

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 ↳ Corruptⁿ zone
- * Victimizing of voters
thr booth & constituency profiling.

Area of reforms

- * Ceiling political party exp^{se}
- * 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 electⁿ 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 10yrs yet benefiting tax exempⁿ.

- * Paid news an electoral offense
 - ↳ corrupt practice (sec 100 RP Act)
 - ↳ Undue influence (sec 123 RP Act)

Recomenⁿ 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 electn 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 & participatory democracy in India

* VVIP (verification of Informⁿ Program)

↳ Utilize verificⁿ of name, correct in Voter Id

* CVIGIL App

↳ Report exp^e violⁿ, MCC.

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

* Subhash Chandra Agarnal case

Political parties public authorities under RTI.

* Intra party democracy mentioned in © of Croatia, Germany, Portugal.

* RPA secⁿ 8 (3) — disqualification of 6yr term release if convicⁿ > 2yrs

43% elected MPs criminal case (ADR)

law breakers $\xrightarrow[\text{muscle power}]{\text{money}}$ law makers

money to voters $\rightarrow$ freebies
Black money $\rightarrow$ corruptⁿ
Criminality of Politics
unethical practices.

* Dinesh Goswami Committee

state funding of electⁿ

* Under RTI as in Bhutan Germany

N^l Electoral Fund — former CEC SY Quasishi

— all donor can contribute

— allotted to political parties in proportion

to votes they get

- protect identity of donors
- weed out black money

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

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

Paid news EC disqualified MP Natarajan
Mishra
for not showing paid media
cost in elect expre.

One Nation One election

Best practice German - simultaneous
conf & no conf motion

⇒ ensure continuity

* Germany - ©^d recognition to political parties

* Secⁿ 29 RPA - registerⁿ & recognⁿ 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% registerⁿ measures

RP Act deals with conduct of election way
introd by then law minister BR Ambedkar
under Article 327

Significance

- ① Define corrupt practice - Secⁿ 123
Teg Promote enmity b/w religion
- ② Qualificⁿ & disqualificⁿ
Teg Section 8(1) - offences greater than 2 years
- ③ Administrative machinery to conduct elecⁿ
duties of RO, observer
- ④ Political party registrⁿ, 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 disqualificⁿ of MLA/MP

challenge → still malpractices
→ Hatespeech
→ Criminalisation
→ No decriminalisation of PP

WF
→ curb hate speech
→ Bar Opinion poll
→ Proxy voting for NRI
→ False declaration of assets
→ Cap PP exp^{se}

Issues in RPA

* Secn 29A - Register of political parties

↳ Only 20% registered PP_s 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

↳ addl 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 29B - funds of PP_s

* Secn 29C - file for > 20k

* Secn 126A - Prohibit extⁿ pol/

Election & technology

Pre electn

* Electoral roll mgmt

↳ Automn of ECI field fr - th^r standardized
applicn & data formats CVRIL

Blockchain

↳ Digitizn of electoral rolls & electors
photo Identification Cards (EPIC)

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

West Virginia
used mobile voting
by Blockchain
for absentee

Election Day Activities

* Communicn Plan for Electn tracking (ComET)

↳ computerize communicn details of
all polling stations of country

↳ 1st impld MP 2008 state elect * VVPAT

* Web casting / video streaming of poll Electronically proceedings from polling station post Ballot system

↳ 1st 2009 TN Is electn live recording

Significance

* Proposal for totalizer
machine

↳ Reduce electn fraud

↳ Improve accuracy of voters register.

↳ Improve accessibility.

- ↳ Improve efficiency - Elecⁿ Office Mgmt process
- ↳ Improve voting %
- ↳ Disseminate elecⁿ related informⁿ.

Challenges

- * Use of deep fake
 - * Manipulⁿ of voters
 - * Cyber security risks
 - * Lack of awareness of voters.
- Cambridge Analytica
 - Is Krishnamurthy deep fake
 - Russian involvement in US elecⁿ allegⁿ

Voting awareness

- Bengeluse 'Vote fest' - Urban voters → vote
- 'Main Bhaat hoon' song by EC played in cinema halls
- * 'Matadata Junction' - yearlong voter awareness program of EC th^r APR
- * 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 elecⁿ
eg) Parties to inform local police regarding time & venue of meeting → avoid clash.
- ② Prevent misuse of power by party in power
eg) fare sharing of public places & resthouses
- ③ Protect voters from misleading
eg) Prohibit asking vote in communal lines
- ④ Protects priv life of candidates.
eg) Prohibit-effigies of members or family in procession
- ⑤ Protection from false claims
eg) Prohibit undue influencing promises in manifesto.
- ⑥ Ensure secularism in elecⁿ
eg) worship places cannot be used for propaganda

⑦ Align with changing trends

eg candidate social media posts under MCC

Issues

① No legal backing

↳ enforced th^r executive decision making
ambiguous.

② Restraint dept policy paralysis

eg 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 voters

④ Difficult to quantify

96 crore voters

↳ 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.

eg Govt can release Ads before MCC come into force

Should MCC given statutory recognⁿ

No

① Delay ^{elecⁿ} judicial process

MCC legal → case in court → pending → delay election

② Most provisions already enforceable under

RPA

IPC

CrPC

③ Require flexibility

EC stopped ^{covid} ^{1 case} ^{surv} ^{elecⁿ}
too did

→ Govt need to announce financial aid during disasters

④ Violates spirit of MCC, a document designed in consensus with pd. parties.

YES

① Eliminated ambiguity

② Empower EC → power to postpone election if bribing voters reported.

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

Duration: Decⁿ announced to result

(Harban Singh Jalal vs UoI)

WF

① Outline step by step punitive measures

eg 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 participⁿ to enforce

eg Cvigil app

State funding of Election

Electoral bond context

~~eg Norway - 75%~~

Committees → Indrajit Gupta committee
2nd ARC, law comm'n
NCRWC

Favour

- ① Fair elecⁿ as funds are equally distributed among parties.
↳ demand for internal democracy in parties can be encouraged
- ② Reduce crony capitalism & criminalization of politics
- ③ Transparency ↑ & thereby curb corruption
- ④ Encourage participative democracy as people who ~~take~~ 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 resource for social exp^{re}
- 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 exp^{re}.
- 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 exp^{re} of p parties

WF

- ① Balance opacity & privacy
~~req~~ 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 Bring 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.

