

Electoral reform

Robust electoral system → robust democracy

Need

- * Criminalizⁿ of politics. 43% LS & 31% RS
MPs from criminal background
- * Electoral participⁿ only 67.4% in 17th LS. 65.79%
- * Women - only 14% in 17th LS.
- * EC appointment to be more transparent
- * Political funding
 - ↳ non transparent ↳ corrupt^h zone
- * Victimizⁿ of voters
 - ↳ booth & constituency profiling

Area of reforms

- * Ceiling political party exp^{re}
- * State funding political parties
 - ↳ indept audit
 - ↳ ban prt donⁿ
- * Political parties
 - ↳ Internal democracy & transparency
 - ↳ Under RTI
- * Accept ECI propose to legally empower
it to cancel elecm where credible evidence

of abuse of power found

- * Debar criminals with heinous crimes pending in court bar
- * Empower ECI to deregister political parties not contested for 10 yrs yet benefiting tax exemption.
- * Paid news an electoral offense
 - ↳ corrupt practice (sec 100 RP Act)
 - ↳ Undue influence (sec 123 RP Act)

Recommⁿ of ECI

- ↳ Security of tenure to other tcs
- ↳ Contempt power.
- ↳ Transparency in funding pol parties
- ↳ ECI given power to make rules under 1957
- ↳ ECI power to audit accounts of PPs.
- ↳ Simultaneous elect to P & SL
- ↳ Debar Criminal case candidate
- ↳ Make paid news offense
- ↳ No contest from more than one constituency

Bolster integrity of electoral process, uphold dem value, ensure incl of participatory democracy in India

* VVIP (Verification of Informer Program)

↳itizen verification of name, crosscheck in Voter ID

* cVIGIL App

↳ Report exploitation, MCC.

* CEC like TN Sheshan used innovative ways to enforce MCC should be replicated.

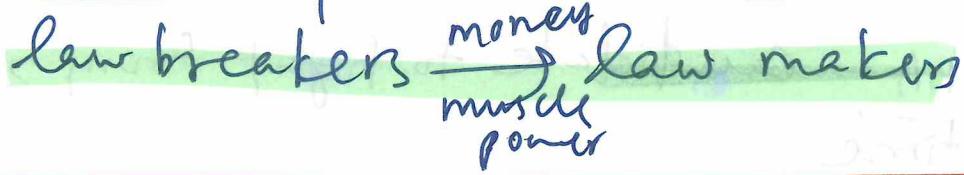
* Subhash Chandra Agarwal Case

Political parties public authorities under RTI.

* Inter-party democracy mentioned in C of Croatia, Germany, Portugal.

* RPA Secn 8(3) — disqualification of 6yr from release if conviction > 2 yrs

43% elected MPs criminal case (ADR)



money
→ to voters → fees
black money Criminality of Politics fees
corruption unethical practices.

* Dinesh Goswami Committee

state funding of elect

National Electoral Fund — former CEC S Y Qureshi

- all donor can contribute
- allotted to political parties in proportion

to votes they get

- protect identity of donor
- weed out black money

66% of income of NL parties from
'Unknown source' (ADR).

Ruling party received 65% of electoral
bond income (ADR)

Paid news EC disqualified MP Narottam
Mishra for not showing paid media cost in elec expre.

One Nation One election

Best practice Germany - Simultaneous conf & no conf motion
→ ensure continuity

- * Germany - C'l recognition to political parties
- * Secn 29 RPA - registration of recogn'n of political parties
- * Secn 33 RPA - candidate to fight from 2 seats at same time

96 crore voted

8.1% ↑ in registered voter

Female voter > Male voter

2 cr young 18-29 age

Advance applicn to 17+ voters

PVTG - 100% registration measures

R P Act deals with conduct of election way introduced by then law minister B R Ambedkar under Article 327

Significance

① Define coercive practice - Secⁿ 123

→ Promote enmity b/w religion

② Qualif'n & disqualif'n

→ Section 8(1) → offences greater than 2 years

③ Administrative machinery to conduct elect

duties of RO, observer

④ Political party regis^th, contribution, donⁿ

⑤ Conduct of elecⁿ

⑥ Handle elecⁿ dispute

Amendments

① 2003 - R to Info inserted for voters

② 2008 - Exit polls ban

③ 2010 - NRI given voting right

④ 2013 - ground of disqualif'n of MLA/MP

challenge
→ still malpractices
→ Hatespeech
→ Crimelaw
→ No desegregation
of PT

WF
→ curb hate speech
→ Bar Opinion poll
→ Proxy voting for NR
→ False declaration of offense
→ Cap pp expse

Issues in RPA

- * Secⁿ 29 A - Registration of political parties
 - ↳ Only 20% registered PPs contest elecⁿ
 - 80% - excessive load on public money.
 - SC - examine EC power to disqualify convicted person from holding PP
- * Secⁿ 33 (7) - Candidate to conduct 2 seats
 - ↳ add'l burden
 - ↳ Unfair to upcoming leaders
 - ↳ Insurance against failure
- * Secⁿ 8 - disqualification of convicted MP MLA
- * Secⁿ 123 - abiding to corrupt practices.
- * Secⁿ 10 - disqualification for not filing expense
- * Secⁿ 29 B - funds of PPs
- * Secⁿ 29 C - file for > 20k
- * Secⁿ 126 A - Prohibit exit pol/

Election & technology

Pre elecn

* Electoral roll Mngmt

↳ Automn of ECI field fm - th'r standardized
 applicn & data formats CVRGIL

Blockchain ↳ Digitalis h of electoral rolls & electors
 photo identificn cards (EPIC)

* Drafting of polling personal / Party, micro observer, Randomizing EVM.

Election Day Activities

West Virginia
used mobile voting
by Blockchain
for absentee

* Communication Plan for Elecn tracking (comET)

↳ computerize communication details of
all polling stations of country

↳ 1st impld. MP 2008 state elecn * VVPAT

* Web casting / video streaming of poll electronically
 proceedings from polling station transmitted
 post ballot system

↳ 1st 2009 TN LS elecn live recording

| Significance] # Proposal for totalizer
machine

↳ Reduce elecn fraud

↳ Improve accuracy of voters register.

↳ Improve accessibility.

- ↳ Improve efficiency - Elecⁿ office Mngmt process
- ↳ Improve voting %
- ↳ Disseminate elecⁿ related informⁿ.

challenges

- * Use of deep fake
- * Manipulⁿ of voters
- * Cyber security risks
 - ↳ Russian involvement in US election alleged
- * Lack of awareness of voters.

- Cambridge Analytica
- Is Krishnamurthy deep fake

voting awareness

- * Bengaluru 'Vote fest' - Urban voters → vote
- * 'Main Bhaat hoon' song by EC played in cinema halls
- * 'Matadata junction' - Yearlong voter awareness program of EC thru AIR
- * SVEEP - #Turning 18 by SVEEP

Vottanthullal - ICL

Model Code of Conduct

- * Set of guidelines by Election commission to regulate election — 1st introduced in 1962
- * C Vigil — people can report violⁿ of MCC

Significance

- ① Ensure fair & peaceful electⁿ
↳ Parties to inform local police regarding time & venue of meeting → avoid clash.
- ② Prevent m's use of power by party in power
↳ false sharing of public places & resthouses
- ③ Protect voters from misleading
↳ Prohibit asking vote in communal lines
- ④ Protects pvt life of candidates.
↳ Prohibit effigies of members or family in procession
- ⑤ Protection from false claims
↳ Prohibit undue influencing promises in manifesto.
- ⑥ Ensure secularism in elecⁿ
↳ worship places cannot be used for propaganda

- ① Align with changing trends
↳ candidate social media posts under MCC

Issues

- ① No legal backing

↳ enforced thru executive decision making
↳ ambiguous.

- ② Restrict dept

Policy paralysis

↳ cannot announce financial aids or developmental works by ruling party

- ③ Lack of resource and expertise to EC to enforce MCC in a country of 900 million
↳ 96 crore voters

- ④ Difficult to quantify

↳ restrictions are subjective and open to varying interpretation.

- ⑤ Difficult to monitor social media

↳ far & wide reach
↳ difficult to track
↳ all campaigning through it

- ⑥ Advantage to ruling party exist.

↳ Govt can release ads before MCC come into force

Should MCC given statutory recogn'

No

FW

① Delay judicial process

MCC legal → Case in → pending → delay
const election

② Most provisions already enforceable under

RPA IPC CrPC

③ Require flexibility

eg Govt need to announce financial aid
during disasters

④ Violates spirit of MCC, a document

designed in consensus with pol. parties.

YES

① Eliminated ambiguity

② Empower EC eg power to postpone
election if boiling voters reported.

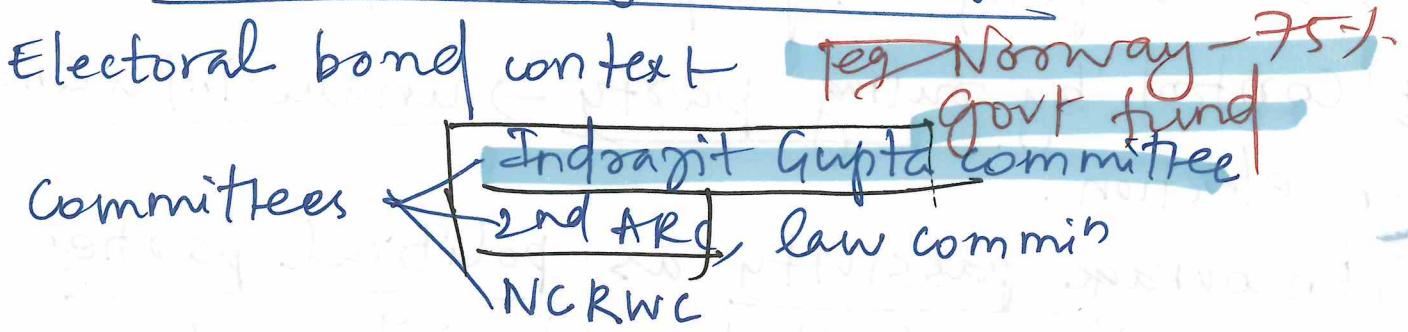
③ Supported by standing committee on Law
to make MCC part of RPA Act.

Duration : CEC announced to result
(Harshav Singh Jaland VS VOT)

WF

- ① Outline step by step punitive measures
For 1st violⁿ → campaign ban for short period
2nd violⁿ → debar
- ② Penalize parties for violⁿ
- ③ Prompt action within 72 hrs
- ④ Periodic review esp in digital age
- ⑤ Civil society particip' to enforce
For C Vigil app

State funding of election



Favour

① Fair election as funds are equally distributed among parties.

↳ demand for internal democracy in parties can be encouraged

② Reduce money capitalism & criminalization of politics

③ Transparency ↑ of the reby curb corruption

④ Encourage participative democracy as people who desire to take political role can venture with better ease.

⑤ Some form of state funding already exist
eg free air time in public broadcasters.

Against

① Large fiscal deficit — reduce resources for social expⁿ

② Inefficient use of taxpayer's money

- ③ Weaken party - people self as party doesn't depend on people to fund
- ④ Control by ruling party → undue influence on election.
- ⑤ Encourage passivity as political parties become organ of state not civil society
- ⑥ Create paper tigers - parties running for election for sake of getting state fund.
- ⑦ Diversion of fund - state fund used as supplement not substitute expt.
- ⑧ Weaken EC's power as internal audit is non existant in political parties
- ⑨ Global experience - Israel, Italy etc shows that it doesn't necessarily reduce expt of pp parties

WF

- ① Balance opacity & privacy
→ switch to digital transaction of all party funds
- ② Publishing party donations in party website made mandatory
- ③ Ban foreign funding of political parties

- ④ Bringing political parties under RTI
 - ⑤ Alternatives — National Electoral Fund
(Former CEC Sy Quraishi)
-
- ↳ All donors contribute to fund
 - ↳ fund to political parties based on vote share
 - ↳ weed out black money & protect identity of donor.

