100,000 more than 2004. The EC felt that a polling station is needed so that people should not have to walk large distances and sometimes even a 2km distance in the mountains is a lot. The EC even factored things like streams and bridges; what according to a straight line was 2km in reality may be a circuitous route to actually reach the polling station

Also included in the concept of vulnerability mapping is - certain communities that were feeling hard pressed for one reason or another of being intimidated in order not to be able to come to a polling station then we took the polling stations to them. In distant places in Rajasthan the EC experimented quite successfully with mobile polling stations and in the Zaskar area where helicopters could not go because of bad weather and where people actually had to walk over glaciers.

Operations of this kind would perhaps be described as the largest management project in the world. Yes, there are so many things that do happen and we have to react very quickly as a Commission but there were as many things that we could factor in as thousands of links to a chain we factored them in but it was not that we were doing a stand-alone election for the first time ever, we had been doing this for every successive elections and in all the previous elections. That is why each of us who then gets the continuity of one or two or three years in the Election Commission, picks up that knowledge and we have blueprints which we keep and then trying to strengthen in advance. That is why I described none of this an accident. Of course there were uncertainties, there were uncertainties like reaching mountainous and difficult areas, there were uncertainties in replacing an electronic voting machine within time in let us say in Pithoragarh in Uttarakhand and there were certainly problems in our naxal areas which we tried to factor in and could not to the full extent because if I were to compare the 2004 election and 2009 election then some of the advantages that we had over this election were that there was much better mobile connectivity in 2009 over 2004 so our communication system was that much better. Today about 70% of our countryside is covered by mobile connectivity but we still have difficulty as an Officer from Orissa will be able to testify that when for four nights we could not track the staff on their way back from Malkangiri in Orissa.

Another difference between 2009 and 2004 was that while in 2004 we did have 2000 or so observers. In 2009 we also had a 140,000 micro observers, central government staff not allied to the state government

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and we posted them in polling stations that candidates felt were vulnerable in some way because what tends to happen is that in each election the party which is not in power wants central forces. The EC also used 89,000 video cameras; every candidate with criminal antecedents had to be tracked, there was no exception. Other people who needed to be tracked were also tracked. We left it to the observers to their discretion to decide so that we had the whole panorama of events. There were clear instructions from us to the district magistrates that these would remain in your safe custody until the observer saw it the next morning for anything that he needed to see and in case it was needed for an election petition there was evidence available. So, the cameras were used for two purposes – one was to track candidates to see that the model code was not violated and the second was on the date of poll they acted as the ears and eyes of the Commission and we have thousands of hours of footage as a result which are all kept in safe custody and will doubtless be used by the courts or will be called for by the courts as and when those election petitions come to fruition.

One might wonder how just 300 people based in Delhi can run an election of a size of a country such as India. For that, we first appoint a Chief Electoral Officer whom we choose for integrity and independence. The EC asks the State Government for a panel of three, and verify from our own sources on who would act responsibly. If all the three people in the panel are not up to the mark then we ask another panel until the EC is satisfied. So we have very good Chief Electoral Officers who

are our ambassadors and who report to us. From the time that the EC announce the election, no officer who is in any way responsible for the changes of that roll can be transferred out without our permission. They are responsible for us because if we don't have a good roll we can't have a good election. In order to be able to get a good roll, we have just three joint secretary level officers with us and they are really quite brilliant, so they devised a concept of a booth level officer – teacher, revenue official, but a Government servant - who would be responsible for the 1200, 1300, 1400 upto 1500 voters in that booth and would therefore know who had shifted, which person had become 18 years old on the first of January that year, who had died and so on. As an example, when we organized the Karnataka election in 2007, we found that none of these revisions had taken place and so in about three months of great pressure from the Election Commission – approximately, 7 million names were either deleted or added or shifted from here to there. It was almost as if for five years nobody had passed away in the State of Karnataka because something like over a 2.1 million names were those of people who had died in the previous four years.

The three Election Commissioners divide the States and the Union Territories amongst us because it is very difficult for all three of us to go to all the states within a period of 3-4 months. We went to some states together, particularly states which had simultaneous elections like Andhra and Sikkim. In a parliamentary election there are 543 seats and everyone of those returning officers who is a district magistrate must behave with greatest of integrity because it is only then that you can deliver an election which is neat and clean. What can three members in the Commission do? They can't do everything. What is also equally important is a transparent and clean

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election. We must give credit where it is due and that was to these 543 returning officers in all the states.

Besides the general elections, the Election Commission also organizes elections for the posts of the President, the Vice President, the upper house of parliament, the lower house of parliament and all the assemblies. We do not do the elections to the municipal corporations or to the panchayats, those are done by the State Election Commission which is an independent constitutional body.

Finally, just a word to you about the communication system. We have what you call COMET but it is a fantastic communication system. We have 835,000 polling stations. At every single polling station a mock poll must be conducted. A mock poll means the presiding officer and his staff sit on one side of the table and the representatives of the political parties on the other side and they must come and press the buttons that they want to see that the right light lights up. If there is something wrong with the machine, in plain areas it must be changed within half an hour and in hill areas within an hour, it must be reported to the Commission. I must know if it is over 61 minutes that the replacement and why, the replacements at this time are something like less than 0.5%. But until the presiding officer does not sign a piece of paper, a mock poll certificate, the poll can't start. So without 835,000 certificates that poll in that particular area cannot begin. This is one of the links in that long chain which we have gradually over the years through many Commissions been able to devise. I will stop here.

We have complete faith in the Electronic Voting Machine; it has stood the test of time, we have conducted as many as 32

assembly elections since 2001. A prominent political party had been to the Madras High Court in 2001 and the Madras High Court found nothing wrong with the machine. The party went to the Supreme Court, which dismissed the petition. The party contested the 2001 election and won. The Supreme Court has also directed the complainants to demonstrate before the technical committee and our experts if there is any tampering. We don't believe any tampering is possible either on the machine, which is not a computer based operation, it has got a programme programmed once on a chip that can't be removed. Even if you break the machine or you put it into water you can't remove the chip, you can't tamper and it has got a programme that cannot then be modified by any computer operation unlike the German and the European models.

Apart from the machine itself we have so many checks and balances. It is not an accident that the machine is manufactured not in the private sector. They are manufactured in the public sector, which had manufactured the machines, which deals also with extremely sensitive defence equipment. The machine does not know to which state it is going, the machine does not know which booth it is going to. In the booth nobody knows who the Presiding Officer will be. The Presiding Officer does not know which three or four staff he is going to be assisted by. Everything is randomized in such a way that nobody knows who the contestants will be.

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Questions and Responses

What is being done on compulsory voting and ratification of political

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parties? The political parties are mushrooming over the years and it is not easy to control them. Since State Election Commission controls the grassroots democratic institutions like panchayats, what is the link between Election Commission and the State Election ?

Mr Navin Chawla: State Elections Commission are a separate constitutional body and we inherently have no powers over them. We meet annually. We agree on many things in common. For example, we are trying to get a common electoral roll but we cannot arrogate the powers of another body. It is a constitutional body so I don't know what to say about it but we do work in tandem at least once or twice a year.

Regarding the deregistration of parties, we have the power to register but we don't have the power to de-register. We do need to de-register parties that don't contest elections. On the compulsory vote, I know for example that Thailand has compulsory vote, Australia has compulsory vote, we did get 58.4% people voting but in actual fact suppose there is legislation tomorrow for a compulsory vote how will we actually be able to enforce it? I think, good education and awareness will see people coming to vote.

Question: When the constitution provides for democratic conduct of the political parties, why these political parties are not conducting the elections in a democratic manner?, why the election commission has not devised a

methodology on this?

Mr Navin Chawla: This is a good suggestion, that we need to look into.

Question: Regarding the reforms in the electoral system - all of us know there are many shortcomings in the first past the post system which we are currently following and usually it does not represent the vote of the majority wherein usually in a multi-cornered contest the candidate with around 30% votes wins the poll. What are the prospects of introducing for a single transferable vote system? Second, the concern regarding the increasing resort to the ethnic identities and the provocation of the communal hatred in the campaigning as was evident in the infamous Pilibhit case in these recent elections. What needs to be done?

Mr Naveen Chawla: The model code encompasses either the whole state or at least the districts where the constituencies might fall even in a by-election. The election commission is accused that in trying to bring about a level playing field at that time, that period is too elongated 40-45 days and then we are told by the executive of that state that development functions get blocked. There is a lot of thinking that has to go into any change and it must be opened in the whole country to debate within parliament and outside if the first past the post system is to be changed.